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Referee report

**on the PhD thesis
submitted by**

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Essays in Applied Economics

I.

Law and economics can look back to several decades. But in this interdisciplinary venture, lawyers have been much more active than economists. This regularity may be due to incentives: if she uses the toolbox of economics, a trained lawyer can impress her colleagues with a high degree of precision. By contrast, a trained economist must impress her peers with an interesting application, and attention to institutional detail. Maybe such input is somewhat less appreciated. At any rate, the present thesis breaks the regularity. A well-trained economist embarks on two legal applications. Both topics are well chosen. The first project looks at the institutional framework for municipal elections. The second project looks at criminal sentencing. For both applications, economic methods prove elucidating.

II.

The core idea of the first chapter could be couched in Robert Putnam's concept of a two-level game. When selecting candidates, political parties wish to be successful in the elections. Yet one candidate may also be preferable over another from the internal perspective of the party. The chapter focuses on two such benefits: party membership, and donations to the party.

The chapter starts with a formal model of the resulting trade-off between external and internal appeal. As a potential moderator, it introduces the degree of success, for the party, in the election. The model is meant to show that a party that has less reason to be concerned about success can afford to pay more attention to internal party benefit.

Empirical findings are largely in line with the model. "Low valence" candidates are more likely to receive a low rank, and hence a higher chance to be elected, if they are party members, or if they have made a donation to the party. Popular parties put more stress on membership or donor status.

My main concern is obvious: the results are correlations. While this may well be most that could be achieved, at least the identification problem, and potential alternative explanations for the findings, should be discussed. I am also not fully convinced by using formal education as a proxy for valence. The authors give references for other papers having used the same proxy. But again discussion about the limitations of the approach would be good. Finally I wonder whether success in the previous election might be preferable over success in the present election, due to the obvious endogeneity.

It might be interesting, in an exploratory manner, to interact the main explanatory variables (valence with membership; valence with donor status; membership with donor status). Figures 1.1 and 1.2 might be easier to read if the dots were replaced by stacked bars; if I understand the logic of the respective left panels, for each percentile the four dots should add up to 1. The shares in Table 1.5 are from the same distribution. It might therefore be better to use multinomial logit, rather than separate regressions.

III.

The second topic is sentencing in criminal courts. Both papers are (survey) experiments. The first comes with a formal framework. The subject pool is particularly interesting, in that the authors test prosecutors.

The paper makes an implicit normative claim. Sentences should be proportional to the severity of the crime. If the crime consists of measurable harm, the sanction should be proportional to this quantity. Specifically the punishment for theft should linearly increase in the monetary value of the stolen good. Likewise the punishment for possessing drugs should linearly increase in the weight of

the drug found with the defendant. The authors are concerned that quantitative thresholds in the criminal code bias judgment, and lead to a jump between a case just below and just above such a threshold. This is indeed what they find in their experiment.

I am not sure I buy the implicit normative claim. Of course, any threshold is arbitrary. The legislator might also have justified a slightly higher or a slightly lower threshold. But this is not to say that thresholds are wrong in the first place. Isn't it for the legislator to draw a line between less concerning and more concerning behavior? With the same argument one might also object against age limits, nonlinearities in taxation, or the number of participants allowed in a congregation. But this is of course not a critique of the scientific value, but part of academic debate with the authors.

IV.

The third paper nicely rounds up the investigation of sentencing. In this chapter, the author is concerned about the disparity of sentences. The vignette study uses a smart manipulation. Participants are either informed about sentencing in a jurisdiction with high disparity, or in a jurisdiction with low disparity. It turns out that citizens are less bothered than the author. He does not find an effect of his salience manipulation on trust in judicial institutions, or on the willingness to go to court. There is, however, a small, but significant effect on the willingness to sign a petition against sentence disparity. Yet in this respect, a non-effect would have been surprising. In the condition in which participants have just been informed that there is no disparity, they really had no reason to sign the petition.

Interestingly, there is a (weakly significant) effect on trust in the judiciary for mothers, which the author plausibly explains with the crime chosen for the vignette: mothers are most likely to be affected by the withdrawal of alimony.

V.

In an interesting way, this trained economist applies the tools of his discipline to two contested areas of law: the rules for the selection of candidates in municipal elections, and sentencing in criminal courts. All three studies are very carefully executed. Research questions are answered in a very precise and transparent manner. I therefore gladly certify that this thesis satisfies the formal and content requirements for a PhD thesis in economics, and I recommend the dissertation for a defense.

