

Comments on Palanza's "Decrees vs. Statutes"

Scott Wolford

What affects the choice of decrees v. statutes?

- Agents who care about policy decide how best to ‘buy’ policy change from either the executive (via decree) or the legislature (via statute)
- Both executive and legislature can check one another, court can check both, and legislature can remove the court
- Given valuations of the issue and ‘hurdles’ that determine cost--and stability--of policy change, agents seeking change will forum-shop for the cheapest and most stable way to influence policy given opposition from agents opposed to change
- Uncovers the conditions under which we can expect more or less decree vs. statute law as a function of hurdle factors (which are applicable across political systems)--i.e., the costs of a “vote”

Thoughts

- Intuition about relative stability of statute law emerges endogenously
- Assumptions seem quite intuitive and flexible---importantly, general
- Testing the choice of which forum will be difficult in re: units of analysis. Agree that ratios or counts may be the way to go
- There are plenty of other implications about, say, which groups/interests will pursue which kind of policy change--that should provide unique predictions
- Right now, judicial removal is deterministic, but it can be made probabilistic, which might make things pretty interesting--i.e., maybe one of the agents can buy a higher chance of removal
- On the whole, a very rich model with a lot of potential. Good stuff.