

Nobel laureate James Buchanan and his frequent coauthor Gordon Tullock challenged the conventional wisdom that there is something sacred about majority rule. They believed that some constitutions would be improved if they required supermajorities to pass legislation. They argued that a simple majority rule requirement may cause laws to pass that ignore the interests of too many people.

They note that we may each find ourselves on the losing side of majority rule votes often enough that the losses we sustain from unfavorable legislation will be substantial. The authors claimed that if instead, a law only passed if it obtained, for example, 75% of the vote, then government laws could be used to harm fewer people. In this case, the issues that generated broad based agreement would still have that agreement codified into law. It is true that each of us would get fewer laws passed that we favor compared to what would occur with a majority rule system. However, Buchanan and Tullock (B & T) claim that in many countries, people would be better off giving up these extra majority rule victories in order to avoid the significant harm that can occur from being on the losing side of so many majority rule votes.

It is tempting to generalize B & T's insight. Perhaps, anything that hampers the efficiency of the legislative process will keep us from being on the losing side of a legislative vote often enough to be worth giving up some legislative victories. Today's divided government at the federal level certainly hampers the efficiency of the legislative process. Since the democrats got control of the House of Representatives, it has become much harder to pass legislation. The democratic House will stop legislation that could easily have been approved by a republican Senate, President, and House.

Normally, such road blocks to government efficiency would give comfort to those who look at the political process through B & T's lens. I find no comfort from the extra hurdles to passing legislation that divided government provides. Divided government has unintended consequences that go beyond just limiting the amount of legislation passed. The elected officials are not content with the gridlock that B & T would consider favorably.

Instead, they have become interested in tearing apart the other side. Across several administrations, when the President and the majority party in at least one branch of Congress are from different parties, committee investigations, special council investigations, and impeachment hearing have become the new political battlefield. Both sides find themselves unsatisfied with the meager amounts of legislative agreements that they can reach, so they have devoted their energies elsewhere.

The new non-legislative political conflict is worrisome since it threatens the institutions of government. Every administration is going to abuse its power. Hopefully, there are enough checks in place that this abuse will be relatively minor. The real danger, as I see it, is that the constant attacks by the members of the divided government on each other will cause so much distaste for the institutions of government that these institutions may one day be threatened. Democracy is not a pristine process. The workings of democracy are much like the workings of a sausage factory – neither looks very good if you give it too much scrutiny.

Despite my worries, the unraveling of our institutions of government is not the most likely outcome. Instead, a politician will emerge that can create a new coalition of constituents that is able to obtain both the presidency and majorities in both houses of government and thus end the problems associated with divided government. I am not predicting such a politician will emerge in this election cycle, but only that one will emerge eventually.

Joe McGarrity is a professor of economics at UCA. He can be reached at joem@uca.edu.