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LawMaking

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Abstract and Keywords

This chapter examines the lawmaking process in democratic countries, focusing on how the government and cross-pressured legislators interact with each other. It considers how the possibility of success or failure is influenced by uncertainty and how incentives may drive legislators to change their voting intentions. It discusses the factors that allow chief executives to enact policy changes through statute law, as well as the role and influence of governments and legislatures in creating law. In particular, it highlights two major factors that shape lawmaking: the unpredictability of legislators' voting behavior, and the availability of resources to engage in vote-buying. It also looks at the influence of vote-buying on winning coalitions.

Keywords: lawmaking, democratic countries, legislators, incentives, chief executives, statute law, legislatures, voting behavior, vote-buying, coalitions

23.1 Introduction

ON 27 July 2002, the Republican-controlled Congress granted President George W. Bush “fast-track” authority to negotiate international trade pacts. Most legislators voted along party lines: Democrats opposed the bill and Republicans supported it. Yet, fearful that free trade would cost jobs in their districts, many Republicans broke ranks and joined the opposition. Meanwhile, Democrats from export-dependent districts were supportive of the measure. Democratic leaders, however, wished to keep most of their party voting against the bill to force Republicans from vulnerable areas to cast a “yes” vote that could be used against them in the November election. With such powerful crosscurrents, Republican leaders were wary of forcing members to take such a controversial vote. Senior administration officials worked with the majority whip to round up votes. When the bill came to the floor, these efforts paid off—a handful of Republicans succumbed to these pleas, including two legislators who changed their votes after securing commitments from Bush to help their districts. The government also picked up the votes of five additional pro-business Democrats who resisted pressure from their party leadership. With victory assured, Republicans in districts with strong anti-fast-track constituencies were let off the hook by their leaders, and voted “no.” At 3:30am, the House passed the Trade Act by a razor-thin 215 to 212 vote, with 190 Republicans and 25 Democrats making up the majority.

President Bush was not so fortunate a few months later. On 1 March 2003, US government officials were stunned when Turkey’s parliament narrowly rejected a government bill to let 62,000 American troops on Turkish soil. The defeat also took Turkey’s political leaders by surprise. Prime Minister Abdullah Gül and the chief of the governing party, Recep Tayyip Erdoğan, supported the resolution, and both men urged their party, which controlled a large majority of the parliament, to support it. The US military wanted to open a second front against forces in Kurdish-controlled northern Iraq, using Turkey as the launch-pad. Erdoğan endorsed the request, arguing that the American relationship (p. 482) was too valuable to spurn. But the American request placed Turkey’s parliament in a difficult position, as polls indicated that as many as nine out of ten Turks opposed involvement in a war against Iraq. Hours before the vote, Erdoğan and Gül held a straw ballot of the 300-plus Justice and Development Party members who dominated the 550-seat parliament. Only about 50 members, made up of the party’s core of Islamist-minded politicians, expressed opposition. The alleged support should have given the resolution a comfortable majority. Erdoğan, however, underestimated the strength of dissent within his own party. More Turkish lawmakers supported the measure than opposed it (the final vote was 264 votes in favour to 251 against), but the resolution failed because there were 19 abstentions. Under the Turkish constitution, a resolution can become law only if it is supported by a majority of the lawmakers present. Presuming that the measure had passed, many lawmakers left the

parliament and boarded planes to return home. By the time Gül and Erdoğan realized they had miscalculated, it was too late to change the outcome.

These two examples illustrate several general features of statutory lawmaking: how the government and cross-pressured legislators interact with each other; how uncertainty affects the possibility of success or failure; and how legislators' voting intentions may change in response to incentives. They focus on government-sponsored legislation and highlight an intriguing puzzle. In most contemporary democracies governments play a dominant role in the lawmaking process. They sponsor a significant proportion of bills, and in one-third of the national legislatures in the world, the right to introduce legislation in the areas of taxation, public expenditure, and government debt is reserved for the executive (Fish and Kroening 2009). For instance, among 19 Latin American presidential systems, the role of the legislature with regard to budgetary legislation is highly limited except for Bolivia, Costa Rica, Guatemala, Honduras, and Paraguay (Payne et al. 2002; Aleman and Tsebelis 2005). Parliamentary governments play an even more dominant role in the lawmaking process; in Britain, for example, the government can determine what is to be debated and voted on, with the exception of a few Opposition and Private Member Days (Saalfeld 1995).

Given their proposal powers, government-sponsored bills should seldom be defeated. If a government knows that a bill will not have enough support, it can just refrain from sending it to the legislature and save face. And, while it is true that instances where government bills make it all the way to the floor of the legislature to be voted down are exceptional, they do occur. Indeed, even on the floor of the British House of Commons, which may be regarded by many as the least possible scenario for a government to lose a vote, divisions in which a whip was imposed and the government was defeated have occurred (Norton 1980).¹

This chapter discusses the factors that allow chief executives to enact policy through acts of government that carry the force of law.² It examines the role and influence of the government and the legislature in creating law. The main argument presented here is that variations in legislative passage rates are the consequences of differences in uncertainty, not partisan support. In particular, two major factors that shape lawmaking are identified: the unpredictability of legislators' voting behaviour, and the availability of (p. 483) resources to engage in vote-buying. As such, this chapter not only provides an explanation of the variation in governments' legislative performance, but also expands our understanding of legislative policy-making, agenda control under uncertainty, and party discipline in legislatures.

In the next section, there is a brief discussion of how the lawmaking process in democratic countries works. In section 23.3 the two main ideas of this chapter are introduced: (1) the notion that differences in uncertainty drive the variations in chief executives' ability to enact policy changes through statute law; and (2) the view that in the presence of vote-buying, winning coalitions will not be oversized (they will be either strictly minimal, or they will include a majority of legislators plus one). I contrast these

ideas with conventional views on statutory policy-making and vote-buying in section four. In the following section, I document how uncertainty and vote-buying shape lawmaking. The final section concludes.

23.2 The Lawmaking Process

In all democratic countries, legislatures are the authoritative source of statutory law. Only subordinate to constitutions, statutory law is superior to all other forms of legislation, including administrative regulations. The details of the legislative process vary from country to country. However, there are some fundamental steps that most bills are taken through in order for them to become laws. In most democratic legislatures, they are formally introduced to the “floor” (or plenary committee), then they are referred to committees, and from committees, they are “reported” back to the floor for debate and voting. In bicameral legislatures, this sequence is repeated separately in each chamber, and then special procedures are required to obtain agreement of both chambers on a single text (Olson 1994).

In most legislative bodies, committees are the workhorses of the legislative process. The possible roles of the committees, however, vary from country to country, depending on the governing system, strength and organization of political parties, available resources, and other political factors. In some legislatures, committees have the power to prevent unwanted legislation from being further considered; in others, the committee stage may be merely a formality.

Instances where bills make it all the way to the floor and are voted down are exceptional, but do occur. In general, though, proposals “die” in other ways. Their fate depends on legislative procedure in each country, and in general, can be any of the following: a negative committee report which kills the bill; no committee report so the bill never leaves the committee; a positive committee report, which makes it possible for the floor to debate the bill, but does not guarantee that the bill will come up for debate; and outright defeat of the bill on the floor.

In most countries, bills that are not considered during a legislative year expire and have to be introduced again to the legislature in the following period. But in some other (p. 484) countries, legislative proposals can carry over into the following year. Therefore, if a bill does not reach the floor, its “death” can be automatic after some period of time or can “languish” in the legislature for a longer period. The lifetime of bills before lapsing if they are not adopted varies considerably between countries. In some countries a bill must be passed within the legislative session in which it is introduced. Otherwise, the bill has to be reintroduced in the next session. In some other countries, the lifetime of a bill is equal to that of a legislative term. Therefore, bills do not lapse unless the legislative term

expires. Finally, in some other countries bills never lapse, except when they are explicitly rejected by a vote.

After a bill is approved by the legislature, it needs to be enacted or promulgated. In parliamentary democracies, bills must receive the head of state's assent before becoming laws; but, in practice, this final stage in the legislative process is just a formality (Fish and Kroening 2009).³ In most presidential regimes, however, the executive has the opportunity to reject legislation through the veto process. In turn, legislators may override a president's veto and enact legislation without his/her signature. In most presidential democracies, a supermajority is required to override. The threshold in this case is typically two-thirds, although in some countries it is three-fifths or four-fifths. In a few presidential democracies, the executive has veto power, but a majority in the legislature can override it (Fish and Kroening 2009).⁴

23.3 Ruling by Statute

The sequence of steps outlined above provides a succinct description of how the legislative process works in most democratic countries. Usually, the process begins with the introduction of a bill. Legislative proposals may be introduced by the government, by individual members of the legislature, by the chambers, by the head of the state, by groups of people, or by the committees.

In parliamentary democracies, governments usually propose at least 70 percent of the legislative agenda, and roughly 80 percent of what they propose is actually adopted. Individual legislators, in turn, are responsible for 27 percent of the bills introduced in parliament, and less than 20 percent of these proposals become laws. In contrast, in presidential regimes, the executive branch proposes a little more than 25 percent of the legislative agenda, while individual legislators are responsible for the introduction of more than 72 percent of the bills presented to the legislature. It is far more difficult for individual legislators than it is for the government, however, to obtain approval for their bills. While roughly 65 percent of government-sponsored bills become laws, only 20 percent of the proposals introduced by individual legislators reach that status.⁵

Taken together, these figures indicate that chief executives play a predominant role in the lawmaking process. They also indicate, however, that conceiving law production in *monopolistic* terms would be too far-fetched (Crain, Holcombe, and Tollison 1979; (p. 485) Cox and McCubbins 1993). If agenda control is divided into a number of agenda-setting centres with different procedural prerogatives (as it occurs in many democratic countries), and party discipline is not taken for granted, then it is clear that statutory implementation of policy is a complex phenomenon, which usually depends on the interactions between the executive and the legislature. As such, in order to understand how lawmaking works in contemporary democracies, we need to examine the various

combinations of institutional and partisan considerations that determine whether or not legislators will support a chief executive's legislative agenda.

Most scholars point out that the powers that the executive derives from partisan support in the legislature can be as important as those derived from authority constitutionally vested in the office. And, numerous studies have noted that party systems influence the workability of executive-legislative relations. For example, focusing on the experiences of the Weimar Republic, the Third and Fourth French Republics, and Italy during the Cold War, some of the scholarly literature in the mid-1990s claimed that extreme executive-legislative conflict would inevitably lead to government deadlock and/or regime breakdown (Linz 1990; Mainwaring 1990; Stepan and Skach 1993; Linz 1994; Valenzuela 1994; Mainwaring and Scully 1995; Linz and Stepan 1996; Huang 1997).

In the case of presidential regimes, according to this view, when party systems fail to provide the president with sufficient legislative support, "...there is no alternative but deadlock..." (Mainwaring and Scully 1995, 33), and "...the norm is conflictual government..." (Jones 1995, 38). Therefore, "...the very notion of majority government is problematic in presidential systems without a majority party..." (Huang 1997, 138), "...stable multiparty presidential democracy...is difficult..." (Mainwaring 1990), and "...presidential systems which consistently fail to provide the president with sufficient legislative support are unlikely to prosper..." (Jones 1995, 38). Or, as Tsebelis (1995) put it "...in regimes where government change is impossible (except for fixed intervals like in presidential regimes), policy immobilism may lead to the replacement of the leadership through extra-constitutional means..." (p. 321).

Conflicting arguments and findings about the effect of partisan support on legislative policy-making, however, leave open the questions of why and when governments are able to successfully enact policy changes through statutes (Isberg 1982; Saalfeld 1990; Shugart and Carey 1992; Lupia and Strøm 1995; Foweraker 1998; Cheibub et al. 2004; Cheibub 2007). The conventional wisdom states that governments' legislative passage rates depend on their degree of partisan support. According to this view, if a chief executive's party holds a majority of seats in the legislature, and if all of its members favour his or her proposal over the existing policy, then he or she can confidently anticipate a legislative victory. Conversely, if the chief executive's party is in the minority, then the partisan distribution of seats would have an opposite effect on his/her legislative passage rates.

For example, in his discussion of law production in parliamentary democracies, Tsebelis (1995b, 96) claims that "...problems between government and parliament arise only when the government has a different composition from a majority in parliament..." The implicit assumption is that a shared partisan affiliation automatically (p. 486) translates into legislative support. What would happen, though, if partisan identities do not necessarily reflect legislators' policy positions?

23.3.1 The Consequences of Uncertainty

Governments' legislative defeats are typically associated with situations where chief executives cannot fully predict legislators' voting behaviour. The source of the uncertainty is the existence of cross-pressured legislators. Lawmakers either belong to the governing party/coalition or the opposition, and this is common knowledge. Legislators, however, may also be responsive to a particular group of supporters. These may include voters in the legislator's district, wealthy donors, party activists, as well as party elite members in charge of the candidate selection process. Therefore, even if governments can observe the partisan distribution of the legislature, they may still be unable to identify the policy preferences of legislators' supporters. Given their prior beliefs about the latter distribution, chief executives may send a proposal to the legislature. Yet, as the Turkish example demonstrates, the leaders of the governing party may lose such legislative gambits by miscalculating their support. A government may, of course, try to handle the effects of cross-voting with "deep pockets" or "big sticks." But, if the total cost of securing these votes exceeds the value of policy change, the government may be better off by conceding defeat.

The emphasis on the unpredictability of legislators' behaviour elucidates the empirical puzzle posed by chief executives' legislative defeats. It also leads to some clear empirical implications regarding the relationship between legislators' induced preferences and statutory policy-making. The existence of a winning voting coalition depends on the partisan distribution of seats in the legislature but also on the distribution of the policy preferences of legislators' supporters. If a legislator's partisan identity accurately predicts his or her constituency's ideal policies, then a chief executive may be able to calculate more accurately how he/she will cast his or her votes. In contrast, if partisanship is weakly correlated with constituency interests, chief executives are more likely to make mistakes. Thus, a systematic relationship exists between a set of factors that generate more unpredictability and the passage rates of executive-initiated legislation. For example, the extent to which legislators represent a "national" rather than a "local" constituency is an important institutional factor that affects the correlation between partisan's and districts' ideal policies.

23.3.2 Buying Legislative Votes

The Republican party's success at mustering enough votes to secure the passage of the "fast-track" bill illustrates the government's ability to incentivize legislators to adopt the chief executive's preferred policy outcome. These incentives are ubiquitous in legislative policy-making, and common terms, such as "horse-trading" or "deal-making" reflect (p. 487) the phenomenon of vote-buying. Governments may resort to their "pocketbook" in order to handle the effects of cross-voting. However, chief executives would only offer compensation if the resulting outcome would make them better off than being defeated at a sufficiently low cost. If the executive could offer rewards under the condition that

legislators be decisive, this cost would be negligible (by promising to reward at least one more voter than he/she needs to win, all legislators become non-decisive, and no payments need to be made). Yet, in deciding how to vote, legislators usually have to balance their own ideal policy, the executive's wishes, 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, since enacting legislation implies winning a majority of votes, the chief executive should often be interested only in corraling just enough votes to win. As the "fast-track" example highlights, whenever their votes are non-decisive, some legislators will be free to vote with their constituencies.

Indeed, vote-buying opportunities depend on the properties of statutes, and the way in which they are produced. Legislation possesses the characteristics of a public good. If a new tax rate is introduced, it will please those legislators who favour it and will displease those who do not. But, as Barry (1980) notes, the gains are not confined to those who voted on the winning side nor are the losses confined to those who were on the losing side. The exceptions, of course, are legislators who can unilaterally change the outcome (i.e. when a vote is tied or is within one vote of a tie). Hence, whenever additional votes are needed, a strategic chief executive may only need to buy enough votes to ensure that all (none) of the cross-pressured legislators who like (dislike) the proposal find themselves in a position to unilaterally change the outcome. And, occasionally it may be cheaper for a chief executive to buy some votes and add enough legislators to the winning coalition so that no opposition legislator is actually decisive. Therefore, an important implication of the characterization of legislative behaviour proposed here is that, in the presence of vote-buying, super-majority coalitions will fail to exist: winning legislative coalitions will be either strictly minimal or they will be composed by a strict majority plus one single additional legislator.⁶

23.4 Governments' Legislative Passage Rates

Scholars of comparative politics have traditionally argued that chief executives, both under presidentialism and parliamentarism, require adequate partisan support in the legislature to govern (in the case of the former), as well as to survive in office (in the case of the latter). In addition, arrangements determining the distribution of power among the branches of government are usually regarded as structural factors that shape the policy-makers' incentives, and in turn, affect statutory policy-making. (p. 488) George Tsebelis' work on veto players is a case in point. It spawned a plethora of studies on the capacity of different political systems to produce policy change (Tsebelis 1995a; 2002).

Most of these studies, however, fail to explain why and when chief executives are unable to successfully enact policy changes through statutes. In the case of parliamentary regimes, the theoretical literature often assumes that the potential for policy immobilism only exists when multiple and polarized veto players have representation in the government (see Tsebelis 1995b). In the case of presidentialism, most models are extensions of the theory of voting in legislatures and focus mostly on ways in which presidents can successfully pass their policy proposals. In particular, they assume that a chief executive will likely only send a bill to the legislature if the median legislator prefers a policy change to the status quo. Otherwise, assuming that suffering a legislative defeat will entail a political cost for the chief executive, he/she may be better off by not sending any legislation to the legislature at all. Following this logic, many scholars have developed models of statutory policy-making where proposers are never defeated (Shepsle and Weingast 1987; Alesina and Rosenthal 1995; Groseclose and Snyder 1996; Heller 2001). For example, Shepsle (2010) offers no explanation as to why a proposer would send a bill that will be defeated, other than a proposer's own sheer stupidity.⁷

Some scholars argue that chief executives may sometimes choose to be defeated in order to send a particular signal to the general public (Matthews 1989; Ingberman and Yao 1991; Groseclose and McCarty 2001). According to this view, a chief executive may occasionally adopt a strategy of "triangulation," positioning herself between her own party and the opposition forces in the legislature to build popularity. If there are opposition forces in the legislature that need to be exposed in front of the general public, then this strategy may be palatable for a chief executive. Yet, if the public views the legislature as a natural extension of the chief executive's authority, it may not be a good idea for her to force defeats too frequently.

23.4.1 The Role of Information

The main problem with the aforementioned accounts is the well-known “Hicks paradox,” which holds that bargaining failures such as strikes, wars, vetoes, or legislative defeats are irrational in a setting of complete and perfect information (Kennan 1986; Gartzke 1999; Cameron 2000). If a chief executive has complete information, then for every possible bill, he or she could be able to strategically tailor the legislative agenda to his/her degree of legislative support. And, per the law of anticipated reactions, legislative passage rates should always be 100 percent.

Expectations would change if one believes that legislators’ preferred policies cannot be fully predicted in advance. Suppose that a chief executive has to propose to a legislature composed of legislators who belong to political parties, but who must respond to various pressures. In particular, assume that in deciding how to vote, legislators consider (p. 489) a variety of influences, including their personal values, announced positions, the views of their constituents, and the preferences of party activists as well as their party leadership. If these pressures are not aligned, then legislators are cross-pressured (Fiorina 1974; Fenno 1978; King and Zeckhauser 2003).⁸

The fact that legislators account for different sets of interests when deciding how to vote is well documented in the literature (Covington 1988; Kalt and Zupan 1990; Jackson and Kingdon 1992; Levitt 1996; Londregan 2000). Most of the theoretical models mentioned above, however, do not incorporate these constraints in legislators’ voting decisions.⁹ An exception is Denzau et al. (1985); they examine the idea that principals (supporters) not only induce preferences in agents (legislators) but also constrain their mode of behaviour. As they note, lawmakers vote in the legislature, but they secure support, resources, and electoral rewards outside the legislative arena. Thus, legislators are judged not only by the collective choices made by themselves and their colleagues, but also by their own individual actions (Fiorina and Noll 1978; Denzau et al. 1985; Rasmusen and Ramseyer 1994; Groseclose and Milyo 2010).

From the chief executive’s perspective, the fact that a group of legislators may face conflicting influences, implies that in order to behave strategically he or she needs to assess how these legislators would cast their votes. Legislators are usually elected as members of organized parties, and their partisan affiliations are public information. In addition, a legislator’s membership in a given political party/legislative bloc is often stable over time.¹⁰ In other words, a legislator’s partisan affiliation does not vary across issues; and certainly not in conjunction with a bill’s content. In contrast, a legislator’s position regarding a specific bill will depend on the proposal’s content. Therefore, although the partisan composition of the legislature is a priori observable, legislators’ induced preferences are not. Here, then, lies the main difficulty that even the most strategic chief executives must confront.

23.4.2 Empirical Assessment

How can one evaluate a chief executive's statutory performance? An understanding of the differential abilities of chief executives to create statute law is hampered by the theoretical limitations described above. It is also hindered by the lack of truly cross-national research on this topic.

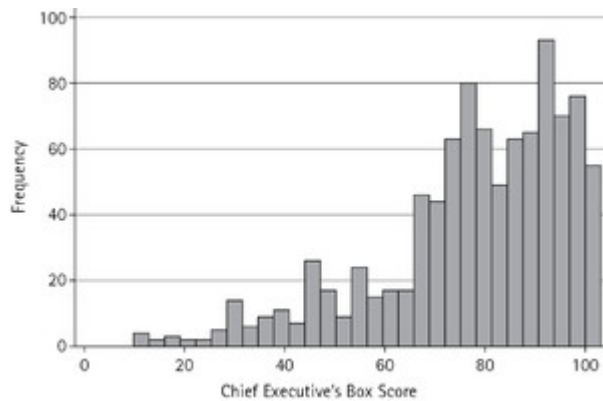
While the study of presidential legislative success in the United States has a long and fruitful tradition, these analyses seldom provide systematic comparisons with other countries. Likewise, most comparative research on this topic relies on either case studies of particular acts of government or from country studies. The studies in Döring (1995) likely constitute the clearest effort to carry out a comparative study of lawmaking.¹¹ As Gamm and Huber (2003) point out, however, most of these studies were motivated by theoretical frameworks developed to examine the US Congress. A few of them examine statutory policy-making applying a more general theoretical approach. Yet, they rely almost overwhelmingly on data published by the (p. 490) Inter-Parliamentary Union in 1986 (see Tsebelis 1995a). Such data are at most outdated or even inappropriate to study governments' legislative passage rates under different conditions.

Another substantial impediment to conducting research on statutory policy-making at the cross-national level is the lack of a clear definition of legislative success. Students of executive-legislative relations use several measures and various units of analysis. In fact, passage, success, productivity, support, concurrence, dominance, control, and influence all appear in the scholarly literature (Edwards 1980; 1989; Shull 1983; Bond and Fleisher 1990; Peterson 1990), and are sometimes used interchangeably.

A commonly used indicator is legislative output. This measure, however, is not necessarily the inverse of gridlock. Therefore, it is not a good indicator of a chief executive's capacity to pass his/her agenda. Another frequently used measure calculates the percentage of all bills approved by the legislature that are of executive origin. This indicator speaks to the question of who initiates laws. It does not reveal, however, anything regarding the ability of a chief executive to win approval for his or her legislative initiatives. Other measures are constructed using legislative roll-call votes. The party roll rate is a case in point. This indicator typically seeks to reflect the government's control of the agenda; but it does not count the failure to pass a bill that the government likes as a roll (Cox and McCubbins 2005).

It is safe to assume that in most if not all cases, chief executives are not only concerned with whether their initiatives are considered by the legislature, voted upon, or almost pass, but also if the proposed legislation is enacted into law. Moreover, statutes are the definite measure of legislative output, whereas votes and positions on issues are merely means to an end of an uncertain consequence. Therefore, if the primary aim is to investigate how successful chief executives are in promoting their policy agendas in the legislature, it is most appropriate to use a box score. This indicator is calculated as the percentage of executive initiatives approved by the legislature.¹² It is analogous to a

batting average (i.e. number of hits as a proportion of times at bat). As such, it summarizes a chief executive's record of wins and losses (Bond et al. 1996). Despite some of its limitations, the box score is a tangible indicator that makes it possible to compare different chief executives and to assess their relative performance under varying circumstances. Indeed, as Rivers and Rose (1985) and King and Ragsdale (1988) note, this is an ideal measure from a conceptual standpoint.¹³



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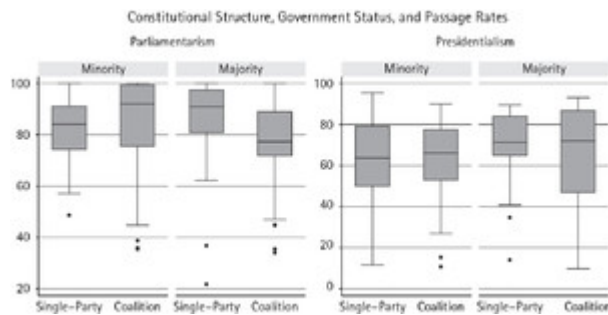
Fig. 23.1 Distribution of chief executives' box scores

Fig. 23.1 presents the distribution of box scores in a sample of 52 countries in Western and Eastern Europe, North and Latin America, Asia, and the Middle East for the period between 1946 and 2008.¹⁴ Two important trends are worth mentioning. First, the approval rates of executive-initiated bills vary considerably across

countries and through time within countries. Second, on average, three-quarters of chief executives' initiatives are approved.

This simple example underscores the importance of a theory of statutory policy-making. The empirical patterns indicate that government's legislative defeats are hardly extraordinary events. They also present a direct challenge to the conventional wisdom: legislative passage rates are seldom 100 percent. Hence, any reasonable theory (p. 491) of statutory policy needs to account for the variation in chief executives' passage rates reflected in Fig. 23.1.

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Fig. 23.2 Box scores by government status

What are the main factors that allow chief executives to rule by statute? What combination of institutional and partisan considerations determines whether or not legislators will support their agenda? Do chief executives in minority governments have lower box scores than

those under majority governments? Does the coalition status of the government affect these scores? The distribution of chief executives' box scores presented in Fig. 23.2 can address these questions.¹⁵

Prime ministers who lead single-party majority governments enjoy the highest average legislative passage rates (88 percent), followed by those who rule under minority coalitions (84 percent).¹⁶ Prime ministers who rule under a majority coalition are the least effective ones (with an average box score of 76 percent), followed by those leading single-party minority governments (with an average box score of 82 percent). Still, as the data indicate, even under parliamentarism, single majority governments do suffer legislative defeats (including Westminster-type governments). In the case of presidentialism, single-party minority governments exhibit higher passage rates (an average of 70 percent) than do coalition majority (66 percent) and coalition minority (62 percent) administrations. As Cheibub et al. (2004) note, government coalitions tend to form when the policy distance between a minority party in government and the rest (p. 492) of the parties in the legislature is large. Therefore coalition governments are typically quite heterogeneous and have more players who could potentially veto a change.

Notice also that single-party minority presidents do not fare much worse than coalition governments. On average, 62 percent of single-party minority presidents' bills are approved by the legislature. Hence, it is clear that legislative paralysis is a relatively rare phenomenon, even under presidentialism. Moreover, it is apparent from these data that prime ministers possess higher legislative passage rates than presidents: the percentage of government bills approved in the legislature is higher under parliamentarism than under presidentialism, regardless of government coalition or majority status.

The patterns presented in Fig. 23.2 suggest that a relationship exists between chief executives' legislative passage rates, their country's constitutional structures, as well as the status of their governments. To evaluate the performance of chief executives in a multivariate setting, I estimate a statistical model with chief executives' box scores as my dependent variable and cross-country differences in institutional design as the primary correlates of interest. I also control for some additional features, such as the share of seats held by the government, the government status, electoral rules, and the structure of the legislature.¹⁷ The dependent variable is the proportion of bills initiated by chief

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executive and approved by the legislature of his/her respective country in a given year (expressed in its logit transformation). Table 23.1 presents two alternative specifications.¹⁸

Table 23.1 Governments' legislative passage rates: multivariate analysis.

	Country Clustered	Regional Effects
Non-Westminster Parliamentary	-1.896**	-1.941**
	(0.531)	(0.252)
Semi-Parliamentary	-1.962**	-2.007**
	(0.529)	(0.275)
Presidential	-2.645**	-2.379**
	(0.533)	(0.388)
Government's Seat Share	1.595*	1.785**
	(0.623)	(0.446)
Coalition Government	-0.648**	-0.547**
	(0.203)	(0.114)
Electoral Rules	0.795**	0.210
	(0.261)	(0.208)
Average District Magnitude	0.004	0.004*
	(0.002)	(0.002)
Seats from National District	1.346*	1.555**
	(0.618)	(0.456)
Bicameral System	0.193	0.129
	(0.283)	(0.144)
Asia		0.681*

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		(0.296)
Latin America		-0.466
		(0.372)
Eastern Europe		-0.289
		(0.313)
Middle East		-0.729**
		(0.249)
Intercept	2.249**	2.314**
	(0.563)	(0.321)
N	272	272
R	0.473	0.52

Notes: Standard errors are in parentheses.

(*) indicates significance at a 10% level;

(**) indicates significance at a 5% level;

(***) indicates significance at a 1% level.

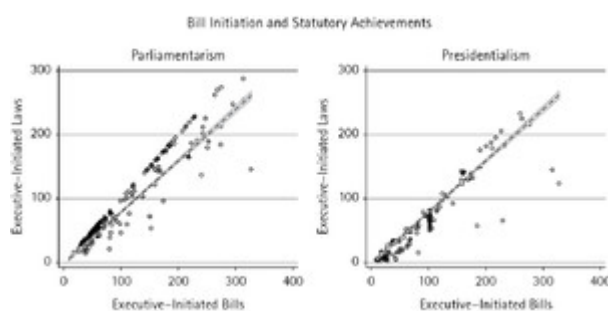
The results indicate that, relative to Westminster-style parliamentary systems, passage rates are lower in non-Westminster parliamentary countries, in semi-parliamentary regimes, and especially under presidentialism.¹⁹ One additional result is worth noting here. Both specifications reveal that, *ceteris paribus*, passage rates are higher under electoral systems in which legislators represent a national constituency. This finding buttresses my argument regarding the effect of the degree of predictability of legislators' behaviour on chief executive passage rates. Under conditions of more certainty, namely when legislators represent a *national* rather than a *local* constituency, governments can (p. 493) (p. 494) more accurately assess how the legislature will vote and thus achieve greater legislative success.

One possible explanation for the patterns presented in Fig. 23.2, though, is that the box score data are subject to a form of self-selection bias that favours chief executives under parliamentary systems. As Cheibub et al. (2004) note, since prime ministers risk losing the confidence of the legislature when they are defeated, they must be careful in

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proposing legislation. Presidents, as the argument goes, can be more reckless: if they are indifferent to the status quo, they can initiate bills expecting to be defeated in order to embarrass the opposition.

But, is it really the case that prime ministers are more careful when they propose legislation? According to the data, in a given year, the representative prime minister introduces 131 pieces of legislation, while the average president initiates 109 pieces of legislation.²⁰ A difference of means test indicates that the null hypothesis cannot be rejected at conventional levels. Thus, there is no difference between the number of bills initiated by the two types of chief executives. In other words, at least with regard to the amount of legislation introduced by the executive to the legislature every year, the evidence indicates that prime ministers are not necessarily more cautious than presidents.



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Fig. 23.3 Bill initiation and statutory achievements

It might be argued that a chief executive's carefulness is reflected in the content rather than the amount of legislation. Unfortunately, the argument cannot be put to a test using the available data. Nonetheless, it is still possible to gauge how

“strategic” chief executives are when it comes to bill initiation. In particular, the data can be used to address the following questions: (1) is it true that some chief executives can manage to fatten their “batting average” by withholding legislation?; and (2) what is the relationship between bill initiation and statutory achievements? Fig. 23.3 shows the number of executive-initiated bills approved by the legislature as a function of the total number of proposals introduced by the chief executive in a given year (i.e. the box score's numerator and denominator, respectively).

(p. 495) The dashed line in Fig. 23.3 represents the predicted number of executive-initiated laws obtained from a linear regression, where the number of executive-initiated laws is regressed on the number of executive bills. The shaded areas are the 95 percent confidence intervals around these estimates. The data clearly indicate that chief executives' legislative achievements and bill initiation have a linear relationship; the predicted number of executive-initiated legislation increases monotonically in the number of bills a chief executive sends to the legislature. As such, these patterns suggest that the box scores remain somewhat constant irrespective of the number of bills an executive initiates.

The evidence thus rejects the notion that chief executives can obtain higher passage rates by initiating less legislation. It also indicates that the difference between presidentialism and parliamentarism regarding passage rates is unrelated to bill initiation. Finally, even

though the data are not rich enough to test the claim directly, the patterns in Fig. 23.3 suggest that chief executives under different constitutional structures do not necessarily successfully adjust the content of their bills all the time either.

23.5.1 Incentivizing Legislators

Governments may need to incentivize legislators to support their policies, and may do so in a variety of ways. Sometimes, party leaders can use the carrot of advancement and the stick of non-advancement to impose a certain degree of organizational loyalty on their membership. In countries with inchoate party systems, however, governments may have difficulty in controlling individual legislators through a party machine. In these contexts, monetary payments may be the government's currency of choice. Studying legislative vote-buying involving outright bribery can be, of course, quite difficult. The illegal nature of these transactions presents a formidable obstacle when it comes to their empirical identification. While accusations of corruption and horse-trading are ever-present in legislative policy-making, it is rare to acquire such information. England during the period before the accession of George III and the aftermath of the American Revolutionary War (1754–83) presents a unique opportunity, because detailed records exist of the monetary payments made to members of the legislature in exchange for their support.

Historians often refer to this period as the era of personal parties in the British House of Commons. This characterization is a misleading guide to the political independence of Members of Parliament (MPs), given that many of them literally owed their seat to a patron. It still conveys some idea of the lack of party distinctions during this era. By 1754 it was universally recognized that the old party denominations of Whig and Tory had lost their meanings (Namier and Brooke 1964). In addition, no modern-day party organizations existed. Instead, political loyalties emerged mostly out of networks of personal relationships, and the distribution of positions and sinecures in the national and provincial bureaucracies (Namier 1957; Palmer 1959; Speck 1977; Cox 1987).

(p. 496) The lack of programmatic parties posed a serious challenge for orderly and stable government because the behaviour of individual legislators was quite unpredictable. Indeed, prime ministers were frequently frustrated by the elusiveness of MPs' political allegiances. As William Pitt the Elder put it, Commoners were "not disciplined troops" (Namier and Brooke 1964). Dealing with the "whims and caprices" of parliament required more than patience. The methods used by the king and ministry to secure a responsive legislature can be summarized in one word—influence. Influence meant primarily patronage, the award of honors, titles, promotions, pensions, and sinecures (Palmer 1959). While officeholders and pensioners represented a high proportion of the active MPs, it was widely accepted that such emoluments should not deprive them of their independence. Therefore, placemen did not provide the government with an "automatic majority" (Holmes and Szechi 1993). In fact, the passage rate of

government's legislative initiatives amounted to 74.8 percent between 1760 and 1800 (Hoppit 1996).

The use of influence was thus first and foremost a response to the unpredictability of legislators' behaviour. Indeed, since the matter was essential for governments, it was handled in a systematic fashion. The Treasury played a key role. In addition to controlling public patronage, which was distributed to MPs and then to their constituents, the Treasury carried a further source of political power—the secret service money. These funds were entirely at the king's disposal and he was not held accountable to Parliament for their expenditure. Therefore no one, except the persons immediately concerned, knew how it was spent (Namier and Brooke 1964). A proportion of this money went to genuine secret service purposes, but the funds were also used to dole out pensions to MPs (Namier 1957). The king's private accounts, the books containing the details on the allocation of secret service money, survived for three periods: when Newcastle headed the Treasury (March 1754 to November 1756 and July 1757 to May 1762); Rockingham's first administration (July 1765 to July 1766); and the last three years of the North Ministry, which lasted from 1779 to 1782 (Namier and Brooke 1964). This material makes it possible to discern the nature of these pensions and the type of MP who received them.²¹

According to Namier and Brooke, 16 MPs were in receipt of secret service pensions in 1762, whereas ten MPs received pensions in 1780. These numbers were not exceeded at any time during this period, and by August 1782 only three MPs were left on the secret service list (Namier and Brooke 1964). The value of these pensions, according to Namier and Brooke, ranged from £500 and £1,000 per annum (Namier and Brooke 1964, 125). A long-standing controversy surrounding the nature of these payments exists (Namier 1957; Palmer 1959; Cannon 1984; and Holmes and Szechi 1993). However, the fact that these funds were disbursed with absolute discretion, and that their recipients were amongst the neediest of legislators, suggests that they were ideally suited to buy the support of potentially decisive legislators. In addition, as argued above, if a government engages in a vote-buying strategy, it may need to buy just a few votes to craft a minimum-winning coalition. Secret service payments should thus be concentrated in a few MPs and be relatively modest in monetary terms.

At the time of Newcastle's first term at the Treasury (March 1754 to November 1756), the government's supporters in the House of Commons numbered as many as 368. Had (p. 497) these MPs held together, they would have been an invincible majority, but they were a notoriously fickle lot. A straightforward way to assess the "cost" that the Duke of Newcastle had to pay to muster sufficient support for his measures is to examine the records of votes for each MP during his tenure in office. For the period between 1747 and 1762, the only complete analysis of a vote is the so-called *Mitchell Election* division list (Colley 1976). The list records the critical vote in the Commons on 24 March 1755 by which two elected MPs were disqualified in favour of Treasury candidates.²²

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Newcastle obtained the exact number of votes he needed to prevail (209 out of 416). An examination of legislators' votes suggests that the government was able to create a minimum winning coalition and benefit from "bandwagon" effects: eight votes were provided by a group of legislators who were in receipt of secret service pensions, and another 15 from MPs who changed their previously announced votes. No historical evidence exists suggesting that members of the latter group received bribes to change their votes, but legislators in the former group are worthy of examination. These MPs received secret service pensions throughout Newcastle's administration, and, with one exception, these sums were not in exchange for salaries as a government's placeman. These legislators received on average £2,712 between 1754 and 1762. In contrast, pensioners who voted against Newcastle's candidates did not receive multiyear pensions, and on average were paid £1,720 during the same period.²³

Turning now to North's ministry, there were 241 MPs who supported the government, 237 who voted with the opposition, and 31 uncommitted legislators (Namier and Brooke 1964). Table 23.2 presents summary statistics for 55 salient divisions that occurred between March 1779 and March 1782. The data indicate that the mean attendance at the time of casting a vote in a division (net of absentees and paired votes) consisted of roughly 205 MPs, including a minimum of 39 on 28 June 1780 and a maximum of 467 on 15 March 1782.²⁴

Table 23.2 Divisions in the House of Commons (1779–82)

	Mean	Standard Deviation	Minimum	Maximum
Total Number of Votes	205.6	151.82	39	467
Margin	32.7	27.2	1	108

Notes: This table presents summary statistics for 55 salient divisions that occurred during North ministry's last three years (March 1779 to March 1782). Data reported in Ginter (1995) and Hoppit (1996).

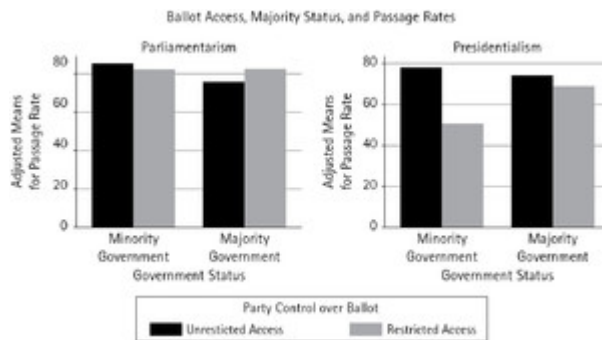
Note that the average margin by which divisions were decided was 32 votes, one more vote than the number of uncommitted legislators. Given that fewer than five active MPs were left on the secret service list by March 1782, the evidence in Table 23.2 suggests that the North government benefited from “bandwagon” effects in legislative voting.

(p. 498) In contrast to England under George III, in countries with strong partisan organizations, governments can use partisan resources rather than outright bribery to obtain legislative support. Specifically, party leaders can exert influence on legislators’ behaviours by two avenues: the prospect of nomination; and ideological screening (Londregan 2002). To understand how partisan resources can work as a substitute for outright bribery, I focus on candidate selection, seeking to understand the manner in which party leaders use the carrot of advancement and the stick of non-advancement to impose a certain degree of “party unity” on their legislators (Carey and Shugart 1995; Mainwaring 1998; Morgenstern 2004).

The conventional wisdom identifies three institutional factors that can bolster the role of national party leaders and reduce the incentives for legislative dissent: (1) strong leadership control over party labels; (2) vote pooling, where votes are counted, aggregated, and translated into legislative seats at the party level and not at the faction or individual level; and (3) a ballot structure that allows voters to cast only one vote for a party list (Carey and Shugart 1995; Nielson 2003; Wallack et al. 2003). At the party level, procedures for nominating candidates can vary across organizations. For instance, in some party organizations the founder or top leader nominates all candidates and rank-orders the lists; other parties use a convention or a closed primary to settle the issue. And yet in other parties, an open primary may define the ranking of the candidates (Alcantara 2004; Siavelis and Morgenstern 2008). As Siavelis and Morgenstern point out, open-list systems provide incentives for candidates to cultivate a personal vote. If district magnitude is small and parties wield significant control over nominations, however, much higher levels of party loyalty and less of a tie to constituents may result, with important consequences for legislative behaviour (Siavelis and Morgenstern 2008).

How do these party-centred electoral rules affect statutory policy-making? The data on electoral systems collected by Johnson and Wallack (2009) can be used to answer this question. If individual candidates face few or no legal impediments to appear on the ballot, it can be stipulated that they possess *unrestricted access* to a party label. These situations occur under single-member districts if parties allow independent candidates and/or use primaries to select candidates. In contrast, candidates face restrictions if: (1) parties control access to the ballot, even if they do not control the order in which candidates will receive seats. These situations arise under open lists where intra-party preference votes significantly influence candidate selection, and under single-member districts where parties control access to the list; (2) parties control access to ballots as well as the order in which individuals fill the seats won by the party. These situations

include closed-list multimember districts and open-list multimember districts with little or no de facto change in list order (Johnson and Wallack 2009; Wallack et al. 2003).



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Fig. 23.4 Electoral rules and passage rates

Fig. 23.4 presents the effects of party-centred electoral rules interacted with constitutional structure, on chief executives' legislative passage rates.²⁵ The results lend credence to the notion that party leaders can use institutional carrots and

sticks to reward voting loyalty and punish dissent. They also indicate that these findings are (p. 499) not an artifact of parliamentary democracies possessing more unified parties.²⁶ The impact of ballot access on chief executives' box scores is negligible under parliamentarism when the government is in the minority. The passage rates of majority governments under parliamentarism, however, are considerably higher when individual candidates have restricted access to party labels. On average, prime ministers who are backed by a parliamentary majority under unrestricted ballot access rules, tend to obtain passage for 75 percent of their bills. In contrast, when parties possess control over candidates' access to the ballot, the average box score of a majoritarian prime minister increases to 82 percent. This difference is not only statistically significant, but also substantively important. The average legislative passage rate for presidents is 65 percent. Therefore, even if they are ruled by majority governments, parliamentary democracies resemble presidential ones when parties lack control over candidates' access to the ballot.

Turning to presidentialism, the impact of ballot access is more pronounced when the president is in the minority. In this case, though, chief executives appear to enjoy higher passage rates when candidates have unrestricted access to the ballot. The average box score for minority presidents with unrestricted ballot access is 78 percent, compared with only 50 percent when party-centred electoral rules exist. Thus, minority presidents seem to have less difficulty in mustering additional support for their initiatives when partisan control over ballot access is weak. Given the weaker party loyalty generated by these kind of electoral rules, presidents will be able to sway some opposition votes into their camp. When partisan control is high, in contrast, minority presidents are substantially hindered. In this case, facing a very disciplined opposition bloc will make it more difficult for presidents to woo these legislators. Finally, under the scenario of the government controlling a majority of seats, ballot access produces an insignificant effect on presidents' legislative passage rates.

(p. 500) An important implication of these findings is that “strong” political parties are hardly the *sine qua non* of successful governance in presidential systems. Instead, strong parties are like a double-edge sword: they can be helpful in passing legislation when the government is in the majority, but not when the government is in the minority. Hence, a common assertion in the literature stating that new democracies, particularly new presidential democracies, need strong political parties to improve their performance seems to be unwarranted.

23.6 Conclusions

More than 40 years have passed since the late Samuel P. Huntington argued that Great Britain, the United States, and the Soviet Union belonged to the same category of political systems. According to his landmark expression, in “...all three systems the government *governs...*” (Huntington 1968, 1). What he meant was that in these countries, the cabinet, the president or the politburo could successfully enact policy changes. The issue of *governance* or *governability* has been a central concern for political scientists and policymakers alike. Yet, scholars also generally focus their attention on the other side of the coin: the question of whether government decisions are attuned with citizens’ preferences (Przeworski et al. 1999). Indeed, one of the most important challenges related to the quality of democracy is how to improve governability while simultaneously protecting government *responsiveness* or *accountability*.

Back to Huntington’s observation, how can one determine if a government actually governs? Or, what are the main factors that allow presidents and prime ministers to enact policy through acts of government that carry the force of law? The theory of statutory policy-making discussed in this chapter emphasizes the plight of governments that have to face unpredictable legislators. Central to the analysis is the idea that in deciding how to cast a vote, legislators take into account a variety of influences. The conventional view deems both agenda-setting powers and partisan support as essential to chief executives’ statutory policy-making abilities. Constitutional arrangements and partisan configurations certainly influence statutory policy-making. These features, however, are not the key to understanding why governments suffer legislative defeats. The fact that the agenda-setter model predicts that proposers should never be defeated underscores the importance of uncertainty. And, as this chapter demonstrates, it is very important to take into account the subsidiary role of “vote-buying” and of partisan sticks and carrots.

(p. 501) Appendix A

(p. 502) (p. 503) (p. 504)

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Country	Period	Region
Argentina	1983-2003	Latin America
Australia	1974-9, 1997-2006	Oceania
Austria	1974-9, 1985	Western Europe
Bangladesh	1973-9, 1991-9	South Asia
Belgium	1968-87, 1989-91, 1993-6	Western Europe
Bolivia	1995-2000	Latin America
Brazil	1946-63, 1968-81, 1983-2006	Latin America
Canada	1946-67, 1969-76, 1994-2006	North America
Chile	1990-2005	Latin America
Colombia	1982-83, 1986-7, 1992, 1995-9	Latin America
Costa Rica	1958-69, 1975, 1986-2003	Latin America
Denmark	1953-2001	Western Europe
Ecuador	1979-2001	Latin America
Fiji	1974-9	Oceania
Finland	1962-5, 1975-9	Western Europe
France	1946-83	Western Europe
Germany	1949-4	Western Europe
Greece	1978-82	Western Europe
Honduras	1990-6	Latin America
Hungary	1990-3	Eastern Europe

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Iceland	1951, 1961, 1971, 1977-81	Western Europe
India	1955-71, 1976-2007	South Asia
Ireland	1974-9, 1985-7, 1989-91, 1998-2008	Western Europe
Israel	1957-69, 1974-82	Middle East
Italy	1948-57, 1960-1, 1963-73, 1975-96	Western Europe
Ivory Coast	1965-70	Africa
Japan	1947-80, 1988-97	East Asia
Jordan	1974-9	Middle East
Kuwait	1974-9	Middle East
Lebanon	1953-72	Middle East
Malaysia	1974-9	South-East Asia
Malta	1974-82	Western Europe
Mexico	1982-2002	Latin America
Netherlands	1974-82	Western Europe
New Zealand	1974-82	Oceania
Panama	1994-2001	Latin America
Paraguay	1990-2002	Latin America
Peru	1995-2002	Latin America
Poland	1991-5	Eastern Europe
Portugal	1976-2001	Western Europe
Russia	1996-9	Eastern Europe

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South Africa	1974-9	Africa
South Korea	1960, 1988-99	East Asia
Spain	1974-99	Western Europe
Sri Lanka	1974-9	South Asia
Switzerland	1974-9	Western Europe
Turkey	1983-2000	Middle East
United Kingdom	1946-79, 1997-2005	Western Europe
Uruguay	1985-2002	Latin America
Venezuela	1959-88	Latin America

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Panama: Carlos Guevara-Mann (University of Nevada, Las Vegas)

(p. 505) Appendix B

Fig. 23.4 shows the effects of party-centred electoral rules, and their interaction with constitutional structure, on chief executives' legislative passage rates. The following approach was used to generate these results. As a dependent variable I used the proportion of bills initiated by a chief executive and approved by the legislature of his/her respective country. Then I estimated two separate models, one for the sample of presidential democracies and the other one for non-Westminster parliamentary countries using ordinary least squares (OLS). The following explanatory variables are considered:

Presidential, Mixed, and Non-Westminster Parliamentary. Each of these variables takes the value of 1 if the country has the referred constitutional structure, and 0 otherwise. Constitutional structures were classified according to the criteria developed by Cheibub (2006). The following countries were coded as Westminster-style systems: Canada, Bangladesh, Ireland, Malta, United Kingdom, and New Zealand.

Coalition Government. This is a binary indicator that takes the value of 1 if the government is a multi-party coalition, and 0 otherwise. A government is considered to be a multi-party coalition if two or more political parties represented in the national legislature hold cabinet positions. Source: Cheibub et al. (2004) and the author's own calculations.

Ballot Access. This is a dummy variable that takes the value of 1 if individual candidates have restricted access to a party label. These situations occur when: (i) parties control access to the ballot, even if they do not control the order in which candidates will receive seats; (ii) parties control access to ballots as well as the order in which individuals will fill the seats that the party wins. The variable takes the value of 0 when candidates face few or no impediments to appear on the ballot. These situations occur under single-member districts if parties allow independent candidates and/or use primaries to select candidates. Source: Johnson and Wallack 2009; Wallack, et al. (2003).

Average District Magnitude. This variable measures the standard magnitude of the average district in the lower house of the national legislature. Source: Johnson and Wallack 2009; Wallack, et al. (2003).

Majority Government. This is a binary indicator that takes the value of 1 if the government controls a majority of seats in the lower house of the national legislature, and 0 otherwise. Source: Cheibub et al. (2004) and the author's own calculations.

To capture the interaction between the government status and the electoral rules, I also included the multiplicative term, **Majority Government*Ballot Access**. Table 23.B1 presents the results. In both models, standard errors are robustly estimated and the disturbance terms for each country are allowed to be correlated:

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Table 23.B1 Ballot access and passage rates

	Parliamentary	Presidential
Coalition Government	1.655	-0.547**
	(4.907)	(0.114)
Chief Executive's Seat Share	44.359**	11.731
	(10.868)	(30.011)
Majority Government	-9.508	-3.821
	(7.499)	(4.620)
Ballot Access	-2.928	-27.285**
	(5.563)	(5.145)
Average District Magnitude	0.115*	0.206
	(0.041)	(0.256)
Majority Government Ballot Access	9.733	22.065*
	(6.608)	(8.641)
Intercept	64.083**	71.908**
	(5.012)	(13.514)
N	151	180
R	0.24	0.36

Notes: Standard errors are in parentheses.

(*) indicates significance at a 10% level;

(**) indicates significance at a 5% level;

(***) indicates significance at a 1% level.

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Notes:

(1) . According to Boothroyd (2001), between 1918 and 2001 there were 118 divisions in which the government was defeated. Most of these government defeats were concentrated in the period 1974–9 and had to do with economic issues (amendments to Finance Bills) and with the Scottish and Welsh referendums. Even a very strong prime minister, Margaret Thatcher, experienced parliamentary defeats. The belief that a defeated government should reverse its decision, seek a vote of confidence, or resign was common during the period 1945–70 (when governments were only very rarely defeated). As Boothroyd notes, only when Heath's government was repeatedly defeated was there a realization that the government need only resign if it loses a vote of confidence (Boothroyd 2001).

(2) . In the case of parliamentary democracies, the term "chief executive" is used in throughout this chapter to denote the political heads of government rather than the ceremonial chiefs of state. Also, given the collective character of executive leadership in parliamentary democracies (which includes the prime minister, the cabinet, and administrative departments), "chief executive" is only used as a collective term for the heads of government for reasons of style. For a similar treatment see Tsurutani and Gabbert (1992) and Helms (2005).

- (3) . The only exception is Thailand; where the king can refuse to assent to a bill and force the legislature to reconsider it (Fish and Kroening 2009, 662).
- (4) . These countries include Benin, Brazil, Colombia, Malawi, Nicaragua, Paraguay, Peru, Venezuela, and Vietnam (Fish and Kroenig 2009).
- (5) . The composition of the sample and detailed information regarding the sources from which the data were obtained are provided in Appendix A.
- (6) . For a formal presentation of this argument, see Chapter 3 in Saiegh (2011).
- (7) . As he notes, if a committee and a legislature's floor want to move policy in opposite directions, the committee will refuse to open the gates. But, "...if they did stupidly open the gates, then any proposal they made to improve their lot would be voted down..." (Shepsle 2010, 389).
- (8) . Cameron (2000) relies on incomplete information to explain the existence of bargaining failures across the branches of government in the United States. Diermeier and Vlaicu (2011) model the legislative process as a multiperiod bargaining game under uncertainty to rationalize the fact that legislative success rates of chief executives are lower in presidential than in parliamentary democracies. They argue that bills proposed to the legislature are more likely to be accepted when legislators expect that failing to do so would lead to government's collapse. However, unlike Cameron (2000) and Diermeier and Vlaicu (2011) who do not identify the source of the uncertainty about legislators' preferences, I explicitly assert that incomplete information originates in the existence of cross-pressured legislators.
- (9) . For example in Groseclose and Snyder's (1996) model, legislators are primarily concerned with the position-taking aspect of their voting decisions, not with policy outcomes. This seems to be a particularly unrealistic assumption. As Barry cleverly points out, "a committee made up entirely of people who had no interest in pursuing some particular outcome but were fascinated by the process as such would be as frustrating as a brothel all of whose customers were voyeurs" (1980, 184).
- (10) . Even in those countries where party switching is frequent, legislators publicly announce their decisions to defect/join a party, and they often do not make these decisions in between terms (Desposato 2005).
- (11) . Sieberer (2011) examines the institutional powers of 15 Western European parliaments. He uses some of the measures of legislative and control resources reported in Doring (1995), as well as more up-to-date indicators for the electoral powers of parliaments.

(12) . In terms of the content of legislation, a key question is whether bills that are enacted by the legislature reflect a chief executive's preferences; or rather, as a result of successive amendments, those bills become substantively different from what was originally proposed. With the exception of a recent study by Martin and Vanberg (2011), little cross-country evidence on this respect exists. Some country studies, however, can help to shed light on this matter. For example, in the case of the United States, Barrett (2005) examines the content of 233 significant bills to measure presidential success between 1977 and 1996. He finds that in approximately 69 percent of the bills that become law, presidents receive most of what they want. Therefore, he concludes that most presidential successes can be characterized as presidential *victories* in terms of the content of legislation (Barrett 2005, 149). Likewise, a number of scholars have pointed out that in the United Kingdom, majorities at Westminster are often whipped into line to vote for unamended government bills (Griffith 1974; Burton and Drewry 1981; Cowley and Stuart 2011; Thompson 2013).

(13) . The main empirical problem that led scholars in the United States to criticize this indicator pertains to the ambiguity in identifying actual legislative proposals by the president. This is often referred to as the "denominator" problem (Binder 1999). Put simply, since there are several ways to define how many times the president went to bat, one may end up calculating several different presidential box scores. Note that this criticism is only germane to the United States because the president's legislative program has no constitutional or statutory basis.

(14) . See Appendix A for more information about the composition of the sample, and the sources from which the data were obtained.

(15) . The box score measure is calculated as the percentage of executive-initiated bills that are approved by the legislature over a period of time.

(16) . I follow Przeworski et al. (2000) to classify countries' constitutional structures. Presidentialism is understood here as a form of government in which (1) the president is both the head of state and the chief executive and is elected by voters (or an electoral college chosen by them for that sole purpose); (2) the terms of office for the president and the assembly are fixed, and are not contingent on mutual confidence. By contrast, parliamentarism is defined as a form of government in which: (1) there is a head of state and a head of government. While the former plays merely a protocolary role, the latter is the country's chief executive and is elected by, and responsible to, the legislature; (2) the terms of office for the executive and the assembly are not fixed, and are contingent on mutual confidence. Other forms of government cannot be classified as parliamentary or presidential based on these criteria. These are countries where the president is elected for a fixed term, but the government serves at the discretion of the parliament. These constitutional structures are often referred to as "premier-presidential," "semi-presidential," or "mixed" (Przeworski et al. 2000).

(17) . Due to data limitations, the composition of the sample used to estimate the model is slightly different than the one in Appendix A. The variable *Electoral Rules* takes the value of 1 if plurality governs the majority/all of the seats in the lower house of the national legislature, 0 if proportional representation is used, and 0.5 if it is a mixed system.

Source: Keefer (2005). The variable *Average District Magnitude* is calculated as the total number of seats allocated in the lowest tier divided by the total number of districts in that tier. Source: Golder (2005). The variable *Seats from a National District* indicates the proportion of legislators that are elected via a national tier to the lower house of the national legislature. Source: Wallack et. al. (2003). The variable *Bicameral System* takes the value of 1 if the national legislature is bicameral; 0 otherwise. Source: Wallack et al. (2003).

(18) . The first column reports the results of a model in which standard errors are robustly estimated and the disturbance terms for each country are allowed to be correlated, while the second column presents the results of a model with regional dummies.

(19) . The following countries in the sample were coded as Westminster-style systems: Canada, Bangladesh, Ireland, Malta, United Kingdom, and New Zealand.

(20) . See Appendix A for more information about the composition of the sample.

(21) . Unfortunately, a complete list of MPs who received secret service pensions during the whole era of personal parties cannot be compiled. It is also impossible to match the recipients of these pensions with how they voted in particular divisions with pinpoint accuracy. Also, very few divisions took place during Rockingham's first administration.

(22) . Whenever a division (or roll call vote) was taken, a list of MPs who voted "aye" or "nay" was generated. These lists are a great source of information except for two caveats. First, divisions were not always taken for the votes on bills, even very important bills. A division was taken only if there was a challenge to the conclusion of the Chair as to a voice vote. Second, the British Parliament did not start keeping an official record of MPs' votes until 1836. Therefore, before that date, all records were unofficial lists, usually published in newspaper accounts or in random letters and manuscripts.

(23) . Four MPs who voted against Newcastle's candidates, despite being government's pensioners (Thomas Fane, Soame Jeyns, William A'court-Ashe, and George Mackay) were hardly among the neediest of legislators (Namier and Brooke 1964).

(24) . These divisions are included in the databases compiled by Donald E. Ginter (1995) and by Julian Hoppit (1996).

(25) . The models used to generate these results are presented in Appendix B.

(26) . According to the conventional wisdom, under parliamentarism, the authority of the executive to offer legislative proposals as matters of confidence explains why parties are more unified parties in parliamentary than in presidential systems (Huber 1996; Diermeier and Feddersen 1998; Carey 2007). In its barest form, as Kam notes (2009), the argument is that the confidence convention suppresses dissent because government backbenchers do not want to bring down their government and deprive themselves of the privileges of power. Yet, as he also points out, the confidence convention is a heavy-handed instrument, ill-suited for securing members' loyalty on an on-going basis (and of no use whatsoever to leaders of opposition parties). For another critical assessment of the view that the confidence provision elicits party discipline, see Chapter 5 in Cheibub (2007).

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