

## Commentary

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# Why Voters Sometimes Prefer Criminals as Candidates

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In democracies around the world, candidates who stand accused or convicted of criminal misconduct routinely win elections and assume important positions. According to data collected by *Transparência Brasil*, 60% of Brazil's federal legislators have either been convicted of a crime or are the subject of an ongoing criminal investigation. Ahead of Nigeria's 2015 election, candidates openly brandished their allegiances to militia groups or criminal gangs while canvassing for votes. The cozy relationship between criminal malfeasance and democratic politics is by no means restricted to the developing world. A May 2016 report in the *New York Times* revealed that as many as 30 current and former state legislators in New York have been convicted, indicted, or accused of engaging in criminal wrongdoing in the past decade alone.

How can crime and democratic politics coexist? After all, the critical distinction between democratic and nondemocratic societies is said to be the ability of voters in democracies to punish representatives who betray the public trust. Why voters might decide against "throwing the bums out" on Election Day is something of a mystery. One common but ultimately inadequate explanation could be called the "ignorant voter" thesis. This prevailing wisdom in political economy posits that democracy might not necessarily produce accountability where significant information asymmetries exist. In other words, where voters do not have access to reliable information about the backgrounds of politicians on the ballot, they are likely to inadvertently choose "bad politicians"—shorthand for politicians involved in illegal or unethical behavior.

India, the world's largest democracy, provides an excellent venue for studying whether the "ignorant voter" thesis is correct. According to information culled from mandatory disclosures that candidates supply to election authorities, 34% of Members of Parliament (MPs) elected in India's 2014 general election faced at least one pending criminal case. To be clear, "cases" are not the same as convictions—but they are also more than mere charges. Candidates are required to disclose cases only after judicial proceedings have commenced. While some of these cases involve minor charges that could plausibly be linked to a politician's vocation (such as defamation or unlawful assembly), 21% of MPs are implicated in serious criminal cases that would merit significant jail time if a conviction were obtained. These cases are of a qualitatively different sort; they

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involve allegations such as murder, kidnapping, physical assault, and extortion. The connection between crime and politics is not restricted to national-level politics. Comparable data show that 31% of state legislators are named in ongoing criminal cases, and 15% face cases of a serious nature.

What is more, candidates with serious cases boast an electoral advantage over their “clean” counterparts. Not only are they more likely to get elected, they are also more likely to be re-elected when their terms conclude. Furthermore, evidence from elections dating back to 2003, when the disclosure regime was first established, suggests that candidates with serious criminal records succeed in virtually all regions of the country, and that the number of “tainted” but successful candidates is increasing over time.

At first glance, there are reasons to suspect that Indian voters might truly be ignorant of the criminal records of candidates. After all, one-quarter of the population is illiterate, while one-fifth of Indians live below the poverty line. India has a robust media ecosystem, but its reach is highly uneven. While the country has benefited enormously from the telecommunications revolution—over three-quarters of the population own a mobile phone—only 18% of Indians have regular access to the Internet. Furthermore, it is unclear how effectively the information that candidates disclose to election authorities regarding their criminal, educational, and financial background is relayed to voters. In reality, though, the “ignorant voter” thesis does not hold water. In fact, voters often vote for politicians *because* of their criminal backgrounds, rather than in spite of them. Information about politicians’ criminal reputations is not invisible or even incidental; it is integral to voters’ calculations.

Why might voters actually prefer candidates with serious criminal records? In settings where two conditions are operative—weak or unevenly enforced rule of law and highly salient social divisions—politicians can use their criminality to signal their credibility when it comes to protecting the interests of voters in their constituencies. This “protection” typically involves substituting for a state administration that is unable (or unwilling) to effectively and impartially fulfill its basic functions, such as guaranteeing public security, adjudicating disputes, and providing core public services. The “interests” of constituents that politicians pledge to protect are often cast in terms of preserving the status of their social (often ethnic) community. This allows a politician to spin his willingness to run afoul of the law as a necessary qualification for “defending” his community.

If voters are armed with information yet still choose to back politicians associated with criminal conduct, there are clear ramifications for reformers who seek to clean up politics. Most obviously, evidence from India demonstrates that information disclosure is not sufficient to curb voter support for criminal politicians. Enhanced transparency may be a worthwhile end in itself, but it is not a silver bullet for changing voter behavior. When it comes to challenging the status quo, cleaning up politics over the long haul requires improving the core Weberian functions of the state. Only when the state’s capacity to project its authority is rebuilt (or, in some cases, built for the very first time) will the vacuum that criminal politicians seek to fill gradually shrink. Unless the state

rectifies its administrative deficits, social inequalities will continue to fester, exacerbating the very cleavages that politicians with criminal reputations are primed to exploit.

Where social divisions are rife and the rule of law is weak, it should come as no surprise that politicians with criminal ties are able to succeed. Under these circumstances, criminally suspect politicians can actually thrive in the context of democratic accountability. Accountability under these conditions is often partial; because politicians associated with criminality gather support by exploiting (rather than resolving) social divisions, once in office they have incentives to cater to their core constituency rather than the average voter. Nevertheless, understanding these perverse systems of accountability offers a corrective to the standard narrative that voters blindly back malfeasant politicians. Often, they do so with their eyes wide open.

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