

To the memory of my parents, Lidia and Rafael H. Saiegh

Ruling by Statute

*How Uncertainty and Vote Buying
Shape Lawmaking*

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balance their own ideal policy, the wishes of the chief executive, and the pressures from specific constituencies. Legislators' responsiveness to their constituencies makes it impossible to use a compensation scheme that is contingent on the collective legislative outcome. On the other hand, considering that enacting legislation implies winning a majority of votes, the chief executive should often be interested only in corraling just enough votes to win, not in maximizing the amount of legislative support. As the "fast-track" example highlights, whenever their votes are nondecisive, some legislators will be free to vote with their constituencies. A chief executive may therefore be able to get her bills approved by rewarding one or few "marginal" legislator(s). In other words, vote buying does not result in supermajority coalitions. In fact, a chief executive may just need to buy a minimum winning coalition or even fewer votes to secure passage of her ideal policy.

1.2 EMPIRICAL PATTERNS

An understanding of the differential abilities of chief executive's to create statute law is hampered by the theoretical limitations described earlier. It is also hindered by the lack of truly cross-national research on this subject matter. Whereas the study of presidential legislative success in the United States has a long and fruitful tradition, these analyses seldom provide systematic comparisons with other countries. Likewise, most comparative research on this topic relies on either case studies of particular acts of government or from country studies.²

This book presents a novel approach by bridging together general theories and data over time and space. The studies in Döring (1995a) likely constitute the clearest effort to carry out a comparative study of lawmaking. But, as Gamm and Huber (2003) point out, most of the analyses were motivated by theoretical frameworks developed to examine the U.S.

² For example, a number of studies examine the statutory achievements of U.S. presidents (Edwards 1980; Spitzer 1983; Shull 1983; Hammond and Fraser 1984b; Rivers and Rose 1985; Bond and Fleisher 1990; Peterson 1990; Covington et al. 1995; Bond et al. 1996; Lockerbie, Borrelli, and Hedger 1998; Rudalevige 2002; Cameron and Park 2007; Barret 2005). Similarly, Coppedge (1994), Crisp (2000), and Amorim Neto and Magar (2000) study presidential policy making in Venezuela. Calvo (2006) and Alemán and Calvo (2007) analyze how institutional and contextual factors explain the approval of presidential initiatives in Argentina. Jones (1995) and Kellam (2006) provide some cross-national evidence from Latin American countries. In the former, however, the focus is more on executive-legislative conflict rather than on the ability of chief executives to pass their legislative agendas, whereas the latter concentrates in the stability of multiparty presidential coalitions in the legislature.

Congress. A few studies examine statutory policy making applying a more general theoretical approach. Yet, they rely almost overwhelmingly on data published by the Inter-Parliamentary Union in 1986 (see Tsebelis 1995). Such data are at most outdated or even inappropriate to study the passage rates of government legislative proposals under different conditions. This book departs from that tradition in that most of the analyses use time-series cross-national data. These data, which were specially collected for this project, document the pattern of chief executives' statutory achievements in more than fifty countries in Western and Eastern Europe, North and Latin America, Asia, and the Middle East for the period between 1946 and 2008.³

How can one evaluate a chief executive's statutory performance? Or, to borrow from Huntington (1968: 1), when does a government really *govern*? A substantial impediment to conducting research on statutory policy making at the cross-national level is the lack of a clear definition of legislative success. I measure success with the use of a *box score*. This indicator is calculated as the percentage of executive initiatives that are approved by the legislature over a period of time. Despite some of its limitations (which I discuss in Chapter 4), this is a tangible indicator that makes it possible to compare different chief executives and to assess their relative performance under varying circumstances.

Figure 1.1 presents the distribution of *box scores* in a sample of fifty two countries over the period 1946–2008. Two important trends are worth mentioning. First, the approval rates of executive-initiated bills varies considerably across countries and through time within countries. Second, on average, three-fourths of chief executives' initiatives are approved.⁴

This simple example underscores the importance of a theory of statutory policy making. The empirical patterns indicate that government's legislative defeats, such as the one described in Turkey, are hardly extraordinary events. They also present a direct challenge to the conventional wisdom regarding the relationship between chief executives' statutory performance and partisan support: Legislative passage rates are seldom 100 percent. Hence, any reasonable theory of statutory policy needs to account for the variation in chief executives' passage rates reflected in Figure 1.1.

³ Information about the composition of the sample and the sources from which the data were obtained are listed in Appendix B.

⁴ I analyze these patterns in more detail, including the variation in the passage rates of chief executives under authoritarian regimes, in subsequent parts of this book.

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