

Federalism as a Commitment to Preserving Market Incentives

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Traditional economic theories of federalism emphasize two well-known sources of benefits from decentralization. First, Hayek (1945) suggested that, because local governments and consumers have better information than the national government about local conditions and preferences, they will make better decisions. Second, Tiebout (1956) argued that competition among jurisdictions allows citizens to sort themselves and match their preferences with a particular menu of local public goods. In this spirit, Musgrave (1959; see also Oates, 1972) showed how the appropriate assignment of jurisdictions over public goods and taxes can increase welfare.

Although these theories study central features of federalism, they do not completely characterize the function and benefits of federalism. First generation economic theories ignore the problem of why government officials have an incentive to behave in the manner prescribed by the theory. They take for granted that political officials provide public goods and preserve markets.

Notice the parallels between the first generation approach to federalism and the neoclassical theory of the firm. Both treat the organizations they study—firms and governments—as black boxes run by people who act benevolently—whether for shareholders or for citizens. Both theories provide only a modest explanation for why managers or government officials would behave in the prescribed manner.

The question we address is: How do governments commit to providing efficient public goods and preserving market incentives? The answer lies in the governance structure of the state (Williamson, 1996). Preserving markets requires that the state

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be effective yet limited. Several mechanisms are known to further this objective, such as the rule of law, horizontal separation of powers (for example, into the executive, judiciary and legislative branches), and democracy, but all such mechanisms are imperfect. In this paper, we suggest that federalism—the appropriate decentralization from the central to local governments—provides another solution.

We will offer a new, second generation economic theory of federalism, one that is influenced by advances in the new theory of the firm which studies a wide range of incentive problems that plague firms, working under the assumption that no natural reason compels managers to favor shareholders.¹ The theory shows how firm institutions and governance structures can be structured so that, in interacting with the market, they align incentives of managers with the interests of shareholders. As with the theory of the firm, we assume there is no natural reason for political officials to further the interests of citizens. Thus, if given the opportunity, political officials will appropriate the lion's share of the rents from political decision-making. Again in parallel with the theory of the firm, we argue that the appropriate political institutions align incentives of political officials and citizen welfare.

In what follows, we study the problem of how governments preserve markets. Efficient markets require two related aspects of credible commitment by the state. The state must maintain “positive” market incentives that reward economic success. When the government is tempted to take away too much income and wealth generated by the future success, individuals have no incentives to take risks and make effort today. In the terms of North (1990), this is the “state predation” problem. The state must also commit to “negative” market incentives that punish economic failure; if the government is tempted to bail out failed projects or continue costly, inefficient public programs, individuals have no incentives to avoid mistakes and waste. In the terms of Kornai (1986), this is the “soft budget constraint” problem.

Thriving markets thus require that governments solve these problems through credible commitment (North, 1990; Weingast, 1995). Historically, as North (1981, 1990) suggests, most states have failed to achieve sufficient credible commitment to markets. This does not mean that political officials are malevolent, however. In the developed world, problems typically arise for a different reason. Political officials may be sufficiently honest and possess good intentions. Nonetheless, they often produce bad economic policies in the name of good intentions. Political officials face pressure to provide benefits to a range of groups and constituencies; they may levy too high a tax on economic success in the name of poor people; they may mandate the provision of private benefits through regulation; and they may be tempted to borrow excessively from future generations. Political officials also face pressure to intervene to save jobs by rescuing ailing firms and bailing out bad proj-

¹ See, for example, Coase (1937), Grossman and Hart (1986), Holmstrom and Tirole (1989), Milgrom and Roberts (1992), and Williamson (1985).

ects. In combination, these activities compromise the positive and negative incentives necessary for markets.²

We approach this question using the insights and analytical tools from the new theory of the firm. Two lines of ideas are relevant for studying federalism. First, the allocation of information and authority directly affects the degree of commitment. In a dynamic setting, for example, the principal can sometimes increase efficiency by giving up some information and authority. Second, competition can be used as a disciplinary device in the presence of managerial incentive problems, forcing managers to reflect the interests of shareholders.

We have only tentative beginnings on these problems.³ Paralleling arguments in the theory of the firm, we suggest how the features of federalism, like decentralization of information and authority and interjurisdictional competition, can provide a more credible commitment to secure economic rights and preserve markets. Specifically, providing the central government less information and power in particular areas increases the credibility of commitment. This combines with the induced competition among local jurisdictions to provide local political officials with the incentives to pursue citizen interests. In addition, we also identify some factors relevant for sustaining federalism. This approach goes well beyond the traditional studies of federalism and decentralization in the spirit of Hayek and Tiebout.

Our approach rests on the important work of several economists. Buchanan has long drawn attention to problems with the assumption of benevolent government (Buchanan and Tullock, 1962; Buchanan and Brennan, 1980), though we disagree with his modeling strategy of assuming a malevolent government. A range of models shows how interjurisdictional competition limits but may not eliminate inefficiency, given particular features of local public goods provision, such as immobile land (Epple and Zelenitz, 1981; Courant and Rubinfeld, 1981; Inman and Rubinfeld, 1979). More recently, Inman and Rubinfeld (this issue; 1997) have articulated a complex positive theory about how the politics of public expenditure programs and budgeting introduces a range of inefficiencies.

The Incentive Effects of Decentralized Information and Authority

Through the appropriate decentralization of information and state power, federalism can establish positive incentives to limit the state predation problem and negative incentives to reduce the soft budget constraint problem. Increases in efficiency may arise in a dynamic setting when the central government gives up a combination

² These problems are exacerbated in the developing world, where government officials often face few incentives against siphoning off resources for personal gain.

³ Our argument here draws especially on the following: Frye and Shleifer (1997), North and Weingast (1989), McKinnon (1995, 1997), Montinola, Qian, Weingast (1995), Qian and Roland (1996), Qian and Weingast (1996a), Shleifer (1996), Weingast (1995), and Wildasin (1996, 1997).

of information and authority. Increasing the transaction costs of future government intervention may be essential for credible commitments and thus for efficiency.

The notion of increased efficiency through less information and limited authority differs from Hayek's idea, but it has been a consistent theme in the recent theory of the firm and regulation. Consider several examples. First, lack of commitment not to use certain information creates the phenomena of "ratcheting up" planned quotas and inefficient regulation, leading to pervasive incentive problems (Laffont and Tirole, 1989). Second, in the theory of firm ownership, one cost of vertical integration is the lack of credible reward by the integrated firm to the manager when the firm controls cost information (Riordon, 1990). For the same reason, inefficiencies arise with public ownership because of the government's superior information about the firm (Schmidt, 1996). Third, in an organization, reducing the information channels that link lower decision-makers to the top decisionmakers can be beneficial, when it reduces wasteful attempts to influence the top decision-makers (Milgrom and Roberts, 1990, 1992). Fourth, under certain circumstances, limiting the authority of the principal credibly provides a subordinate with the incentives to take "initiatives." These limits grant the subordinate more "real authority" through controlling more information despite a lack of "formal authority" (Aghion and Tirole, 1997). Finally, diffused information and authority is also the key argument in the endogenous theory of hard vs. soft budget constraint (Dewatripont and Maskin, 1995).

Studies of federalism typically illustrate their principles using the state governments of the United States or the national and supranational governments of Europe. In addition to drawing on those cases, we believe that modern China provides a striking example of the economic benefits of federalism. China has emphasized economic reform through devolution of authority from the central to local governments, in contrast to the more centralized reform in eastern Europe and the former Soviet Union. Along several critical dimensions, China's central government has explicitly limited its information as a way of credibly committing the center not to repeat the pernicious behavior of the Mao era. For example, the central government allows local governments to maintain various "extra-budget" and "off-budget" accounts. Limited knowledge about these budgets commits the central government not to tax them, which in turn encourages local governments to generate prosperity and revenue. The central government also issues large quantities of cash, facilitating cash transactions which are far less prone to state predation. The central government permits private savings accounts with state banks under false names, and thus credibly commits not to confiscate bank deposits for a particular person. Of course, the central government can still confiscate a portion of all deposits by taxation or inflation, but the political costs would be high. Although not completely binding its own hands, the central government's devolution of information and authority makes it harder to use those hands.

The allocation of authority also has profound implications for the hardness of budget constraints at different levels of government. McKinnon (1997) observes that American state governments are not only constrained in their taxing, but also

more constrained in their borrowing than the federal government. Because the American federal government is backed up by the central bank (money issuing authority), it can issue bonds at a privileged rate. No other financial institution or government can do this, implying that the federal government has a softer budget constraint. In comparison, the American states and local governments do not have direct access to the central bank. Nor do U.S. states have indirect access to the central bank through soft federal transfers to states. Furthermore, state borrowing is largely confined to issuing bonds for capital improvement, not general consumption. These limits have important incentive effects. They prevent states from endlessly bailing out ailing enterprises and from expenditure levels beyond their fiscal means. These limits therefore help preserve negative market incentives and provide local governments with the incentive to husband their economies.

This contrasts with the emerging federal system in the European Community. Because each European nation retains its own central bank, these “middle-level” governments have softer borrowing constraints. They may therefore bail out loss-making firms to a degree that American states cannot afford. The case of Canada lies in between the United States and Europe. Canadian provinces do not have direct access to the central bank. Nonetheless, through the large transfers of federal revenue, provinces have indirect access to the central bank.⁴

The effect of decentralized allocation of information and authority in achieving credible commitment also helps explain why some local government-owned enterprises perform better than state-owned enterprises. The central government is unable to commit credibly to high-powered incentives for enterprise managers; it is always tempted to reduce rewards to enterprises and managers when it observes outstanding performances. Moreover, state knowledge of which state-owned enterprises are ailing combines with its access to the central bank to imply an absence of commitment to a hard budget constraint. For this reason, governments of all stripes—including western European or the former socialist—tend to bail out ailing national enterprises.

China’s recent economic success provides an important contrast. Over the past 15 years, local township and village enterprises have provided the engine of Chinese economic growth. These local government-owned enterprises have remarkably different governance structures from (central) state-owned enterprises and thus face better positive and negative incentives (Che and Qian, 1997; Qian and Weingast, 1996b). By controlling fully the assets of the township and village enterprises, the local governments have access to information that is not available to the central government, and thus they are able to resist state revenue predation in a credible way (for example, through hiding revenue). Moreover, because the local governments have the responsibility of providing local public

⁴ Wildasin (1997) also studies central government grants to local governments for local public goods. He argues that a kind of externality arises in which large jurisdictions are more likely to face soft budget constraints than small jurisdictions. The reason is the “too big to fail” phenomenon that follows because the failure to bailout larger jurisdictions has far more severe consequences for the economy. Wildasin concludes that decentralization with smaller lower level governments leads to harder budget constraints.

goods, the state finds in its own interest to prey less on township and village enterprises than on private firms, because it expects some revenues from the township and village enterprises to be used for local public goods provision. Most importantly, the power of local governments is limited because they do not control state banks and cannot create money. This governance structure, where banks control credit but local governments have control and information over firms, serves as a commitment device to hard budget constraints in the way analyzed by Dewatripont and Maskin (1995).

The Incentive Effects of Jurisdictional Competition

Competition among jurisdictions forces governments to represent citizen interests and to preserve markets. In Tiebout (1956), jurisdictional competition among local governments increases efficiency through sorting and matching. Our approach suggests that, in addition, jurisdictional competition serves as a disciplinary device to punish inappropriate market intervention by lower government officials.

Again, our argument here parallels those commonly made in the recent models about corporate control and the theory of the firm, which stress how markets encourage good behavior by corporate managers (Holmstrom and Tirole, 1989). For example, managerial labor markets provide a degree of discipline because a manager who performs poorly is, among other things, more likely to receive low future wages. Competition in the product market also gives managers an incentive to pursue the shareholder interests of the firm. Finally, a number of economists have argued that the threat of a firm takeover in the capital market is the ultimate weapon against managerial misconduct.

Just as market competition pressures firm managers to reflect the interests of shareholders, competition among local governments helps to limit government's predatory behavior. Mobile resources can quickly leave jurisdictions with inappropriate behavior. Competition for mobile sources of revenue prevents local political leaders from imposing debilitating taxes or regulation (Buchanan, 1995; Weingast, 1995). In the best case, only those economic restrictions that residents are willing to pay for will survive. Examples of this effect abound in the literature. Romano's (1985) famous studies of corporate chartering in the United States explain how New Jersey emerged as the primary locus of chartering for major corporations late in the nineteenth century, but when that state moved to extract rents from these firms, a large number moved to Delaware, which has since remained the home of most large corporations.

Similar arguments also suggest how jurisdictional competition within federalism leads to the endogenous emergence of harder budget constraints for lower governments (Qian and Roland, 1996). Politicians in every political system tend to bail out inefficient firms or spend on wasteful public consumption. In a federal system, however, the mobility of resources across regions raises the opportunity costs to local governments of bailing out inefficient firms or wasteful public expenditures. *Ceteris paribus*, a jurisdiction that consistently makes inefficient expenditures will find it harder

to attract mobile resources. Therefore, competition endogenously hardens the budget constraints of local government and changes the incentives of local politicians. In recent years, local government budget constraints in China have become harder, in part because local governments compete in spending their resources to attract foreign investments. They thus have higher incentives to stop subsidizing failing state firms.

A main concern about federalism is that, in the absence of centrally-mandated policies of redistribution, it may increase inequality across regions (for example, Rose-Ackerman and Rodden, 1997). The American south provides a complex illustration. The destructive Civil War caused the south to fall from the richest American region to the poorest, and so it remained for many decades. Since 1950, however, the faster growth of the American south is at least partly the result of competition among southern state governments in offering flexible labor markets and less generous welfare provisions than the northern states. This attracted investment on a vast scale, along with help from factors such as the interstate highway system and the commercialization of air conditioning (McKinnon, 1995, 1997). Jurisdictional competition can therefore reduce regional inequality without centrally-mandated redistribution.⁵ Moreover the lack of federal redistribution may even be a necessary condition for this sort of reduction in inequality to occur. In contrast to the American federal system, which has no strong tradition of revenue sharing or equalization grants from the federal government, regional equalization grants in Europe and Canada seem to have impeded this natural process of "equalization through competition." McKinnon argues that large intergovernmental transfers inhibit the labor markets in the Mezzogiorno region of Italy and the poor maritime provinces of Canada from adjusting in the American mode.⁶

Sustainability of Federalism

To this point we have focused on how federalism helps a state credibly commit to preserving markets. For federalism to have this effect, however, it must be sustainable. To survive, federal systems require institutions that make them self-enforcing; political officials must have an incentive to abide by the rules of federalism. This issue is clearly outside the scope of first generation theories of federalism, but it is an important focus of the second generation theories. Recent formal models address this question by using repeated games (Bednar 1997; de Figueiredo and Weingast, 1997; Weingast, 1995, 1997). Here, we limit our discussion to indicating but a few factors relevant for sustaining federalism.

Three decades ago, Riker (1964) suggested that federal systems were inherently

⁵ Although jurisdictional competition helped the American south to catch up, federalism also allowed the pernicious Jim Crow system discriminating against African Americans.

⁶ Wildasin (1996) discusses the redistribution effect of factor mobility.

unstable (see also Bednar, 1997). DeFigueiredo and Weingast (1997) capture the problem in the two fundamental dilemmas of federalism: First, what prevents the central government from destroying federalism by overwhelming the lower governments? Second, what prevents the constituent units from undermining federalism by free-riding and otherwise failing to cooperate? Federal instability arises because the two fundamental dilemmas imply a trade-off; institutions and powers designed to mitigate the first dilemma exacerbate the second, and vice versa.

Students of federal stability identify a number of considerations. We here note two.⁷ First, the central government must be given sufficient resources to police shirking by lower governments; second, the lower governments must police central government abuse of its authority by retaliating in concert against abuses (de Figueiredo and Weingast, 1997).

We provide two brief illustrations of the second principle. First, Weingast (1998) stresses the importance of institutions to create a self-enforcing balance between state and national authority in the antebellum United States.⁸ The “balance rule” constituted a critical institution for this purpose, giving both the north and the south an equal number of states. Both sections worried that the other would capture the national government, forcing its policies on the other. Balance granted both sections a veto over national policymaking. In combination with the separation of powers system, balance helped keep most issues off the national agenda. The result was a strong system of market-preserving federalism, with the powers of the national government limited to providing national public goods, such as a stable monetary system, national defense, and policing the common market.

Recent events in China also reveal the importance of local government resistant against encroachment by the central government. Because federal institutions devolve authority, resources, and information away from the central government, they provide local governments with some incentives and tools to protect their newfound authority. Nonetheless, if lower governments fail to act in concert, the central government can encroach on the federal system. In China, for example, the central government tried to reverse local political authority underpinning market-oriented reform in the aftermath of Tiananmen Square in 1989. Led by the Governor of Guangdong, the governors of many provinces resisted so that the central government eventually backed down (Montinola, Qian, and Weingast, 1995; Shirk, 1993).

⁷ Other works address this question: Ordeshook and Svetsova (1997) and Riker (1964) emphasize the importance of political parties in limiting the encroachment of politicians. Bednar, Eskridge, and Ferejohn (1997) emphasize the national courts. Weingast (1997) discusses how a constitution can create a focal solution to certain coordination problems created by federalism.

⁸ Weingast (1997) also discusses the importance of a focal solution to coordinate citizen and lower government retaliation for federal abuse of authority. From the beginning of the republic, Americans were deeply suspicious of the national government, preferring political power to be vested in state and local governments. Reflecting this suspicion, the two parties that dominated national elections during the first half of the 19th century—the Jeffersonians and, later, the Jacksonians—built their majority support in the nation on various notions of states’ rights. Parties advocating a substantially greater political role for the national government could not compete in national elections.

Conclusion

This paper attempts to sketch a new theory of federalism that complements traditional approaches. We appeal to the theory of the firm to address a range of problems in federal systems ignored by traditional theories. Incentive problems, for example, occur in both government hierarchies and in firms, even when public officials are motivated to serve others instead of being corrupt or malevolent. We argue that political institutions serve a similar role for government officials as firm institutions do for firm managers. Appropriately designed institutions help align the interests of public officials with citizens; in this spirit, federalism can help government officials to maintain the positive and negative incentives necessary for thriving markets.

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