



Center for Research in Economics, Management and the Arts

Voting against the separation of powers between legislature and administration

Working Paper No. 2013-12

CREMA Südstrasse 11 CH - 8008 Zürich www.crema-research.ch

Voting against the separation of powers between legislature and administration *

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June 3, 2013

Abstract: We compare the votes of parliamentary representatives and their constituents on a popular initiative that directly aimed at weakening the separation of powers in 1922 in Switzerland. We analyze whether the strength of individual ties to the public service affect the probability of voting for the initiative, holding constituents' preferences constant. Our results indicate that while politicians tend to represent their constituents' preferences, representatives with ties to the public service have a higher probability of supporting the eligibility of public servants for the legislature. Thus, they favor reducing the separation of powers between legislature and administration.

Keywords: separation of powers, administration, public servants, legislative voting, constituents' preferences

JEL Classification: D72, D73, H83

* We are grateful to Peter Bernholz, Charles B. Blankart, Geoffrey Brennan, Roger Congleton, Lars Feld, Bruno S. Frey, Christoph Schaltegger and all the participants of the conference of the European Center for the Study of Public Choice 2013 in Freiburg (Germany) for illuminating and inspiring discussions. A 10-minute video-presentation of this paper can be found on YouTube: <http://www.youtube.com/watch?v=mh16Ty08SRy>.

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The culminating point of administration is to know well how much power, great or small, we ought to use in all circumstances.

(Charles de Montesquieu 1689-1755)

I. INTRODUCTION

The separation of powers is a multifaceted concept: There is separation of powers between the legislative, the judicative, and the executive branches, including the administration, between central government and local governments, between domestic and international bodies, between the population and politicians, and so forth. All the different types of separation of powers are, however, endogenous to political decisions, i.e. they are endogenous to the struggle between the different actors in the politico-economic process, most importantly between constituents and their parliamentary representatives.

Surprisingly, not much is known about the different views of constituents and the behavior of politicians with respect to the separation of powers. The problem of empirical analyses in this domain lies in eliciting constituents' preferences with respect to policies regarding the separation of powers and in accomplishing comparability with legislators' decisions. In particular, explicit decisions regarding the separation of powers do not occur frequently, and we know of no empirical study that analyses the similarities and differences between representatives and constituents focusing on this issue. Theoretically, the separation of powers decreases when individual members of the executive and its arm, i.e. the administration, can also be members of the legislative. From a politico-economic perspective, it is therefore plausible that members of the administration are interested in weakening this specific aspect of separation of powers. While it is usually almost impossible to test this thesis, we look at a very informative setting in Switzerland.

We pursue a straightforward empirical approach to examine constituents' preferences regarding the separation of powers between the legislature and the administration. As argued already by Schneider et al. (1981) and shown by Portmann et al. (2012, 2013), among others, constituents in Switzerland reveal their preferences for policy proposals in referenda. The proposals are implemented immediately if the majority of voters approves them, i.e. they entail real policy consequences.¹ More importantly, Swiss parliamentary representatives vote on exactly the same legislative proposals as constituents vote on in referenda. By comparing

¹ Referenda as a measurement for preferences of constituents for other issues are also used by Brunner et al. (2013), Garret (1999) or Hersch and Dougall (1988) in the United States.

decisions made by constituents in referenda to legislators' roll call votes, we obtain a direct measure of political representation.

Although we can observe what constituents want and what their representatives do, issues regarding the separation of powers arise only seldom in stable democracies. A referendum in the year 1922, however, represents a particularly interesting instance. The referendum gave constituents the choice to make public servants at the federal level eligible for national parliament. Representatives also expressed their opinion on this issue in a parliamentary roll call vote. Thus, constituents and representatives both voted on the very same proposal to soften the separation of powers between the legislature and the administration.²

This unique referendum allows us to gain direct insights into the behavior of politicians with respect to the preferences of the population in the instance of an application of the separation of powers. We compiled voting records for members of parliament in 1922 who voted on the issue of making federal public servants eligible. Moreover, we gathered data on the personal characteristics of representatives for the same year, including their party affiliation and a number of district characteristics. Most importantly, we have information on whether members of parliament had a profession in the public service at the local or cantonal (Swiss state) level prior to entering national parliament.³ Thus, we can explain what representatives decided with respect to the separation of powers between legislature and administration depending on whether an individual legislator have close ties to the public service or not, while controlling for constituents' preferences. Thereby, we identify the effect of ties to the public service on political decisions about the separation of powers.

Empirical results indicated that legislators with a profession in the public service have a higher probability of voting yes for the eligibility of federal public servants for national parliament, i.e. they tend to favor a reduction in the separation of powers between the legislature and the administration. This holds true when controlling for the preferences of constituents that members of parliament are supposed to represent. While constituents' preferences expressed by a higher yes share in the referendum usually exert a significant influence on the probability of a representative voting yes in parliament, ties to the public service remain an independent and important influence on the probability of voting yes for a reduction in the separation of powers. Thus, our results show that individual interests and

² The referendum was rejected and even today federal public servants in Switzerland cannot become parliamentary representatives to the National Council.

³ Local and cantonal public servants were allowed to serve as representatives to national parliament but federal public servants were not eligible.

personal motivations of representatives, while not annihilating the influence of their constituents' preferences, matter to a large extent in parliamentary decisions with respect to the separation of powers.

Our results hold true for an array of additional control variables such as age of a representative in 1922, time in office, education and party affiliation, as well as different district characteristics. Moreover, our data provide some evidence that representatives from districts with a low number of seats, i.e. close to majority rule, tend to have less leeway in deviating from constituents' preferences than representatives from large districts, i.e. proportional representation.

This article proceeds as follows: Section II provides a brief overview of the literature. Section III describes the data setting and identification strategy. Section IV presents the empirical results and refinements, and Section V concludes.

II. LITERATURE

A recent discussion of the numerous aspects of the separation of powers as a check-and-balance system is provided by Eusepi (2013). He highlights that scholars mainly rely on the horizontal separation of powers although the vertical separation of powers as well as other aspects are likely to be a necessary complement to the classical separation of powers.

Laffont and Martimort (1998) analyze how government organization may constrain interest groups from trying to capture political decision makers. They show that centralization is costly because it facilitates coordination among interest groups. Laffont and Meleu (2001) provide a model where the separation of powers is used as a potential instrument against corruption of political agents but a high value of institutional measures is also associated with higher design costs.

Focusing on the separation of powers between legislature and judicative Brennan (2013) analyzes legal failure and argues that interpreting judicial shirking of individual judges as effects of ideological inclinations is inconclusive. He argues that institutional analysis needs to focus on the selection of judges and on incentives with particular attention to potential esteem incentives.

Our analysis highlights interactions between public servants and parliamentary decisions regarding the separation of powers. Le Maux (2009) analyzes the impact of bureaucratic behavior on tax rates by comparing different models of public choice and suggests that the tax burden and voters' incomes usually play a significant role when designing policies. Warren

(2012) studies public sector agencies and shows that the executive's agents, i.e. bureaucrats, may help to shift policy strongly toward the executive. Brändle and Stutzer (2010) highlight potential conflicts of interest when representatives are public servants. They analyze data from the German Länder and show that compensation for public servants for having to hold their office while in parliament increased the fraction of members of parliament who are public servants. Similarly, legal incompatibility of a position in the public service decreases the fraction of public servants. In Brändle and Stutzer (2013), a framework is proposed to integrate the identity of legislators in a politico-economic analysis of parliamentary oversight with a particular emphasis on public servants. While these analyses highlight important aspects regarding the separation of powers in general and the behavior of public servants in particular, they do not explicitly analyze the behavior of public servants with respect to the separation of powers while holding voter preferences constant.

The identification of voter preferences constitutes a central pillar for a direct test of how politicians act towards voters when the separation of powers is at stake. Regarding the measurement of congruence between politicians and voters, an extensive body of literature is based on scores issued by interest groups like the "Americans for Democratic Action" (ADA). Early contributions such as those by Kau and Rubin (1979), Kalt and Zupan (1984) and Peltzman (1984) investigated congressional shirking and the role of ideology by means of ADA scores. Reviews are provided by Lott and Davis (1992) or Bender and Lott (1996).

More recent literature draws on the NOMINATE method pioneered by Poole and Rosenthal (1985, 1997). This method assumes that politicians maximize their own utility function by choosing alternatives close to their ideal points when voting on policy proposals. Comparable techniques have been applied by, among others, Heckman and Snyder (1997), Snyder and Groseclose (2000) and Ansolabehere et al. (2001). However, these contributions usually do not account explicitly for voter preferences. As noted by Ardoin and Garand (2003), when voter preferences are accounted for, scholars mostly rely on demographic variables and presidential election results as potential proxies.

To address the problem of measuring voter positions, Gerber and Lewis (2004) draw on voting data from Californian referenda and transform them to a one-dimensional scale. Voters and legislators were then compared using the constructed scores but as their positions are not measured on the same scale, "no stronger predictions than monotonicity can be made" (Gerber and Lewis 2004, p. 1375). This is a common issue for many studies (see e.g. Matsusaka 2010).

Our contribution overcomes measurement issues by using revealed constituents' preferences for a referendum for which a directly comparable parliamentary decision exists.

Only very few studies have performed a referendum-by-referendum comparison between voters and representatives. Using three decisions on “sin” issues, Hersch and Dougall (1988) find that a 1% change in the constituent share of acceptance is associated with a 1.7 to 6.3% increase in the probability that a member of parliament in Texas also accepted the corresponding bill. Garret (1999) analyzed a single referendum on a lottery and corresponding roll calls. The match between referendum decisions and legislators’ roll call votes has been revived for large datasets on a broad number of issues by Stadelmann et al. (2012, 2013), Portmann et al. (2012, 2013), and Carey and Hix (2013). Eichenberger et al. (2012) focus on referenda on public debt in particular. Recently, Brunner et al. (2013) also employed a broad set of referenda in California to investigate effects of income on representation. None of these contributions, however, focuses on the separation of powers.

III. DATA, MEASUREMENT AND ESTIMATION STRATEGY

Initiative on the separation of powers

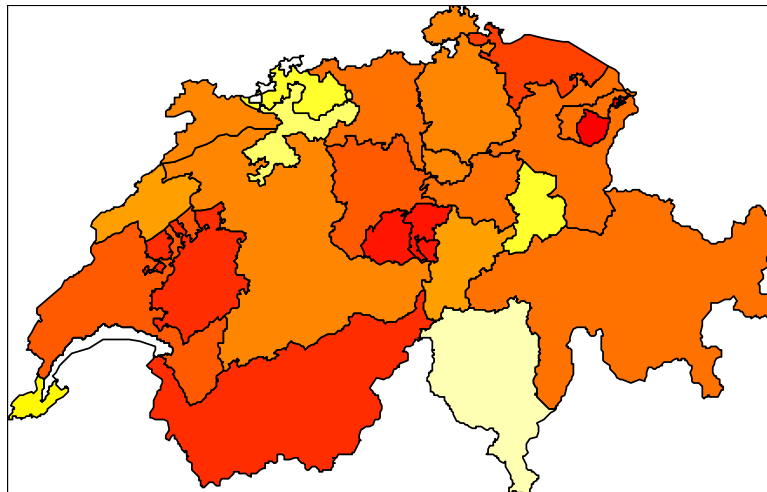
Switzerland’s federal constitution, which dates back to 1848, established a bicameral parliament. Switzerland has a long tradition of direct democracy at the federal level, such that proposals accepted by parliament do not necessarily turn directly into law. Instead, citizens may demand a popular referendum on parliamentary decisions and a referendum is mandatory for any amendment of the constitution. Importantly for our case, citizens may also propose constitutional amendments by demanding an initiative (for details see Stadelmann et al. 2013 or Portmann 2013). Referendum decisions reflect revealed preferences for policies, as they permit constituents to rank referenda against the status quo (see e.g. Schneider et al. 1981; Frey 1994; Brunner et al. 2013).

We focused on an initiative in 1922 regarding changes in the separation of powers between the legislature and the federal administration, advanced by the Federal Association of Public Servants, Employees, and Laborers (“Föderativverband eidg. Beamter, Angestellter und Arbeiter“). The Federal Association of Public Servants, Employees, and Laborers was established in 1903. It cooperated with the Swiss Association of Public Service Employees, which represents its members mainly at the local and cantonal level and which was later integrated into the Federal Association of Public Servants, Employees, and Laborers. In 1920 it had approximately 55,000 members.

The aim of the initiative was to replace article 77 in the constitution of May 29, 1874, which stipulated that members of the Council of States (second chamber of parliament), the

Federal Council (executive) and public servants employed at the federal level (administration) were not eligible as members of the National Council (first chamber of parliament). Thus, up until 1922, the constitutional separation of powers between the federal legislature and the federal administration with respect to the eligibility of federal public servants had been upheld, i.e. no federal public servants were eligible to the National Council.

Figure 1: Voting on the eligibility of federal public servants



<i>Canton</i>	<i>Acceptance in %</i>	<i>Canton</i>	<i>Acceptance in %</i>
Appenzell A. Rh.	0.338	Schaffhausen	0.436
Appenzell I. Rh.	0.108	Schwyz	0.377
Basel-Landschaft	0.536	Solothurn	0.597
Basel-Stadt	0.655	St. Gallen	0.336
Bern/Berne (including Jura)	0.402	Thurgau	0.265
Fribourg/Freiburg	0.169	Ticino	0.650
Genève	0.522	Uri	0.474
Glarus	0.560	Valais/Wallis	0.214
Graubünden/Grigioni	0.338	Vaud	0.285
Luzern	0.280	Zug	0.440
Neuchâtel	0.463	Zürich	0.407
Nidwalden	0.146		

Notes: In 1922 the Canton of Jura did not exist but the respective area was part of the Canton of Berne.

Source: Federal Statistical Office

The proposed change to the constitution restated that members of the Council of States and the Federal Council could not be members of the Council National at the same time. It also explicitly stated that high-level public servants directly subject to the Federal Council must not be members of the National Council. However, the initiative did not stipulate explicitly that other public servants at the federal level as well as public servants of the federal railway could not be members of the National Council, which corresponds in practice to making federal

public servants eligible.⁴ While it seems modest in its aim at a quick glance, the initiative clearly represents an important reduction in the separation of powers between the legislative branch and the federal administration.

In Switzerland as a whole, the initiative was rejected with 38.4% of voters supporting it. However, there was important variation between different constituencies. Figure 1 and the accompanying table present the results for all 25 constituencies.⁵ Several constituencies voted with a clear majority that federal public servants should be eligible to the National Council. For example, almost 2/3 of voters in Basel-Stadt and Ticino supported the initiative, while fewer than 20 percent of citizens in Fribourg, Obwalden, Niwalden and Appenzell Innerrhoden accepted the proposed change in eligibility rules. In other constituencies, the acceptance or rejection margin was fairly narrow, introducing an interesting variation that we exploited in our empirical analysis.

Measuring constituents' preferences and representatives' behavior

The distinctive feature of our data is that we can match the support of the initiative in each constituency with the final roll call vote in parliament of the politicians representing the respective constituency. In fact, the proposal of the initiative is identical to the text on which members of parliament decided in their roll call votes. Thus, we obtain a direct measure of representation of a constituency's preferences by its respective members of parliament. Either a member of parliament matches the majority decision of his⁶ constituents or he does not. As politicians have to decide in parliament before constituents vote on initiatives, they have to predict what their constituents' preferences are. Thus, they need to act in the same manner as they do for any other policy decision in parliament when trying to represent constituents' preferences (see Garrett 1999 for a similar argument). This fact provides a certain level of external validity of our setting: Politicians cannot simply follow revealed behavior of their constituents. When making their decision in parliament they can only use standard ways (experience, surveys, contact with constituents, etc.) to obtain information about the preferences of the constituency, as in countries without initiatives (see Brunner et al. 2013, Stadelmann et al. 2013 and Portmann 2013 for additional explanations).

⁴ We provide the original text of the initiative in two national languages (German and French) in a supplementary table S1.

⁵ In 1922 the Canton of Jura did not exist but the respective area was part of the Canton of Berne.

⁶ There were no women in parliament in 1922, and we thus use the masculine form when denoting a single representative.

We were able to compile voting record information of all 188 members of the Swiss National Council for the decision on the eligibility of federal public servants during the 25th legislature of Parliament. Forty-one members of parliament did not vote on the issue or were absent during the parliamentary decision on April 07, 1922. For each representative in our dataset, we gathered personal information on their lives. In particular, we know the prior professions of each members of parliament and can thus identify whether they have ties with the public service or not. We classify representatives with the professions “local public servant” (e.g. communal secretary), “teacher”, “district judge” and “trade union representative” as having a profession in the public service.⁷ Note that all representatives who are classified as public servants do their service at the communal or cantonal level but they are not public servants at the federal level as federal public servants are not eligible for parliament. For two members of parliament, we were unable to obtain historical information on their profession and their life in general. Thus, we end up with a sample of 145 representatives. 45.5% of all representatives voted in favor of the change in the eligibility of federal public servants, and 40.0% of all representatives had ties to the public service, according to our main identification based on their professions. Moreover, we know the age of each representative in 1922, the time he had spent in office as a member of parliament as of the date of the vote, whether he achieved a university degree (or equivalent at the time) and whether he is affiliated with a left-wing party.

For the 25th legislature from 1919 to 1922, representatives were elected in 25 constituencies. We compiled a number of variables characterizing these constituencies. In particular, we use firm density per 100 inhabitants to proxy industrial development in each constituency in 1922⁸, subsidies for education per capita, which measures the potential dependence on the federal administration, and the share of Catholics to measure conservatism.⁹

Table A1 in the appendix provides descriptive statistics on all variables for members of parliament and their constituencies. Due to the data structure, all variables and in particular constituents’ preferences for the change in eligibility rules are actually observed (i.e. no values are imputed) and available from the sources given in the description of Table A1.

⁷ We also extend the definition of ties to the public service in refinements by analyzing the profession of the representatives’ parents and their general life history. Our results remain stable when excluding “trade union representative” from this definition.

⁸ As the concept of national accounts was only established long after 1922, firm density may also be regarded as a proxy for GDP.

⁹ Note that we also separate the sample into French/Italian and German speaking constituencies, which does not change our main results.

Estimation strategy

Given the institutional setting and the data, our empirical approach is straightforward. We want to know whether local and cantonal public servants have a higher propensity to vote yes in the referendum on the eligibility of federal public servants for the Swiss Parliament, independent of their constituents' preferences. We estimate the linear regression¹⁰

$$(1) \quad MPY_{esic} = \alpha + \beta_1(\textit{Profession in public service})_i + \beta_2(\textit{Constituents yes share})_c + \mathbf{X}_{ic}\boldsymbol{\gamma} + \varepsilon_{ic}$$

where MPY_{esic} indicates whether a member of parliament i representing constituency c voted yes or no in parliament, *Profession in public service* is an identifier for whether a member of parliament is a local or cantonal public servant and *Constituents yes share* gives the preferences of a member of parliament's constituency. $\mathbf{X}_{ic}\boldsymbol{\gamma}$ stands for other control variables, and ε_{ic} denotes an error term.

The coefficient β_1 is supposed to capture the influence of having ties to public service on the probability of voting yes regarding the eligibility of federal public servants for parliament. We would expect that ties to the public service generally increase the probability to vote yes, i.e. $\beta_1 > 0$.

As all politicians who serve as public servants at the local or cantonal level were elected to parliament by their constituents, it is reasonable to assume that the variable *Profession in public service* may not only reflect a representative's profession but also his constituents' preferences up to a certain extent. Thus, conditioning on observed preferences of a constituency is necessary to identify how politicians with ties to the public service vote in parliament regarding the issue of the separation of powers. We include the variable *Constituents yes share* and its influence is captured by β_2 . Failure to include preferences of a constituency might yield an estimate of β_1 in equation (1) that does not only include the impact of ties to the public service but also the impact of a constituency's preferences represented by the politician. Conditioning on preferences of constituencies, which is only possible if preferences are known as in our case, solves this inherent omitted variable bias. The coefficient β_1 is thus supposed to capture the effect of preexisting ties to the public service independently of specific preferences of constituents for the separation of powers for the parliamentary decision analyzed.

¹⁰ In a number of alternative specifications we also estimate logistic versions of equation (1).

While the literature generally recognizes the need to control for a constituency's preferences when voting decisions in parliament are analyzed, we know of no other study that uses such a direct measure for revealed preferences regarding decisions on the separation of powers between the legislature and the administration. Moreover, according to the previous literature, we may speculate that other controls such as personal characteristics, party affiliation and constituency-specific variables' fixed effects may be associated with legislative voting. We include an array of such variables that are available in the year 1922 in our specifications.

IV. EMPIRICAL RESULTS

Baseline results

Table 1 presents our baseline results for the influence of ties with the public service on support for the legislative proposal regarding the eligibility of federal public servants for parliament. For each of the specifications, we reported robust standard errors clustered by constituencies.¹¹

In specification (1), the dependent variable is explained by the identifier for whether a representative has a profession as a local or cantonal public servant and preferences of constituents. We thus estimate the pure form of equation (1) without additional controls and use the total number (145) of available individual observations. Results indicate that representatives with a profession in the public service tend to support parliamentary eligibility of federal public servants holding constituents' preferences constant. The coefficient for the variable *Profession in public service* is positive and significant at the 5%-level, and the coefficient for the variable *Constituent yes share* is, as expected, also positive and significant. While representatives react to their constituency's preferences, public servants are approximately 15.1 percentage points more likely to vote yes than other members of parliament are.¹² Thus, the characteristic of having a profession in public service increases the probability of voting yes compared to politicians who are not public servants independently of the will of constituents, i.e. representatives with ties to the public service tend to vote for a reduction of separation of powers between the legislature and the administration. The effect found is quantitatively large and important. The fact that a parliamentarian has ties to the administration

¹¹ Without clustering standard errors would be lower. Standard errors are clustered by constituency in recognition of the likelihood that observations in the same constituency are not independent.

¹² If we did not control for constituents' preferences in the estimation, the effect found would be even larger, by approximately five percentage points.

affects his probability of voting yes to the same extent as if the yes-vote share of the constituents of the respective parliamentarian increased by about 14.8 percentage points ($1.0207 * 0.148 = 0.151$).

Table 1: Baseline results - Representatives with profession in public service support eligibility of federal public servants independently of constituents' preferences

	OLS				Logit	
	(1)	(2)	(3)	(4)	(5)	(6)
Profession in public service	0.1506* (0.0831)	0.1482** (0.0747)	0.1430** (0.0592)	0.1395** (0.0557)	0.6414* (0.3492)	0.9663*** (0.3350)
Constituent yes share	1.0207*** (0.3550)	0.8501** (0.4307)	0.3901 (0.3036)	0.3748 (0.3450)	4.4646** (1.7512)	2.2721 (2.5352)
Age		-0.0313 (0.0340)		-0.0036 (0.0270)		0.0223 (0.2213)
Age squared		1.7e-04 (3.2e-04)		-1.2e-05 (2.3e-04)		-5.3e-04 (0.0020)
Time in office		0.0118 (0.0136)		0.0187 (0.0136)		0.1239 (0.1028)
Time in office squared		-5.0e-04 (4.1e-04)		-6.9e-04* (4.1e-04)		-0.0046 (0.0035)
Studied		-0.0239 (0.0586)		0.0439 (0.0558)		0.3163 (0.4048)
Left-wing politician			0.6905*** (0.0540)	0.6660*** (0.0660)		11.0900*** (0.3934)
Intercept	0.5190*** (0.0568)	1.6143* (0.8777)	0.2740*** (0.0559)	0.4127 (0.7502)	0.0942 (0.2527)	-1.3662 (5.8310)
R2	0.090	0.174	0.427	0.443	0.119	0.582
Log-Likelihood					13.462	82.769
Brier score					0.226	0.135
n. Obs.	145	145	145	145	145	145
DE of "Local public servant"	-	-	-	-	0.1590* (0.0852)	0.2086*** (0.0797)
DE of "Constituent yes share"	-	-	-	-	0.1248*** (0.0453)	0.0454 (0.0441)

Notes: The dependent variable for all estimations is "MP votes YES". Estimated robust clustered standard errors for constituencies are reported throughout the table. DE stands for the discrete effect, i.e., the estimated change in the probability than an "MP votes YES" for change from zero to one for "Profession in public service" or from the first quartile to the third quartile for "Constituent yes share". ***, **, and * indicate a mean significance level of below 1 %, between 1 and 5 %, and between 5 and 10 %, respectively.

In specification (2), we include a number of other characteristics of parliamentary representatives. In particular, we control for age, time in office, and whether a representative has a university degree or not. All these additional characteristics do not have significant effects on the probability of voting yes on changes in eligibility rules. More importantly, we still find that *Profession in public service* exerts a positive and significant effect on supporting eligibility for federal public servants, and constituents' preferences have a positive effect on voting yes.

We include an identifier for whether a politician is affiliated with a left party in specification (3). Public servants may be more likely to be affiliated with left parties, such that controlling for this variable is of potential importance. Constituents elect their representatives, who are then expected to represent them. Thus, preferences reflected by the yes share among

constituents are likely to be correlated to preferences for left- or right-wing representatives such that a certain part of revealed preferences and the identifier for having a profession in the public service may be captured by the variable *Left wing politician*. Put differently, controlling for left-wing party affiliation provides a conservative test for our hypothesis that politicians with ties to the public service tend to vote for a reduction in the separation of powers. We find that politicians holding a profession in the public service still accept the change in eligibility rules with a higher probability. The coefficient for *Profession in public services* is positive, significant and similar in size compared to earlier specifications. Being a left-wing politician also increases the probability of voting yes. As expected, however, when controlling for *Left wing politician*, the coefficient for observed preferences of constituents decreases in size and becomes insignificant.¹³

In specification (4) we include all variables regarding personal characteristics and party affiliations. The results are similar to specification (3). In particular, having ties to the public service increases the probability of voting yes for the eligibility of federal public servants.

In specifications (5) and (6) we run logit versions of specifications (1) and (4). As our dependent variable is a dummy variable, logit regressions may be superior to OLS, but the interpretation of the coefficients is more difficult and we calculate discrete effects for changes in the variables *Profession in public service* and *Constituent yes share* to facilitate interpretation. Independent of the estimation technique, we generally find similar results. The variable *Profession in public service* always has a positive and significant effect on the probability of voting yes in parliament and *Constituent yes share* has a positive effect in specification (5), which becomes insignificant if party affiliation is controlled for in specification (6). The discrete effects of the two variables are indicated at the bottom of the table. Having a profession in the public service increases the probability of voting yes in specification (5) by approximately 15.9 percentage points and in specification (6) by 20.9 percentage points, which are two large and relevant effects in comparison to the discrete effect of the variable *Constituent yes share*.

Thus, all our specification to this point suggest that members of parliament who have a profession in the public service at the local or cantonal level tend to support the eligibility of federal public servants to parliament. This effect holds true even when controlling for the

¹³ We expect that the insignificant result for the variable *Constituent yes share* reflects the fact that more left-wing constituents tend to elect more left-wing candidates and at the same time these constituents also support a reduction in the separation of powers in favor of federal public servants.

preferences of constituents that members of parliament are supposed to represent as well as when controlling for individual characteristics and party affiliation. Representatives with ties to the public service seem to favor a reduction of separation of powers, which potentially strengthens public servants in the legislature. These results fosters the view that public servants face conflicts of interests in parliament (see Brändle and Stutzer 2010, 2013) that are often neglected in public debates.

Robustness and refinements

In Table 2 summarizes our investigation of whether our results are robust to additional constituency characteristics such as firm density or conservatism and characteristics of politicians.¹⁴

Table 2: Representatives with profession in public service support eligibility - Robustness test with cantonal control variables

	<i>OLS</i>				<i>Logit</i>	
	(1)	(2)	(3)	(4)	(5)	(6)
Profession in public service	0.1487* (0.0844)	0.1416* (0.0833)	0.1449* (0.0834)	0.1363** (0.0548)	0.6331* (0.3581)	0.9646*** (0.3104)
Constituent yes share	1.0997*** (0.3488)	0.8466* (0.4350)	0.7404** (0.3714)	0.3046 (0.3099)	3.3464* (1.7443)	2.1020 (2.2416)
Firm density	-0.0579 (0.0376)	-0.1128** (0.0566)	-0.1233** (0.0562)	-0.0773 (0.0508)	-0.5593** (0.2664)	-0.5875 (0.4693)
Subsidies for education		0.0668 (0.0476)	0.0714 (0.0488)	0.0351 (0.0453)	0.3168 (0.2239)	0.2343 (0.3803)
Share of catholics			-0.1163 (0.1759)	-0.0044 (0.1992)	-0.4984 (0.8369)	0.0323 (1.4946)
Intercept	0.6538*** (0.1110)	0.5914*** (0.1095)	0.6356*** (0.1144)	0.3839 (0.8023)	0.6235 (0.5349)	-2.0829 (6.0898)
Control variables for individual representatives	NO	NO	NO	YES	NO	YES
R2	0.098	0.107	0.111	0.451	0.147	0.592
Log-Likelihood					16.870	84.768
Brier score					0.220	0.134
n. Obs.	145	145	145	145	145	145
DE of BeamterBeruf	-	-	-	-	0.2115*** (0.0704)	0.1570* (0.0874)
DE of BeamterBeruf	-	-	-	-	0.0434 (0.0460)	0.0958* (0.0490)

Notes: The dependent variable for all estimations is "MP votes YES". Estimated robust clustered standard errors for constituencies are reported throughout the table. DE stands for the discrete effect, i.e., the estimated change in the probability than an "MP votes YES" for change from zero to one for "Profession in public service" or from the first quartile to the third quartile for "Constituent yes share". "Control variables for individual representatives" include all individual specific control variables of Table A2. ***, **, and * indicate a mean significance level of below 1 %, between 1 and 5 %, and between 5 and 10 %, respectively.

¹⁴Note that by including additional characteristics of constituency we may capture structural effects not reflected by controlling for constituents' preferences.

We included firm density as a measure for industrialization in 1922 among our two other variables *Profession in public service* and *Constituent yes share* in specification (1). Firm density, defined as the number of firms with respect to 100 inhabitants, is negative and marginally significant with a p-value of 0.126. Thus, politicians from constituencies with a higher firm density marginally tend to oppose eligibility of federal public servants. Importantly, the positive effect of our main variable of interest *Profession in public service* remains robust, suggesting that representatives with a profession in the public service voted yes more often.

In specification (2) we analyze whether federal subsidies have an impact on the behavior of politicians who are also public servants. It may be the case that constituencies that receive more support from the Confederation tend to be rather in favor of eligibility rules for the same bureaucrats who distribute that support and because they suppose that the federal administration plays an important role. We use federal subsidies for education per capita as an additional control that has a positive but insignificant impact.¹⁵ The control for firm density now becomes significant. Again, the variable *Profession in public service* remains positive, significant and of similar magnitude compared to earlier specifications.

In specification (3) we include the share of Catholics as a proxy for conservatism. This additional control has a negative effect but is insignificant and does not affect any of the other results.

In specification (4) we include additional personal characteristics of politicians (has university degree, age, and time in office) as well as the control for party affiliation. We find similar results as before: Having ties with the public service increases the probability of voting yes for the eligibility of federal public servants. All other variables turn insignificant due to the control for party affiliation.¹⁶

We run logit regressions of specifications (3) and (4) in columns (5) and (6). Again, our main results are robust, i.e. having a profession in the public service significantly increases the probability of supporting the eligibility of federal public servants. Constituents' preferences have a positive and significant effect, while firm density has a negative and significant effect in specification (5) but both variables turn insignificant when controlling for party affiliation in specification (6).

¹⁵ Federal subsidies for education were fairly low in the 1920s. Consequently, we also checked whether total subsidies, which included also military support payments, had an influence. The results for total subsidies is also insignificant.

¹⁶ Again, the insignificant results for all constituency specific controls when including the variable for left-wing politicians is probably due to the fact that constituency characteristics and preferences also determine who gets elected as a representative in the first place.

Table 3: Representatives with profession in public service support eligibility - Further tests and differential hypotheses

	<i>Measures for proximity to public servants' interests</i>				<i>Interaction with electoral system</i>		<i>Interaction with "sweet spot"</i>		<i>No left wing politicians</i>	<i>Only non-professionals</i>
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Profession in public service	0.1579* (0.0865)	0.1401*** (0.0544)			0.0296 (0.1504)	0.0115 (0.1321)	0.1581* (0.0857)	0.1605** (0.0779)	0.1812** (0.0712)	0.1360** (0.0600)
Parents were public servants	-0.0865 (0.0908)	-0.0576 (0.0748)								
Life history-based assessment of closeness to public service			0.2160*** (0.0690)	0.1904*** (0.0476)						
Constituent yes share	0.9979*** (0.3436)	0.3081 (0.3090)	1.0405*** (0.3296)	0.2539 (0.2884)	1.0173*** (0.3054)	0.8547** (0.3504)	1.0719*** (0.3478)	0.6567* (0.3737)	0.4201 (0.4346)	0.5856** (0.2456)
Profession in public service * Seats					0.0083* (0.0050)	0.0084* (0.0044)				
Profession in public service * Sweet spot					0.0053* (0.0030)	0.0053 (0.0041)	-0.1640 (0.1972)	-0.2295 (0.1706)		
Intercept	0.5288*** (0.0566)	0.3520 (0.8241)	0.4789*** (0.0535)	0.4060 (0.7621)	0.4382*** (0.0805)	1.4695* (0.8870)	0.5338*** (0.0551)	1.5555* (0.9133)	0.2517 (1.2461)	-0.0537 (0.8369)
Control variables for individual representatives	NO	YES	NO	YES	NO	YES	NO	YES	YES	YES
Control variables for constituencies	NO	YES	NO	YES	NO	YES	NO	YES	YES	YES
R2	0.094	0.453	0.115	0.468	0.130	0.213	0.101	0.194	0.112	0.564
n. Obs.	145	145	145	145	145	145	145	145	109	87

Notes: The dependent variable for all estimations is "MP votes YES". Estimated robust clustered standard errors for constituencies are reported throughout the table. DE stands for the discrete effect, i.e., the estimated change in the probability than an "MP votes YES" for change from zero to one for "Profession in public service" or from the first quartile to the third quartile for "Constituent yes share". "Control variables for individual representatives" include all individual specific control variables of Table A2 and "Control variables for constituencies" include all constituency specific control variables of Table A2. When estimating the interactions in specifications (5) to (8) the variable "Left wing politician" is not included in the controls. ***, **, and * indicate a mean significance level of below 1 %, between 1 and 5 %, and between 5 and 10 %, respectively.

Table 3 provides refinements and summarizes the tests for two differential hypotheses.

We start by using other measures to account for the proximity to public servants' interests. We used the historical encyclopedia of Switzerland ("Historisches Lexikon der Schweiz") and analyze the information available for each individual representative. This allows us to identify the professions of parents of representatives in 1922. We construct an identifier of whether one parent has a profession as a public servant or not and denote it as *Parents were public servants*. Specifications (1) and (2) include this proxy of family relations with the public service. Our main identifier of having a profession in the public service remains positive and significant but the identifier of whether a representative's parents were public servants turns out to be insignificant. In specification (2) we rerun the same regressions but with additional control variables for each representative as well as control variables for constituencies. The results remain essentially the same for our main variable of interest. Having a profession in the public service increases the support for the eligibility of federal public servants.

Using the historical encyclopedia once more, we construct a life history-based assessment of closeness to the public service. For example, a politician may have been engaged in a trade union but was an attorney in his main profession. We would then classify such a politician as "close to public service". We note that compared to directly looking at professions, this is necessarily a subjective approach as life histories of politicians are often complex and, thus, impossible to classify objectively. Nevertheless, we believe that our identifier based on the life histories offers an interesting additional proxy. Columns (3) and (4) use this alternative measure, which has a positive and strongly significant impact on the probability of voting yes for the eligibility of federal public servants. We also note that the coefficients' sizes increase compared to earlier specification.

In specifications (5) and (6) we interacted our original identifier for local public servants with the number of seats in a constituency. We would expect that as the number of seat increases, the possibility of deviating from constituents' preferences increases too, i.e. politicians from larger district have more leeway and are less accountable to what constituents want. The pressure to represent the majority and to be accountable is greater in small constituencies with only one or a low number of representatives than in large districts (see Portmann et al. 2012). We observe a positive and significant interaction term between *Profession in public service* and *Seats* for any positive integer of the variable seats and the

baseline effect (for hypothetical zero seats) is positive but insignificant.¹⁷ If the number of seats increases, the probability that representatives with ties to the public service vote yes increases too. Thus, *Profession in public service* exerts a larger impact in constituencies with more seats where individual members of parliament can be expected to have a greater leeway to diverge from constituents' preferences.

The results of Portmann et al. (2012) regarding the influence of district magnitude on the quality of representation and the possibility of diverging from constituents' preferences were extended by Carey and Hix (2013) and reanalyzed by Portmann et al. (2013). Carey and Hix (2011, 2013) suggest that there is an electoral "sweet spot" in small but not single-member districts within proportional electoral systems where congruence between members of parliament with their constituents' may be expected to be highest. We employ an identifier of districts with between two and four members of parliament and interact this identifier with the variable *Profession in public service*. *Profession in public service* itself remains positive and significant in specifications (7) and (8). The quantitative effect of the point estimate of the interaction term is negative and would approximately offset the baseline effect. However, as the interaction effect is not significant we might only speculate that public servants from districts close to the electoral "sweet spot" tend to behave similarly to members of parliament without ties to the public service.

We provide additional robustness tests with subsamples in specifications (9) and (10). First, we exclude left-wing politicians from the sample in column (9). This does not change our main results and the variable for ties with the public service remains positive and significant. In specification (10) we exclude representatives who were classified as professional politicians due to their background. Again, the results do not change.¹⁸ Thus, according to all our estimates, representatives with ties to the public service tend to support eligibility of federal public servants with a higher probability than representatives without such ties.

¹⁷ Note that we do not include *Left wing politician* as a control in these estimates (similar to specifications 7 and 8) as the number of seats influences the probability of observing fewer politicians from the center.

¹⁸ In further tests we also interacted an identifier for representatives from cantons close to the capital Berne to capture potential closeness to the capital where the federal administration is concentrated on voting decisions, but the interaction term was insignificant while the variable *Profession in public service* remained positive and significant.

V. CONCLUSIONS

We exploit a referendum on the separation of powers in Switzerland. In 1922, voters and their representatives in parliament had to decide on the question of whether federal public servants should be eligible for national parliament. By focusing on referendum results for different constituencies, we identify constituents' preferences with respect to the separation of powers. As representatives voted on the same issue in parliament, we know their decisions, which can consequently be compared to the preferences of their constituents. At the same time, we also observe whether representatives had professional ties to public service by either analyzing their profession or using a life history-based measure. Local and cantonal public servants were always eligible and several representatives held a profession as public servants such as district judges, teachers, communal secretaries, etc. Thus, we can explain representatives' behavior in parliament regarding the separation of powers between the legislature and the administration by focusing on their preexisting profession as local or cantonal public servants and holding constituents' preferences constant, all at the same time.

Our results show that representatives with professional ties to the public service have a higher probability of voting yes for the eligibility of public servants. Thus, they tend to favor a reduction in the separation of powers between the administration and the legislature. Importantly, this result holds true when taking account of constituents' preferences. Moreover, refinements suggests that if the leeway of politicians to deviate from the voter increases, ties with the public service play an even a greater role in explaining the support for the eligibility of federal public servants. As the effect of public servants is independent of constituents' preferences, it is likely to reflect personal motivations/ideology of public servants with respect to the separation of powers. A cautious qualitative analysis of the minutes of the parliamentary session¹⁹ indicates that proponents for the eligibility of public servants to parliament were also partly motivated by the view that public servants dutifully fulfill high quality work and should thus be eligible.

These findings from a case in 1922 entail potentially important political ramifications for today and for other countries. In many parliaments around the world, public servants are eligible and they tend to form a large fraction of parliamentary representatives (see Brändle and Stutzer 2010). While conflicts of interest of representatives with business relations are often discussed publically, conflicts of interest of public servants in parliament are usually

¹⁹ Amtliches Bulletin der Bundesversammlung, 1922, Wählbarkeit der Bundesbeamten in den Nationalrat. Begutachtung des Volksbegehrens.

neglected in the public debate. Apart from the perception that good parliamentary representation requires groups from the whole population to be in parliament, a large share of public servants serving as members of parliament represents a potential violation of the separation of powers between the legislature and the executive, which depends heavily on the administration. Moreover, our results indicate that public servants deviate from the constituents' preferences that they are supposed to represent. In particular, they deviate from constituents' preferences when legislative decisions directly affect them. This is likely to be the case not only for issues regarding the separation of powers but potentially for other issues involving the administration. Thus, constraining the eligibility of certain groups of public servants for parliament who are particularly closely linked to the executive and who actively contribute to shaping law proposals might prove a valuable policy reform.

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Table A1: Data description and sources

<i>Variable</i>	<i>Description and sources</i>	<i>Mean</i>	<i>SD</i>
MP votes YES	Indicator variable: If member of parliament voted "yes" in roll call value is 1. Amtliches Bulletin der Bundesversammlung 1922.	0.455	0.500
Profession in public service	Indicator variable: If member of parliament has a profession in local or cantonal public service. Historisches Lexikon der Schweiz.	0.400	0.492
Parents were public servants	Indicator variable: If parents of member of parliament were public servants. Historisches Lexikon der Schweiz.	0.179	0.385
Life history based assessment of closeness to public service	Indicator variable: If member of parliament has ties to public service according to life history (subjective classification). Historisches Lexikon der Schweiz.	0.476	0.501
Constituent yes share	Yes share in referendum. Année politique suisse.	-0.122	0.116
Age	Member of parliament's age in years. Historisches Lexikon der Schweiz.	51.810	10.810
Time in office	Member of parliament's days in service. Swiss Parliamentary Services. Historisches Lexikon der Schweiz.	7.234	7.256
Studied	Indicator variable: If member of parliament has master or doctoral degree value is 1. Historisches Lexikon der Schweiz.	0.579	0.495
Left-wing politician	Indicator variable: If member of parliament belongs to a left party. Historisches Lexikon der Schweiz.	0.248	0.434
Firm density	Number of firms per 100 inhabitants. Statistisches Jahrbuch der Schweiz, 31. Jahrgang, 1922.	2.152	0.783
Subsidies for education	Federal subsidies for education per capita. Statistisches Jahrbuch der Schweiz, 31. Jahrgang, 1922.	2.287	1.131
Share of catholics	Share of catholics. Statistisches Jahrbuch der Schweiz, 31. Jahrgang, 1922.	0.399	0.275
Seats	Number of seats of electoral district in 1922. Federal Statistical Office.	14.920	10.202

Notes: Unweighted descriptive statistics. Data sources indicated next to variable descriptions.

Table S1 (not intended for publication): Original text of initiative in German and French

<i>Text of initiative in German</i>	<i>Text of initiative in French</i>
Der Art. 77 der Bundesverfassung vom 29. Mai 1874 soll aufgehoben und durch folgende Bestimmung ersetzt werden:	L'article 77 de la constitution fédérale du 29 mai 1874 est abrogé et remplacé par la disposition suivante:
Art. 77	Art. 77.
Die Mitglieder des Ständerates und des Bundesrates können nicht zugleich Mitglieder des Nationalrates sein. Dasselbe gilt für die den Departementen des Bundesrates direkt unterstellten Dienstchefs sowie für die Mitglieder der Generaldirektion und der Kreisdirektion der Bundesbahnen.	« Les députés au Conseil des Etats et les membres du Conseil fédéral ne peuvent être simultanément membres du Conseil national ; il en est de même des chefs de service directement soumis aux chefs des départements du Conseil fédéral, ainsi que des membres de la direction générale et des directions d'arrondissement des chemins de fer fédéraux.
Die Bedingungen, unter denen die übrigen Beamten und Angestellten der Bundesverwaltung und der Bundesbahnen dem Nationalrat angehören können, werden durch die Bundesgesetzgebung geregelt. Der Bundesrat ist ermächtigt, bis zum Inkrafttreten der gesetzlichen Bestimmungen diese Bedingungen im Verordnungswege festzusetzen.	La législation fédérale réglera les conditions auxquelles les autres fonctionnaires et employés de l'administration fédérale et des chemins de fer fédéraux pourront faire partie du Conseil national. Jusqu'à la promulgation des dispositions législatives à édicter, le Conseil fédéral est autorisé à fixer ces conditions par voie d'ordonnance. »

Source: Schweizerische Bundeskanzlei.