Who Can Blame Them?

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It’s a formidable list: a smaller legislature, term limits, open records laws, more stringent lobbyist regulations, a non-partisan commission for legislative redistricting--all these and more have been proposed to reform the Pennsylvania legislature and to change the way legislative business is conducted in Pennsylvania.

And they are all worth serious consideration.

But if all of these measures were adopted, would we really produce a legislature that worked better, performed more efficiently, and commanded public trust and confidence?

Probably not!

That’s because in spite of structural and procedural reforms such as those mentioned, we would still have a so-called “full time legislature,” a legislative body composed mainly of careerist legislators who view their legislative duties as a full time career.

And what’s wrong with that? What’s so bad about having a legislature that produces career legislators who take their work seriously and manage to get re-elected at rates, until last year, as high as 98 percent or better?

In theory, not much is wrong with a full time legislature. In theory it creates an effective counterbalance to a powerful chief executive. In theory, it leads to better qualified legislators who can afford to devote full attention to their job. And in theory, it produces a more professionalized legislature and staff and a superior legislative product. In short, a full time careerist legislature should be a good thing.

But practice often trumps theory in the real world, and in practice, all these theories fall short. In practice, instituting a careerist legislature has often inhibited the promotion of ethical behavior, checkmated the public interest, and thwarted the improvement of public policy. In practice, careerist legislators tend to see the job not as a selfless stint at public service or an opportunity to serve the public good or even an obligation of a good citizen to their government, but instead as a lifework, a calling, a profession, and an end in itself.

Who can blame them?

As legislators, they get offices, they get staff, they get cars, they get expense accounts, they get pensions, they get job security, and not surprisingly, they get comfortable, very comfortable.

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And once comfortable, they begin to identify the public interest with their own private interests. They come to believe that what is good for them is also good for Pennsylvania. And they begin to think, to act, and to vote in terms of advancing or protecting their own career. They begin to behave like careerists in any other field: to promote themselves and their interests.
Who can blame them?

In the jargon of the economist, we “incentivize” these behaviors by rewarding legislators for doing them. By encouraging legislators to be careerists, by rewarding them for being full time legislators, we virtually guarantee the very behaviors we deplore.

The price has been steep. Molding legislators into career politicians has wrenched politics away from its roots in public service for the public interest and perverted it into its modern dynamic: public service in pursuit of private gain.

The villain is not necessarily the legislator. Legislators are not for the most part bad people. Indeed it’s fair to say that some of the very best people in the state serve in the legislature. It is the most sought office initially because of a strong interest to serve the public. Nor are legislators characteristically mean, petty, vicious or particularly stupid; in fact, some very smart people serve.

Legislators in general are like the rest of us in general—and that is the nub of the problem: we ask our legislators to do what few of us would do in their circumstances. We ask them to pursue personal careers—but to eschew personal goals. We ask them to act selflessly in the public interest—while most people are free to act selfishly for private interest, and we ask them to be willing to sacrifice their careers, their very livelihood if necessary—but expect nothing in return. In short, we ask them to be saints while the system they inhabit encourages them to be sinners.

So, legislative reform, yes. Structural and procedural changes to the way the legislature operates, also yes. A smaller legislature, open records laws, more stringent lobbyist regulations, and a non-partisan commission for legislative redistricting? These and other reforms are all worth debating.

But let us not, in pursuing these worthwhile reforms, lose sight of the fundamental problem. That problem is that politics has become a career and public service, just another resume item. Lawmaking is less and less an honored avocation practiced by many citizens for a limited time. It is more and more a highly specialized vocation practiced by an elite few for a lifetime.

There are ways to end the careerism in the legislature and rid ourselves of the consequences it fosters. One solution would replace the current full time legislature with one that meets part-time and relies on citizen volunteers. These so-called "citizen legislators" exist now in at least 17 states. They work in those states and they would surely work here.

Another approach is term limits. But less important than the specific approach we take is the broad purpose we pursue. If our objective is real lasting reform that will transform Pennsylvania, then our course is clear: we have to start with the legislature.

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