Overcoming chaos:
Law-making in the Brazilian Chamber of Deputies

Acir Almeida
Institute for Applied Economic Research - Ipea

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Motivation and objectives

Motivation:

- How can complexity theory be applied to the study of legislatures?

Objectives:

- To argue that legislatures are complex adaptive systems
- To discuss the heuristic value of complexity theory for the analysis of the emergence and change of legislative institutions and processes
Presentation outline

1. Legislatures as complex adaptive systems (CAS)
2. Legislative chaos: collective problems faced by legislators
3. Legislative order: models of legislative organization
4. Approaches to institutional emergence and change: rational choice, historical institutionalism, and evolutionary theory
5. Illustrative case: law-making in the Brazilian Chamber of Deputies
Legislatures as CAS

- Many heterogeneous agents
- Agents have individual goals, but cannot achieve them by acting alone
- Limited resources (e.g., plenary time)
- Self-organization; no centralized (exogenous) control
- Sources of environmental influences: voters, executive branch, judiciary, etc.
Legislative chaos

- Hypothetical state-of-nature legislature
  - “All business is conducted in the plenary session and members’ ability to talk and make motions is largely unrestricted and unregulated” (Cox, 2006)

- Heuristic device

- Legislative process:
  - Every bill must be formally stated, discussed and then voted upon in the plenary session, where it must gather the support of a majority
Legislative chaos

- Collective problem (1): the use of plenary time
  - Every legislator presents as many bills as she fits and makes as much use as she can of plenary time in order to block or delay any bill she does not agree with
  - Optimum individual strategy: block any other bill unless my bills are approved (Cox, 2006)

- Result (1): legislative paralysis
Legislative chaos

- Collective problem (2): majority-rule decisions
  - Majority rule decision may fail to yield a choice option which is majority-preferred to every other available option (Arrow, 1951; Black, 1948)
  - In multidimensional choice settings there is always a sequence of pairwise majority votes that leads to the collective choice of virtually any available option (McKelvey, 1976)
  - Vote trading is no solution because agreements are not binding

- Result (2): decision-making instability and manipulability
Legislative chaos

- Collective problem (3): acquisition and dissemination of information (Krehbiel, 1991)
  - Better informed legislative decisions are public goods
  - Legislators are rationally ignorant
  - Private information is revealed strategically

- Result (3): poorly informed policies, with highly uncertain outcomes
Legislative chaos: summary

- Paralysis, cycling, and uncertainty imply that policy-making in a state-of-nature legislature should be virtually chaotic.

- Important, controversial matters should only rarely come to a vote; and when they did, decisions should be characterized by instability and low informational content.
Legislative order

- Real-life legislatures rarely show signs of chaos. Why?
- Legislators agree to delegate their agenda-setting rights
  - Agenda-setting: control over the flow of bills to the plenary and over the procedures under which they are considered
- Distribution of agenda-setting rights => pattern of organization
- Two models of legislative organization:
  - The committee model: dispersed agenda-setting power (Shepsle, 1979; Krehbiel, 1991)
  - The cartel party model: concentrated agenda-setting power (Cox and McCubbins, 1993)
Legislative order: the committee model

- There are a number of committees, each with exclusive jurisdiction over one or a few policy areas.

- Legislators self-select themselves to the committees whose jurisdictions they care most about.

- Committees have the exclusive right to propose legislation in their jurisdictions.

- In plenary, only amendments relevant to the bill under consideration are allowed (germaneness rule).
Legislative order: the committee model

- The committee’s monopoly over the agenda within its jurisdiction provides a binding mechanism for vote trading

- Exclusive policy jurisdictions and the germaneness rule for plenary amendments restrict majority decisions to a one-dimensional choice space

- Agenda power and self-selection are incentives for the acquisition of information within committees; restrictive plenary procedures induce the committee to disseminate its information

- Result: coherent, well informed decisions
Legislative order: the cartel party model

- Nomination to agenda-setting offices is controlled (cartelized) by the leader of the majority party/coalition
- Majority party initiatives are first agreed upon within the party
- Effectiveness depends on either intra-party cohesion or discipline
Legislative order: the cartel party model

- By means of its control over agenda-setting offices, the majority party blocks bills and motions that it opposes and pushes its own initiatives into the plenary.

- If the members of the majority party vote together, there are no cycling majorities.

- Since the party benefits electorally from a reputation of producing “good” policies, it stimulates the acquisition and dissemination of information within its ranks.

- Result: coherent, well informed decisions.
Legislative order: summary

- Either the committee or the cartel party model can solve the collective problems faced by legislators.

- They are the two extremes of a hypothetical continuum, from the most decentralized to the most centralized form of legislative organization.

- But how do these organizational models emerge? And how do they change over time?
Institutional emergence and change

- We know a great deal about how different institutional arrangements solve the collective problems faced by legislators.
- Much less is known about how legislative institutions emerge and change.
- Two main approaches in the political science field:
  - Rational choice
  - Historical institutionalism
Institutional emergence and change

Rational choice
- Micro-level perspective
- Institutions are chosen by individuals to accomplish particular purposes
- They may generate unforeseen consequences that motivate individuals to make further changes

Limitations
- Risk of functional explanation
- Can’t explain how actors end-up with one set of institutions (and not another)

Historical institutionalism (HI)
- Macro-level
- Institutions emerge in ways unplanned and undirected
- They develop as they adapt to new circumstances, but conditioned by past trajectories

Limitations
- Shaky theoretical foundations
HI and complexity theory

- Elective affinity of historical institutionalism with evolutionary theory and, by extension, with complexity theory

- Taking evolutionary theory seriously would greatly enhance the theoretical “depth, range, and power” of historical institutionalism (Lustick, 2011)

- Two examples of potential contributions from ET:
  - How to integrate levels of analysis by connecting individuals to populations
  - How outcomes vary with environmental context
Concluding remarks

- From rational choice theory, we know a good deal about the institutions that generate order in legislatures.

- But much less is known about how these institutions emerge and change.

- Complexity theory offers one alternative, potentially fruitful, approach to the explanation of how legislative institutions emerge and change.
Thank you!

Questions?

acir.almeida@ipea.gov.br
References


