Causes of Legislative Gridlock in the Korean National Assembly: Focusing on Issue Salience and Complexity

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I. Introduction

In Korea, legislative gridlock is usually considered as dysfunction of assembly. However, legislative gridlock in Korea also appears in the bill passage rate. Although bill passage rate has been declined rapidly since the democratization, legislative gridlock has only treated with institutional approach regarding operations at the National Assembly. Therefore, this study tries to treat legislative gridlock as bill passage rate and examine increasing phase of legislative gridlock in Korea.

Usually, legislative gridlock tend to seen more in the presidential state, both president and congress are elected by direct election and have dual legitimate, than the parliamentary government, conceptually major party takes over the right to establish the ministry. In other words, it is easier to be in the
state of legislative gridlock in divided government, where ruling party couldn’t secure the majority seats in the assembly. This is because to accept the president’s agenda in divided government means that major party admits the president’s ability and competitiveness. By this reason, major party have strong motivation to reject the president’s agenda.

Meanwhile, Jones focuses on the level of party polarization and parliamentary seat distribution as the main factor of legislative gridlock than whether the government is divided or not. If the level of party polarization is low, the chance to cross vote becomes higher and this drops the potential to be in the state of legislative gridlock by conflict. Also, if major party wins the majority that make party enable to filibuster or to reject the president’s power to veto, the possibility of legislative gridlock decreases (Jones 2001).

On the other hand, in the context of Korea, party politics has been blamed for the legislative gridlock. Meantime, an issue of party conflict in Korean politics was rather basic structure of political system than policy alternative, which have character of power struggle. Party conflict problem in Korean politics also explained by the lack of council autonomy and stiffness of party discipline (박찬욱 1996). Meanwhile, competition to show their loyalty to the political party leaders can be a reason of legislative gridlock (김진하 2006). The legislative gridlock in Korea occurs when ruling party wins the majority and tries to promote the president’s political agenda. Ruling party’s unilateral enforcement was the way to break the legislative gridlock rather than compromise and conversation (전진영 2011).

However, this study tries to examine the Korea’s legislative gridlock problem in aspect of policy characteristic rather than structure or party. This study focuses on issue salience and complexity as the political characteristic of the bill and measured these characteristics based on the committee. This study proposes two hypotheses. First, as the level of salience and complexity increase, the gap of gridlock between legislator and government becomes larger. Second, as the level of salience and complexity decrease, the rise of gridlock becomes bigger than other committees. Moreover, this study present three assumptions why legislative gridlock occurs: blame shifting, clear needs of public, and political use.
Next, Chapter II discusses about the phenomenon of legislative gridlock in Korea, and chapter III will introduce salience and complexity as the cause of the legislative gridlock and establish the hypothesis. Chapter IV will explain how legislative gridlock links with salience and complexity in terms of three assumptions, and conclude the discussion in chapter V.

II. The Deepening of Legislative Gridlock in Korea

In Korea, legislative gridlock is an old problem and generally considered as the dysfunction of assembly. It is shown as the struggle between parties wrangling on key bills and understood as the situation that is impossible to be compromised by the formal rules and procedures. Therefore, blockade and occupation of the assembly and unilateral passage of the bill were easily seen in Korean politics and became chronic problem. But, not only that, legislative gridlock in Korea, also appears in bill passage ratio.

Legislative gridlock can be defined in many ways. Binder defines legislative gridlock as the state that the lawmaker and the president are unable to reach a compromise (Binder 2003). Quirk and Nesmith define as the state that government can’t take decisive, efficient, and reactive action in regard of major national issues (Quirk and Nesmith 1994). In Korea, however, separation of the congress and the government is not perfect, and they frequently showed a close relationship between the ruling party and the president. Moreover, defining legislative gridlock as the state that government can’t act appropriately in an urgent situation is too broad.

Meanwhile, Mayhew defined legislative gridlock as the rate of bills passed compared to bills that could be passed (Mayhew 1991). In this study we will broaden the Mayhew’s definition of legislative gridlock, the rate of bills passed compared to the number of bills proposed. Figure 1 is the graph of the rate of bills passed among the entire proposed bills in Korea. This graph shows the
trend that rate of bills passed is keep declining since the democratization. As we can see in Figure 1, in 13th National Assembly, the assembly shortly after the democratization, shows high percentage of bill passage rate(75%). However, this ratio kept fallen, showing 44% in 18th National Assembly. Nearly 10% drops in each assembly had made since 15th National Assembly. Moreover, passage rate of bills that proposed by legislators have been declined more prominently compared to that of government, and this gap between legislator and government are huge. Therefore, such result support that also in terms of bill passage, legislative gridlock is keep deepening.

Figure 1. Gridlock in Korea(13th-18th National Assembly)

III. Interaction with Issue Salience and Complexity

This study analyzes the phase of aggravating legislative gridlock in Korea. As seen above, many studies gave examples of divided government and party polarization as legislative gridlock. Also, rigid party discipline and weak legislator’s autonomy were discussed as the factors that cause legislative gridlock in Korea. However, this study defines legislative gridlock as the rate of bill passage, and tries to take policy’s political interaction and its characteristic approach than structural or political party approach. Therefore, bill’s policy traits that this study want to focus on are issue salience and complexity.

In this regard, Gormley divided the types of politics by intersecting issue salience and complexity to explain political processes of regulation issue network that can be applied on a level of state government, by political actor’s trait rather than economic theories(Gormley 1986). Gormley’s argument is based on Lowi’s assumption that political character of political process differs according to policy types. This paper tries to link legislative gridlock with this discussion by adjusting Gormley and Lowi’s argument. As this study deals with every bills proposed after the democratization, research is executed on committee basis instead of policy type, and measured committee in compliance with issue salience and complexity.

**Issue Salience**

Most studies of salience were discussed in relation between divided government and legislative gridlock. Mayhew have reviewed legislation of salient issues from 1947 until 1990 in U.S. Congress and discovered that divided government did not diminish the legislation of salient issues(Mayhew 1999). As Binder also proved that efficiency of legislation in unified government wasn’t higher than that of divided government, in case of highly salient issues, divided government is not a main factor of legislative gridlock(Binder 2003). Although, these studies couldn’t display the direct and systematic analysis that issue salience influence on legislative gridlock as they discuss about the interrelation
between divided government and legislative gridlock, they have shown the relevant influence of issue salience on legislative gridlock. Therefore, this study set issue salience as one of the main factors that influence legislative gridlock, and measured as the number of committee appearances in the articles from the four major newspapers. Four major newspapers are Chosun Ilbo(조선) and Joongang Ilbo(중앙), relatively known as conservative newspapers and Kyunghyang Shinmun(경향) and Hankyoreh Shinmun(한겨레), relatively progressive.

Complexity

Public hearing is in line with hearings. Both are the institutional mechanism that provide opportunity to participate for the people who have an interest when the congress screens the bill. However, unlike hearings target comprehensive issues, public hearings limit their examination to the bill screening. In general, by providing opportunity for the stakeholders of the bill to state their opinion, public hearing not only promotes the representativeness and legitimacy of the congress but also minimizes the social conflict and increases citizen's interest to the legislation by making issues popular. Also, public hearing only accepts stakeholders of the issue and people who have professional knowledge or experience about the issue, so-called stakeholder, as participants of the hearing. This is to raise the quality of the screening and to complement professionalism of the screening by listening the opinions from the learned and the experienced. Therefore, public hearing shows the complexity of the issue as complementation device of the bill.

The result of each committee's salience and complexity are shown in Figure 2 and 3. Color marks of Figure 2 follow Table 1. Namely, this is the mark of the how much gap there are between legislator's and government's bill passage rate. Accordingly, we can see the more the committee's level of salience and complexity increases, the blue mark becomes darker in Figure 2, which means the gap between legislator and government is huge. Marks of Figure 3 follow the Table 2. It shows the difference of the bill passage rate between 18th National Assembly and 16th National Assembly, when the number of bills proposed had
risen dramatically. Accordingly, the lower the salience and complexity of the committee, the green marks become darker in Figure 3, which means the more legislative gridlock occurs during 16th–18th National Assembly session than other committees.

Therefore, this study supposes two hypotheses. First, as the level of salience and complexity increase, the gap of gridlock between legislator and government becomes larger. Second, as the level of salience and complexity decrease, the rise of gridlock becomes bigger than other committees.

Figure 2. The number of newspaper article and public hearing by committees-1

*The names of the committee are based on 18th National Assembly.
Figure 3. The number of newspaper article and public hearing by committees-2

Table 1. Bill pass rate gap between legislator and government

<table>
<thead>
<tr>
<th>Committee</th>
<th>Legislator(A)</th>
<th>Government(B)</th>
<th>B-A</th>
<th>Mark</th>
</tr>
</thead>
<tbody>
<tr>
<td>strategy and finance(기획재정)</td>
<td>45%</td>
<td>88%</td>
<td>43%</td>
<td>dark blue</td>
</tr>
<tr>
<td>education, science and technology(교육과학기술)</td>
<td>37%</td>
<td>79%</td>
<td>42%</td>
<td></td>
</tr>
<tr>
<td>public administration and security(행정안전)</td>
<td>40%</td>
<td>76%</td>
<td>36%</td>
<td></td>
</tr>
<tr>
<td>environment and labor(환경노동)</td>
<td>34%</td>
<td>70%</td>
<td>36%</td>
<td>blue</td>
</tr>
<tr>
<td>land, transport and maritime(국토해양)</td>
<td>46%</td>
<td>78%</td>
<td>32%</td>
<td></td>
</tr>
<tr>
<td>knowledge economy(지식경제)</td>
<td>58%</td>
<td>87%</td>
<td>29%</td>
<td></td>
</tr>
<tr>
<td>Committee</td>
<td>16th(A)</td>
<td>18th(B)</td>
<td>A-B</td>
<td>Mark</td>
</tr>
<tr>
<td>---------------------------------------------------------------</td>
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</tr>
<tr>
<td>health and welfare(보건복지)</td>
<td>65%</td>
<td>35%</td>
<td>30%</td>
<td>dark green</td>
</tr>
<tr>
<td>environment and labor(환경노동)</td>
<td>68%</td>
<td>40%</td>
<td>28%</td>
<td></td>
</tr>
<tr>
<td>education, science and technology(교육과학기술)</td>
<td>62%</td>
<td>43%</td>
<td>19%</td>
<td>green</td>
</tr>
<tr>
<td>strategy and finance(기획재정)</td>
<td>69%</td>
<td>50%</td>
<td>19%</td>
<td></td>
</tr>
<tr>
<td>land, transport and maritime(국토해양)</td>
<td>67%</td>
<td>51%</td>
<td>16%</td>
<td></td>
</tr>
<tr>
<td>knowledge economy(지식경제)</td>
<td>79%</td>
<td>65%</td>
<td>14%</td>
<td></td>
</tr>
<tr>
<td>culture, sports, tourism and communications commission(문화체육관광방송통신)</td>
<td>52%</td>
<td>43%</td>
<td>9%</td>
<td>light green</td>
</tr>
<tr>
<td>agriculture, fisheries and food(농림수산식품)</td>
<td>75%</td>
<td>69%</td>
<td>6%</td>
<td>light green</td>
</tr>
<tr>
<td>public administration and security(행정안전)</td>
<td>45%</td>
<td>44%</td>
<td>1%</td>
<td></td>
</tr>
</tbody>
</table>

Table 2. Bill pass rate gap between 16th and 18th National Assembly
IV. Three Assumptions: Why Legislative gridlock Occurs in Korea?

Earlier, we have looked at salience and complexity of the bill in regard of legislative gridlock. Then, in this context, what can be the reasons for legislative gridlock in Korea? This study proposes three assumptions. First, blame shifting (hypothesis 1), second, clear needs of public (hypothesis 1), and third, political use (hypothesis 2).

1. Blame shifting

First of all, in case of high salience, we can suppose the situation that legislator shifting their issues to the government. High salience represents a high national interest and this also means high risk of policy failure. Therefore, in this situation, blame shifting takes place between the legislator and the government.

Generally, it is considered that policymakers decide their policies in a motive of rational policy or by pursuing favorable comment. However, Weaver argues that although it differs from the situation, policy makers usually make their policy decision to deflect criticism. That is, if policymaker examine the expense of the policy highly and its benefit largely, policy makers tend to take criticism-avoiding strategy. Because high cost means large responsibility and if the policy fails, policymakers are accountable for the failure. Also, if the benefit for the policy is enormous, it is easy to generate sharp contrast within policymakers and in this case, if one chooses the policy that can be advantageous to one side, there will be severe resistance and criticism from the opposite side. Ultimately, policymakers can’t decide rational choice and make political judgment that can avoid blame to maintain and extend their positions (Weaver 1986).

Typical example is strategy and finance committee which in charge of tax policy. Because taxation directly influence the life of citizens, tax policy has extremely high salience and high relations with citizens’ benefit. As taxation
policies are associated with national financial policy of the country, its costs are also high. Therefore, policies with high costs and benefits like tax policy, are the main issues that policymakers use blame shifting strategy. As these policies are promoted in the political context that policymaker is involved, policymakers are confronted to the situation that is easy to take blames from the stakeholders who are to endure the losses, while hard to receive favorable reviews from those receiving benefits.

2. Clear needs of public

Next situation that we can think of is that both salience and complexity are high. As we saw earlier, as high salience means strong interest and high importance of the nation, high salience policies have high risks. Also, as high complexity requires expertise, because of their uncertainty caused by their lack of professionalism, it is expected that legislators will show tendency to depend on expert groups or bureaucrat. After all, in high risk situation, it is hard to figure out the exact public demand. By these reasons, we can suppose that legislative activities are taken place in the government section rather than legislator and this phenomenon leads to huge gridlock gap between legislator and the government.

Educational policies, which is taken charge of education committee are the typical example for policy that has both high salience and complexity. Due to high educational zeal, Korea have the national interest to the educational policy. However, legislators have difficulty making educational bills due to their lack of educational knowledge. In other words, education strategy increases the burden laid on the legislator, it has national interest which causes high risk to the legislator, demands professionalism, and can’t identify clear demand of the public. So, it requires rational analysis on costs and benefits of the policy in the policy forcing and decision-making process and is likely to be led by government officials who have policy-oriented goal. Therefore, this kinds of policy making activities have huge gridlock between legislator and the government.
3. Political use

   Last considerable situation could be the state that both salience and complexity are low. Low salience means low public interest and less importance of the policy. Besides, less complicated bill doesn’t need professionalism. Because bills affiliated with this type of issues have low risks, legislators earn more autonomy in their drafting activities and these issues can be used as political purposes. Therefore, the passage rate of bills belonging to this type has been fallen and shows the increase in legislative gridlock.

   A case in point is welfare policy. Welfare policies are most directly and closely associated with the public’s life. However, its salience is relatively low in Korea compared with its importance. In addition, despite its professional nature, importance of expertism could be less emphasized due to its relatively low complexity. Hence, it doesn’t require rational analysis on practical costs and benefits of the policy and gives lawmakers a room for their political use. It could be passively decided by political situation or according to conflicts and interest relations between political parties, not by contents of the policy. Consequently, the possibility of legislative gridlock will increase.

V. Conclusion

   This study made an approach of two policy feature; salience and complexity to explain legislative gridlock in Korea. Also, this study supposed two hypotheses. First, as the level of salience and complexity increase, the gap of gridlock between legislator and government becomes larger. Second, as the level of salience and complexity decrease, the rise of gridlock becomes bigger than other committees. Related to these hypotheses, this study presents the reason why legislative gridlock occurs by three assumptions. First, as high public interest means high risk, possibility of blame shifting increases when salience is high. Second, in case of high salience and complexity, as both public interest and
expertise of the bill is high, it is hard to figure out the exact demands of the public. Therefore, this kind of bills has high probability to be dealt by the government. Lastly, in case of low salience and complexity, both social interest and specialty are not needed. Therefore, this kind of issues have enough space to be used in political purposes.

As people's representative, the National Assembly is in charge of functions that gather various socio-economic conflicts into the Assembly and to resolve such conflicts by debate and negotiation. However, legislation of National Assembly has been under criticism that it rather deepens and amplifies the conflicts. It is not a problem that legislative gridlock occurs in the National Assembly, where the various conflicts and interests of the society are expressed. However, it is to say, excessive legislative gridlock can promote people's distrust to the National Assembly. Therefore, legislative gridlock problem should be dealt with on a broader perspective that can recall the substantial function of the National Assembly, rather than simply treated as the internal conflict problem of the parliament.
Reference


