Respect the Process: The Public Cost of Unilateral Action in Comparative Perspective

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Abstract

Executives often bypass legislatures to make policies by decree. How does public opinion react to this unilateral decision-making? Building from research on executive orders and theories of legislative politics, we argue that executives in both democratic and authoritarian political systems will face public disapproval for making policy decisions unilaterally. Through survey experiments implemented in the United States and Egypt, we show that executives consistently receive lower approval for unilateral action in both domestic and foreign policymaking, even among co-partisans. We find evidence that this effect is driven by the belief that excluding the legislature violates appropriate democratic procedure, but also that the effect weakens when unilateral action is used to advance policies known to represent the majority's preference. Observational survey data from dozens of countries corroborate the experimental results. The paper sheds new light on the contexts in which popular commitment to democratic principles may constrain unilateral decision-making.

Word Count: 9,992

1 Introduction

Legislatures are vested with a formal role in the policymaking process of nearly all countries, but executives will sometimes bypass the legislature to make decisions unilaterally via executive order or decree. While some executive discretion is required for the modern administrative state to function, the ability of executives to avoid legislative constraints and govern unilaterally can have a number of detrimental effects. Weak legislatures are associated with more corruption, less effective policy outcomes, and reduced policy stability in both authoritarian and democratic political systems (Li and Resnick 2003; North and Weingast 1989; Stapenhurst et al. 2014). Meanwhile, unconstrained executives are more likely to pursue reckless policymaking in both domestic and international affairs (Weeks 2014; Weeks and Way 2014), and they can also abuse unilateral decision-making to undermine personal freedoms and entrench executive control of the political system (Fish 2006). In recent years, a number of countries have experienced democratic erosion as the legislature's ability to constrain the executive has weakened, including India, Hungary, Turkey, and the Philippines (Alizada et al. 2021; Foa 2021).

How does public opinion respond to attempts by the executive to bypass the legislature and govern unilaterally? Popular narratives often emphasize widespread support for "strong" leadership that cuts through inefficient institutions to get things done, and executives themselves frequently propagate this narrative (Roth 2017). Yet, global survey data indicates that majorities in most countries dislike the idea of an unconstrained executive (Reeves and Rogowski 2022). Indeed, these attitudes are reflected in experimental research on executive orders in the United States (Reeves and Rogowski 2018) and confidence votes in France (Becher and Brouard 2022), with public opinion responding negatively to executive actions that bypass or strong-arm the legislature. We extend this literature to additional contexts by arguing that executives will face a public approval cost for enacting policies unilaterally in both democratic and authoritarian political systems, because people living in both regime types will believe policies to be less effective, less durable, and less democratic

without legislative input. Studying legislatures across regime types is important because legislative bodies are ubiquitous in both democracies and autocracies, and scholars have debated the extent to which these institutions facilitate similar political outcomes in these different regimes (Brancati 2014; Williamson and Magaloni 2020).

We evaluate our arguments with experimental and observational survey data from multiple countries. Our experiments are implemented in the United States and Egypt. The United States allows us to not only replicate findings from the American politics literature on executive orders but also to extend them with our exploration of the causal mechanisms that connect unilateral action and public opinion. Egypt permits us to test whether our arguments extend to an authoritarian political system. The experiments randomize whether a series of policy decisions are implemented by executive decree or by legislative vote and show that both Americans and Egyptians consistently approve less of unilateral executive policymaking. This approval cost occurs across several randomized policy issues and regardless of respondents' partisan loyalties.

In assessing why this approval cost exists, we find that respondents perceive executive policymaking to be less consistent with appropriate democratic procedure. However, at least in the United States, respondents also penalize unilateral action less when it is used to implement policies that represent the majority's preferences. The surveys yield weaker evidence for our hypotheses that citizen disapproval results from believing that executive policymaking is less effective and less durable. We then analyze observational survey data to further explore the link between the policymaking process and public opinion, leveraging tens of thousands of interviews from dozens of democracies and autocracies covered in the Afro, Arab, and Asian Barometers. This analysis corroborates the experimental findings across a broad range of political systems by showing that perceptions of weak legislative influence are correlated with lower approval of the executive, more protest participation, and lower ratings of the country's democracy.

This article contributes to a growing literature on public reactions to executive power

(e.g. Becher et al. 2017; Christenson and Kriner 2020; Lowande and Gray 2017; Reeves et al. 2017; Reeves and Rogowski 2016). We study this issue in new contexts, showing evidence that executives can face disapproval for acting unilaterally in autocracies as well as democracies. We also provide new insights into the reasons for this disapproval, with the findings underscoring the importance of democratic norms for shaping reactions to unilateral action (Becher and Brouard 2022; Reeves and Rogowski 2022). The results indicate that people respond negatively because of the belief that appropriate democratic procedure includes a role for the legislature in policymaking, and because of concerns, at least in some cases, about the legislature's ability to represent the public more effectively than the executive.

The findings also speak to an ongoing debate about the robustness of popular support for democratic principles globally (Alexander and Welzel 2017; Bermeo 2019; Braman 2020; Carey et al. 2019; Claassen 2020a, 2020b; Foa and Mounk 2016; Graham and Svolik 2020; Hyde 2020). By showing that executives in a variety of political contexts face disapproval for bypassing the legislature because people perceive unilateral action as less democratic, our findings align with research indicating that public opinion responds negatively to authoritarian behaviors by political leaders and may help to constrain them (Albertus and Grossman 2021; Claassen 2020a). Furthermore, we show that this negative reaction occurs among the executive's co-partisans as well as their political opponents, even in our two highly polarized cases. This result paints a more optimistic picture than recent research showing that partisanship heavily structures procedural preferences (e.g. Berliner 2022; Christenson and Kriner 2020), implying that executives may incur public opinion costs for ignoring the legislature even among their political allies. However, our finding that executive orders in the United States evoke a lower public approval cost when used to enact policies with majority support also illustrates how executives who can claim credibly to represent the people may be able to justify avoiding legislative constraints on their power.

Our article extends comparative research on legislatures as well by providing new insights into the link between these institutions and mass opinion and behavior. Our findings

are particularly relevant for understanding how legislatures influence authoritarian politics. Most scholarship on authoritarian legislatures has explored their role in helping autocrats to distribute rents, share decision-making powers, or acquire information (e.g. Blaydes 2011; Gandhi 2008; Woo and Conrad 2019). Since many autocrats attempt to protect their popular support by presenting their regimes as democratic (O'Donnell 2007; Williamson 2021), our findings suggest that autocrats have incentives to govern alongside legislatures to strengthen perceptions of the regime's democratic character. As such, the article contributes to our understanding of why legislatures play a role in policymaking even in authoritarian regimes.

The paper proceeds as follows. We first discuss whether and why public opinion might oppose unilateral action in democracies and autocracies. We then describe our research design for survey experiments fielded in the United States and Egypt, which is followed by a presentation of our evidence on the public opinion cost of unilateralism. Next, we briefly report corroborating evidence from our analysis of observational survey data. The paper concludes with further discussion of the findings' implications for the consequences of unilateral governance in both democratic and authoritarian political systems.

2 How the Public Responds to Unilateral Action

Many executives possess broad powers to manage the affairs of state. These powers are often used to administer laws passed by the legislature, but they are sometimes used to make policy without formal legislative input (Carey and Shugart 1998). Our focus on unilateral action refers to these latter cases of policymaking by the executive. Such unilateral policymaking can range from narrow decisions on technical issues to full-blown power grabs, and these decisions can cover both domestic and foreign policies. How executives act unilaterally can vary as well, both within and across countries. Approximately two-thirds of the world's constitutions in 2020 explicitly allowed executives to issue decrees,[1] while in other countries the practice is long-standing but not defined constitutionally. Executives may also have

[1]See data from the Comparative Constitutions Project (Elkins and Ginsburg 2021).

multiple channels through which they can make unilateral decisions, as with US presidents, who can use executive orders, memoranda, signing statements, and proclamations (Lowande and Gray 2017). In general, these tools of unilateral action can be described as decree powers (Carrey and Shugart 1998), and we will refer to them as executive orders or decrees.

How does the mass public respond to executives who bypass the legislature to make policy? This question is relevant to the politics of both democratic and authoritarian regimes. In democracies, disapproval of unilateral action could reduce electoral support by alienating principled voters (Graham and Svolik 2020) or intensifying mobilization among the executive's opponents, and it could undermine support for the president's broader policy agenda (Jacobson 2019). In authoritarian regimes, autocrats do not face free elections, but they still need to maintain control of the public to hold onto power (Gandhi 2008; Svolik 2012). As a result, most autocrats attempt to retain some popular support, developing strategies to address not only the public's policy preferences, but also their preferences regarding the political process (Bush et al. 2016; Lueders 2021; Truex 2016; Williamson 2021).

For these reasons, we view popular disapproval as a potential cost that executives would face when deciding whether to act unilaterally. Executives would likely weigh other factors as well, such as the prospects of implementing their preferred policy or the likelihood of facing legal consequences. However, even if public opinion is not the whole story, mass attitudes about the political process can constrain the behaviors of political leaders (Claassen 2020a; Christenson and Kirner 2020).[2] Thus, even though executives may have the power and legal authority to enact policies unilaterally, they may still choose to work through the legislature to reduce the likelihood of negative reactions from the public.[3]

Consistent with the idea of a public opinion cost for unilateral action, a growing body of research on American politics indicates that US presidents face disapproval for

[2]We are also interested in popular views on unilateral action in and of itself because it sheds light on the types of political processes that are more likely to be perceived as legitimate.

[3]This echoes research in international relations on why powerful countries might conduct foreign policy alongside a multilateral institution (e.g., Thompson 2006; Recchia and Chu 2021).

implementing policy decisions unilaterally. Even though most Americans strongly dislike Congress, several recent studies suggest that Americans disapprove of presidents who use executive orders to make policy decisions outside the legislative process (Christenson and Kriner 2015, 2020; Lowande and Gray 2017; Reeves and Rogowski 2016, 2018; Reeves et al. 2017), especially when the Congresses levies constitutional or policy-based objections (Christenson and Kirner 2020).[4] This penalty is most pronounced among Americans strongly committed to the rule of law, suggesting that concerns about appropriate procedure drive opposition to unilateral action (Braman 2016, Reeves and Rogowski 2018, 2022). Some evidence indicates that the penalty weakens among partisan supporters of the president (Braman 2020; Graham and Svolik 2020), though other studies find that partisanship has a muted effect on reactions to unilateral action (Reeves et al. 2017). Studying this issue in a parliamentary context, Becher and Brouard (2022) and Becher et al. (2017) document similar negative reactions to French prime ministers who use confidence votes to strong-arm the legislature into approving their agenda.[5]

Do these findings generalize to other political contexts, including autocracies as well as democracies? Nearly all contemporary nondemocracies have a legislature that is formally endowed with decision-making powers, and a sizeable literature explores what these legislatures do and how they do it. Nonetheless, there is little comparative research about how public opinion responds to unilateral decision-making that bypasses the legislature in these contexts and the extent to which these reactions reflect similar dynamics in democra-

[4]Scholars have used a variety of qualitative and quantitative methods to assess the effects of executive orders on public opinion: while many find a substantial and significant effect, some estimate a statistically insignificant though still negative effect.

[5]While our study applies most directly to countries with presidential systems or ruling monarchies, where the legislative and executive branches are clearly separate, a similar dynamic can apply to parliamentary systems when the prime minister and cabinet can issue decrees or limit debate in the legislature, or with the use of confidence votes as discussed by Becher et al. (2017). In Thailand, for example, the Prime Minister can enact emergency decrees and has done so on economic, health, and security issues. Future studies, however, can further explore the variation among these different systems.

cies. Some existing research from democracies and autocracies in Latin America and Africa finds that citizens claim to dislike executive power-grabs and support legislative constraints in principle, especially if they value democracy (Reeves and Rogowski 2022), though these preferences are also moderated by partisanship and support for the executive's policy agenda (Albertus and Grossman 2021; Singer 2018). However, while these patterns suggest a general dislike of strong executives, they do not speak to how the public will react to specific cases of unilateral policymaking in which the legislature is sidelined, in addition to theorizing about the specific factors driving the public's reactions. We extend the literature by addressing these questions, examining whether and why bypassing the legislature is likely to weaken the approval of executives in both democratic and authoritarian political systems.

Comparative politics scholarship on the role of legislatures suggests several reasons to expect that people will typically respond negatively to executives who act unilaterally regardless of regime type. First, citizens might expect policies to be more *effective* at achieving good policy outcomes when they are passed by the legislature rather than implemented by the executive alone. There are objective reasons to believe that policymaking is more effective when the legislature is involved. Legislative oversight of the policy process can limit predatory and self-interested policymaking by the executive, reducing corruption and improving economic outcomes in both democratic and authoritarian political systems (Cox and Weingast 2017; Li and Resnick 2003; Stapenhurst et al. 2014; Wright 2008). More broadly, decision-making processes that rely on groups rather than individuals tend to perform better (Miner 1984). Legislatures in both democracies and autocracies tend to incorporate individuals from different regions, backgrounds, and ideologies, all of whom could provide diverse input. To the extent that individuals intuit these benefits of legislative involvement in the policy process, they may expect policies passed through the legislature will be more effective, and they may disapprove of executives for implementing policies unilaterally as a result.

Second, people might expect policies to be more *durable* when they are approved by the legislature. Whereas executive decrees can typically be rescinded by whoever holds

the office, legislative involvement creates additional veto points that can stand in the way of overturning the policy. It may therefore become more credible that policies passed through the legislature will persist (North and Weingast 1989; Stasavage 2002). To the extent that individuals prefer policies to be more stable and secure, they may then disapprove of the executive for operating unilaterally. This expectation of greater durability with legislative involvement is clearest in democracies, where legislative and judicial constraints tend to be strong and executive turnover usually occurs frequently. The same logic, however, may also apply to authoritarian regimes. Autocrats often share power with elites in the legislature, who may acquire some capacity to use their legislative powers to constrain the autocrat (Gandhi 2008; Opalo 2020; Wright 2008). In these cases, implementing policies through the legislature may signal an elite consensus that is likely to sustain the policy. But the opposite logic might also apply in nondemocratic contexts. Institutional constraints – such as those imposed by legislatures – remain relatively weak in most authoritarian regimes (Meng et al. 2023), and the executive's willingness to pursue unilateral action could indicate their personal investment in the policy, thus *increasing* the likelihood of its persistence as long as the autocrat holds onto power.

Third, people may believe policymaking is more democratic when the legislature is involved. Sizable majorities continue to support democracy in many countries (Alexander and Welzel 2017; Letsa and Wilfahrt 2018; Norris 2017). While this expressed support does not always align with democratic support in practice (e.g., Ridge 2022), perceived violations of democratic norms can drive political opposition to the authorities (e.g., Daxecker et al. 2019), so it is plausible that these democratic beliefs inform the public's responses to how policy is made. Here, we discuss two mechanisms related to different components of democracy. The first mechanism highlights perceptions of democratic *procedure*, which reflects modern democracy's association with certain institutions and practices meant to limit and disperse government power. The second mechanism highlights perceptions of *representation*, given that democratic governance is also supposed to represent the "will

of the people," usually conceptualized as acting on the majority's preferences. Legislatures are linked closely to both of these ideas, which we elaborate upon below.

Regarding democratic procedure, popular notions of dictatorship emphasize the dominance of a single, strong leader (Ezrow and Frantz 2011; Reeves and Rogowski 2022). Legislatures can limit such autocratic governance by a powerful executive when they exercise oversight and participate in decision-making (Opalo 2019; O'Donnell 1998), and the legislature's ability to act as a check on executive authority is considered a core component of democracy. For instance, widely used measurements of democracy, including V-Dem, Polity, and Freedom House, all incorporate legislative constraints into their democracy ratings. These measures are reflected in the formal procedures of regimes that claim to be democratic, with essentially all of them giving the legislature the formal power to draft, or at least review and approve, all laws (Williamson and Magaloni 2020). This formal division of powers includes most authoritarian regimes, which often try to portray themselves as partly democratic because they govern through institutions like legislatures, which are associated with democracy. As a result, we expect people in both democratic and authoritarian political systems to react negatively to unilateral action that bypasses the legislature because it is perceived as inconsistent with democratic procedure. However, it is possible that this adverse reaction would be muted or absent among citizens in autocracies. Understandings of democracy can diverge, and citizens of authoritarian regimes are sometimes convinced to conceptualize democracy as a strong leader governing in the people's interests (Kirsch and Welzel 2019). If legislative procedures are less relevant to how citizens of autocracy understand democracy, they may react less negatively to unilateral action on procedural grounds.

Lastly, legislatures are also associated closely with representation in democratic political systems. Pitkin (1967) defines representation as the act of making citizens' opinions present in the policy process, and legislators are explicitly meant to fill this role by representing the voices of their constituents. It is no accident that the lower houses of the US

and Egyptian legislatures, among others, are called the House of Representatives. With elected legislators representing communities across the country, people may believe policies are more likely to represent the will of the majority when they are approved by the legislature as opposed to decreed by the executive. At the same time, executives can also often claim to represent the people. Most presidents, for instance, are directly elected by the majority of citizens, and the idea that their election gives them a popular mandate to govern is widespread (O'Donnell 1998). As a result, presidents often tussle with the legislature over claims about who represents the people best (Linz 1990). Given the importance of representation to democracy, citizens may be less likely to view executive unilateralism as violating democratic principles if they believe that such unilateralism was used to enact the majority's will (Grossman et al. 2021; Wratil and Wackerle 2022). In such cases, the public may respond less negatively to unilateral action *because* of their support for democracy. As before, we expect this dynamic to apply in both democratic and authoritarian political systems, since legislators often play a critical role in representing their constituents' interests in autocracies (Truex 2020). However, it is also possible that the representative role of legislatures has less influence on how people respond to unilateral action in autocratic contexts, if legislatures are believed to have been elected in rigged elections, or if the autocrat can use propaganda effectively to promote their role as the "true" representative of the people.

This discussion leads to several hypotheses about how public opinion will respond to unilateral action and why. To begin, we expect that executives in both democracies and autocracies will face a cost for bypassing the legislature.

H1: Executives will receive less public support for implementing policies unilaterally compared to implementing policies with legislative approval.

The arguments discussed above also generate several implications for *why* unilateral policymaking will be met with disapproval. Specifically, we expect that citizens will see unilateral policies as less effective at accomplishing their goals, more likely to be overturned, and less aligned with appropriate democratic procedures. We expect these relationships to

apply in both democratic and authoritarian regimes; however, as discussed, there are reasons they could be muted or different in autocracies.

> **H2 - H4:** When a policy is passed unilaterally, compared to when it is passed through the legislature, it will be perceived as *less effective*, *less durable*, and *less consistent with democratic procedures*.

Lastly, if people believe unilateral action was used to implement policies representing the majority, they may view it as consistent with the will of the people and therefore less inappropriate in terms of democratic representation. As a result, we hypothesize that:

> **H5:** Executives will be penalized less for unilateral action when policies are believed to be supported by a *majority* of the public.

We also consider additional contextual factors that may mitigate disapproval of unilateral action, including whether executives are acting unilaterally in foreign and national security policy (Reeves and Rogowski 2016) and whether they are judged by their partisan supporters (Braman 2020; Graham and Svolik 2020; Singer 2018).

3 Experimental Research Design

We first test our hypotheses with survey experiments fielded in the United States and Egypt. Here, we discuss the case selection, samples, and design of the experiments.[6]

3.1 Case Selection

We chose to implement our experiments in two countries – the United States and Egypt – for three reasons. First, we expect people to generally oppose unilateral action and approve

[6]The Egypt portion of the study was preregistered with REDACTED. The U.S. study was replicated twice: the second replication was pregistered with REDACTED

less of executives who exclude the legislature from the policy process, regardless of country-specific factors like regime type. Thus, we chose these two very different countries, the former a democracy and the latter an autocracy, with both also differing in terms of their cultures, economies, regions, and histories. Second, despite their differences, the United States and Egypt reflect relatively typical cases among their respective regime types in terms of the balance between executive and legislative powers. As is the case in many authoritarian regimes today, Egypt's autocratic president dominates the country's decision-making process, but the legislature contributes to regime maintenance and participates modestly in policymaking. As in many democracies, the US presidency is powerful but faces significant political and legal constraints on its decision-making powers from the legislature.[7] Third, both countries have been important in the relevant academic literatures. A vast body of research explores interactions between the US presidency and Congress, including their relation to public opinion, while Egypt has been the focus of influential studies on the role of institutions like legislatures in stabilizing authoritarian regimes (e.g. Blaydes 2011).

In taking this two-country approach, we follow other recent, experimental research that seeks to replicate results across a diverse set of countries (e.g. Bush and Prather 2020; Haas et al. 2020) to illustrate generalizable political phenomena. To be sure, future research should explore the dynamics of unilateral policymaking in other contexts. However, we believe it is useful for evaluating generalizability to determine whether similar experimental results occur beyond a single case. Below, we further discuss modes of unilateral executive policymaking in each country, and we highlight examples suggesting that public opinion

[7]Data from V-Dem contextualizes our cases in the broader set of democracy and autocracies. V-Dem codes a legislative constraint variable ranging from 0 to 1, with higher values indicating greater ability to limit the executive's powers. We use V-Dem's coding of closed and electoral autocracies to identify autocracies, and their coding of electoral and liberal democracies to identify democracies. Among autocracies from 2015 through 2019, the median value for legislative constraints was 0.29 and the mean was 0.38. Egypt's median and mean values were similar during this period at 0.29 and 0.31 respectively. Among democracies, the median value was 0.83 and the mean was 0.78. The United States also had similar values at 0.84 and 0.86.

responds negatively to attempts by presidents to govern unilaterally.

3.1.1 The United States

The US Constitution invests policymaking authority in both the executive and legislative branches. Historically, the legislature's role was paramount, but the growth of the US administrative state expanded the presidency's influence (Moe and Howell 1999). Not only are presidents well-positioned to act as first-movers, but their control over the bureaucracy and the ambiguity of their constitutional powers gives them substantial leeway to make policy decisions without Congressional approval (Moe and Howell 1999). Within this context, executive orders constitute a key channel through which American presidents take unilateral action (Mayer 2002), though presidents have other tools at their disposal as well (Lowande and Gray 2017). These orders hold the force of law until they are revoked by the presidency.

Executive orders often address technical matters of day-to-day governance, but presidents also use them to make substantive policy changes while sidestepping Congress. Such cases can draw significant public interest and trigger political backlash. For instance, Presidents Obama and Trump both issued orders on issues ranging from guns to immigration that resulted in protests and legal challenges (Barnes 2020; Lopez 2016; Pierce and Meissner 2017; Shaffer et al. 2021). Opponents of these orders criticized the presidents for abusing their authority and acting dictatorially (Blake 2018; Olorunnipa and Parker 2020).

3.1.2 Egypt

Since 1952, Egypt has been governed as an authoritarian republic dominated by a series of strong presidents, with a brief democratic interlude from 2011 to 2013. The constitutions of 1971 and 2014 charge the parliament with proposing and approving laws and exercising oversight of the executive branch. However, the president can propose legislation directly and has the authority to issue legally-binding decrees when the legislature is not in session. Even when parliament is present, the president routinely issues decrees as part of the office's

administrative powers, often with important policy implications. For instance, in 2021, President Al-Sisi issued decrees ranging from pension increases and the distribution of state lands to major loan agreements with foreign powers. The country's long periods under a state of emergency have further strengthened the ability of the president to implement decisions unilaterally (Reza 2007).

The executive's political dominance is reinforced by the composition of the legislature. Prior to the 2011 revolution, MPs were predominantly affiliated with the ruling party and followed the lead of the president and senior regime elites in the decision-making process (Blaydes 2011). Under the current regime led by Al-Sisi, the dominant party is less politically relevant, but many MPs have close ties to the security forces and are selected for their loyalty and quiescence (Bahgat 2016). Nonetheless, presidents have faced backlash for ignoring parliament's role. For example, in 1979, President Sadat issued a decree that strengthened protections for women's rights after parliament refused to implement the changes. The reforms were unpopular, and under his successor, President Mubarak, they were overturned by the Constitutional Court in 1985. When Mubarak later pursued similar policies, he made sure to pass them through the legislature (Tripp 2019). More recently, after Egypt's 2013 coup led to Al-Sisi becoming president in 2014, he governed exclusively by decree until a new parliament was elected in late 2015. This approach drew criticism, with lawyers and activists publicly reproaching the president for engaging in an unprecedented application of unilateral power to shape "different spheres of economic and social life...without any kind of national dialogue" (Kingsley 2014). Once the parliament was elected, Al-Sisi made sure to adhere to the constitutional requirement that parliament approve laws decreed in its absence, and the legislators approved them immediately after they took office in 2015.

3.2 Survey Samples

The US sample was recruited through Lucid and implemented online via Qualtrics in the spring of 2019. The sample consists of 1,299 Americans and is representative of the broader

US adult population in terms of age, gender, household income, ethnicity, and region.[8] The Egypt sample of 1,471 Egyptians was recruited from a Qualtrics panel and was also implemented online via Qualtrics in the spring of 2020.[9] It is a sample that used population benchmarks to be representative on age and gender, but similar to other online surveys, overrepresents educated and wealthier Egyptians. See SI-A for additional information about the samples. The US survey was in English and the Egypt survey was in Arabic.[10]

3.3 Experimental Treatment and Outcomes

Both surveys presented respondents with hypothetical vignettes in which their country's executive implemented a policy through legislation or unilaterally, and then asked respondents to rate their approval of the leader's actions. Each respondent saw two vignettes, one of which concerned a domestic policy issue and the other a foreign policy issue. The vignettes were separated by other modules in the omnibus survey to limit potential anchoring effects. Similar to a short news article, each vignette consisted of a title summarizing the policy change and then a paragraph providing additional details.

As in Reeves and Rogowski (2018), the U.S. vignettes were written as hypothetical, future scenarios, which helps to detach them from the particularities of today's politics and to avoid confusion about whether the policy had actually been implemented (Brutger et al. 2022). To test our main hypothesis about unilateral action, the policy was said to be implemented by the president either through an executive order without the approval of Congress or through legislation with approval from Congress.[11] We refer to the former as

[8] Coppock and McClellan (2019) find that survey samples collected by Lucid "track well with US national benchmarks [and are] suitable for evaluating many social scientific theories..."

[9] The US and Egypt experiments were approved by IRBs at Author Institutions.

[10] We hired two translators to translate and validate the Egypt survey. One of the authors also has knowledge of Arabic. SI-E (USA) and SI-F (Egypt) provide the full text of the experimental questions.

[11] Following Reeves and Rogowski (2018), the treatments explicitly note the executive acted with or without approval of the legislature. This approach is also consistent with our theory, which emphasizes why the public may react negatively to unilateral action *because* it bypasses the legislature's role in decision-making.

the executive order treatment group and the latter as the legislative treatment group. The vignettes included three additional randomizations as well, which allow us to probe how the executive order treatment generalizes across different conditions while also controlling for factors that respondents might otherwise infer themselves. First, the policy was randomized among issue areas with varying degrees of public support, salience, and partisan polarization. The domestic policy scenario was randomized to be about decriminalizing marijuana or increasing penalties for unpaid corporate taxes, while the foreign policy scenario was about sending the military to the U.S.-Mexico border or deploying troops to combat militants in East Africa. Second, to test our hypothesis that individuals penalize executives less for unilateral action on policies with majority support, respondents were randomly assigned to read in the vignette that a majority of Americans approved of the policy or to receive no information about what other citizens thought about the policy. Third, given the importance of partisanship in U.S. politics, the party of the executive was randomized to be Republican, Democrat, or unstated. We followed Reeves and Ragowski (2018) in using hypothetical names for the president.

The Egypt survey followed the same structure as the U.S. survey, though the contexts necessitated some deviations. First, while the Egypt survey did use a hypothetical future scenario set in 2022, the President was said to be Abdelfattah Al-Sisi, who held that position at the time of the survey. We mentioned Al-Sisi rather than a hypothetical president because we wanted respondents to think about the scenario as if it were happening under the existing authoritarian regime. Second, we chose different issue areas that are more appropriate for the Egyptian context. For the domestic policy scenario those issues were raising cigarette taxes or raising the minimum wage, while the issues for the foreign policy scenario were purchasing Russian tanks instead of American tanks or contributing soldiers to peacekeeping operations in Libya. The full vignettes for each country can be seen in SI-E (USA) and SI-F (Egypt).

Following these primary surveys, we implemented two replications and extensions with US samples to gauge the robustness of the experimental design. In the first replication,

we included a pure control group in which the policy's implementation was attributed neither to an executive order nor to Congress. We also used the names President Trump and President Biden instead of hypothetical names. In the second replication, we replaced the pure control group with a second executive order treatment that mentioned only the executive order and not the lack of Congressional approval. These design changes do not change our substantive conclusions, so we focus on the primary US and Egypt surveys in the main text.[12]

Following the vignette, respondents answered four questions on a seven-point scale. The first, which is our outcome measuring the public opinion cost of unilateral action, asked whether they approved or disapproved of the president's handling of the policy issue (Reeves and Ragowski 2018). If respondents in the executive order treatment group approve less, we would interpret this result as support for H1. The next three questions addressed our hypotheses about mechanisms driving the penalty for unilateral action. Regarding policy *effectiveness*, respondents were asked whether they believed the policy would be effective at addressing the relevant issue. Regarding policy *durability*, respondents were asked if they believed the policy would be reversed soon. Regarding the policy's consistency with democratic *procedure*, respondents were asked if the policy was implemented in a way that reflected appropriate democratic procedure. If respondents in the executive order treatment group answer that the policy would be less effective, less likely to persist, and less reflective of appropriate democratic procedure, we would interpret these results as supporting H2, H3, and H4, respectively, with formal mediation analysis used to reinforce this interpretation in SI-D. Finally, if respondents in the executive order treatment group approve more of the president's handling of the issue when a majority of Americans / Egyptians are said to approve of the policy, we would interpret this pattern as support for the democratic *representation* mechanism of H5.

To check that respondents understood the experiment, we asked them a multiple choice question about how the policy was implemented. As expected, the executive order

[12]See SI-J and SI-K for full results of the extensions.

treatment had a substantial and significant effect on the percentage of respondents answering that the policy was implemented unilaterally.[13] Balance tests suggest that randomization was successful across the surveys.[14] This information, along with summary statistics for each survey, is reported in SI-A and SI-B.

4 Experimental Results

We first identify the main effect on public approval of implementing the policy unilaterally, regressing the approval outcome on the executive order treatment for the domestic issues, the foreign policy issues, and the combined issues.[15] As shown in Figure 1, respondents in both Egypt and the United States approve less of the president's handling of the policy when it was implemented unilaterally rather than through the legislature.[16] Across "all issues" in the United States, approval of the president decreased by an average of 0.56 on the seven-point scale ($p < 0.01$). The executive order treatment had a negative effect in Egypt as well, reducing support by an average of 0.29 ($p < 0.01$). Using binary constructions of the outcome variable, these effects reflect substantively meaningful declines of approximately 12 (US) and 6 (Egypt) percentage points in approval. In both countries, the negative treatment effects

[13] In the US, the effect size was approximately 50 percentage points, and in Egypt, approximately 21 points. As a robustness check, we subset the data to those who passed this manipulation check. The main results become stronger in magnitude and maintain their statistical significance.

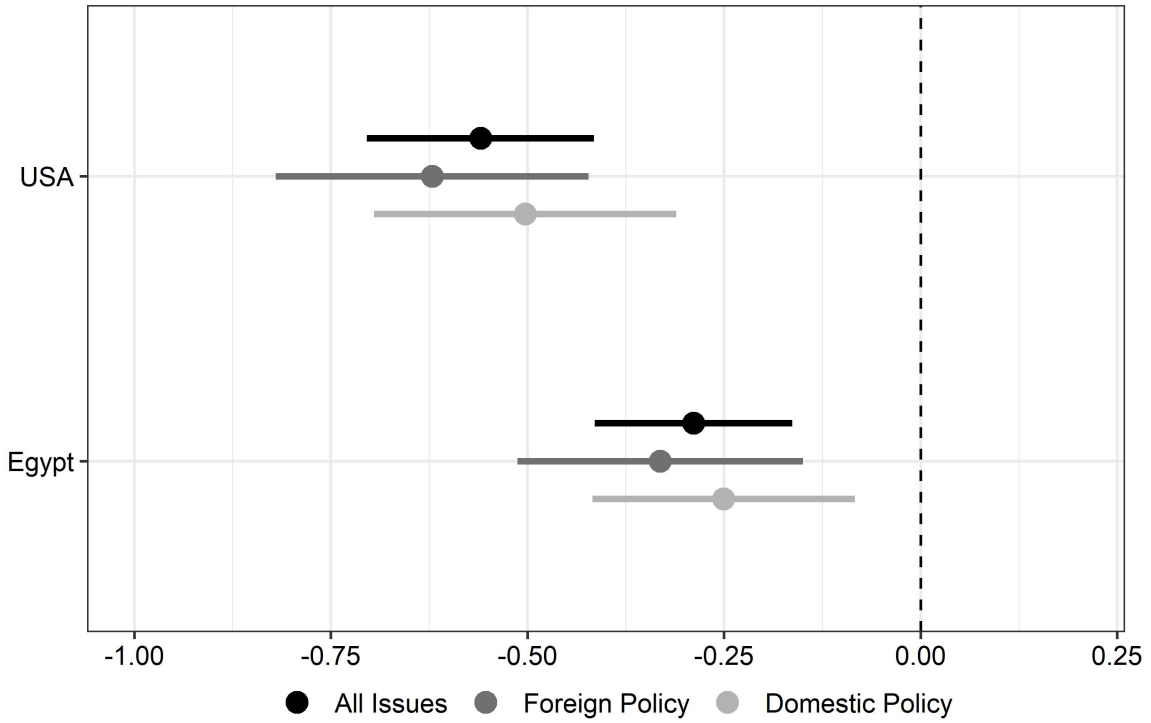
[14] There is a slight imbalance in age in the US survey, though the difference is substantively small. Results do not change when control variables are included.

[15] We use OLS regression for our analysis. Since each respondent completed the experiment twice – once with a domestic policy issue and once with a foreign policy issue – we cluster standard errors by the respondent when using the pooled data.

[16] These models include only an indicator for the executive order treatment to identify the mean difference between the executive order and legislative treatment groups. Due to the factorial design, the main effect reflects a weighted average of the executive order treatment effects across the other randomized conditions in the experiment. A full model with all treatment combinations is reported in the SI, along with all CATEs.

were similar across the domestic and foreign policies. These findings lend strong support for H1 regarding the public cost of unilateral action. Full regression tables are reported in SI-C.

Figure 1: Executive Orders Reduce Public Approval



Note: Coefficients for executive order treatment effects on respondents' approval of president's handling of relevant issues. 95% c.i. N = USA, Egypt: All Issues = 2,598, 2,942; Foreign Policy = 1,299, 1,471; Domestic Policy N = 1,299, 1,471.

We also investigate whether the negative executive order effect is weaker among the president's co-partisans. Because both Egypt and the United States experience political polarization, partisan supporters of the president might accept or even reward unilateral action, so that the executive order penalty is driven primarily by the president's opponents. However, Figure 2 shows that leaders face an approval deficit for issuing executive orders even from co-partisans. The top panel of the figure presents the US results, where we randomized the partisan identity of the leader. As the polarization thesis might suggest, Americans from the "same party" punish their leader slightly less, but they punish nonetheless and

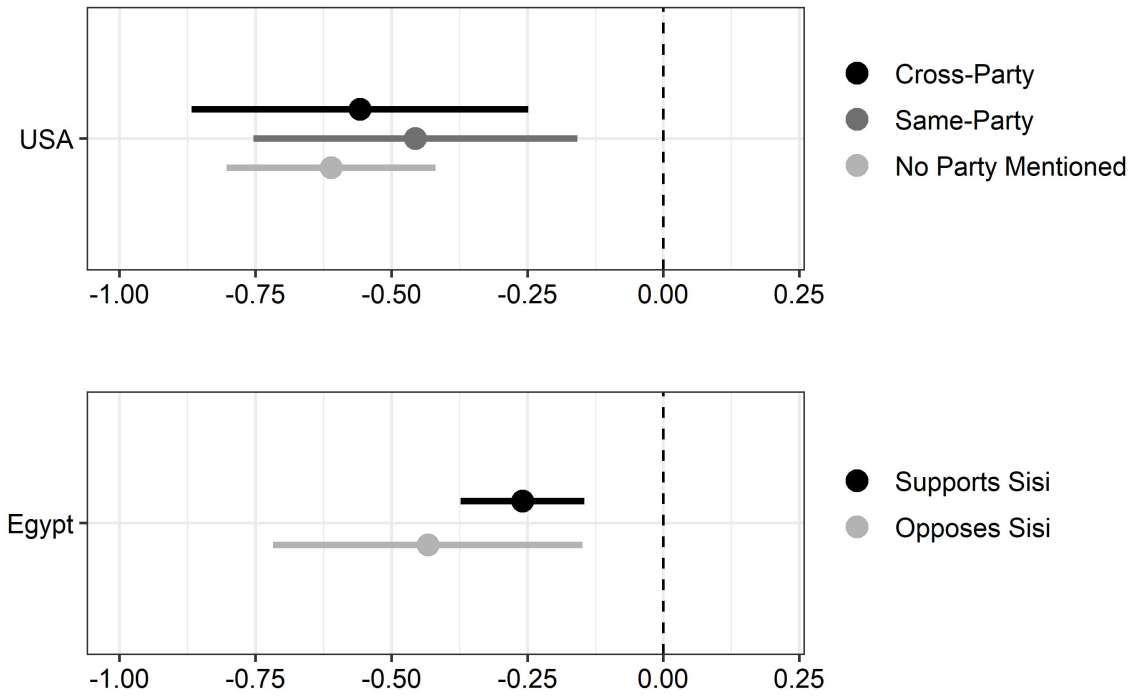
the difference is insubstantial and statistically insignificant. In fact, the negative effect of the executive order treatment is larger than the positive effect of shared partisanship with the president (see SI-C). Similarly in Egypt, supporters of Al-Sisi respond less negatively to unilateral action, but the response remains negative.[17] Partisanship may affect baseline support for political leaders and how individuals respond to unilateral action, but our results suggest that even supporters of the executive will approve of them less when they bypass, rather than work through, the legislature.

In SI-C, we also report subgroup effects among respondents with and without a university education, since process issues may influence attitudes and behaviors more for individuals with higher educational attainment, and because our Egypt sample overrepresents respondents with a university education. We find a similarly negative effect for the executive order treatment among both subgroups in both countries. We also show in SI-C that results are consistent when incorporating controls. Lastly, as mentioned above, the first follow-up study in the United States shows that these conclusions hold when including a pure control group and when naming Presidents Biden and Trump in the US experiment. The second follow-up study shows that these conclusions also hold when the executive order treatment does not explicitly mention the lack of approval from Congress, though the magnitude of the effect is slightly smaller. These results are reported in SI-J and SI-K.

In general, our results reveal a consistently negative reaction to executive unilateralism. Across various issues, regardless of partisanship or education, and in very different countries, people approve less of presidents who bypass the legislature in the policy process.

[17]Because of Egypt's repressive environment, respondents may overstate support for Sisi, though approximately 30 percent stated openly that they did not approve of his job performance. As a robustness check, we run the same analysis with respondents' ratings of the army and security forces, their rating of the government's response to the COVID-19 pandemic, and an index of these questions, since they may be less susceptible to social desirability bias. The results remain substantively the same regardless of how we proxy for supporting the president. Results are reported in SI-C.

Figure 2: Executive Order Penalty Varies Little by Partisanship



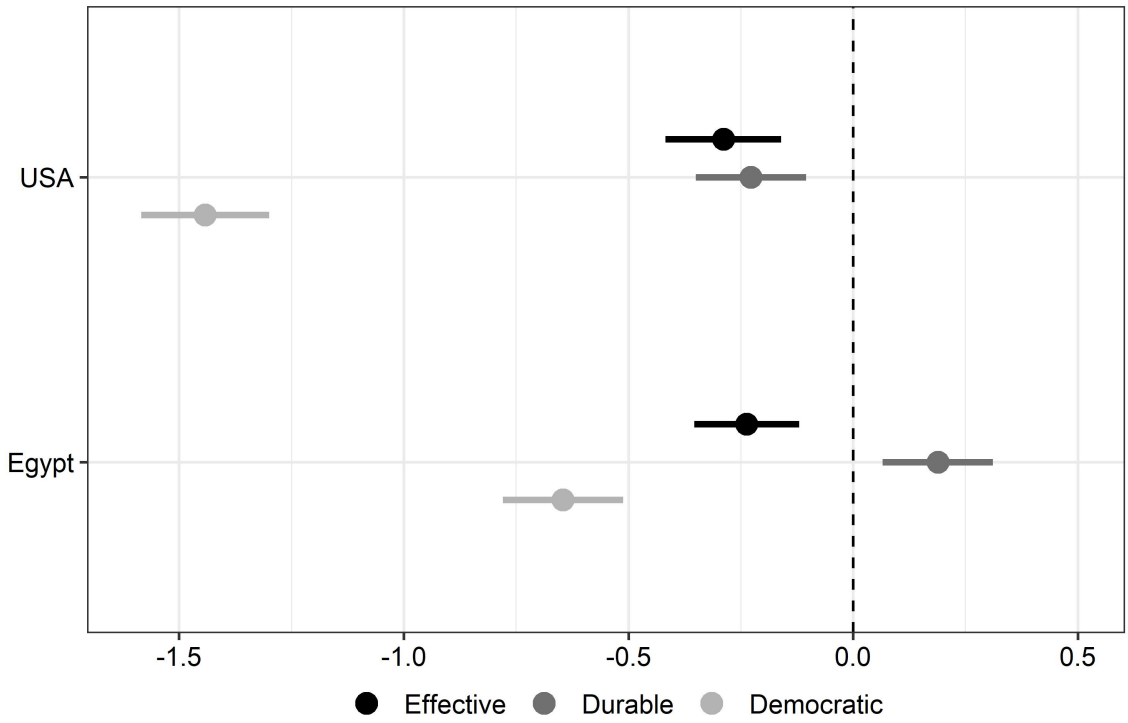
Note: The top panel reports coefficients for the executive order treatment effect in the US survey where respondents were of the same party as the president's (N=576), of the opposite party (N=587), or where no (or independent) party was mentioned (N=1,435). The bottom panel reports treatment effects among supporters (N=2,112) and opponents (N=793) of President Sisi in the Egypt survey. 95% c.i.

4.1 What Drives Opposition to Unilateral Action?

Our remaining hypotheses assess our arguments about *why* people respond negatively to unilateral decision-making. We test them by analyzing the effect of the executive order treatment on the three mechanism outcomes for effectiveness, durability, and consistency with democratic procedure. We then test the role of majority representation in the policy-making process. These analyses also use OLS regression with standard errors clustered by respondent, regressing each of the mechanism outcomes on the executive order treatment.

The results for the first three mechanisms are displayed in Figure 3. Regression tables are reported in SI-C. In both the United States and Egypt, respondents say policies

Figure 3: Effect of Executive Order Treatment on Mechanism Outcomes



Note: Coefficients for executive order treatment effects on respondents' perceptions of policy as effective, durable, or implemented through appropriate democratic procedures. 95% c.i. N (USA) = 2,598; N (Egypt) = 2,942.

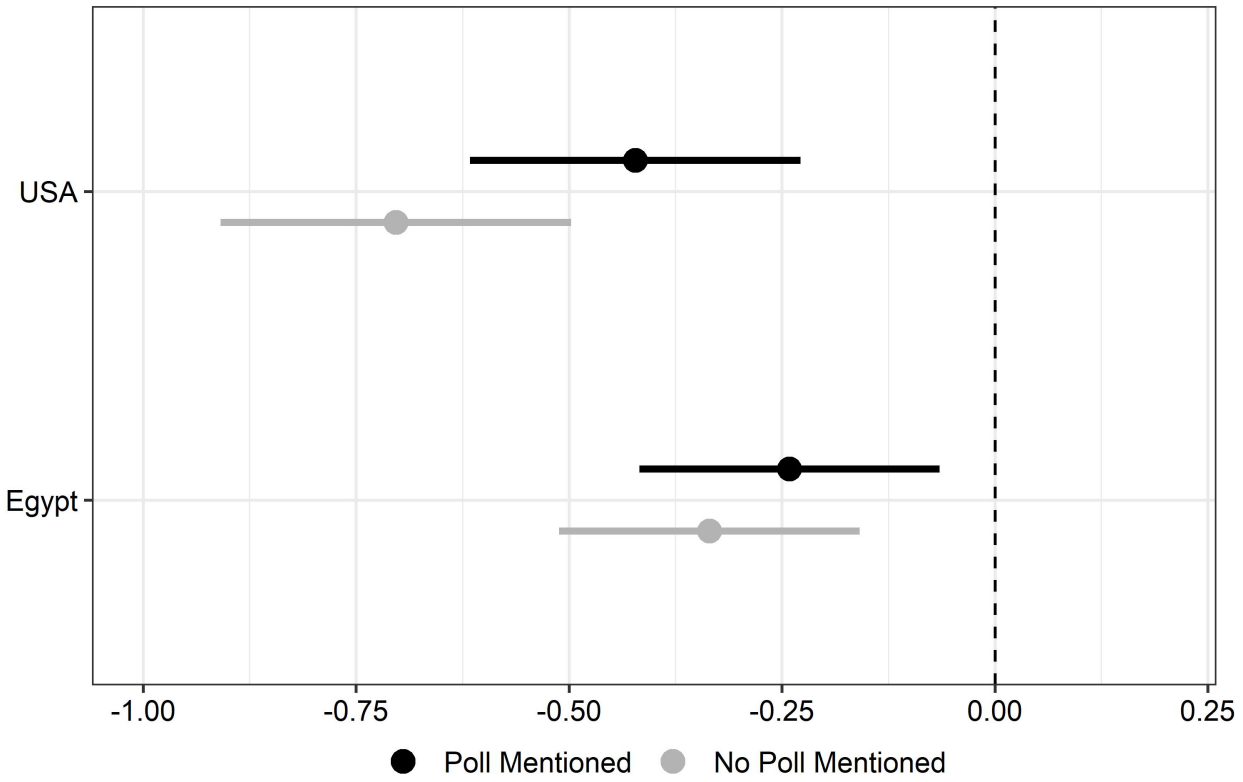
implemented via executive order are less likely to be *effective* at addressing the relevant issue. The treatment reduces perceived effectiveness by 0.29 in the United States and by 0.24 in Egypt on a seven-point scale.[18] This pattern indicates support for H2. By contrast, the results diverge for the durability outcome. Respondents in Egypt say that policies originating from an executive decree are more likely to persist by 0.19, while respondents in the United States say that such policies are less likely to persist by 0.23.

Next, we analyze the democratic procedure mechanism. In both Egypt and the United States, the executive order treatment has—by far—the largest effect on this question. Respondents in this treatment group are less likely to say the policy was implemented through

[18]Note that all p-values for the estimates in Figure 3 are less than 0.01.

appropriate democratic procedure by 0.65 in Egypt and by 1.44 in the United States on the seven-point scale. When compared to the magnitude of the effects for the other mechanism questions, they suggest that much of the penalty for executive policymaking is driven by perceptions that unilateral action excluding the legislature is inconsistent with the procedures of democratic governance.[19]

Figure 4: Effect of Executive Order Conditional on Majority Support for Policy



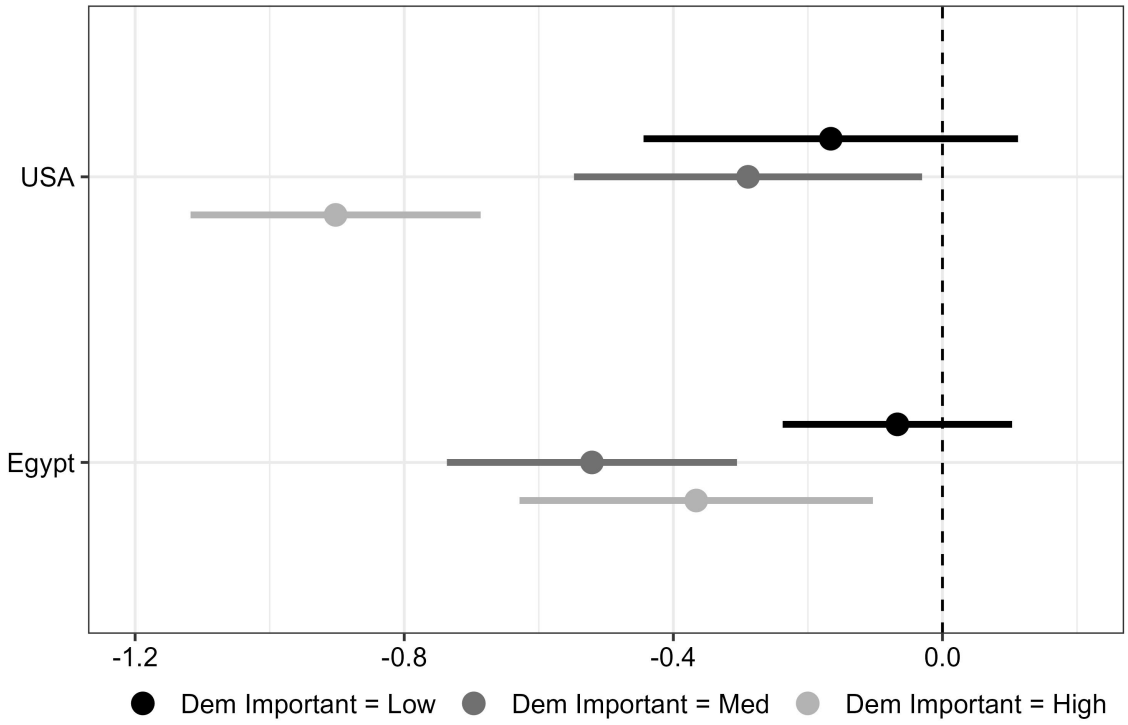
Note: Coefficients for executive order treatment effects among respondents exposed to majority support treatment or not. 95% c.i. N=USA, Egypt: Poll Mentioned = 1,299, 1,442; No Poll Mentioned = 1,299, 1,479.

Turning to the democratic representation mechanism, Figure 4 presents results for

[19]Formal mediation analysis, while requiring stringent assumptions about sequential ignorability that might not to be met here (Imai et al. 2011), corroborates these findings and shows that the executive order treatment effect on presidential approval is mediated most by perceptions of democratic procedure, then by perceptions of policy effectiveness, and then by perceptions of policy durability. See SI-D.

the executive order treatment among respondents randomly assigned to the majority support treatment and those not assigned to this treatment. We find some evidence for H5 – the expectation that perceived majority support for a policy will weaken the public opinion cost of unilateral action because democratic governance is meant to represent the will of the people. In the United States, the majority support treatment reduces the magnitude of the executive order penalty by 0.28 ($p < 0.05$). In Egypt, the majority support treatment reduces the penalty by 0.09, though this difference is not statistically significant ($p = 0.46$). These results suggest that people will be more willing to tolerate unilateral action if they have reason to believe the policy gives a majority of citizens what they want.[20]

Figure 5: Effect of Executive Order by Respondent Views of Democracy



Note: Coefficients for executive order treatment effects among respondents with high, medium, and low levels of support for democracy. 95% c.i. N = USA, Egypt. Low = 652, 1,085; Medium = 672, 842; High = 1,274, 968.

[20]In SI-C, we also show that response patterns on the democratic procedure and representation mechanisms are similar regardless of the partisanship of the respondents.

Lastly, we find evidence that the executive order effect is moderated by respondents' general support for democracy, which reinforces our interpretation that the approval cost associated with unilateralism arises from perceptions that it contravenes democratic governance. We rely on a question about democracy's importance to identify respondents with high, medium, and low levels of support for democracy, and we then look at the executive order treatment effects among these groups. The results are displayed in Figure 5. In the United States, the cost of unilateralism grows in magnitude from -0.17 among respondents with low support for democracy to -0.90 among respondents with high support for democracy ($p < 0.00$). In Egypt, the penalty also increases substantially, moving from -0.07 among those with low support for democracy to -0.52 for those with medium support and -0.37 for those with high support ($p < 0.05$).[21]

5 Generalizing Worldwide

Here, we briefly summarize additional analyses that assess whether the public opinion cost of executive decision-making that bypasses the legislature is more broadly generalizable. These analyses use individual-level survey data from several waves of the Afro, Arab, and Asian Barometers between 2005 and 2018 to show that people who believe their country's legislature plays a weak role in policymaking (i.e., the executive operates unchecked) are 17.5 percentage points less likely to approve of the executive, 2.5 percentage points more likely to say they would participate in protest, and 13 percentage points less likely to believe their country is democratic. These results are fully described in SI-M.[22] Though correlational, these patterns corroborate the experimental results by showing a public opinion cost of

[21] We find a similar pattern with the Egyptian sample when interacting the treatment with the ten-point scale or an indicator for above-median democracy support.

[22] To summarize, we use OLS regression with individual level data, controlling for a variety of demographic and attitudinal measures and including fixed-effects for country, year, and barometer. We clustered standard errors by country.

unilateral action that is linked to perceptions of democracy. In doing so, they provide some indication that our primary findings are generalizable to a range of countries governed by different regime types in different regions.

6 Discussion and Implications

This article uses experimental evidence from Egypt and the United States to show that executives face a public opinion cost for making policy decisions unilaterally that is driven largely by the belief that this approach to policymaking does not align with appropriate democratic procedure. We also find in the United States that disapproval of unilateral action can be reduced if the executive can demonstrate that the policy reflects the preferences of the majority. Observational survey data from Africa, Asia, and the Middle East further demonstrate the connection between executive policymaking, democracy, and approval of the executive, while also reinforcing the generalizability of the experimental findings.

An important area for future research is whether people respond differently to different types of unilateral action. We show negative reactions across various policy issues, but in contexts where unilateral action reflected a clear effort by the executive to make policy, involved legal powers possessed by both presidents, and addressed relatively technical policy domains. It seems plausible that our treatment effects would have been stronger where decrees were clearly illegal or indicated an attempt to reshape political institutions and cement executive power. On the other hand, executives often have access to various tools for acting unilaterally, some of which are more salient than others and may be more likely to draw the public's ire (Lowande and Gray 2017). Additional research on this variation would be useful. Another question is whether different types of executives receive different reactions to unilateral action. We focused on two presidential systems, which are the most common globally and where there is a clear dividing line between the executive and legislature. Our findings may apply well to royal decrees by monarchs, but perhaps less well to unilateral

action in parliamentary systems, where the blurrier distinction between the executive and legislative branches could plausibly influence how people respond to unilateral action. That being said, our results do align with those of Becher and Brouard (2022) and Becher et al. (2017), who show that French prime ministers experience public disapproval for using tactics that strong-arm the legislature into supporting their agenda.

Our findings contribute to several literatures in political science. First, they extend a growing body of research on public attitudes toward presidential policymaking in the United States (e.g. Christenson and Kriner 2020; Lowande and Gray 2017; Reeves and Rogowski 2016, 2018, 2022; Reeves et al. 2017). We reaffirm findings showing that Americans generally disprove of efforts by presidents to make decisions while bypassing Congress. We also expand on these studies by providing additional assessment of the mechanism that drives this effect. Reeves and Rogowski (2016, 2022) show that Americans' attachment to the rule of law relates to how they respond to executive orders, and we extend this finding by demonstrating that executive orders directly and substantially affect Americans' perceptions of whether a policy was implemented via appropriate democratic procedures. At the same time, our finding that visible majority support for a policy can reduce the cost of unilateralism indicates that presidents who advance an agenda perceived to represent the will of the majority may have greater leeway to sidestep checks on their authority.

Furthermore, in showing that presidents enjoy higher baseline support from their co-partisans but still suffer an approval deficit for unilateralism, our results are similar to Reeves et al. (2017), who find muted effects of partisanship on perceptions of unilateral action. However, they differ from other recent findings which suggest that partisan loyalties strongly influence how Americans respond to procedural issues like unilateral action that may weaken democracy in the United States (e.g. Berliner 2020; Christenson and Kriner 2020; Graham and Svolik 2020). One reason for this difference could be that some of our policy vignettes focus on issues with relatively low levels of partisan polarization. Perhaps for these issues, procedural concerns have more influence on how Americans rate presidents

from their own parties. Nonetheless, our results suggest that at least in some contexts, co-partisans of the US president will respond negatively when they seek to implement policies by sidestepping Congress.

Beyond the United States, the paper speaks to an ongoing debate about the durability of popular support for democracy worldwide (Alexander and Welzel 2017; Claassen 2020b; Foa and Mounk 2016). Our findings imply that executives who engage in behaviors perceived as undemocratic will experience lower public approval, insofar as the experimental results show that respondents in both a high-income democracy and a low-income autocracy penalize the executive for making decisions unilaterally *because* they perceive this approach to violate appropriate democratic procedures. The descriptive results further reinforce this consistent dislike of unilateral executive governance in a variety of country contexts, including many countries where the legislature is unpopular.[23] Of course, executives have often been successful at minimizing legislative influence and concentrating power in their hands. Public opinion alone is not enough to forestall this outcome, and majorities may still support these leaders because of the policies they implement or the identities they represent. Yet, our study's findings suggests a generalizable pattern in which executives incur a public opinion cost when they act unilaterally without the legislature, which may create some level of constraint on this approach to decision-making.

Regarding regime type, we find in both our experimental and descriptive analysis that individuals respond similarly to unilateral action whether they live in a democracy or an autocracy. However, the experimental results indicated some differences between the United States and Egypt. We cannot be sure why they occurred because there are many factors that differ between the two countries, but the differences are worth addressing briefly. First, respondents in the United States perceived policies to be more durable when implemented through the legislature, but respondents in Egypt were somewhat more likely to believe that the policy would be durable when implemented unilaterally. In the United

[23]In the SI, we show that the legislature is less popular than the executive in most of our sample.

States, this finding makes sense: many policy-oriented executive orders are overturned by the next president. On the other hand, if an authoritarian president is expected to govern for decades, policies they care about enough to implement unilaterally may be less likely to change, whereas policies in which the legislature is more involved may be less important to the dictator and more likely to be revised. Second, the majority support treatment weakened the executive order penalty in the United States but did so only marginally in Egypt. One possible interpretation of this difference that is related to the specific research design is that Egyptians could trust the accuracy of public opinion polls less because of government efforts to discredit polls in recent years. A more substantive possibility that was discussed with our hypotheses is that the Egyptian legislature may be viewed as less representative because it is elected through highly flawed elections, in which case the representation mechanism would apply less well. An alternative explanation could be that supporters of democracy in authoritarian regimes are less likely to prioritize representation of the public and more likely to emphasize adherence to "correct" democratic procedure. Such an emphasis could make sense given that authoritarian regimes frequently ignore procedures meant to restrain their power, which they often attempt to justify by claiming that their actions are supported by the majority.

Finally, the results speak to the question of what institutions like legislatures do in authoritarian regimes. Most of this literature argues that legislatures help dictators to keep elites and the public loyal by distributing rents, granting limited policy representation, and gathering information (Blaydes 2011; Gandhi 2008; Lust-Okar 2006; Tavana and York 2020; Truex 2016; Woo and Conrad 2019; Wright 2008). Less attention has been given to how citizens in authoritarian political systems perceive the policy process, and whether they prefer this process to be governed by certain institutional arrangements over others (Williamson and Magaloni 2020). Since autocrats need to control the public and many try to maintain their popular support, our results suggest that autocrats may wish to share power with a legislature to give the impression that they are governing in accordance with

proper democratic procedures. As such, we provide new evidence for the argument that autocrats adopt pseudo-democratic institutions in an effort to strengthen perceptions that they govern democratically (e.g. Schedler 2002; Williamson 2021).

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