On Laws of Politics and How to Establish Them

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ABSTRACT Alfred Cuzán proposed five "laws of politics" that allegedly govern elections in democracies. Drawing from insights in the general philosophy of science and the philosophy of the social sciences, I argue that—although his empirical evidence is impressive—he failed to develop a convincing argument for calling the five theses "laws." This article discusses other examples that often are claimed to be "laws of politics" and describes the global picture supporting this analysis.

This article is a philosophical evaluation of the argumentation strategy used by Alfred Cuzán in his articles titled "Five Laws of Politics" (2015) and "Five Laws of Politics: A Follow-Up" (2019), both published in this journal.

In his original article, Cuzán relied on an analysis of 426 elections in 23 presidential and parliamentary democracies to claim that elections in democracies are governed by five laws. In his follow-up article, which enlarged the evidence base to 971 elections in 74 countries, these laws were conveniently summarized as follows (Cuzán 2019, 457; italics in original):

1. *Law of Minority Rule.* On average, 75% of the electorate turned out to vote, of whom 42% marked their ballots for the incumbents—the president's or prime minister's party—which yields a support rate of less than one third of the electorate.
2. *Law of Incumbent Advantage.* Incumbents win reelection 60% of the time.
3. *Law of Shrinking Support*, also known as "the cost of ruling" [...]. The incumbents incur a loss of support between elections averaging 4 percentage points.
4. *Law of the 60% Maximum.* The incumbent-party candidate succeeded at crashing that ceiling in fewer than 3% of cases.
5. *Law of Partials.* No single party or coalition of parties can harmonize the diversity of interests and opinions of the electorate. [...] On average, any one party serves two terms for a total of eight years in office.

This article focuses on the following question: What type of arguments should we use to support the claim that these theses are laws? My view is that Cuzán did not offer the right type of arguments. I explain in detail what is missing and how the argumentative gap could be filled. My criticism and proposals do not necessarily imply that I disagree with Cuzán's conclusions. This article is mainly about what type of arguments we should use

to support his conclusions and similar claims about laws in political science. Its novelty lies in the application of general philosophical insights to Cuzan's claims, not in these insights themselves. The latter have been elaborated on and defended in detail in previous work (see Weber et al. 2022).

The first section presents Cuzán's concept of law in politics and the characteristics of his evidence base. The second section explains—based on previously published work—that an argument for calling a claim a "law of politics" should contain an empirical part as well as a theoretical part that describes underlying mechanisms. The third section uses a familiar example (i.e., Duverger's law) to illustrate this account. The fourth section applies the general philosophical insights to Cuzán's arguments and conclusions. I contend that his arguments are inconclusive and that we must suspend our judgment on whether these theses are "laws."

CUZÁN'S DEFINITION AND EVIDENCE BASE

This section explains how Cuzán defines "law of politics" and describes his evidence base. This is important for understanding the argument that is developed in this article.

What Is a Law of Politics?

In the introduction to his original article, Cuzán (2015, 415) clarified what he meant by a law of politics: "By a 'law' of politics, I mean an invariant or almost invariant empirical regularity that is descriptive of intrinsic properties of politics and the state." I adopt this definition and agree with Cuzán (2015, 415) that political scientists should not refrain from claiming that there are laws of politics in this sense.

An important feature of this definition is that laws are a subset of empirical regularities. Some philosophers of science (e.g., Cohen and Callender 2009) proposed to call the principles that best systematize the knowledge in a given discipline "laws." This is a piecemeal approach to laws that states that every scientific discipline (not only physics) can have laws. Cohen and Callender (2009, 24) suggested that there are laws (in this sense) in not only, for example, high-energy particle physics and fluid dynamics but

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also botany, ecology, and economics. This concept of law does not seem useful in political science: it is unclear whether political science can be systematized in any meaningful way. Doing so would require that all important knowledge in the domain is derived from a few theoretical principles. However, what is crucial is that laws—for both me and Cuzán—are empirical generalizations, not axioms in a deductive system, as Cohen and Callender (2009) proposed. In other words, we consider *empirical* laws, not *theoretical* laws (e.g., Newton's laws of motion).

The second important feature of the definition is that it does not require laws to be deterministic: laws are invariant *or almost invariant* empirical generalizations. It has been emphasized in both the general philosophy of science and the philosophy of the social sciences that laws can have exceptions. For instance, Mitchell (2001, 248–49) explicitly stated that her pragmatic account of scientific laws allows them to have exceptions. She provided Mendel's laws in genetics as an example. In the philosophy of the social sciences, Goertz (2012, 103) defended the view that the canonical form of laws in the social sciences is "(Almost) all/none A are B." The idea is that in each discipline, some empirical regularities of this form are singled out as special and

Sweden, and the United Kingdom). In general, two decades of free elections were required for inclusion in the evidence base. As previously mentioned, the countries included both presidential and parliamentary democracies.

SOCIAL MECHANISMS AND EMPIRICAL LAWS IN THE SOCIAL SCIENCES

This section contends that an argument for calling a claim a law of politics should contain an empirical part as well as a theoretical part that describes underlying social mechanisms. I first explain the concept of spatiotemporal stability, which is a core concept in the general philosophy of science literature on laws. I then introduce the notion of social mechanism, which is a core concept in many branches of the philosophy of the social sciences (e.g., in debates on causation, explanation, and multi-method research). Finally, I use these two core concepts to elaborate my account.

The account I propose was defended in previous work (Weber et al. 2022). This summary incorporates the concepts and principles that are necessary to understand what—in my view—is missing in Cuzán's argumentation strategy.

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thought to be deserving of the label "law" (Goertz 2012, 98).

The third important feature of Cuzán's definition is "intrinsic property." Cuzán did not clarify this notion. Near the conclusion of his original article, he stated that laws describe "properties and patterns inherent in the very nature of politics in the state" (Cuzán 2015, 418).

Empirical Evidence for the Five Laws

In Cuzán's original article, four of the laws are presented as spanning democracies and dictatorships; the fifth law is believed to set the boundaries between the two (Cuzán 2015, 415). In his follow-up article, the laws are said to govern elections in democracies. The autocratic regimes disappear from the analysis. As previously mentioned, the democratic part of the 2015 evidence base contained data from 426 elections in 23 democracies. The original dataset also included more than 100 controlled "elections" in 15 autocratic regimes. Cuzán was confident about his data: "The regimes hail from large and small countries and different times and cultures. Thus, there is sufficient variation in the data to enable one to generalize with confidence" (Cuzán 2015, 415).

This confidence is not unfounded, especially when we consider the enlarged 2019 evidence base. As for geographic distribution, Cuzán analyzed election results from Africa (i.e., Botswana and Namibia); America (i.e., Canada, the Caribbean, Latin America, and the United States); Asia (i.e., India and Japan); Europe (i.e., the developed democracies of Western Europe as well as post-communist Europe); and the "antipodes" (i.e., Australia and New Zealand). Concerning time, some data date from the nineteenth century (i.e., Canada and the United States), other data to the first half of the twentieth century (i.e., Australia, New Zealand,

Spatiotemporal Stability

In the general philosophy of science, the idea of "law" often is connected to the notion of spatiotemporal stability. Empirical regularities can have more or less temporal stability and more or less spatial stability. A well-known example from the philosophical literature on scientific laws illustrates this (see, e.g., Mitchell 2000, 246). Consider the following claims:

(G) All gold spheres on Earth have a diameter of less than 10 meters.
(U) All uranium spheres on Earth have a diameter of less than 10 meters.

Both claims are true *now*; however, there is an important difference. The critical mass for enriched uranium is only a few kilograms. Therefore, we cannot create a uranium sphere with a diameter of 10 meters because there is a theoretical limit to how big uranium spheres can be, given their instability. This means that we have good theoretical reasons to believe that (U) will be true in the future and has been true in the past for a long time. In other words, we have reason to believe that (U) has high temporal stability.

This contrasts with (G). This claim is true because it happens to be the case that no one produced such a sphere until now. There is sufficient gold in the world and there is no reason to believe that the sphere would explode. Therefore, claim (G) should be attributed a lower temporal stability; that is, it is true now but it very well may be false in one month, in one year, or in a thousand years.

The same line of reasoning can be developed with respect to the spatial regions in which a claim is valid. Some claims are considered to be valid in the entire universe and some in more restricted

regions (e.g., on the entire Earth or on parts of it). This means that in addition to degrees of temporal stability—as illustrated in (G) and (U)—we can distinguish degrees of spatial stability.

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category of objects has considerable spatial stability (i.e., its validity is not limited to a small region) and also considerable temporal stability (i.e., it was true in the past and will remain true as long as certain conditions hold). These conditions are determined by the underlying mechanism that produces the regularity—which brings us to the second core concept.

Social Mechanisms

In the general philosophy of science, the standard definition of "mechanism" is "a mechanism for a phenomenon consists of entities (or parts) whose activities and interactions are organized so as to be responsible for the phenomenon" (Glennan and Illari 2018, 2). This is a minimalistic characterization because not much is required for something to be a mechanism; many types can exist. The most important constraint is that mechanisms are compounds—that is, they can be decomposed into entities. Types of mechanisms can be identified by imposing constraints on the types of entities and activities. Social mechanisms are one such type. Steel (2011, 298) characterized them as "Social mechanisms in particular are usually thought of as complexes of interactions among agents that underlie and account for macro-social regularities." In this definition, agents are not only individual persons. For instance, corporations, government bureaus, and charitable organizations can be perceived as agents because they are coordinated groups of individuals with common objectives (Steel 2011, 298). Social mechanisms usually involve categorization of agents, and the behavior of agents is determined at least partly by the social roles that they occupy (Steel 2011, 299).

A Regulative Principle

My view is that all disciplines in the social sciences should adopt the following regulative principle with respect to the concept of "law":

1. As a general rule, call empirical regularities of a given discipline that are spatiotemporally stable *in a relative sense* (i.e., compared to the bulk of regularities in that discipline) "laws" as a mark of their special status within the discipline.
2. To decide which theses deserve this special status, assess their spatiotemporal stability by inquiring into the social mechanisms that are responsible for the relationship described in the claim.

This regulative principle creates an intimate link between (social) laws and (social) mechanisms. First, laws ontologically depend on mechanisms: relatively stable relationships at the macro level are produced by relatively stable underlying social

mechanisms. Second, there is epistemological dependence—that is, we cannot judge whether a claim deserves to be called a law if we do not have sufficient knowledge about the underlying social mechanisms.

Before I apply my account to Cuzán's proposals, I provide an example of how it could work in the case of Duverger's law. This example serves as a contrast: whereas I think that we must suspend judgment with respect to the five alleged laws that Cuzán proposes, I believe there are good reasons for calling Duverger's law a "law of politics."

INTRINSIC PROPERTIES OF POLITICS AND THE STATE: DUVERGER'S LAW

Maurice Duverger became famous in the 1950s for his work on the relationship between electoral systems and the number of political parties. His key propositions were as follows (Duverger 1986):

- The simple-majority single-ballot system favors the two-party system.
- Proportional representation favors multi-partism.
- The majority system with a second-round runoff favors multi-partism.

The first proposition became known as Duverger's law, although the other two also describe (according to Duverger) an intrinsic property of the electoral system at hand. In his view, there is something inherent in the way in which simple-majority single-ballot systems function that makes them favor the two-party system. However, there also is something inherent in the way that electoral systems with proportional representation function that make them favor muli-partism.

The status of Duverger's law and his other propositions have been discussed by political scientists (e.g., Benoit 2006 and Blais 2016). We argued in previous work that the three propositions should be viewed as laws (Weber and De Bal 2018). In the account used here, laws are not always deterministic: *almost* invariant empirical generalizations also can be laws. This is important in Duverger's case. Strict deterministic formulations, such as "The simple-majority single-ballot system always leads to the two-party system," are invalid because there are exceptions. What is at stake is whether these nondeterministic versions (which use the probabilistic causal term "favor") can be viewed as laws. Our answer was affirmative.[1]

Duverger conducted a comparative study of the relationship between electoral systems and the number of parties. His empirical evidence showed that there is a correlation. To move from correlation to causation, Duverger brought in causal direction by invoking two social mechanisms: the "mechanical effect" and the "psychological effect." The following discussion clarifies why this can function as a contrasting case.

The "mechanical effect" refers to systematic overrepresentation (in the parliament) of large parties due to the conversion rules. There always is a certain mismatch between share of votes

and share of seats. The key to understanding the mechanical effect is that the degree of overrepresentation of large parties varies: in simple-majority single-ballot electoral systems, application of the electoral rules leads, on average, to higher overrepresentation of large parties than the application of electoral rules in proportional-representation systems. The mechanical effect is inherent in the conversion procedure; therefore, it is present in all countries in which votes are processed correctly (i.e., where there is no fraud). Therefore, the properties attributed by Duverger are intrinsic properties of the three electoral systems.

The "psychological effect" is produced by the behavior of political actors in response to electoral rules. Voters who anticipate that their vote may be wasted may become what is called "strategic deserters"; the risk of a wasted vote is higher in a simple-majority single-ballot system. The psychological effect occurs if there is a substantial number of strategic deserters among the electorate. However, the first mechanism (i.e., the mechanical effect) is sufficient to make the properties attributed to electoral systems intrinsic properties. We have theoretical reasons to believe that the claims are valid because political elections exist and will remain valid as long as democratic political elections continue to exist.

APPLICATION

This section applies the regulative principle described in the second section to Cuzán's claims, evidence, and arguments.

the five theses as laws can be developed only by substantially elaborating on these hints.

Implications

Because the arguments are inconclusive, we must suspend judgment. The issue can be settled only by an extensive investigation of potential underlying mechanisms. Cuzán referred to a few papers that contain brief descriptions of mechanisms that could be elaborated and investigated further. For instance, Stokes and Iversen (1962, 159) suggested that interest groups have a biased memory (i.e., favors granted are less well remembered than favors not granted). Another mechanism they suggested is that parties that are not in power can make extravagant promises, whereas parties that are in power are bound by what they can deliver (Stokes and Iversen 1962, 159). These may be mechanisms that are relevant for the third regularity. Lebo and Norpoth (2007, 72) suggested a different mechanism: a party that is in power is bound to make mistakes and disappoint its supporters. These brief descriptions are avenues that should be investigated to make a final judgment on the status of Cuzán's laws.

EMPIRICAL LAWS IN POLITICAL SCIENCE: THE GLOBAL PICTURE

As previously discussed, I believe that political scientists should not refrain from calling certain empirical regularities laws. This is an implication of my regulative principle, which entails that every

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Inconclusive Arguments

Cuzán paid attention to spatial variation in data: wide geographical distribution was important for him, and his data for some of the countries date from the nineteenth century. However, spatial and temporal variation is not the same as spatial and temporal stability. Two crucial questions to be answered are as follows:

- What reasons do we have to assume that if a new democratic regime is founded somewhere, its elections will be governed by the same regularities as the elections analyzed by Cuzán?
- What reasons do we have to assume that the trends that have been observed in the distant past (for Canada and the United States) and the more recent past (for all countries) also will manifest in the future?

These questions are not answered in Cuzán's articles. Therefore, there is no argument for the spatial or temporal stability of the alleged laws. Cuzán did not investigate or describe the underlying mechanisms in detail; there only a few hints. In the discussion of Law #2 (i.e., incumbent advantage), he wrote that "the selectorate may be somewhat biased in favor of the 'devil' they know" (Cuzán 2015, 416). The conclusion of the follow-up article suggested that the laws may be "a function of mechanical or statistical features of democratic institutions" (Cuzán 2019, 459). A good argument for or against considering

discipline can have its own laws. This section clarifies my position with respect to common examples in the literature and includes a general reflection on the relationship among laws, mechanisms, and explanation.

Popular Cases

My view on Duverger is that his three propositions deserve to be called laws. My argument for this, summarized previously herein, is presented in Weber and De Bal (2018). As a consequence, I disagree with Benoit (2006, 76), who wrote that Duverger's law "retains the label of 'law' mainly through force of habit." I believe there are good epistemological reasons for calling Duverger's propositions laws.

I also believe that there are good epistemological reasons for agreeing with Davenport (2007) that there is a law of coercive responsiveness, which is the main example in Weber et al. (2022). We argued that if our regulative principle is applied, a positive argument results.

For other interesting cases, I suspend judgment because I have not applied the regulative principle to them. The first case is the democratic peace proposition. Levy (1994, 352) famously wrote:

> The idea that democracies almost never go to war with each other is now commonplace. The skeptics are in retreat and the proposition has acquired a nearly law-like status, confidently invoked by policy makers as well as by scholars.

In future research, I plan to scrutinize this "confidence" through my account. Another interesting case is the so-called iron law of oligarchy, which states that organizations—after some time—inevitably are ruled by a small elite group. This thesis was originally presented by Michels in 1911 and in German was translated as Michels (1915). My third case is the principle of balance of power, stated as follows:

> [A]s a nation's power grows to the point that it menaces other powerful states, a counterbalancing coalition emerges to restrain the rising power, such that any bid for world hegemony will be self-defeating (Schweller 2016, 1).

An interesting starting point is Levy and Thompson (2010), in which they argued that this principle is not an "iron law." To summarize, these are at least three examples that I want to investigate in future research.

Laws, Mechanisms, and Explanation

Because of the ontological and epistemological dependence of laws on mechanisms, my account can be called a "mechanistic conception of laws." Many social scientists (e.g., defenders of mixed-methods research) emphasize that knowledge of causal mechanisms has an explanatory role: it is important because it provides insight into how causal relationships at a higher level are produced. I agree with this and add an element to the global picture: underlying mechanisms can be more or less stable, which warrants singling out some claims as laws. This also is what my account adds to the idea of evidential pluralism—in medicine and in the social sciences—as it is elaborated and defended in Shan and Williamson (2021).

CONCLUSION

Alfred Cuzán's (2015, 418) original article concluded with the following reflection:

> If, on reflection, these laws appear elemental—describing properties and patterns inherent in the very nature of politics and the state—the question then becomes: Why are they not presented in every course of political science? I submit that we, as a discipline, have been too diffident about professing what we know about our subject.

I agree that political science as a discipline should have the confidence to present certain claims as empirical laws. However, Cuzán's five theses need more reflection—in the form of investigation into underlying social mechanisms—before we can decide whether they deserve the label "laws of politics." ∎

REFERENCES

Benoit, Kenneth. 2006. "Duverger's Law and the Study of Electoral Systems." *French Politics* 4:69–83.

Blais, André. 2016. "Is Duverger's Law Valid?" *French Politics* 14:126–30.

Cohen, Jonathan, and Craig Callender. 2009. "A Better Best System Account of Lawhood." *Philosophical Studies* 145:1–34.

Cuzán, Alfred G. 2015. "Five Laws of Politics." *PS: Political Science & Politics* 48:415–19.

Cuzán, Alfred G. 2019. "Five Laws of Politics: A Follow-Up." *PS: Political Science & Politics* 52:457–64.

Davenport, Christian. 2007. "State Repression and Political Order." *Annual Review of Political Science* 10:1–23.

Duverger, Maurice. 1986. "Duverger's Law: Forty Years Later." In *Electoral Laws and Their Political Consequences*, ed. Bernard Grofman and Arend Lijphart, 69–84. New York: Agathon Press.

Glennan, Stuart, and Phyllis Illari. 2018. "Introduction: Mechanisms and Mechanical Philosophies." In *The Routledge Handbook of Mechanisms and Mechanical Philosophy*, ed. Stuart Glennan and Phyllis Illari, 1–9. Abingdon, UK, and New York: Routledge.

Goertz, Gary. 2012. "Descriptive–Causal Generalizations: 'Empirical Laws' in the Social Sciences?" In *The Oxford Handbook of Philosophy of Social Science*, ed. Harold Kincaid, 85–108. New York: Oxford University Press.

Lebo, Matthew, and Helmuth Norpoth. 2007. "The PM and the Pendulum: Dynamic Forecasting of British Elections." *British Journal of Political Science* 37:71–87.

Levy, Jack. 1994. "The Democratic Peace Hypothesis: From Description to Explanation." *Mershon International Studies Review* 38:352–54.

Levy, Jack, and William Thompson. 2010. "Balancing on Land and at Sea: Do States Ally against the Leading Global Power?" *International Security* 35:7–43.

Michels, Robert. 1915. *Political Parties: A Sociological Study of the Oligarchical Tendencies of Modern Democracy*. New York: Hearst's International Library.

Mitchell, Sandra. 2000. "Dimensions of Scientific Law." *Philosophy of Science* 67:242–65.

Schweller, Randall. 2016. "The Balance of Power in World Politics." In *Oxford Research Encyclopedias, Politics*. https://doi.org/10.1093/acrefore/9780190228637.013.119.

Shan, Yafeng, and Jon Williamson. 2021. "Applying Evidential Pluralism to the Social Sciences." *European Journal for Philosophy of Science* 11: Article 96.

Steel, Daniel. 2011. "Causality, Causal Models, and Social Mechanisms." In *The SAGE Handbook of the Philosophy of Social Sciences*, ed. Ian Jarvie and Jesús Zamora-Bonilla, 288–304. London: SAGE Publications.

Stokes, Donald, and Gudmund Iversen. 1962. "On the Existence of Forces Restoring Party Competition." *Public Opinion Quarterly* 26:159–71.

Weber, Erik, and Inge De Bal. 2018. "Causation, Lawhood, and Determinism in Electoral Systems Research: Why 'Duverger's Law' Deserves to Be Called a Law." *French Politics* 16:80–95.

Weber, Erik, Karina Makhnev, Bert Leuridan, Kristian Gonzalez Barman, and Thijs De Coninck. 2022. "Thinking about Laws in Political Science (and Beyond)." *Journal for the Theory of Social Behaviour* 52:199–222.