Why do backbenchers dissent? Decisions to defect in strong legislative parties: evidence from Verkhovna Rada of Ukraine

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Legislators’ dissent is an important measure of party performance and effectiveness in a parliament, which reflects the level of representativeness and accountability as well as behavioral characteristics of individual party members. Many existing studies in this area tend to concentrate on determining party unity level, considering dissent as a result of lacking cohesion or low discipline. At the same time, the very dissent rational rarely becomes primary research objective because of complexity identifying common features between different motivations, which also vary according to institutional settings.

In this paper we try to research dissent motivations coming from individual as well as institutional level under conditions of strong party control in proportional representation (PR) closed list system in Ukraine. Specificity of Ukrainian context lies in frequently changing electoral rules featuring transformation from plurality through mixed member majoritarian (MMM) to pure proportional system just within a decade.

The study was inspired with events that followed by introduction of closed list PR electoral system, inclusion of ban on party switching, and provision of imperative mandate for Ukrainian parliament. Despite the fact that party discipline has improved since 2006, individual dissent continued to play important role in legislative politics. Moreover, coalition formed in 2006 was so successful in “cooptation” of new members from opposition that its size began to approach constitutional majority of two thirds of the total parliamentary membership. One of the oppositional parties donating its members to coalition was Block of Yulia Tymoshenko (BYuT), which is famous for its strict discipline. Concerned with the possibility of unfavorable constitutional changes and supported by BYuT, president Yushchenko dissolved the parliament deeming dissent as illegal action1. Although parties had chance to clean their lists from possible defectors during preterm elections in 2007, that didn’t change the effect of dissent behavior, which continued to destabilize

1 See: http://www.president.gov.ua/ru/documents/5961.html
narrow coalition and ended up with infamous vote of no-confidence supported by seven BYuT members against the government headed by their leader.

In this paper we will try to determine why institutional constraints did not stop legislators from dissenting, and how their behavior can be explained. We assume that decisions to dissent are driven by individual motivations and their character depends on the rate of legislator’s popularity. Institutional factors may significantly influence level and means of dissent expression, but certain party members will always try to bypass barriers and defect at the first opportunity. The paper proceeds in six parts. First, we define dissent against party line and complexity of its research through existing literature. Following is the explanation of individual and institutional components of dissent decisions. Third, we determine how these components interact in the context of Verkhovna Rada. Finally we propose a model explaining this interaction and test it against data from the 6th convocation of the Ukrainian parliament.

**Dissent against Party Line in Comparative Context**

The notion of deputy's dissent is strongly tied to the concepts of party's discipline and cohesion that are extensively explored in the literature. At the same time, there are some difficulties defining the term: is it property of individual behavior; could it be extended to confrontation of one part of the party against another, or should we also consider disagreement of whole party with its leaders as a manifestation of dissent? Below we review institutional and individual-level explanations and then justify own definition.

Most of the works that are focused on studies of legislatures where party unity is not predefined by institutional factors use terms cohesion and discipline as a way to describe long term party performance. Owens (2003) summarizing existing studies outlines three categories of

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institutional factors comprising party cohesion: system context (system stability and maturity; electoral rules; structure of executive-legislative relations), party-level factors (structure; ideology; leadership effectiveness), and situational factors (government or opposition; different policies mobilize different constituencies within party’s electorate; cohesion is greater in earlier legislative term following elections). In general, institutional approach explains circumstances of decision to defect, but does not clear why it is made and why some legislators have higher propensity to dissent.

Rising amount of literature defines dissent through individual motivations of legislators, who calculate their payoffs based on what party can supply (Heller and Mershon 2005a). It would be logically to conclude that party in government is more attractive to potential defectors than oppositional (Laver and Benoit 2003), but some studies show that governmental parties can lose their members who defect basing on policy and office-seeking motivations (Reed and Scheiner 2003). A number of studies on deputy’s defection tend to concentrate on switching between parties, but terms defection and switching are not equal. Switching concept assumes that MP wants not only leave own party, but also join other, which agrees to such transaction (Laver and Benoit 2003). Switching also serves as an indirect evidence that party matters (Desposato 2006). Defection as we will show below is not necessary joining other party, and in certain circumstances can serve as a manifestation of individual policy position of popular politician.

Interplay between institutional and personal level determinants creates big variety of dissent cases. For example, Heller and Mershon (2005b) in their study of Italian Chamber of Deputies discover that politicians who build their own personal-vote coalitions, will tend to stay within parties.
with clear policy goals; members of parties with unclear policy labels and those who did not build own electoral coalition have higher propensity to switch.

In order to encompass large range of different dissent manifestations and at the same time keep concept measurable, we define dissent as individual action of party member directed against the will of majority of other members. Measurement of dissent is an important problem in the literature, and is usually solved through analysis of roll call votes. Besides problems of comparative perspective (unavailability of data for some parliaments, different procedures of bringing bills to the floor, etc), roll call data does not reveal non-decision-making influences like intra-party negotiations and agenda setting. For each specific context there are always additional means of representative's dissent: through early day motions in the British House of Commons, private members' initiatives or amendments, through informal channels, etc (Owens 2003).

Because of great variety between different countries, their legal rules and contexts, many of the legislative dissent studies are special cases. Part of these cases is explained through deputy's connection to his constituency in single-member district (SMD) systems or by any condition when legislator's motive of reelection forces him or her choosing individualist or factional strategy for compensation of identifiable supporters in own constituency (Owens 2003). These explanations are not always applicable for deep analysis of parliaments elected under proportional representation law (Leston-Bandeira 2009), and for Ukraine many of existing studies of party coherence and individual dissent are tied to mixed-member majoritarian (MMM) system that held until 2006 elections. Thus, most of the Verkhovna Rada members’ dissent manifestations studied previously, including party switching, turning independent, or creating own faction in the parliament, are not actual under PR system and imperative mandate. Even patterns produced under PR component of MMM system do not always work, because interaction between PR and SMD extends to the behavior of deputies in parliament (Herron 2002b).
So which factors influence manifestations of dissent in Ukrainian parliament? Several studies found that electoral, policy, and partisan factors influence deputy's decisions about loyalty and defection (Herron 2002a). Although all three factors matter, they do not fully and equally explain legislative behavior. Thames (2005) in his study of party switching in Verkhovna Rada discovers that among office-seeking motives, policy motives, and institutional factors, first one plays greater role. D'Anieri (2007) also finds that regional, ethnic, and linguistic cleavages in the society predetermine fragmentation of parties. Another set of institutional rules includes low costs of splitting parties that encourage personal ambitions of political leaders. For example, fragmentation of Rukh, one of the most rooted parties in Ukrainian politics, in 2000 cannot be explained by regional difference or by ideological incompatibility, but by high ambitions of new leaders and low costs of party splitting (D'Anieri 2007, p. 153). Provision of new electoral rules caused disequilibrium in parliament and did not solve fragmentation problems immediately. According to Sartori (1997, pp. 43-44) introduction of PR in countries with weak party systems, is likely to have little effect in strengthening parties. Thus, strong electoral system may prevent certain manifestation of dissent, but will not guarantee cohesion as well as consolidation of parties.

**Institutional Constraints of Legislative Dissent in Ukraine**

In this study we consider following institutional determinants: 1) constitutional constraints; 2) electoral law; 3) parliamentary regulations; 4) party's level of institutionalization; 5) deputy’s party relationship to the government (pro-governmental or oppositional).

Before constitutional changes took effect in 2006 year, Ukraine by most accounts was pure presidential republic, where the head of state was elected by popular vote for a defined term in office, and in which government was neither appointed nor dismissed by the parliament (D'Anieri 2007, pp. 135-137). Reform of 2004 year tied legislative and executive branch and strengthened parliamentary influence with a power to designate, approve, and force resignation of cabinet,
although president still has veto power and ability to stop any executive decree until Constitutional Court announces whether it complies with the Constitution\(^4\). The main problem that emerged as a result of these changes, was overlapping of powers between president on one side and legislative coalition with cabinet on another. It already manifested in long-term conflict between President Viktor Yushchenko and Prime Minister Yulia Tymoshenko, which blocked governmental work for several years.

Constitution doesn't account much for parties, but indirectly shapes party system and legislators' decisions to defect. Last constitutional reform produced instability by introducing disequilibrium of power for branches of government and uncertainty for members of legislative parties. As Owens (2003) states: system maturity and stability significantly impacts parties' coherence and discipline, because content of party's reputation will be less certain in the early years of new rules. Ukraine, which is still in the state of transition to more stable and well balanced constitutional system, offers uncertainty for all political actors. Members of parliament in order to increase own reelection perspectives try to hedge their risks by elaboration of individual voting strategy that reduces uncertainty and maximizes benefits.

Changes of electoral law and switching to pure proportional representation were introduced together with constitutional reform. Many deputies elected in majoritarian districts opposed such combination, but elites and leaders of large parties turned debates into "nested game": presenting electoral innovations in broader context of constitutional reform (Herron 2009, p. 47). In terms of legislative politics, implementation of PR law meant to exclude independents from parliament, empower party leaders, and impose stricter discipline with imperative mandate. Weak sides of new system are absence of link to local politics, persisting personalization of parties and that imperative mandate couldn't prevent party members from voting independently. Implementation of proportional representation also had unexpected consequences: instead of increasing it led to drop in effective

\(^{4}\) Article 106 of the Ukrainian Constitution: http://www.rada.gov.ua/const/consten/g.htm#r5
number of parties by two (Herron 2009, p. 63). With this parameter Ukraine become an outlier among post-Soviet republics having PR electoral system.

Parliamentary regulations, party structure and statutes comprise another set of constraints installed on the way of deputies’ dissent decision. Constitution requires parliamentary regulations to be voted as a law, thus imposing additional costs to change them. At the same time, regulations contain not only provisions on how to organize legislative work, but also clause on how to form coalition, that directly impacts on the way government may be formed. When Party of Regions and its allies at the beginning of March 2010 changed formulation of the regulations providing that the coalition may be formed not by factions (that is by legislative parties), but by individual members of those factions, it opened possibility for the opposition to create own governing coalition without holding new elections5. The new coalition became possible with the help of turncoats from other factions, who formally kept their membership.

Another important consequence of Rada’s regulations is inability of parties to control agenda through legislative committees. According to the law, bills have to be introduced on plenary sessions, not in committees, that makes individual deputies more independent in agenda setting. The clause that requires fixed majority of all members of parliament (226 deputies) in order for vote to succeed also produces mixed results. On the one hand it allows legislators to dissent against their parties by simply not showing up during the vote. On the other hand leaders, especially after enforcement of PR and imperative mandate, tend to control absentees by gathering their voting cards, and make informal "whips" to use them during important votes. Any measures aimed to make votes more "personal", e.g. by introducing fingerprints registration, failed6.

Parties enforce discipline of their members through selection of list participants before elections and through direct control of their behavior in parliament. Electoral cycle for Verkhovna

Rada after adoption of constitutional changes lasts 5 years, and we should expect increase in party discipline closer to the end of convocation terms. Within parliament, parties have lesser leverages over their members, so they become more encouraging and permissive in order to attain cohesion. Thus, discipline and level of dissent against party line directly depend on selection process, which in turn may depend on party's institutionalization level. Randall and Svasand (2002) describe 4 components of party institutionalization: systemness (organization), decisional autonomy (from sponsors), value infusion (members commitment), and reification (how party is established in the public imagination). For our study most important indicator is organizational structure, which is tightly connected to leadership style. Authoritarian leader even in a party with evolved organizational structure will constrain internal political processes trying to control and adopt them for achieving personal interests. In short-term perspective leader-oriented parties behave more cohesively and vote unanimously, but with time dissenting deputies will tend to search for alternatives allowing them to attain personal goals. These dissenting MPs are revealed as soon as they find possibilities to continue without adhering party line. 

In Ukraine all leaders have significant influences over their parties, but if Block of Yulia Timoshenko and Block of Lytvin are unthinkable without leaders they were named for, Party of Regions, despite its strict discipline, is more diverse and stable in terms of absorbing different interests. Distinct case is Our Ukraine which was formed in order to bring Yushchenko to power and guarantee his interests in parliament. But due to weak leadership the only propresidential party in legislature was the least coherent and disciplined. We conjecture that mature parties with higher level of discipline and evolved organizational structure are doing better in channelizing ambitions of their members and lobbying their interests, thus maximizing voting unity.

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7 For BYuT, which has clearly defined authoritarian leadership, such situation repeated twice in similar circumstances (in 2007 and 2010): its deputies started to defect each time when Party of Regions created governmental coalition (See: Figures 1 and 2).

8 We can see that from example of government formation. Party of Regions is attracting different leaders who can fill in vacancies in Cabinet, while BYuT been in government always experienced lack of cadres.
Another group of determinants playing important role in dissent behavior manifestation are so called “situational factors”, which include governing status of the party and political consequences of government policy. It is considered that governmental parties have greater access to different kinds of resources and thus can satisfy personal ambitions of potential defectors (Laver and Benoit 2003). In order to gain access to required resources, leadership of oppositional party in parliament can make situational alliances with governing coalition in voting for certain kind of bills. In Ukrainian Verkhovna Rada such behavior is more typical for smaller oppositional parties like Lytvin Block and Communist Party. Thus, party's access to important resources depends on governing position and leaders' capability to make situational alliances and agreements in order to provide for interests of distinct members. Also, cohesion of oppositional party to a great extent is defined by its perspectives to regain power. In case when such perspective is unclear the most ambitious and the least satisfied deputies will start to search cooperation with other parties. On the other hand, members of oppositional parties are constrained in their dissent opportunities by propensity of governing coalition to cooperate: when Party of Regions formed coalition in 2010, there were many deputies in oppositional parties ready to join, but not all of them were accepted⁹. Reluctance of governing coalition to accept additional supporters was caused by high costs of compensation that potential defectors asked. For coalition, benefits of having additional members were too low in comparison to required costs.

Other possible causes of dissent are policy measures adopted by governing coalition that can mobilize electoral or corporate groups connected to certain MPs. As we will argue below, policy motives for dissent are more typical for more popular deputies.

**Individual-Level Dissent Determinants**

Measuring individual-level dissent determinants of party members allows us to generate a model that is more common for various parliamentary settings and types of political systems. Individual level of dissent includes all motivations driven by ambitions and expectations of personal payoffs. It is considered that there are two main personal motivations: office-seeking and policy-seeking. Although U.S. Congress scholars generally agree that reelection goal can explain most cases of the legislative behavior, in Ukrainian context this assumption will not always work, because inclusion of candidates into a party list could be based not only on previous performance, but also on quotas of factions inside party, personal popularity of politician, or on previous agreements with defectors from other parties. Closed party lists prevent voters from controlling each individual candidate and inflate accountability motivation for less popular members. Given these considerations we will replace office-seeking motivation with more general “rent-seeking” approach, which also includes any additional benefits not connected to reelection goal.

Among individual-level motivations, policy-seeking deserve separate consideration, because it allows uniting preferences of different deputies and voters. Policy motivation is an individual-level decision of MP concerning provision of certain policy, which contrary to personal rents produces public goods and benefit many. Given that policy actions provide public goods, and decision to dissent is taken on individual level, we may assume that politicians should receive some selective benefits, which compensate them transactional costs related to such decision. In systems with high institutional constraints, e.g. closed-list PR and imperative mandate, the price of dissent can be as high as losing seat at the next elections. Moreover, dissenting deputy can lose support of own party on other important for her issues and been denied from access to legislative resources available at party level, as a result of disciplinary action. Such risks can be compensated by another party, able to include defector in its list or support his policy, but in turn, dissenting deputy should bring benefits compensating transactional costs for receiving party (Laver and Benoit 2003). Besides of gaining additional vote, receiving party may expect to benefit from public popularity of
dissenting deputy, that will bring direct electoral payoffs, or, as it can happen in Ukrainian context, ability of the defector to finance party directly or through drawing new interest groups supporters. In the first case candidate will get position at the top of the list, in later he will be placed closer to the bottom.

Dissenting with policy motivations which target realization of public goods aims to capture public attention. This task is much easier for politicians with high popularity, whose name is associated with such policy or can draw attention to it. For less popular deputies such motion may lead to public recognition, but may also pass unnoticed, because of high costs of media access and uncertainty of public reaction.

Rent-seeking motivations, by definition, do not provide for public goods and do not require party member to be popular. These motivations include reelections goals, corporate or personal rent-seeking, and promotion to higher governmental position. Reelection goal is significantly elaborated within studies of single-member district (SMD) systems, and within that context it requires professional politicians to a certain extent independent from their party and able for personal utilization of congressional resources in order to get reelected. In systems with strong legislative parties, their members are less independent; most of the times do not have access to resources on individual level, and cannot directly appeal to their constituency in order to be reelected. Thus, dissent with reelection motivations in PR is possible only in circumstances when other party suggests list position which is much more certain than current, or in case when MP’s own party has dim reelection perspectives.

Defection caused by promotion to higher office position is more probable in case of popular politician, because only popularity or exceptional skills may become a reason for other party to ask him for valuable governmental position. In that case defector tries to increase his or her popularity by credit claiming for provision of public policy. Considering the risk of been not enough influential
in other's party team, politician has to have enough popularity reserve in order to continue his career in case of resignation\textsuperscript{10}.

Direct personal or corporate payoff is the simplest possible motivation, because its effect is immediately tangible. Usually, dissent based on such grounds lessens probability of reelection and negatively impacts personal image of deputy. Considering that for popular politicians loss of access to power is the biggest threat, we should expect that such alternative will be more applicable to the middle and bottom list members\textsuperscript{11}.

Summarizing stated above we can conclude that politicians with higher personal popularity risk more when dissenting on motivations of individual benefit, and gain more from defection on policy issues. Less popular party members are constrained in policy dissent because of higher costs getting to public and risk to lose everything, that makes them more inclined to dissent based on rent-seeking motivations.

\textbf{Means of Expressing Dissent in Ukrainian Parliament}

Interaction between different forms of personal motivations and institutional factors generates numerous ways of dissent expression in Ukrainian legislature: 1) voting abstention; 2) vote explanation; 3) participation in parliamentary debates; 4) legislation sponsorship; 5) vote defection; 6) leaving faction.

As it was mentioned above, legal requirement for majority of full Rada’s membership in order to approve a bill, made abstention very effective mean of dissent. Although party factions in parliament often use abstention tool as a way to say "no" for a bill, they also try to control own

\textsuperscript{10}Two prominent office-seeking defectors in 5\textsuperscript{th} and 6\textsuperscript{th} Radas: Anatoliy Kinah and Raisa Bogatyryova, were very well known to the public and had support of influential business-groups outside parliament.
\textsuperscript{11}In Ukrainian context it could be businessmen, sponsoring the party, and their satellites.
members for such behavior by gathering their voting cards. In Rada's roll call record there are three options voting down the bill besides saying “no”: “did not vote”, “abstained”, and “absent”. The most frequently used way to vote against the bill is "did not vote" option, which outnumbers all other entries in many times. Option of not taking part is the most convenient for later vote explanation in public both for individual dissenting deputies, and for the full faction, allowing more maneuvering than direct vote against. Because of its prevalence, "didn't vote" is the easiest way to dissent on rent-seeking motivations, making decision less visible to the public. Necessity to distinguish between deliberate dissent and other possible circumstances significantly complicates analysis of such votes for researcher.

As parties in Ukraine are still in their formation stage, they include many deputies with different personal records and policy preferences. Such members, whether voting in line or against their party, tend to appeal directly to their electorate if party’s vote contrasts with their previously stated political positions. In most cases such appeals are conducted through mass media, when deputy tries to explain his position. Explaining distinct personal position on the actual issues of the day could be considered as a dissent based on policy motivations and is used mostly by known politicians because their views are more familiar to voters, and they have easier access to mass media.

In order to express their own distinct position deputies also use floor debates, which effectively channelize their policy-seeking goals. Although most of the time members hold party line, sometimes legislators who introduced the bill, which is not supported by own party because of some political considerations, appeal to members of other factions and to voters. Floor debates are more accessible for deputies than mass media, but even then they are dominated by popular

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12 Practice of gathering members' voting cards is widely applied in different factions. For leaders it is the easiest way to guarantee voting discipline of their members. Cameras in Verkhovna Rada and many journalists witnessed numerous votes when “whips” pressed buttons for several seats of missing colleagues. Such measures from leadership often caused discontent among more popular politicians. For example see Dmitiy Vydrin’s comment: [http://www.kommersant.ua/doc.html?docid=760342](http://www.kommersant.ua/doc.html?docid=760342)
politicians, who use them as a tool to convey personal opinions to broader public. As a committee member deputy can work on certain bills with legislators from other factions. This very cooperation may be a mean of dissent on policy issues, and if own faction decides to vote down such bill, member can defect on that and consequent votes.

When legislator is voting for the bill, which is not supported by his own faction and this motion is not based on his previously stated distinct policy preferences or committee activity, than we can infer existence of unofficial agreement about exchanging vote for some particularistic benefits. Contrary to U.S. House of Representatives where MPs often give their votes in support of colleague’s constituency expecting same action in return, in Verkhovna Rada such agreements are settled at faction level. Each voting in support of opponent's bill is more visible than not voting for own, showing clear evidence of dissent. Considering that described voting defection is based on personal rent-seeking, we expect it to be carried out by less popular deputies at lower positions of party list.

The most radical mean of expressing dissent in Ukrainian parliament is leaving faction. Although parties hold ownership over their member's seats, the law doesn't prescribe precisely what to do in such cases\textsuperscript{13}, and deputies that left factions or were excluded from them continue as independents. Such events are comparatively rare and it is possible to account each case individually\textsuperscript{14}. The deputies who left their factions were at the different positions in party lists and their exclusions produced different amount of media feedback. One part of the cases is explained by voting dissent, another by conflict with leadership over policy issues. For example, Taras Chornovil and Inna Bogoslovska, who were top deputies in Party of Regions, explained their exclusion with

\textsuperscript{13} Article 81 of the Constitution of Ukraine prescribes that tenure of deputy is terminated early in case of “not inclusion” in any faction. But parliament regulations and law on “Status of Deputy” do not address this issue and it became increasingly polarizing between factions and between leaders and rank-and-file members. For details see: \url{http://www.kommersant.ua/doc.html?docId=824372&Issueld=41434}; \url{http://www.kommersant.ua/doc.html?DocID=844001&Issueld=46840} \\
\textsuperscript{14} see Table 3
inconsistency of party position on important issues. At the same time experts relate these defections with personal ambitions of both politicians. Recently Bogoslovska announced possible institutionalization of independents or even creating own faction if the new law will permit this. Such goals of the deputies are at odds with direct reelection purposes and clearly drawn from policy motivations that witness exclusive ambitions of popular politicians.

**Explanation of Legislator's Dissent**

The purpose of suggested model is to explain cases of dissent against party line of rank-and-file legislators under latest Ukrainian PR closed-list electoral law with imperative mandate. In comparison to other explanations, current model provides for separation between context and personal decisions of deputies, thus allowing us to concentrate on individual-level motivations and then test them against different types of institutional determinants. In order to achieve these results we assume that there is two-level hierarchical relationship between factors influencing decision-making. The first level is context-dependent and includes institutional variables specific for each country. The second, individual level, allows us to make more general assumptions explaining deputies' defection.

We apply current model for explanation of dissent in Ukrainian context, but its design is generalized enough for usage in comparative perspective. Institutional determinants include constitutional constraints, electoral law, parliamentary regulations, party level of institutionalization, and relationship to the government (pro-governmental or oppositional), that determine deputies' behavior independently from their will. Individual-level factors include policy-seeking and personal

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15 Bogoslovska explained her defection by own presidential ambitions, and Chornovil said he was disappointed with failure of big coalition between BYuT and Regions party. At the same time both deputies left in parliament and as independents joined coalition created by Regions Party.  
(or particularistic) rent-seeking. It is assumed that institutional factors can work in two ways: 1) allow or prohibit certain behavior, and 2) determine probability of legislative decisions. Thus, we can describe interaction of institutional and individual factors as an individual decision to dissent stimulated or constrained by exogenous institutional settings. Although such decisions are only small subset of all decisions, which deputies make during legislative career, they serve as an important indicator of institutional arrangements.

Based on these considerations we can state two main assumptions of the model:

a) **There are two types of dissent determinants: institutional and individual.**

b) **Institutional-level factors are more stable in time and determine probability of individual-level decisions.**

Empirical observations show us that popular politicians tend to defect on policy issues, rather than on direct rent-seeking motivations. One possible explanation is that policy consistency works towards their popularity, thus increasing chances for reelection or promotion in government. High popularity guarantees them safe place in own party's list and simultaneously lowers transactional costs of dissent. In case of possible discipline sanctions from own party (e.g. exclusion from the list on next elections) popular politicians can always seek position in other parties’ lists or form own electoral unit. Ability to compensate high costs of dissent, imposed by institutional factors, with personal popularity makes policy-driven defections more probable in case of strict electoral and parliamentarian rules. This leads us to following predictions:

c) **The higher transactional cost imposed by institutional factors, the lesser probability of office- or rent-seeking type dissents against party line (only policy).**

d) **The higher popularity of a politician, the higher probability of his or her dissent despite institutional constraints.**

e) **MPs more known to the public will tend to dissent on policy motivations.**
For representatives with lower popularity rate, policy-driven dissent will bring fewer benefits, because it is less visible to the public. At the same time risks of coming out against party line for less prominent deputies are rather high (up to exclusion from the list), so if they make up their mind, they do it for personal, corporate, or other particularistic benefits, which can compensate reelection loss.

Changes in institutional settings can add or remove possible ways to dissent; they can also increase or decrease probabilities of defection, but will not change individual motivations of deputies:

\[ f) \quad \text{Change in institutional constraints can increase or decrease probability of defection, but not types of deputies’ individual motivations.} \]

Leaders of parliamentary parties in Ukraine understood that low transactional costs of defection had negative effect on party discipline, and decided to impose more restrictive electoral law with imperative mandate. According to predictions of our model new law limited dissent manifestations for many cases (party switching, voting against party line, etc), but at the same time it didn't change individual motivations which revealed themselves with first possibility and caused parliamentary crisis in 2007 followed by preterm elections.

**Evidences from Verkhovna Rada**

According to our expectations politicians in different parts of party list should express dissent in different ways. We define popular politicians as those who occupy higher positions in party list, and expect them to dissent on policy issues. The hard part of capturing such behavior is that even deputies who defected against own party in pursuit of particularistic interests, tend to explain their actions as policy-driven, because it lowers negative repercussions. We start with analysis of roll call data and after that address the issue of dissent type determination.

*Insert Figures 1, 2 about here*
Trend lines approximating data on parties’ voting in 5th and 6th Rada’s (Figures 1,2) show that despite overall high cohesion level, during periods of political changes some parliamentary factions significantly lost in unity. After preterm elections new Verkhovna Rada of 6th convocation (2007 – to current day) showed expected higher level of cohesion for all factions. In order to examine differences in voting dissent patterns, each party’s list was divided in 3 equal parts: top, middle, and bottom. Results in Table 1 show that most cohesive were Communist (CPU) and Party of Regions (PoR); Our Ukraine – Peoples' Self-defense block (OU–PS) was the least disciplined. In all parties besides OU–PS, bottom part of the list voted slightly more cohesively than top, but differences are not significant. OU–PS block showed less discipline because of split between pro-presidential and business groups inside faction. With decrease of Yushchenko’s influence on Ukrainian politics his block voted even more heterogeneously.

<table>
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<th>PoR</th>
<th>BYuT</th>
<th>OU–PS</th>
<th>Lytvyn’s Block</th>
<th>CPU</th>
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<td>0.892955</td>
<td>0.777952</td>
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<td>0.898807</td>
<td>0.785336</td>
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<td>0.907115</td>
<td>0.776645</td>
<td>0.965868</td>
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</tr>
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Table 1. Cohesion level in different parts of parliamentary factions lists of the 6th Rada, based on unity scores

Measuring dissent based purely on roll call data can cause some problems. First of all, if we calculate Rice scores of cohesion we will miss most of the “nay” votes that are expressed through abstention or not voting. Unity scores can account for this problem, but they cannot separate those absences which occurred because of valid reasons and thus do not relate to dissent. Another problem with roll call votes is that they are consisting mostly of noncontroversial and less important votes, which are not indicative. Even if we narrow down analysis to only polarizing votes, it will tell us little about motivations and reasons that lead to dissent. As we can see, pure analysis of roll call

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18 Calculated from voting data from Verkhovna Rada site: http://zakon.rada.gov.ua
19 RICE$_{ij}$ = |AYE$_{ij}$ - NAY$_{ij}$| for party i on vote j; where aye and nay are calculated as proportions of those who voted, and sum to 1.0.
20 UNITY$_{ij}$ = |AYE$_{ij}$ - NAY$_{ij}$| for party i on vote j; where the proportions are calculated as shares of all members of party i in the legislature.
data does not capture prominent dissents that led to reformatting of governmental coalition in 2008 and produced public and media resonance in 2009.

Considering that visible dissent cases were few in number, we try to narrow down the data to specific voting cases that will allow us detecting distinct dissent motivations and make inferences about model predictions. For example, we may consider votes casted against coalition by its members at the times when they were critically decisive, as votes serving particularistic interests of legislators. At the same time, if opposition party member defects permanently and after that neither joins coalition nor promoted to higher office position, then we may consider that his dissent is based on policy motivations.

<table>
<thead>
<tr>
<th>#</th>
<th>Deputy Name</th>
<th>List position</th>
<th>List part</th>
<th>Unity scores (from all votes)</th>
<th>Unity scores (from polarizing votes)</th>
</tr>
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<td>1.</td>
<td>Zubov Valentyn</td>
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<tr>
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<td>0.92</td>
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<tr>
<td>4.</td>
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<td>5.</td>
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<td>0.94</td>
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<tr>
<td>6.</td>
<td>Cherpi'kyi Oleg</td>
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<td>0.93</td>
</tr>
<tr>
<td>7.</td>
<td>Savchenko Igor</td>
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<td>0.94</td>
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<td>Bottom</td>
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<td>0.94</td>
</tr>
<tr>
<td>9.</td>
<td>Barvinenko Vitalij</td>
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<td>Bottom</td>
<td>0.83</td>
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</tr>
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</table>

Table 2. Deputies of BYuT who joined coalition formed by PoR, CPU, and Lytvyn’s Block (March-April, 2010)

In table 2 we put data on BYuT deputies who following crucial vote of no-confidence in the government headed by its leader Yulia Tymoshenko, joined coalition created by PoR, CPU, and Lytvyn’s Block. Although for OU–PS block this event wasn’t so important because of ongoing internal split, for BYuT leaders and members it had exceptional meaning. Considering this we expect that all defectors in BYuT faction at that moment pursued personal benefits. Table 2 supports

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21 Polarizing were considered those votes where difference between ayes and nays was no more than 20%
22 Information from: [http://korrespondent.net/ukraine/politics/1057130](http://korrespondent.net/ukraine/politics/1057130)
our prediction that in period critical for party future, defections will come from the bottom of the list.

<table>
<thead>
<tr>
<th>#</th>
<th>Deputy</th>
<th>Faction (number of deputies)</th>
<th>List position</th>
<th>List part</th>
<th>Unity scores</th>
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</thead>
<tbody>
<tr>
<td>1.</td>
<td>Kaplijenko Volodymyr</td>
<td>BYuT (155)</td>
<td>148</td>
<td>Bottom</td>
<td>0.91</td>
</tr>
<tr>
<td>2.</td>
<td>Zadyrko Genadij</td>
<td>BYuT (155)</td>
<td>111</td>
<td>Bottom</td>
<td>0.87</td>
</tr>
<tr>
<td>3.</td>
<td>Rybakov Igor</td>
<td>BYuT (155)</td>
<td>78</td>
<td>Middle</td>
<td>0.37</td>
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<tr>
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<td>BYuT (155)</td>
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<td>5.</td>
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<td>Party of Regions (172)</td>
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<td>0.76</td>
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<tr>
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<td>Party of Regions (172)</td>
<td>35</td>
<td>Top</td>
<td>0.91</td>
</tr>
</tbody>
</table>

Table 3. Deputies excluded from their factions in 6th Rada 2007-2010

Table 3 shows all deputies excluded from their factions in 6th convocation of Ukrainian parliament. Only two largest parties used ousting as a disciplining instrument. We can see that for BYuT, which was in government formed by narrow coalition and considered each individual vote as crucial, there is only one defector at the top of the list and he did not join new coalition created by PoR. All other BYuT deputies were excluded for voting dissent and were closer to the bottom of the list. Contrary to BYuT, in PoR (which was in opposition) all excluded members were closer to the top of the list; they never joined coalition headed by BYuT and voted separately. Thus, we can infer that those are policy-seeking dissidents.

Drawing such conclusions we should consider other possible influences, e.g. party institutionalization and broader political context. But data for both governmental and oppositional parties proves that even if there are external influences, they cannot change motivations of

23 Based on data from Verkhovna Rada site: [http://zakon.rada.gov.ua](http://zakon.rada.gov.ua)
24 The only outlier is popular politician Grygorij Omelchenko who split with his party after joining bipartisan group that revealed scandalous information alleging several party members in pedophile crimes. See: [http://www.kommersant.ua/doc.html?DocID=1256091&IssueId=7000253](http://www.kommersant.ua/doc.html?DocID=1256091&IssueId=7000253)
legislators: top party politicians in order to preserve their popularity will dissent basing on policy issues and backbenchers, if dare, will mostly choose rent-seeking option because it is more tangible and less risky.

Summarizing analysis of the data we can state that popularity of a politician indeed has influence on type of her dissent. Mixed results were received according to predictions c and d of the theoretical model: despite implementation of PR system and imperative mandate, deputies did not cease to dissent on particularistic motives. Continuation of rent-seeking by individual deputies could be explained by low effectiveness of the institutional constraints. Imperative mandate, as it turned out, did not have immediate application, and BYuT, which excluded four members from own ranks, found itself in difficult situation after moving to opposition\(^{25}\). Splashing increase of defectors after changing Rada’s regulations (in 2010) proved our prediction about hidden dissenters, who revealed themselves at the first opportunity.

**Conclusions**

Studies of interaction between individual and collective motivations inside legislative parties still have not reached the level of generalized theory which could explain different dissent manifestations in comparative perspective. Research of the Ukrainian legislature gives us opportunity to analyze party defection in context of PR electoral system in its making. We suggested a model explaining party members’ defection on the individual level. Main explanatory factor is deputy’s public popularity, which provides him safe place in the list. After examining the data from Verkhovna Rada of 6\(^{th}\) convocation we discovered that institutional barriers aimed to constrain deputies dissent appeared to be only partially effective, and there is no direct connection between MP’s previous voting record and decision to defect. Despite high level of cohesion, which was

\(^{25}\)In less than 6 month after exclusion of three deputies from its list BYuT decided to include them back into faction in order to prevent them from joining coalition. See: [http://lb.com.ua/news/politics/2010/03/03/29819_zadirko_rasskazal_zachem_byut.html](http://lb.com.ua/news/politics/2010/03/03/29819_zadirko_rasskazal_zachem_byut.html)
shown by roll call data, even single cases of defection decided fate of the coalition. Members at the top list positions tend to dissent on policy motivations, and those who are closer to the bottom, ground their defection on particularistic interests.

Findings and observations made in current research may become foundation for further study of interaction between institutional and individual causes of legislators’ dissent behavior. The next step could be application of this model for comparison of deputies’ dissent between different electoral systems, which functioned in Ukraine and generalize it for broader comparative usage.
Bibliography


Figure 1. Parties’ voting cohesion in 5th Verkhovna Rada*

* Selection shows period of political crisis which started when individual BYuT and OU deputies began joining coalition, and finished when those two parties resigned their mandates in order to force early elections.
Figure 2 Parties’ voting cohesion in 6th Verkhovna Rada*

*Selection shows period of presidential electoral campaign which finished with ousting of BYuT and OU-PS from government and formation of coalition based on Region’s Party.