

What's Wrong with Buying Votes?

9.1 DISTRIBUTIVE POLITICS AND DEMOCRATIC THEORY

Distributive strategies can be divided into two categories: those with public and binding rules about who gets what, and those in which these rules are absent or hidden. We began this study by emphasizing the contrast as a conceptual one, but one that was driven by real-world empirics. Here we shift lenses and consider this distinction from the point of view of political philosophy. What would contemporary theorists of justice say about programmatic and nonprogrammatic strategies? Given that reason and deliberation are at the center of normative democratic theory as it has evolved over the past half century, nonprogrammatic strategies appear to be antithetical to notions of just distribution.

Consider the theory of justice proposed by Rawls.¹ Just distributions are ones that would be acceptable to free, equal, and rational citizens in the original position, people who do not know what their endowments in the society that they are constructing will be. Hidden criteria cannot be evaluated by these citizens. Hence how the particular distributive outcomes that these criteria might produce measure up to standards of justice is unknowable. Or consider the theory of justice put forth by Barry.² Here distributive rules are just when they would be accepted as fair by reasonable people who would be harmed by them. It follows that rules of distribution that remain hidden from public view can never be shown to be just.

More than that, we strongly suspect that injustice and secrecy are causally linked. Our conjecture is that distributive rules remain hidden precisely in cases in which they would be most likely to fail tests of fairness and justice. They are kept out of public view precisely because their patent unfairness would hurt

¹ Rawls 1971.

² Barry 1995, see also Scanlon 1998.

the prospects of the office seekers who deploy them. A rule that says “invest in recreational facilities in places where the ruling party is in danger of losing,” as in the Australian case, or “allocate environmental grants in places with many swing voters,” as in the Swedish case, or “lavish public funds in the districts of powerful incumbents,” as in the Illinois or Canadian cases, or “offer access to antipoverty programs preferentially to responsive voters,” as in several Latin American cases would, if made public, fail the test of fairness and likely hurt the party that voiced it. Our conjecture is that public political discourse filters out unfair distributive rules; this filtering produces an association between unjust and hidden principles of distribution.

It might appear that not much more need be said about the normative status of clientelism, vote buying, or other varieties of nonprogrammatic distribution. But more needs to be said, for two reasons. One is that the departure from democratic norms of justice, not to mention equality and autonomy, is more acute under some nonprogrammatic practices than under others. One task of this chapter is to highlight these differences, in light of our empirical study. Second, partisan bias and clientelism are sometimes justified on consequentialist grounds. Beneficial consequences might mitigate, or even neutralize, violations of democratic norms. Markets for votes are sometimes seen as having the beneficial effects of increasing participation, or of encouraging redistribution, or of enhancing efficiency. We take up each claim in this chapter.

We consider the consequences of distributive strategies for individuals. However, elections and other democratic acts are public phenomena, in which the public has interests. Democratic theorists have long identified a public interest in using elections as vehicles for representation, which requires that elections communicate the preferences and sentiments of the citizenry. They have also identified an interest in elections as mechanisms of accountability, in which an incumbent is either renewed or turned out of office in light of his or her performance during the term that is ending.³ Most fundamentally, elections are moments for choosing political leaders, as a function of the electorates' actions at the polls. When scholars consider the impact of vote trafficking, they have appropriately weighed these public considerations, as shall we.⁴ Whatever their effects on individuals, one must consider whether and to what extent nonprogrammatic practices promote or interfere with representation, accountability, and the choice of leaders.

Between the individual and polity-wide consequences, nonprogrammatic strategies also hold consequences for classes of citizens – for clients, for instance, or for the poor. These consequences have been ignored in prior studies, a shortcoming we hope to avoid.

As a prelude to this discussion, it is worth commenting on the concepts of freedom, autonomy, and equality. The image of the citizen emerging from

³ For the history of these ideas and contemporary views, see, e.g., Pitkin 1967 and Manin 1997.

⁴ See, in particular, Karlan 1994.

normative democratic theory is a person who is free and equal. We adopt from political philosophy a notion of freedom that is linked to autonomy. Autonomy of citizens as voters does not mean that they are insulated from public reason, which Rawls defined as “the reasoning of legislators, executives (presidents, for example), and judges . . . candidates in political elections, and of party leaders and others who work in their campaigns,” as well as of voters themselves.⁵ Autonomous citizens are influenced by public reason but are not coerced; this is one important sense in which they are free. Democratic deliberation requires that public discussions of policies precede votes and participants do not attempt to change each other’s behavior with threats of sanctions and coercive force.⁶

Yet where to draw the line between influence and coercion is not always clear. For the sake of making the strongest possible case against the easy view that vote buying harms vote sellers, we stipulate that voters facing nonprogrammatic parties find themselves in situations that fall short of full coercion. This is more obviously true under what we have termed “partisan bias.” A voter whose district has been lavished with pork, for instance, retains sufficient autonomy that he or she can ignore the pork and vote on other grounds, without personal material consequence. More controversially, one might hold that a voter whose actions are monitored by a machine can choose to allow the grim trigger to be pulled: he or she can forfeit benefits and vote against the party. The voter might be interpreted as willingly paying a price (in for-gone benefits) to “purchase” the freedom to choose to vote against his or her erstwhile benefactor’s wishes. Although in comparison with the beneficiary of pork, his or her autonomy is more curtailed, we have little doubt that many voters have made just this choice.

Why not simply interpret vote sellers as people who make a free choice to reap a targeted benefit, however modest, over voting for a candidate or party on some other grounds? The difficulty with this formulation is that it ignores a fundamental asymmetry between decisions under clientelism and other kinds of electoral decisions. Recalling our discussion from Chapter 6, a voter whose decision rule is “support the candidate offering policies most to one’s liking” will not enjoy any material benefit or suffer any material harm as a direct consequence of that choice. In mass elections, individuals’ choices basically never change the outcome, even more so in programmatic settings, where the rule boundedness of distribution further severs any connection between one’s vote and one’s receipt of benefits.

Not so under clientelism. As we have noted several times, the effect of linking a person’s material welfare to his or her vote creates a basic asymmetry between expressive voting and vote selling. No matter how appealing a promised program or how gratifying an incumbent’s programmatic accomplishments, support flows away from those who “do not have money to give”

⁵ Rawls 1996, p. 382.

⁶ See Mansbridge 2010.

and toward those who “have things to give away.”⁷ The asymmetry also gives rise to a collective action problem for clients. Even if they strongly prefer the policies on offer from one party, they may be induced to vote against it if what they care about is their own material well-being. Overcoming the collective action problem would require a degree of coordination that is difficult for mass electorates to achieve.

This basic difference between voters’ decision making under vote buying versus under programmatic politics helps answer another question: if poor voters weigh material considerations especially heavily in their voting decisions, is it not the case that programmatic appeals to material self-interest also create political inequalities between poor and wealthier voters? That is, if a central difficulty that vote trafficking poses for democracy is that it involves distinct responses from poor and wealthy voters, then public appeals to material self-interest also pose difficulties for democracy and should perhaps be banned.⁸ Such a ban would be tantamount to insisting “that the franchise be exercised without taint of individual benefit,” to return to the U.S. Supreme Court’s formulation – and few would so insist.⁹

What makes vote trafficking toxic for the poor is not that they may be especially strongly influenced by appeals to self-interest, but that they are bribed into not pressing their material interests on their representatives who shape public policy, whereas wealthy voters avoid being so bribed. A bag of rice given in exchange for a vote trumps the expression of support for, say, a more generous welfare state. Under vote buying, public policy will tilt away from the interests of the class of vote sellers; their votes do not communicate policy preferences prospectively, nor do they communicate judgments of policy or performance retrospectively. This prejudicial effect of vote trafficking on poor voters is a consequence of parties having limited budgets and finding the poor to be most responsive. Were a machine to begin buying votes at the top of the income distribution, the rich would suffer these same prejudicial effects.

These considerations bring us to the question of equality. A fundamental tenet of democratic theory is that citizens have equal political rights. When parts of the citizenry are induced to make expressive choices in elections and the others discouraged from doing so, this basic equality has been breached. The citizenry is now composed of people whose rights may formally be equal but who will exercise them in disquietingly different ways.

Another conceivable argument in favor of allowing people to sell their votes is that doing so merely allows them to mitigate risk. If the delivery of policy promises is inherently risky and some people have a distaste for risk, we might view the ability to sell one’s vote for a sure (even if small) benefit as an expression of individual distaste for risk. Earlier we reviewed evidence that weighed

⁷ To cite, again, the nonclientelist party organizer interviewed by Szwarcberg 2013.

⁸ See Lippert-Rasmussen 2010.

⁹ *Brown v. Hartlage* p. 456 of U.S. 57.

against the interpretation of clientelism as risk aversion. Even if some people were motivated to sell their votes as a way of reducing electoral risk, the fact that people with low incomes are likely to be more averse to risk (see Chapter 6) would raise disturbing questions about class-based inequality. Poor and risk-averse voters would be communicating less about their policy preferences and involved less in holding office holders to account.

9.2 NONPROGRAMMATIC DISTRIBUTION AND THE DIVERSITY OF HARMS

In this section we consider the particular deleterious consequences – to individual voters, classes of voters, and to the public – attached to particular types of nonprogrammatic strategies. These considerations produce a rough ranking by severity of harm, and we discuss them from least to most harmful. The discussion is summarized in Table 9.1.

9.2.1 Partisan Bias: Nonconditional Benefits to Individuals and Pork

For reasons already discussed, the voter who faces no conditionality has greater autonomy than the voter who faces possible sanctions if he defects. The voter whose district has been supplied with local public goods can vote against the incumbents without personal harm. He or she can vote against the incumbent even despite its having paved the roads in his or her district rather than another one that needed them more, or even though it gave him or her access to an antipoverty program while more needy people went without. The voter will not suffer any direct consequences should he or she defect. And he or she votes free of coercion or threats of sanctions. Because they are relatively autonomy preserving, we find pork-barrel politics and nonconditional benefits to individuals to be less deleterious to democracy than is clientelism.

Yet they are not harmless. At the most basic level, because the real criteria guiding distribution are hidden, they are likely to be unjust. Indeed, in neo-Kantian terms, they are basically unjust by definition.¹⁰ They are also inefficient, if efficiency means allocating resources appropriately to achieve socially defined ends.

We posit that pork-barrel politics is somewhat less harmful than is nonconditional benefits to individuals. The individual targeting entailed in the electoral diversion of public programs is likely to be less visible than is pork-barrel politics and hence more insidious. Politicized allocations of antipoverty funds

¹⁰ The formulation that we used earlier, that hidden criteria cannot be shown to be just by the methods proposed by neo-Kantian philosophers, is more accurate. Just distributions might in theory be realized through programs whose criteria remain obscure, but the nonpublic, non-deliberative quality of such hypothetical programs would mean that their justice could never be evaluated by citizens.

TABLE 9.1. *Nonprogrammatic Distribution: Summary of Harms*

Type of Non-programmatic Strategy	Harm to Individual Voters	Harm to Class of Voters or Citizens	Harm to Polity
Pork-barrel politics	Individuals in nonprivileged constituencies lose public goods		Inefficient allocation of resources
Nonconditional benefits to individuals	Nonprivileged individuals lose access to public programs		Inefficient allocation of resources
Organization buying	Opportunity costs of time	Loss of benefits to rightful beneficiaries	Inefficient allocation of resources
Pure turnout buying	Potential loss of autonomy	<i>Benefit</i> of higher turnout of low-income citizens	Biasing of election results, potential blunting of accountability
Fused vote/turnout buying	Loss of autonomy		Blunting of mandates, accountability
Vote buying	Loss of autonomy	Reduced influence over public policy	Blunting of mandates, accountability
Abstention buying	Loss of autonomy, reduced participation	Reduced influence over public policy	Biasing of election results, blunting of mandates, accountability depressed participation

among families or emergency funds among the victims of natural disasters may be slower to come to light than the politicized allocation of bridges or schools.

9.2.2 Clientelism

Organization Buying

A central finding of our study is that voters who receive payments are frequently loyal partisans who sell not their vote or their electoral participation but their involvement in their brokers' networks. Because party loyalists are cheaper to organize, the people becoming active in networks are mainly supporters of the party. Also, they suffer no expressive disutility from voting for a party whose program or identity they disdain. The main cost to these people is the

opportunity cost of the time spent on organizational activities – attending rallies and the like – and the inconveniences involved.¹¹ The primary losers in this case are not the voters or the polity at large, but party leaders, from whom brokers extract rents.

We underscore, then, as an important contribution of our study that it uncovers the prevalence of a form of nonprogrammatic, even clientelistic politics, which, ironically, is relatively harmless.

Yet organization buying is not entirely benign. Its main deleterious public effect is to redirect resources away from their rightful beneficiaries to loyal supporters. In other words, it is socially inefficient, in the sense offered earlier, of interfering with the achievement of democratically established distributive goals.

Pure Turnout Buying

A machine that only pays people to turn out, but not to change their vote, will target its own loyal supporters who are in danger of abstaining. We find this a relatively harmless version of clientelism. It switches no one's vote, meaning that it is relatively autonomy preserving.

Turnout buying also boosts participation.¹² A strong piece of evidence that clientelism increases turnout is that, historically, antibribery, antimachine reforms had the effect of driving turnout down. Converse has shown that the introduction of the Australian ballot in the United States increased abstention.

To the extent that turnout buying favors the poor – following the logic of Chapter 6, we expect them to be most responsive, given diminishing marginal utility of income – it may counter abstentionism among low-income groups. The introduction of the Australian ballot in the United States increased abstention in particular among populations who would otherwise have sold their votes: the urban poor, rural voters. For this reason, historians have sometimes looked askance at the introduction of the ballot or other antitrafficking reforms, seeing in them lightly cloaked efforts by social elites to exclude poor and illiterate voters.¹³

Yet there are three negative features of pure turnout buying. One is that it may leach easily into vote buying.¹⁴ Even a party that legitimately wants only to “get out the vote” without influencing vote choice might be interpreted as pressuring voters to return the favor of a campaign gift or a ride to the polls

¹¹ These inconveniences are not always minor. Szwarcberg 2009 reported a case in which a young mother was asked by her broker to attend a rally and had to leave her baby in the inadequate care of a teenage neighbor. The baby suffered a serious accident, with lasting consequences. Ironically, the broker – having, in an indirect sense, caused the accident – also transported the baby to a clinic and hence probably helped save its life.

¹² The case for vote buying as – at least in part – turnout buying has been made by Lindbeck and Weibull 1987, Cox 2009, and Nichter 2008.

¹³ Keyssar 2001; Reynolds 1988.

¹⁴ This problem is analyzed in Karlan 1994.

with their votes. Even if the turnout seller is a supporter of the party (as we generally expect to be the case, otherwise it would not try to mobilize him or her), but a supporter who doesn't want to vote for it this time around, any incentive to get him or her to the polls may also be interpreted as an effort to win his or her vote.

Furthermore, the autonomy-preserving quality of pure turnout buying depends on the reasons why a voter would otherwise abstain. If a loyalist chooses to abstain to avoid bearing the costs of voting, then offsetting these costs without seeking to influence the vote seems unobjectionable.¹⁵ However, consider the case of the loyalist who chooses to abstain because he or she is unhappy with his or her party but can't bear the thought of voting for its opponent. The loyalist is in effect choosing to cast a vote against his or her party and is helping its opponents, though less than he or she would by turning out and voting for them. In this case, luring the loyalist back to the polls with a blandishment is in a sense changing his or her vote. In this case – not an unusual one, according to our findings – even pure turnout buying inflicts a loss of autonomy on the voter. And it weakens the accountability function of elections.

The third potentially harmful effect of pure turnout buying is not on individual voters – or not on them alone – but on the polity as a whole: it potentially biases the outcome of elections. Even in instances in which parties pay would-be abstainers among their constituents who are simply put off by the cost of participation, the outcome of the election will be biased by the resources the parties have available to spend, which may be unequally distributed across parties or between incumbents and challengers.

It is also important to ask, why do we – and why do political theorists – consider broad voter participation to be so important for democracy? And does participation elicited by material inducements warrant the same central place in democratic theory?

Participation is often valued on consequentialist grounds. In one argument, people and groups who participate influence the actions of government, and categories of people should not be excluded from influencing their governments. Although the influence of individual voters on policy is negligible, in democracies the influence of groups who vote at high rates is considerable. Participation is also deemed to have beneficial consequences for the participant: it is educative, edifying, enlarging.¹⁶ There are many nonconsequentialist grounds on which political theorists value participation.

Participation under payment is unlikely to have the same effects or meanings. Votes wield influence when they aggregate into mandates or into accountability as contingent renewal. There are reasons to doubt that purchased votes are part of these sums. Regarding the intrinsic benefits of participation for

¹⁵ Nichter 2008, Dunning and Stokes 2008.

¹⁶ See, e.g., Pateman 1970, Verba et al. 1978.

the voter, there is little systematic information available about the effects of voting on people whose participation is elicited by a private material inducement. However, one hint comes from studies – discussed in Chapter 1 – that use unobtrusive measures to gauge the prevalence of vote selling. The much higher rates of vote selling sometimes revealed by unobtrusive than by direct questions, among the same survey populations, imply that the practice is a source of embarrassment and shame. And Sunstein warned of the dangers of commodifying votes when people are paid to show up at the polls.¹⁷

Fused Turnout/Vote Buying

In contrast to pure turnout buying, here Party A dispenses a gift to a person and, as a result, he or she turns out to vote and votes for Party A. Counterfactually, without the bribe from Party A, this person would (1) not have voted and (2) if he or she had voted, he or she would have cast his or her ballot for Party B.

This fused form is a sharper departure from democratic norms than is pure turnout buying. It carries all of the negative consequences of vote buying, undermining both autonomy and equality (see next section). It also carries the same harms that we just saw may go with turnout buying, such as a blunting of accountability and a biasing of election results.

Vote Buying

Our study shows that parties try to buy the votes of a range of citizens: swing voters whose indifference is overcome with a bag of food or a mattress; mild opponents, who are willing to stomach supporting a party they don't like in return for a payment; even, perhaps, loyalists who are temporarily disgruntled. In all these cases, by assumption, the payment changes the vote; otherwise we would not call it vote buying. In this way, vote buying is distinct from turnout and organization buying, where votes may not be changed. For this reason, vote buying is a clearer and more egregious encroachment on voter autonomy. What's more, it is the threat of a sanction – the withdrawal of a reward, or worse – if one defects that gives vote buying its teeth.¹⁸ How coercive vote buying is undoubtedly varies from situation to situation. But it lends itself more to coercion than do non-broker-mediated strategies and hence is more autonomy encroaching than they are.

Vote buying also undercuts the public's interest in elections as instruments of representation. Votes that are purchased carry little information about the preferences of the person who sold them. Does the voter (or class of voters) approve or disapprove of the incumbent's performance? Does the voter favor extending social benefits, cutting taxes, forging closer ties to other countries? It's hard to say when what lies behind the voter's electoral decision is a bag of

¹⁷ Sunstein 1994.

¹⁸ See Stokes 2005, p. 295.

rice or corrugated roofing for his or her home. Likewise, democratic accountability is undercut. Incumbents who purchase the votes of people who would otherwise vote against them, because they are unhappy with the incumbent's performance, escape the accountability mechanism.

Vote buying also creates classes of voters whose votes are valued differently. Political machines are unlikely to purchase every citizen's vote, but will favor more responsive citizens over less-responsive ones: the poor, the indifferent, the loyalist at risk of defection. Political parties can largely ignore the policy preferences of vote sellers. Because some citizens' interests will be considered whereas others are ignored – their votes secured not through public policy but through payments – vote buying undermines political equality.

Abstention Buying

Where does abstention buying fall in the hierarchy of departures from democratic norms? Is it just as bad for people to be paid to turn out to vote as to be paid to stay home? If Party A pays Jane to turn out to vote, she is likely to be a Party A supporter. If Party A pays Jane to stay home, she is a Party B supporter. Whereas turnout buying may mean a party paying its own supporters to overcome the costs of voting, and vote buying may mean paying a party supporter not to defect, abstention buying always means inducing someone not to vote for their preferred party. For this reason it is the clearest instance of voters being induced to act against their preferences, and hence it is a striking instance of encroachment on voter autonomy.

One intuition for why turnout buying is less harmful than abstention buying is that without perfect monitoring by brokers, there is always a chance that the person who sells his or her participation may escape detection and reassert his or her autonomy by voting as she would have, absent the blandishment. Or that the person will reassert his or her autonomy and vote his or her preferences even while expecting to be detected and hence anticipating a break with his or her broker. The equivalent action on the part of the abstention seller would be to sneak to the polls; but (non-)participation is usually more easily detected than vote choice, so the abstention seller is more constrained. And as long as she stays home, she has no chance of defecting in the privacy of the voting booth.

9.3 ARGUMENTS IN FAVOR OF NONPROGRAMMATIC DISTRIBUTION

9.3.1 Participation

There are several arguments marshalled in favor of markets for votes. One of them, which we have already discussed, is that it can boost political participation (turnout buying). Indeed, turnout buying historically and still today stimulates participation among sectors that are the most likely to abstain, absent

an incentive: the poor and marginalized. Yet we noted potential countervailing harms, such as a degrading of participation when it is purchased. What is the meaning of a vote, or of the act of turning out and casting it, when it is elicited as part of a conditional exchange? Surely it carries little information about the policy preferences or assessments of incumbent performance, and some theorists point to the further deleterious effects of in the commodification of the vote.

We turn now to two other purported consequences of a market for votes that theorists sometimes extol: redistribution and efficiency.

9.3.2 Redistribution

What should we make of the case for vote trafficking as a mechanism of redistribution? Office seekers purchase the votes of poor people. If reformers were to eliminate the market for votes, the argument goes, politics would become less redistributive. Relatedly, one might infer from the fact that political machines know their constituents well and can efficiently deliver benefits to them that the demise of machines leaves vulnerable populations underserved and neglected.

Several studies underscore the progressive elements of clientelist social and political relations, in comparison with relations of utter dependence and intimidation that they are assumed to displace. Scott's classic studies of machine politics locate it at an intermediate stage of social development.¹⁹ A prior stage is one in which subordinate actors follow the dictates of their superiors, treating them with deference and subservience. By contrast, the political machine has almost democratic features. At the stage of development in which machines supplant landlords and notables, erstwhile dependents become clients who must be paid for their political support. Scott writes:

Given its principal concern for retaining office, the machine was a responsive, informal context within which bargaining based on reciprocity relationships was facilitated. Leaders of the machine were rarely in a position to dictate because those who supported them did so on the basis of value received or anticipated. The machine for the most part accepted its electoral clients as they were and responded to their needs in a manner that would elicit their support. The pragmatic, opportunistic orientation of the machine made it a flexible institution that could accommodate new groups and leaders in highly dynamic situations.²⁰

This depiction of the machine, with its intimate connections to clients and its fine-grained attentiveness to their needs, anticipates Dixit and Londregan's view of the relationship between core constituents and their machine. The machine's "greater understanding translates into greater efficiency in the allocation of

¹⁹ Scott 1969.

²⁰ Scott 1969, p. 1144.

particularistic benefits: patronage dollars are spent more effectively, while taxes may impose less pain per dollar.”²¹

For those concerned with redistribution, the key question is whether clientelism is more or less redistributive than its likely alternatives. Scott’s comparison is between electoral bribery and an historical antecedent, in which political support was elicited from lowly social subordinates with no need to compensate them. Yet in the historical cases of Britain and the United States considered in the last chapter, the decline of clientelism anticipated the rise of welfare states, which undoubtedly offered distributive gains to the poor of greater magnitude and more efficiently deployed than the clientelist systems that came before them. Some have suggested, indeed, that clientelism creates incentives for political machines to keep their constituents in poverty.²² At the very least, the incentives that they have to improve the material conditions of their constituents are weak.

9.3.3 Efficiency

Positive theorists sometimes extol markets for votes on the grounds that they increase efficiency. The basic intuition is this. Assume that some voters care intensely about an outcome about which other voters care little. If those who care intensely can buy the votes of those who care little, then allowing a market for votes produces decisions that are Pareto-superior to, for instance, simple majority rule without vote buying.²³ Early enthusiasts found that markets for votes not only increased social welfare but also solved problems of instability in collective decisions.²⁴

The main real-world setting that these theorists have in mind is legislatures. Yet some extend the argument to public elections and mass electorates.²⁵ Coleman, for instance, thinks stability and efficiency-enhancing exchanges of votes are available to “city councils, legislatures, town meetings, or social groups,” and extends the exchange mechanisms in theory to collective decisions made by large numbers of individuals.²⁶ If arguments in favor of vote buying are apt for public elections, then it would seem that we should return to public voting. If that suggestion seems ludicrous, it becomes important to identify differences between voting in legislatures and voting in public elections that

²¹ Dixit and Londregan 1996, p. 1134.

²² Balland and Robinson 2007.

²³ An allocation *X* is Pareto-superior to *Y* if it makes at least one agent better off without making any agent worse off, relative to *Y*.

²⁴ Social choice studies underscoring the benefits of vote buying included Buchanan and Tullock 1962, Coleman 1966, and Mueller 1973. Other theorists have been skeptical about the stability-inducing effects of markets for votes: see inter alia Park 1967, Ferejohn 1974, Schwartz 1977, 1981.

²⁵ Buchanan and Tullock 1962, Coleman 1966.

²⁶ Coleman 1966, p. 1111.

would vitiate the comparison. What's more, as Hasen notes, vote trading is legal in legislatures but illegal in public elections, and it is not always self-evident why.²⁷

Arguments from log-rolling in legislatures to vote buying in electorates ignore key differences between the two settings. In logrolls, legislators agree to support a policy proposal that they otherwise would not support and about which they have weak preferences. A legislator would not be induced to vote in a way that went against his or her sincere and intense wishes, especially if his or her vote would be pivotal to the outcome. In many legislative settings, it is not irrational for legislators to make their voting decisions on the assumption of tied votes.

The contrast with voters in mass electorates could hardly be more stark. They may indeed be induced by direct payments to cast votes that run strongly counter to their sincere preferences, precisely because there will basically never be anything at stake, at least not in a narrow material sense, in their vote. Once a voting body grows to more than 100, the chances of an individual casting a pivotal vote is indistinguishable from zero.

For these reasons, vote sellers in mass electorates are in danger of losing autonomy in ways that logrolling legislators are not. As mentioned, a counter-argument might be that the vote seller's desired state of the world is to be better off by the amount of the minor side payment and to forgo the expressive value of casting his or her vote for a sincerely preferred candidate or party.²⁸ And if the vote seller cares intensely enough about expressing his or her support for a different party, or casting a protest vote against the party he or she generally sides with, he or she might forgo the side payment, or take it and hope that the defection remains opaque. Or perhaps the vote seller cares intensely about expressing his or her desire for elections to be autonomy preserving; again the vote seller might forgo the direct payment. But votes as expressions do not bring these states of the world into being, and hence those who might cast them will often succumb to the temptation to take direct payoffs, all the more so when they value every addition to their income very highly.

Any assessment of the efficiency-enhancing effects that might be achieved by allowing people to sell their votes also must take into account possible negative externalities. Elections have public benefits, such as revealing the electorate's sentiments on matters of collective importance (mandates) and holding incumbents accountable for their actions. We have seen that, in theory, allowing people to sell their votes undermines the mandate and accountability

²⁷ Hasen 2000. An exception, in which logrolling is illegal, is the state legislature of Wisconsin, though there have no prosecutions under that law. See Hasen p. 1339.

²⁸ We use the term "sincere vote" loosely; the same logic as laid out here would apply to voters who vote "strategically" for a less-preferred candidate, to avoid "wasting" their votes on losers, as in Cox 1997.

functions of elections. Therefore, markets for votes entail substantial negative externalities.²⁹

Efficiency arguments for vote buying in mass electorates founder, then, on the dissimilarities between vote sellers in legislatures and among mass publics and the latter's likely loss of autonomy when votes are bought and sold, and on the negative externalities likely to be involved, in particular the social costs from the loss of mandate and accountability functions of public elections.

To conclude, arguments in favor of markets for votes are not compelling, whether on participation, redistributive, or efficiency grounds.

9.4 CONCLUSIONS

We began this study with a series of vexing puzzles. Why is it generally deemed justified for parties to appeal to voters' material self-interest through programs but not with payments? Why are apparently unresponsive loyalists often the beneficiaries of non-programmatic distribution? Why did vote buying disappear from some democracies where it was once widespread? We hope to have delved deeply into the topic and to have offered compelling explanations.

The core arguments of our study can be briefly summarized. Political distribution of valued material goods is at the core of much democratic politics. Political distribution can be perfectly legitimate and just. It is legitimate and just when public reason and deliberation establish the rules for who gets what and when these public rules are respected in practice. When the rules are hidden or inconsequential, as in what we call nonprogrammatic politics, the justice of distribution can never be assured.

Our study pivots around another key distinction between different kinds of non-programmatic distribution. This distinction is between distribution in which voters are held to account for their voting choices and distribution in which the parties make no effort to enforce compliance. This difference in strategies is intimately linked to a difference in organizational structure. Parties that attempt to make benefits conditional on electoral choices – those that practice clientelism – deploy large numbers of broker to meet the information, distribution, and enforcement requirements for holding vote sellers to account. Reflecting the intimate link between strategic choice and party organizational structure, we have used the terms “clientelism” and “machine politics” interchangeably.

Brokers solve some problems for party leaders but cause new ones. The leader–broker dynamic explains how clientelism works and also why leaders abandon it when conditions allow.

Machine politics remains widespread in many developing-world democracies. It is rare in wealthy democracies. But a transition away from the political

²⁹ See Karlan 1994 for further discussion of the collective benefits of elections and how these benefits are reduced by vote trafficking.

distribution of the party machine and to programmatic politics often remains incomplete, even in the advanced democracies. In the latter, as we have seen, everything from emergency aid to hurricane victims to recreational facilities may be doled out according to criteria that are kept apart from “public reason.”

We conclude this study knowing that several crucial questions remain unanswered. The current trajectory of clientelism in today's developing democracies is one such question. When in Chapter 6 we plotted levels of vote buying in African and Latin American countries against their national gross domestic products, we saw that the levels of the vote buying were “too high” in several, including Mexico and Argentina. A rich literature is currently emerging that points toward the rise of a more thoroughly programmatic politics in several Latin American countries.³⁰ Our own surveys in Argentina, carried out over nearly a decade between 2001 and 2009, registered a small but steady decline in the percentages of citizens who said they had received campaign gifts. We leave it to future scholarship to judge whether these trends will last, how quickly and consistently parties and governments will make the shift, and whether our models and analyses help shed light on the transitions. The unfinished path traveled by wealthy democracies shows that the triumph of public reason over hidden agendas is unlikely to be quick and irreversible. The coexistence in Mexico of the antipoverty program *Progresas*, with its many safety checks against bias, and *La Efectiva*, with its promise of access to public resources for those who voted the right way, counsels similar caution.

A second set of unanswered questions focuses not on clientelism but on what we have called “partisan bias,” in which the real criteria of distribution are hidden, but the allocation of benefits is not conditional on voters' actions. Some countries, even at high levels of income and after many decades of uninterrupted democracy, persist in partisan bias, whether in the form of nonconditional benefits to individuals or pork-barrel politics. Our comparisons of the abrupt demise of clientelism in Britain and its contrastingly slow decline in the United States is suggestive of reasons – related to the contrasting natures of the electorates and institutional settings – why partisan bias remains more prevalent in the United States than in the U.K. today. Our model in Chapter 7 is suggestive of factors that can help explain leaders' choice between unmediated but nonprogrammatic versus programmatic distribution. But a fuller analytical treatment, along with systematic empirical tests, remains a task for future scholarship.

The conceptual scheme with which we opened this study began with a distinction between different kinds of distributive politics. We end with a comment on what one might think about as a prior branch, one distinguishing distributive strategies from politics that is not about the material distribution at all. Is

³⁰ See, e.g., Cornelius 2004 and Magaloni 2006 on Mexico; Zucco 2012 and Fried 2012 on Brazil; and De la O 2012 for a comparison of several comparative cash transfer programs in the region.

there not an inherent tension between distributive politics per se and democracy? Some might regard even programmatic *distributive* politics as introducing a certain crassness in public life, an encouragement to materialism and egocentrism. Or, at best, materialist motivations for voters' choices are required by "political pluralism," which is "predicated on the expectation that voters will pursue their individual good through the political process;" but this is not democracy at its most uplifting.³¹ Our view is different. A universal role of states is to redistribute from the wealthy to the poor, the young to the old; to use public resources to insure against risks of unemployment and illness; to invest in public goods that cannot be left to the market to provide; and, in myriad other ways, to intervene in protecting the material welfare of its citizens and residents. Although something is amiss if distributive matters are all that public debate is about, as long as the choices need to be made, public-sphere discussions of them are a sign of a vibrant democracy.

From the opposite vantage point, skeptics might doubt that public deliberations produce anything more than rhetorical window dressing in favor of the economic interests of the majority or of the privileged and powerful. Fairness tests for distributive justice will seem to these skeptics quixotic. And certainly democratic politics offers much – too much – evidence in their favor. But if their skepticism were always warranted, then we would not expect democratic politics ever to produce policies that help minorities or that protect against risks to which only the powerless and vulnerable are exposed.

³¹ U.S. Supreme Court 1982.