

**CONSTITUTIONAL DESIGN, LEGISLATIVE PROCEDURES  
AND AGENDA CONTROL IN PRESIDENTIAL SYSTEMS**

**AN EMPIRICAL ANALYSIS OF FOUR CENTRAL AMERICAN COUNTRIES IN  
COMPARATIVE PERSPECTIVE**

By

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## ABSTRACT

The thesis covers issues of constitutional design, legislative procedures and agenda control in presidential systems, with specific empirical application to four Central American cases in a comparative perspective. The results relate to the critical view that presidential systems are inherently prone to institutional deadlock, deriving from their rigid constitutional design. My findings suggest that constitutional rules only determine broad parameters of variation, and that greater attention should be paid to the endogenous procedural design of the legislative process of policy approval in the explanation of institutional performance and inter-branch dynamics.

The work is comparative and bridges quantitative and qualitative analysis. The data employed are original and allow for an innovative connection between theory-driven hypotheses on the incentives for majority political actors to circumvent ordinary procedures and play strategically employing procedural choices and political outcomes, by assessing the patterns of legislative production. The hypotheses are generated with attention to the degree of aggregation of interests in the decision-making process, as a measure of the representativeness of the decision-making process and hence as a general characteristic of the everyday democratic process. In fact, while democracy is understood as a process and not as a formal procedure, it is important to observe procedures as subtle devices where majority actors may find embedded comparative advantages to impose their political agenda unilaterally.

The analysis further represents a thorough effort of theory testing whereby a competitive assessment of informational theories of legislative politics, exogenous factors such as electoral pressures or endogenous contextual characteristics such as the degree of fragmentation and polarization on the floor, is unpacked and delivers important analytical refinements to these theories.

Finally, the normative agenda for analysis includes a view on constitutional choice and on methodological biases in the literature of Comparative Politics which have a large impact on the research output. The theoretical, substantive and methodological implications of the findings are thus reinserted into a normative view on procedural justice and the quality of democracy.

Key words: institutional design, procedural choice, inter-branch dynamics, presidential systems, agenda control, Central America, qualities of democracy.

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## **CHAPTER ONE**

### **LEGISLATIVE STUDIES IN COMPARATIVE PERSPECTIVE: THE FOCUS ON THE PATTERNS OF LEGISLATIVE PRODUCTION IN PRESIDENTIAL SYSTEMS**

“For nearly 300 years, constitution writers and institutional designers have been cognizant that their choice of institutional structure affects political behavior. They have recognized that there is no single ideal form of democratic government, and that each choice involves tradeoffs.”<sup>1</sup>

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<sup>1</sup> Haggard and McCubbins, 2001: 2.

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## 1) INTRODUCTION

This first chapter describes the research puzzle of this thesis and locates it in relation to the field of analysis focusing on legislative politics, inter-branch dynamics and institutional performance in presidential systems. In order to achieve this, I first explain the controversial view that has guided the approach to the institutional workings of presidential regimes in Section 2. To that purpose, I describe the arguments and counterarguments of the debate, which will allow me to elaborate my specific theoretical claims. These are developed in the third section, where I explain the contribution of the focus on the patterns of legislative production to the analysis of policy outcomes in presidential systems.

In the fourth Section, I carry out a synthetic literature review, developed along two axes: first, the central issues for analysis in the broad literature on legislative politics and inter-branch dynamics in presidential systems. Second, the various methodological approaches in the field, which have greatly affected the lines of research and the stable findings in the field, also occupy their own space in the literature review. This literature review will be useful throughout the thesis as a reference section for the positioning of my analytical proposal within the broader field of research on legislative studies.

In the fifth Section, I spell out my research design, specifying the dependent and independent variables, the general hypotheses and the assumptions employed. Finally, I explain the criteria for case selection, the time frame this thesis covers and briefly describe the data available to carry out the research I propose.

## 2) CONSTITUTIONAL DESIGN IN PRESIDENTIAL REGIMES

“There is a renewed focus on the importance of political institutions in accounting for the success or failure of democracy. Recent advances of democracy in Central and Eastern Europe and other parts of the globe have given impetus to the study of designing constitutions and the consequences of institutional choice”<sup>2</sup>

The idea that the form of government influences the survival of democracies was a major point of contention among students of Comparative Politics in the late 1980s and 1990s (Cheibub and Limongi, 2002: 151). Linz, in his influential article of 1989, subsequently published in a collective volume in 1994 (Linz and Valenzuela, eds.), emphasized that presidential regimes are more rigid in managing political conflict, with direct consequences at the regime level on the quality and stability of presidential

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<sup>2</sup> Shugart and Carey (1992: 1).

democracies. This was seen to be a direct consequence of three main components of the constitutional design typical to presidential regimes, namely: (1) the Executive is directly elected; (2) the terms of office are fixed both for the Executive and Legislative branches (i.e. terms of office do not depend on mutual confidence); (3) the elected Executive names the cabinet independently<sup>3</sup>. His argument was, essentially, that these three elements **together** produce an unstable and unfriendly arena for the resolution of political conflict. Instead, it was claimed, these characteristics, typical of presidential systems, dramatically increase the likelihood of divided government. The tensions created when divided governments appear is likely to be more dramatic in presidential systems than in parliamentary ones, Linz argued, due to the very independence of the branches from the election devices legitimating each in office. This direct legitimacy and fixed office terms, with no means to impose vote of confidence or dependence on mutual support, was seen to easily lead to political conflict, institutional blockage and, overall, a great threat to the stability and survivability of democracy.

A second possible resulting scenario, which Linz *et alia* (in the volume of 1994) considered very likely under the constitutional design of presidential systems, was an overly powerful Executive, with an exceptional degree of authority to overcome institutional conflicts with the legislature. Decree authority<sup>4</sup> and veto power<sup>5</sup> have traditionally been studied under this critical light, and these studies produced newly coined terms such as *hyper-presidentialism* - when Executives overuse these decisional tools. In this state of affairs, the role of Assemblies<sup>6</sup> in presidential systems was assumed to be weak, marginal and powerless, in the face of such strongly empowered Executives, and they were characterized rather figuratively as “*rubber-stamp legislatures*”, particularly in Latin America.

Whereas the main conceptual approximation Linz offered on presidential systems was based on the idea of “rigidity”, as opposed to the “more flexible” nature of the

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<sup>3</sup> See Lijphart, 1992, Shugart and Carey, 1992 and Sartori, 1994, for discussions on which components of the constitutional design define presidential systems. However, these three elements gather the academic consensus on the key defining components of presidential systems.

<sup>4</sup> Decree authority is the ability of the Executive to emit a law which is immediately effective, i.e. which avoids the oversight of the legislative body. This authoritative device is not exclusive to presidential systems, and within presidential systems it is usually constrained to specific policy areas and to a specific range of temporal validity. Despite these facts, decree authority in presidential systems has been seen to be overused, particularly in some specific governments (such as under Cardoso in Brazil in the first government), which was seen henceforth as a typical characteristic of several presidential systems (i.e. there was an ecological inference).

<sup>5</sup> The typical decisional structure of a presidential system is to give the President the “last word” on the approval of legislation, by providing this actor with veto power (see Cameron, 1999; Tsebelis, 2002). As we will see, however, the legislative body has the possibility to override the veto with a more or less severe majority of votes.

<sup>6</sup> Throughout the thesis, I employ indistinctively the terms Assemblies, legislatures, the House, Congress or Parliament. Although some authors would argue that Assemblies is the most general term, while the others are designed for specific systems (such as House, usually employed for the U.S. Congress, or Parliament, mostly employed for European parliamentary systems), I believe there are nonetheless sufficient commonalities between these terms to allow them to be understood as designating the same institution, the Legislative branch, central to any democratic political system.

institutional design typical of parliamentary systems, several branches of the field of legislative studies have reacted by highlighting the exceptional nature of his characterization of presidential systems. The central idea was to suggest that the political system Linz described as the typical presidential system, even if illustrated with some specific examples, needs not be the archetypical or inherently ill-advised one.

Generally, not all presidential systems suffer from institutional blockage, political conflict and deadlock, nor do all parliamentary systems enjoy consensus, cooperation and the peaceful resolution of political conflict. It has become clear that Linz's analysis of presidential systems has proved useful to trigger both theoretical and empirical debates, but also that a renovated research agenda is now needed in order to proceed with a more detailed analysis of political outcomes under presidentialism, parliamentarism or other mixed forms of government (Shugart and Carey, 1992; Cheibub *et alia*, 2004).

In fact, despite the convincing character of Linz's arguments, they lacked consistent and comparative empirical support. Besides, while the debate (so-called '*presidentialism versus parliamentarism*') had a considerable academic impact during the 1990s, the current academic consensus places a greater demand on more empirical and comparative analysis. In the words of Haggard and McCubbins: "for too long, the debate has focused on the question of whether institutions matter. In order to progress beyond this question, it is necessary to shift our focus from sweeping, general questions about institutions (such as presidentialism versus parliamentarism), and to develop more fine-grained comparisons" (2001: 17). In addition, there is also a renewed perspective more straightforwardly engaged with the normative implications of Linz's original view on presidential systems, recognizing that "while there is no single model or easy solution for democratic political development, (...) presidential institutions can provide a complex system of representation when bargaining, negotiation and compromise are essential" (Von Mettenheim, 1997: 245). In this line, current works on the issue claim that the analysis requires greater institutional detail in order to confirm or reject Linz's arguments: we simply do not yet know which part of the explanatory equation was wrongly specified, but we are now certain that it suffered from serious ecological biases and generalizations (Cheibub *et alia*, 2004).

One convergent perspective is that the political outcomes of presidential regimes do not only depend on macro institutional design, but rather on the presence of other factors, as I will develop further on in this Chapter. Three branches of research in particular have contributed to elaborating these *other* sets of relevant factors determining the institutional performance of presidential systems.

A first fertile branch of the literature claims the importance of the degree of polarization and fragmentation within the party system (Mainwaring, 1990; Mainwaring and Scully, 1995; Mainwaring and Shugart, 1997) to explain the stability or instability of presidential systems. Since within these systems the two branches of government are separated by the very nature of their electoral devices of origin, a large ideological polarization is particularly expected to work against the principle of cooperation and consensus Linz so enthusiastically attributed to parliamentary systems. The argument is again related to the institutional conditionings that lead to divided government and the refined prediction of this field is that when polarization and fragmentation appear together the possibility to form a unified government is very low. Hence, either a divided government is formed or coalition-building becomes the central device for policy making. Under these circumstances, confrontation and blockage is more likely than cooperation and consensus, unless other devices bring political compromise. Therefore, this line of thinking only partially refutes Linz's original hypothesis, by adding the refinement to the hypothesis that it is not presidentialism alone but **the combination of presidentialism and multipartism** which produces '*the difficult equation*' (as is known in the debate by the original words of Mainwaring in his 1990 article).

The second branch of the literature in fact focuses on the conditions under which the institutional structure can foster compromise and bargaining instead of confrontation and conflict. In this way the perils of presidentialism, which were seen as a structural characteristic of this type of political system by Linz, are thus seen as a more or less likely outcome **rather independently of the type of political system**. It is dependent, instead, on the structure of the decision-making process (Shepsle, 1979; Krehbiel, 1991; Haggard and McCubbins, 2001). This field of analysis understands political outcomes in relation to the institutional structure, but instead of looking at the macro, constitutional design level, it focuses on the more intermediate level of political behavior that is determined by the structure of the decision-making process. A seminal work in this field of research is the theoretical work by Shepsle (1979), which provided the basis for the structure-induced equilibrium school (SIE) and which has inspired a large number of specific analyses in the neo-institutional tradition. These specific contributions are reviewed in greater detail in the literature review. Suffice to highlight here that, generally, their shared characteristic is the generation of hypotheses that include greater institutional detail combined with the explicit objective of generating empirical analyses with comparative applicability.

Finally, a third though less developed branch of research points to the need of **unpacking variation** within the pure typology of parliamentary and presidential systems. The point of departure here is that given the great variation within presidential systems<sup>7</sup>, any objective to lay out general predictions about the political outcomes of these systems constitutes a bias in nature. Consequentially, this branch of research highlights that the original hypotheses were rather a set of spurious and general assertions which imposed a common model of understanding of presidential democracies that does not hold empirically, because variation is larger. An important argument that derives from this field of analysis is that neither presidential nor parliamentary systems lack the potential for political conflict and institutional blockage, so that institutional design alone cannot account for all the possible manifestations of these political outcomes. In fact, typologies that account for variation within political systems (be they parliamentary or presidential) are relatively scarce for being such a central object of study in the discipline. Within the existing ones, some propose a range of four-fold categories (such as in Shugart and Carey, 1992 and Sartori, 1994)<sup>8</sup> while others analyze country-specific patterns (see Lanzaro, 2001, for the exploration of regime variation in Latin American cases, and Lijphart and Waisman, 1996, for an equivalent effort with respect to the mixed forms of government in some Eastern and Central European new democracies).

Summing up these arguments and counterarguments, one clear point is that the renewed research agenda has gone beyond the origins of the debate on *'presidentialism versus parliamentarism'*. A more developed effort to bring to the forefront in the discipline a greater institutional detail, plus more comparative and empirically oriented research, has arisen. Some important convergences among the newly generated lines of research are gathered here in order to engage these arguments more clearly with my own in the next Section.

First, the hypothesis that there is a greater likelihood of political conflict in presidential systems is unsustainable in the light of empirical analysis (see Shugart and Carey, 1992: 41; Power and Gasiorowski, 1997; Cheibub and Limongi, 2002; Cheibub et al, 2004). Neither divided government, nor institutional blockage or tyranny of the majority is

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<sup>7</sup> The effort to create typologies accounting for variation within presidential systems, including semi-presidential systems, pure presidential systems, premier-presidentialism and president-parliamentary mixed systems, was initiated by the volume on Constitutional design and electoral dynamics by Shugart and Carey in the early 1990's (1992). Since then, Lijphart (1992) and Sartori (1994), have undertaken severe efforts to describe the core characteristics of pure presidential, pure parliamentary, as well as define some mixed systems. These works represent a great advance for the state of knowledge on variations among political systems. A more recent empirical work can be found in Lanzaro (2001), which however only refers to the variation in Latin American cases. These works are developed further in the literature review in this Chapter.

<sup>8</sup> These four categories are: pure presidentialism, semi-presidentialism, premier-presidentialism and pure parliamentary systems, with the defining characteristics of each being essentially based on distinctions on how is the cabinet elected and named and which devices are available for impeachment, mutual control and confidence.

necessarily absent from parliamentary or other types of political systems. Hence, the elaboration of hypotheses should not only take into consideration the characteristics of the constitutional design but also attend to other contextual or political factors, as these may be the main causes for spurious conclusions.

Furthermore, the potential for political conflict has been systematically assessed through the stability of democracy, measured by the longevity of the regime (issues such as ‘what makes democracy endure?’, Przeworski et alia, 1996). Indeed, the Theory of Democracy has spent a long time and devoted great effort to explain which conditions precede a transition to democracy or which conditions announce a democratic breakdown. My argument is that while the assessment of stability and longevity is an important general measure of a regime’s performance, and particularly relevant to students of democratic consolidation, this measure is however unable to reveal the ability of institutions to solve day-to-day conflict over policy. Longevity tells us very little about which particular practices are becoming institutionalized, in the sense of *routinized* (Power and Gasiorowski, 1997: 131) and very little about the capacity of democratic regimes to deliver representative policy. In fact, longevity only tells us about one possible extreme situation, in which political conflict has become so exacerbated that a breakdown occurs.

My research proposal departs from the belief that a focus on which practices are becoming institutionalized by the very nature of institutions may contribute to the renewed research agenda briefly described above. The study of the patterns of legislative production, as a political output that reflects the way political behavior – specifically inter-branch dynamics – occurs in everyday interaction. Focusing on this object of research thus allows me to effectively connect the analysis of constitutional rules determining resources of power and authority and the actual outcomes. The next Section describes more thoroughly how this research contributes to the general lines of debate and analysis presented above, focusing specifically on the side of the debate grounded in the assessment of the institutional performance of presidential systems.

### **3) THE FOCUS ON THE PATTERNS OF LEGISLATIVE PRODUCTION**

Patterns of legislative production can contribute to explaining whether the perils of divided government and arduous political conflict resolution are effectively a consequence of the institutional design of presidential regimes or, alternatively, a byproduct of other factors.

Legislative production is the amount of legislation produced in a certain legislative period. The patterns of legislative production concern the characteristics of the process of

legislative approval, including the behavior of political actors and the procedures employed to get legislation passed. The process of legislative approval is hence the realm where interaction between rules (and the different levels where these operate, from the constitutional rules to the procedural ones) and actors' behavior takes place. This analysis is therefore chosen because it allows for a clear assessment of the connections between the *de jure* and *de facto* practices in decision-making<sup>9</sup>.

This connection, between *de jure* design and *de facto* practices is necessary in order to establish whether the patterns we observe are in effect a pure outcome of constitutional design or whether *de facto* practices are informative of further dynamics explaining policy outcomes. In this way, this research can help to shed light on whether the workings of presidential systems follow a pattern characterized by the Assemblies acting as *rubber stamps* or marginal political actors and by an Executive which substantively and systematically monopolizes the political agenda, or whether the variation is larger and there are further political dynamics embedded in the shape of the political outcomes (as reflected in the patterns of legislative production).

Thus, this research contributes to the renewed research agenda described in the first Section of this chapter by proposing, first, an empirically oriented model of analysis, by focusing on the way legislation is produced; and second, a comparative analysis which may identify sources of variation as well as common and stable outcomes which can be related to the characteristics of the political system, such as the party system format or the character of historical interaction between political actors. As I point out in the Section devoted to the case selection criteria, I follow two main concerns in this respect: the first is narrowly related to the worry for the party system format (bipartisan, moderate multiparty, extreme multiparty, etc). The second is related to the theoretical aim of this thesis to speak to the Theory of Democracy with new findings relative to which practices are becoming institutionalized by the nature of institutions, via the selection of countries in a relevant stage of the democratization process (see Section 6).

In the third place, this research proposal constitutes an original and unexplored strategy to assess the effect of institutional design on political outcomes. This type of

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<sup>9</sup> As may have become clear from the previous Section, a partial conclusion of the new lines of research is that only accounting for the constitutional design of presidential systems, as the original view (Linz, 1989), does not suffice to capture the diverging institutional performance of parliamentary and presidential systems when compared. Yet neither does it suffice for examining presidential systems on their own. This nuance is labeled in this thesis as the *de jure* and *de facto*, the first term designating the focus on the constitutional design (as *de jure* literally refers to the legal grounds of a certain system) and the second designating the focus on the practices of political actors in their participation in the decision-making process (legislative production). The levels of analysis and the claim in favor of including this analytical connection (between the *de jure* and the *de facto*) in the debate of institutional performance of presidential systems will become clearer in this Chapter and is practically carried out in Chapters 2 and 3.

research is data intensive, which partially explains the lack of empirical and comparative research in this particular field of research (with the exception of the U.S. Congress and Senate). Nonetheless, there are available studies, although they lack a unitary approach and contribution to the field, explaining the relationship between legislatures and development (Smith and Musolf, 1979; Mezey, 1985) and between legislatures and democracy more generally (Manin, 1997; Close, 1995; Von Mettenheim, 1997; Reynolds, 2002). In the empirical realm we also find recent works which reflect the increasing attention being paid to this issue (Morgenstern and Nacif, 2002; Lanzaro, 2001; Limongi and Figueiredo, 1999, 2001, 2002).

The analysis of the patterns of legislative production is also complex, given the large number of variables affecting legislative performance: the procedural design, the contextual characteristics of the legislative scenario, and the incentives of the specific political actors who play the game. This range of factors constitutes a complex constellation of variables, where independent and interactive effects are endogenous<sup>10</sup> and difficult to separate. My focus in the assessment of political outcomes as an indicator of institutional performance is the degree of aggregation of interests in the decision-making process, which defines an array of decisional styles. This is a key aspect to enhancing our understanding of the dynamic interaction between rules and political actors' incentives and the results of these interactions for democratic rule. The aggregation of interests in the decision-making process must normatively be a core function of legislatures in modern democracies, from their straight relationship to representation and hence a key basis of democracy as a political regime. Whether the decision-making process engages all political actors on equal participatory grounds affects the prospects for the possibilities of the political system to deliver representative outputs.

Moreover, the role of legislatures in presidential systems is relevant on these grounds because there is the possibility that a unilateral actor, such as the Executive, may restrict the process of deliberation via the employment of exclusive and exceptional power tools, as was originally remarked by Linz *et alia* with an emphasis on decree and veto power. If unilateral action constitutes a systematic characteristic of policy-making, the capacity of the political system to translate social demands into public policy – the representative function – will suffer a corresponding decrease in the aggregation of

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<sup>10</sup> Endogeneity is a characteristic of phenomena that can be only explained by the very characteristics that produce the phenomenon in the first place. For instance, the explanation of institutional outcomes (such as the patterns of legislative production) by institutional factors (such as constitutional and procedural rules) constitutes an essentially endogenous analysis. I will discuss in depth the costs of endogeneity in institutional analysis in the quantitative analyses of the thesis and derive the balance of costs-benefits of this analytical choice in the final Chapter.

interests that representative systems are expected to engender. Entrenched interests, pork-barreling, corruption, rent-seeking and a systematic exclusion of minorities' interests, with the associated eventual weak legitimacy, lack of political trust, and erosion of the parties' capacity to channel societal interests, would thus lead to a weak institutionalization of democratic principles.

In addition, legislatures are “forums for deliberation and compromise among diverse political forces” (Shugart and Carey, 1998). The analysis of the legislative production process can contribute to an analysis of “how effectively the conflict over public issues is resolved, thus offering an initial indicator of a country’s ability to manage political contention and dissent” (Close, 1995: 1). Therefore, this approach offers a middle-range analytical strategy to capture to what extent agenda control is exerted within the existing rules. In the broad discussion about rules, specifically constitutional rules (Chapter 2) and procedural rules (Chapter 4), I pay particular attention to whether the existing rules offer comparative advantages to some political actors. This is an important effort because while the emphasis of studies on corruption or patronage, for instance, as a reflection of comparative advantages of some political actors, often focus on informal arenas of political interaction, this analysis asks whether it is in fact within the formal rules that systematic embedded advantages which privilege some actors lie. In particular, the term ‘some actors’ refers to majority political actors, such as majority parties, and their unilateral behavior, such as that of the Executive.

The question of the effects of institutional arrangements on (aggregate) policy outcomes is multidimensional and difficult to unpack. This fact is a consequence of the several levels of operation present: rules, actors’ behavior, legislative production and the interaction between these. In fact, in an explicit attempt to uncover the sources of flawed institutional analysis, Diermeier and Krehbiel (2003) precisely underscore that “the key to avoiding confusion in constructing theories of institutions is to distinguish between levels of institutions” (p. 132). Following this advice, I unpack the issues of this thesis into three questions, where, hopefully, the different levels of operation of institutional analysis on which I will focus clearly emerge:

1<sup>st</sup> - Are Assemblies weak actors in presidential systems, meaning unable to exert influence over the political agenda as a byproduct of the constitutional design of presidential systems or is there a range of variation related not only to constitutional rules but also to more subtle indicators of performance?

2<sup>nd</sup> – Does the procedural design of the legislative process of approval offer windows of opportunity to majority actors to perform unilateral action in the decision-making process, thereby systematically exerting agenda control? Unilateral action and agenda control are positively related to an embedded low aggregation of interests in the decision-making process, by restricting the participation of all political actors in the forum for deliberation and the adoption of public policy decisions as legislatures are?

3<sup>rd</sup> – At the normative level, if there is a systematic discretionary employment of rules in the favor of majority political actors, then what are the consequences of this for the representative grounds of democratic regimes? What are the implications for the quality of democracy as derived from the decisional styles of everyday politics?

The first and second questions posit empirical questions, with possibilities to offer empirical evidence, on the grounds of the theoretical elaboration of measurement choices, to the debate on forms of government and political performance. In particular, the first question involves analyzing constitutional design and its explanatory capacity for capturing variation across presidential systems and henceforth on the likelihood of political cooperation/conflict between the Executive and Legislative branches. This first question is, therefore, related to the operation of macro-institutional rules and the assessment of their effects on inter-branch dynamics. The question is clearly motivated by the origins of the debate on *'presidentialism versus parliamentarism'*, given the strong weight given there to constitutional design (as explained in Section 2 in this Chapter). While, as hinted by the general standpoint that the combination of *de jure* **and** *de facto* practices is necessary to assess both broad and specific aspects of inter-branch dynamics, we nonetheless posit this quest as an empirical and comparative enterprise, an effort which we have said to be crucial for the progress of the debate.

In turn, the second question involves focusing on micro-institutional rules, which derive from the procedural design of the decisional process to get legislation passed in the legislature. I will pay special attention to the available windows of opportunity embedded within these rules for potential exercise of agenda control, such as in the committee system design and with regard to the availability of emergency procedures and the sequential design of the bills' approval.

The third question has a normative character in that it reflects on the potential dangers associated to the practices becoming institutionalized by the very nature of the institutional design. In an explicit effort to lay out a dialogue between the empirical and

comparative findings, and the normative implications of these, I will discuss whether endogenous or, alternatively, exogenous factors matter in explaining the institutional performance of legislatures and Executives. This question joins the normatively-engendered debate concerning the available (macro) constitutional choices, such as form of government and electoral systems, and the effects of this choice on both other associated institutional design packages (such as the micro-institutional rules of the procedural design) and the analysis of political performance. Given that the analysis of political performance here is closely linked to issues of agenda control, as a reflection of the degree of aggregation of interests in the decision-making process, the connection with the Theory of Democracy in the evaluation of issues such as how representative a political system is and what the implications of majority rule are is facilitated.

The range of conceptual discussion concerning this question is large, but I will keep attention to the issue of agenda control narrowly associated to the classical idea of Tocqueville of the potential reverse output of democratic regimes for their common privilege of majority rule over other possible institutional rules. The potential for the ‘dictatorship of the majority’, as a surprisingly neglected issue in Theory of Democracy, may be linked to the debate on forms of government and the criticisms on the constitutional choice of the checks-and-balances system *par excellence*. This last question will, therefore, feedback to the original theoretical level of analysis of constitutional design and issues of constitutional choice (question 1), in the light of the empirical results assessing how and when agenda control is performed (question 2), from a broader normative insight, hopefully consequential to the Theory of Democracy.

I develop in the next section a short literature review on the largely heterogeneous approaches to legislative studies in a comparative perspective. This section will serve as an introductory effort to spell out thereafter my own positioning and research strategy.

#### **4) CRITICAL LITERATURE REVIEW: THE FIELD OF LEGISLATIVE STUDIES**

The field of research on legislative politics is a traditionally important, and hence productive, one in Political Science. Parliaments have been seen as one of the core political institutions, and the key one when addressing issues of representation. As the main institutional solution to the problem of the aggregation of preferences –representation - and to the problem of political action undertaken for social needs –policy making - Parliaments have been at the heart of interest of almost all schools of thought within the discipline. As a consequence, there is a considerable heterogeneity among the different theories, making it difficult to produce a short literature review. However, there are two

broad characteristics in this field of research which may serve as introductory remarks of the nature of the field. In fact, these two characteristics constitute a consensus in the existing reviews on legislative studies and strongly affect the structure of this field of research.

1) - Research on the U.S. Congress exceeds the volume and possibly all the efforts undertaken to research Parliaments in other geographical areas. The U.S. Congress has a particular institutional structure (bicameralism, seniority system in committees, committee plus subcommittees systems, weak parties despite their behavior as *procedural coalitions*<sup>11</sup>, great strength of interest groups in the policy making process), which has largely influenced the kind of studies produced. Despite their valuable and solid corpus of knowledge, studies on the U.S. Congress have seldom been connected with studies of other geographical regions. This is a first salient characteristic within the legislative field of research: a lack of comparative analysis.

However, a positive consequence of this long-lasting focus on the U.S. Congress is the availability of a set of measures. Eventually, these measures offer the possibility to contrast these with other case evidence (whenever data is available). In this way, the existing analytical tools created to analyze the U.S. Congress may have a valuable role in generating a fruitful scientific debate in a comparative manner.

2) – The second salient general characteristic of the legislative field of research is a lack of linkages between theoretical findings and empirically oriented works. Only recently has the emergent research agenda fostered by the formal institutionalist approach begun to bridge more clearly theoretically-driven hypotheses and empirical research. According to the path-breaking author in the formal analysis of legislatures and legislative design, Shepsle, “the distancing of the analytical from the empirical has had unhappy consequences: it diminishes the impact of insights derived from more analytical approaches and it minimizes the prospects for cumulativeness from more descriptive studies” (1985: 7).

Furthermore, for some authors these two characteristics are, unfortunately, deeply entrenched in the nature of the object of research (Jewell, 1978). Given the complexity of legislative bodies, Jewell argues, research requires great detail, and a thus vast deal of case-specific knowledge and analysis. In my view, comparative work can increase our knowledge of different specific institutional settings and allow us to draw conclusions on the outcomes of these for political performance. Although descriptive and intensive case-specific

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<sup>11</sup> See Kiewiet and McCubbins (1991) for the basic argument on parties as procedural coalitions in the U.S. Congress on the floor and Cox and McCubbins for counterarguments (1993).

knowledge is necessary to understand diverse patterns of legislative behavior and organization, a greater theoretical effort is necessary in order to generate more comparative analysis. In my view, the distance between theory and empirical work is not necessarily a consequence of the nature of the object of research, but rather a consequence of the difficulty of positing general theories that include both institutional detail and all the conditions for carrying out comparative empirical analysis. I agree with Mezey (1994) in that “the price for maintaining these two separate research efforts has been the persistence of inaccurate, often stereotypical models of how legislatures other than that which one is studying operate, along with a continuing inability to generalize about legislatures” (p.431).

However, it is increasingly possible to carry out fruitful comparative research and empirically testable studies on Parliaments, as new efforts are developed in order to generate data susceptible to empirical and comparative analysis. In order to describe how this evolution has taken place in this field of research, I summarize in the following subsections two central axes of the discipline. First, I briefly focus on the objects of research within the possible range of investigation of legislatures. Second, I account for the diverse methodological approaches, from the descriptive and historically informed to the currently fashionable formal theories. As will become clear, the review of the methodological approaches is not irrelevant, as these have greatly influenced the conceptual realm in which questions are raised.

#### 4.1) - EVOLUTION OF THE LINES OF RESEARCH IN LEGISLATIVE STUDIES: A CRITICAL ASSESSMENT

The field of research on legislative studies has followed an interesting path from the 1950s to the present. The focus of interest has evolved in parallel fashion to the different schools of thought that have addressed one, or more, of the different aspects of the legislative institution. Indeed, some shifts in the focus of interest have derived from shifts in methodological fashions within the discipline rather than from a change in the corpus of well-defined theoretical aims or findings of empirical analyses.

I have clustered the focuses of interest into three broad groups: functions of Congress, links between Congress and policy outcomes, and the internal life of Congress<sup>12</sup>.

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<sup>12</sup> Other authors have generated other classifications of the key issues in the legislative research (see, for instance, Jewell, 1978, 1981; Eulau, 1985; Krehbiel, 1991; Mezey, 1985, 1994; Shepsle and Weingast, 1994). Hedlund (1985), for example, highlights the heterogeneity of the theoretical approaches assessing the legislative body, namely: structural functionalism – especially in the 1970s-, role analysis – during the 1960s and 1970s, rational choice – from the 1980s until now - and organization theory – end of the 1970s and beginning of the 1980s.

The interests and corpus of knowledge developed by each of these thematic groups are examined separately below.

I - Functions of Congress. This focus of attention is the most classical one of the three groups of analyses. Parliaments have generally been attributed many functions: to produce policy, control the Executive, produce legitimacy and institutionalize conflict (Olson, 1994); representation, political control and the articulation of interests (Sartori, 1992); conflict management and national integration (Jewell and Patterson, 1966). Overall, the study of the functions of Parliaments can be seen as the effort to analyze the links between the legislature and the political system as a whole. Consequently, the analysis deals with two sides of the same coin: one related to the production of public policy, and the other related to the functions of the legislative body as an institution which symbolically performs general functions of representation and legitimacy for the political system. As can be seen, the two set of functions above are highly interrelated, although analytically distinguishable.

In addition, historical studies of Parliaments have looked carefully at functions of Parliaments, highlighting how and when Parliaments were adopted as representative bodies (Manin, 1997). In this way, the analysis of functions of Congress has attracted both descriptive and theoretical research.

II- Links between Congress and policy outcomes. A second major area of research in legislative studies is the analysis of public policy. The production of public policy is one of the main outcomes of legislatures and the study of the lawmaking process includes both a procedural analysis - how a bill is passed within a legislature - and an analysis of implementation - how decisions are put into practice. Particularly in the analysis of presidential regimes, this branch of the literature has typically dealt with the Executive-Legislative relations in public policy matters, especially regarding budgetary review (Jewell, 1978, 1981).

A good example of this branch of the literature is the recent work by Haggard and McCubbins (2001). They select a concrete set of policies -macroeconomic policies- and analyze them in relation to the characteristics of the lawmaking process. In this way, they posit a conceptual framework in which efficiency and resoluteness are seen in a tradeoff or conflictual relationship. Whereas efficiency is seen as the ability of the legislature to make decisions on public policy, resoluteness is defined as the ability to implement these

decisions<sup>13</sup>. In this framework, the lawmaking process and the implementation of public policy are placed together in the analysis as a strategy for studying Executive-Legislative relations in policy-making.

III - Internal life of Congress. According to Eulau (1985), the reigning behavioralism of the 1950s led to a systematic neglect of the study of institutions in favor of the study of individual legislators. Issues like legislative careers and the goals of legislators strongly dominated the academic production of this decade. The leading references - Mayhew (1974) for the U.S. Congress, and Cotta (1979, 1983; Best and Cotta, 2000) for European cases - are a sample of what has become a long-lasting scientific interest on the incentives for legislators to run for office. While legislative careers have been a sustained focus of interest in this field, increasing attention has also been paid to the procedural and organizational side of Parliaments since the 1980s. Particularly, the flourishing of the (new) institutionalism as a strong theoretical reaction to the previous behavioralism<sup>14</sup> provided new insights to the study of institutions. In this new view, legislators' decisions are considered to be constrained by institutional design. The legislative bodies are institutions in which many sub-organizational units are embedded, such as committee systems, voting rules, amendment rules or special procedures. Currently, virtually all or most of the research on the "internal life of Congress" deals with how the procedural and organizational design of Parliaments affects outcomes in several ways. Issues like agenda control, strategic voting or use of decree authority by the Executive have, interestingly, come to the forefront of the research agenda of this field. These works assume that the actions – decisions, non-decisions, bargains, voting, vetoes, etc – as undertaken within the legislature are a byproduct of the institutional setting. Hence, the study of organization and procedures is seen as the key to understanding political outcomes.

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<sup>13</sup> These two issues, decision making and resoluteness, are actually two core questions within the legislative studies field of research. The first is endowed in the quest of how decisions are undertaken in a legislative environment, whereas the second puts forth the quest on how commitment may or may not exist. The first is a classical question within legislative studies from Riker's works (1962, 1982); the second is a more recent question raised by the literature on "transaction costs". As North and Weingast (1989) put it: "the literature on transactions costs and institutions emphasizes that while parties may have strong incentives to strike a bargain, their incentives after the fact are not always compatible with maintaining the agreement: compliance is always a potential problem. (...) Problems of compliance can be reduced or eliminated when the institutions are carefully chosen so as to match the anticipated incentive problems" (p.806).

<sup>14</sup> For an accurate analysis on the links between new institutionalisms' theoretical grounds and the reaction against behavioralism, see Hall and Taylor (1996) and Immergut (1996).

Consequently, there are two schools of thought (closely related but with diverging theoretical roots) that deal with the internal life of Parliaments: organizational theory and formal theory. The former is more intensely devoted to the analysis of environmental and systemic components (see Hedlund, 1985), while the latter selects a small organizational unit of Parliaments and proposes an incentive-driven model that makes sense for the analysis of political outcomes.

On the whole, this is a fruitful branch of the literature on legislative studies, offering both analytical tools and empirical analyses.

#### 4.2)- METHODOLOGICAL APPROACHES

Eulau (1985) views the lack of a common approach to studying legislatures as a consequence of two changing factors: first, the changes in the political system itself (i.e. political reforms affecting the legislative body, in this case); second, changes in social scientific methods. This second factor is reviewed here. In effect, as already mentioned, shifts in methods have had a strong impact on the focus of interest (or objects of research) and on the set of analytical tools employed (since every method has its own *Verstehen*).

The most salient characteristic of the methodological approaches in the field is the great predominance of case studies, as already mentioned. As the legislative body is one of the most complex political institutions, there is no overarching model which assesses every aspect in a single-variable analysis. Here, I have created a three-fold classification that summarizes the diverse methodological approaches employed in the field: historical approaches, public policy analysis and new institutional approaches.

1.- Historical approaches. Associated to the strong case study content of many studies in the field, there are abundant historical approaches in this field (Henneman, 1982). Consequently, there are numerous descriptive works which account for features of Parliaments, including the historical development of the institution (North and Weingast, 1989; Manin, 1997) and the constitutional grounds for the appearance of legislatures (Elster and Slagstad, 1988). The bulk of research produced by works adopting a historical approach maintains a strong presence in the field, however with an increased comparative and theoretical content (Sartori, 1994; Goodin, 1997).

2.- Approaches from public policy analysis. Public policy analysis is central in the discipline and has also developed a view on parliamentary activity as the realm – in modern democracies – where public policy is mostly produced. While the classical rival approaches of public policy analysis in the 1970s – corporatism and pluralism- saw the legislatures

merely as a bridge agent between interest groups and the policy-making process (Schmitter, 1979), the 1980s provided a more central role to legislatures *per se*. The perceived increased complexity of the policy-making process was reflected in an increased attention to the institutional processes involved in this, thus legislatures attracted much of the attention. Methodologically, this incremental change in public policy analysis has been reflected in a shift from focusing on specific sets of policies towards a more comprehensive approach where policy making is a result of dynamic networks (Diani and Eyerman, 1992) where interest groups, mass media and political institutions interact.

3.- New institutional approaches. The last methodological approach, which also involves a substantively renewed view on institutions more broadly, is the new institutional approach, made up of three branches (Hall and Taylor, 1996). I specifically account here for the historical institutionalism and the formal approach (also called rational choice institutionalism)<sup>15</sup>.

Historical institutionalism adopts a macroscopic lens for analysis, with the objective of developing a historically-informed account of the paths to the particular shape and place of legislatures within the political systems. One characteristic of this approach is the lack of assumptions made concerning the object of research, which is, in turn, strongly present in the formal approach to institutional analysis. The major conceptual contribution of historical institutional analysis is the assessment of path-dependent mechanisms – which are brought into existence through critical junctures or through institutional inertia. This contribution has been central to the better understanding of institutional choice itself, i.e. the analysis of why and how certain institutions came into existence and for the assessment of the specific features of institutions – including legislatures.

Although they share the institutional umbrella, formal models of institutional analysis differ from historical institutionalism in that the lens applied for analysis is microscopic, the number and relevance of assumptions on the object of research is large<sup>16</sup>, and a stronger normative type of analysis is produced from the belief that optimal and suboptimal criteria are essential for the research. The works produced in legislative studies employing formal models have increased exponentially during the last decade (for a review

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<sup>15</sup> This choice is a consequence of the lack of sociological institutionalist contributions in the field of legislative studies (Searing, 1991).

<sup>16</sup> The usual assumptions are: unidimensionality of policy preferences (Plott, 1967), single-peaked preferences of legislators, complete information on policy preferences (Shepsle, 1979), the size of a stable voting coalition is the minimal winning one (Riker, 1962), majority rule is the usual decision rule (Shepsle and Weingast, 1982; Baron and Ferejohn, 1989), institutional setting is exogenous to the models (Shepsle, 1979). Any modification of these assumptions produces very unstable results (McKelvey, 1976). Most of the current literature in the field tries to relax the assumption on complete information (Krehbiel, 1992) and on majority rule (Baron and Ferejohn, 1989). In turn, the powerful assumption of unidimensionality (see Black, 1971) is, still, undefeated. The field is however more convinced that “simplicity is a far greater virtue than the lack of descriptive accuracy is a vice” (Diermeier and Krehbiel, 1003: 129).

see Shepsle, 1985, 1989; Shepsle and Weingast, 1994), focusing “for the most part on legislative arrangements, their operating characteristics and their implications for legislative outcomes” (Shepsle, 1985: 6). Issues such as coalition building, legislative voting and amendment rules, and strategic behavior, including bargaining (Panning, 1985) lie at the core of formal analyses of legislative politics. The current line of research within formal approaches which has gained a central place in the field is the informational theory of legislative politics (Krehbiel, 1991). The main shift in legislative politics as analyzed by formal institutionalism has been from a preoccupation on how decisions are reached (with a view to eternal cycling and minimal winning coalitions, as in Riker, 1962) to the analysis of how the legislative structure provides incentives to cooperate (Shepsle and Weingast, 1982, 1984, 1994; Krehbiel, 1988).

Overall, we can observe moderate convergence between issues and methodological approaches across this short literature review, with an increased attention being paid to the internal features of legislative structure as a key explanatory variable of the decision and policy-making process (Mezey, 1994). Fortunately, there is also an increased awareness, reflected in recent works on legislative politics, of the need to engage more explicitly the different debates and methodological approaches common in the field for so long. For instance, the analysis of constitutional design and the characteristics of the legislature as an organization, together with a more empirical and comparative effort to carry out theory testing, is gradually being developed (as in Shugart and Carey, 1998; Krehbiel, 1998; Reynolds, 2002; Morgenstern and Nacif, 2002). This thesis contributes to this effort to facilitate the dialogue between substantive and methodological approaches. Specifically this is sought by adopting a new institutional theoretical standpoint, an empirical quantitative and comparative methodological approach and an analytical attempt to unpack both institutional detail (including variation within constitutional rules and legislative procedures) and general conclusions for the Theory of Democracy. How this thesis contributes to this effort is detailed below, where I address the research design.

## **5) THE RESEARCH DESIGN: VARIABLES, HYPOTHESES AND ASSUMPTIONS**

In this Section I develop the research design, consisting of the variables, the hypotheses and the components to be kept constant (assumptions). My quest, as introduced in Section 3, is how institutional design in interaction with the political scenario affects two closely related policy outcomes in presidential systems: representation and the aggregation of interests (see Section 3 for an extended elaboration on the links between these two democratic principles).

The research design consists of a two-stage approach. Given that the characterization of the patterns of legislative production in the cases under study is not available from previous works, I assess this as the dependent variable in the first stage, in order to be able to use it as the explanatory variable in the second stage.

In the first sequence, the dependent variable is patterns of legislative production. The explanatory variables are the constitutional design, the legislative procedural design and the format of the party system (fragmentation and polarization). The identification of variation across the cases in terms of the strength of Assemblies from their constitutionally provided powers will allow for a further evaluation of how these patterns correlate to the policy outcomes under scrutiny in the second stage. That is, they will be taken as the independent variable in the second stage of the research.

The main hypothesis in the first stage of the research consists of the analysis of whether some actors have powerful tools, constitutionally and procedurally guaranteed, to exert an overloaded influence on the legislative production. An important implication of this focus is the necessity to evaluate to what extent the procedural and constitutional devices (the *de jure* design) explain the *de facto* practices in patterns of legislative production. I propose to study whether the Executive and the Assembly are tied in policy matters or whether the Executive may impose legislation independently, that is, without any need of Assembly ratification. The outcome of such an analysis is expected to identify the sources of variation in a range of more or less powerful Legislative and Executive branches which determines the inter-branch dynamics.

In the second stage, the dependent variable is policy outcomes in presidential systems. Aggregation of interests, as a latent<sup>17</sup> policy outcome, is defined as whether the

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<sup>17</sup> Agenda control is considered a latent variable because it is not directly observable. This thesis in fact adopts as a key objective the development of methodological strategies to measure the impact of latent variables. This effort involves both conceptual discussion in order to settle the limits of the phenomenon under study, i.e. definitional choices, and the combination of qualitative and quantitative indicators, i.e. methodological strategies.

legislation effectively reflects the preferences and interests of the plurality of political agents with a legitimate function in a given political institution. My concept of representation and aggregation of interests attempts to combine the descriptive perspective on Parliaments, developed excellently in Pitkin (1967), and the procedural view on political dynamics (Jupille, 2004). The latter involves evaluating whether the substantive inclusion of political interests is in place from the very characteristics of the decision-making process. The argument is that it is not only a question of how proportional or equal the distribution of political resources adopted is (descriptive concept of representation), but also whether representatives of non-majority actors can and do perform a deliberative and aggregative function throughout the legislative process of approval (substantive inclusiveness). This is why using patterns of legislative production as an explanatory variable - once power resources constitutionally and procedurally provided are understood - can shed light on the degree of interest aggregation via the assessment of systematic practices of majority imposition in the form of agenda control.

On empirical grounds, obtaining an answer to the first question (are Assemblies powerless in presidential systems as a byproduct of the constitutional design) involves analyzing variation in the constitutional design of the cases. Once this variation is captured, the research continues to seek for explanatory sources of agenda control which fall outside the formal realm (or written rules as constitutional rules). Agenda control is a phenomenon whereby there is either a limitation of choices over alternative legislative initiatives (agenda setting power) or of the possible amendment or range of policy choices (agenda control power). When this phenomenon occurs, my argument is that there is a parallel decrease in the (range of) possibilities for political actors with formal representation in the political system (seats in Parliament) to effectively exert influence on the decision-making process, i.e. to effectively exert their representative mandate. The specific hypothesis is that a systematic exertion of agenda control is reflected in a pattern of legislative production characterized by the dominance of majority actors, or by unilateral action by powerful political actors able to employ exceptional resources to impose their legislative authority, as discussed earlier. This expectation - relating to Question 2 of the research - is that constitutional provisions of power and authority are only partially explanatory of when and how political actors are motivated to employ tools for agenda control. Our ex-ante answer is hence more geared to exploring whether the internal decisional structure of the legislature offers specific discretionary spaces for unilateral decisions to majority actors (the majority party and the Executive), thus facilitating access to decisional tools for agenda

control, how this happens and when this happens. Notice that this view reflects the aforementioned objectives of combining the attention to institutional detail (which are the tools), the theory testing effort with respect to the contextual (when are these employed) and substantive (how are these employed) specifications, and adds up to an attempt to normatively evaluate practices becoming institutionalized by the very nature of institutions (representation and aggregation of interests as derived from the decisional style to approve legislation).

Cox (2002) defines agenda control as being characterized by two strategies: the ability of political actors to put bills on the floor or keep them off the floor (agenda setting), and the ability [of political actors] to protect bills from amendments once they are on the floor (agenda control). The difference seems a relatively minor nuance, but it in fact entails two consequences: first, we analytically distinguish the phenomenon we are referring to more clearly and this fact helps in clarifying which dependent variables are necessary for the measurement of the phenomenon. Second, the distinction is related to the necessary data. Studies on agenda setting typically include data on public opinion, mass media or interest groups' influence in legislative activity as factors which evidently affect the ability of political actors to find support for placing a new legislative initiative on the floor. In turn, the study of agenda control requires the analysis of how legislative initiatives are approved once they are placed on the floor. We will focus on the latter phenomenon not only due to data availability, which I describe in detail in Section 6.2., but also from the reasoning developed in Section 3 on the importance of focusing on the legislative production process.

Because agenda control takes place once the bills are on the floor, I will hypothesize the choice of procedures needed to get them passed, or on the incentives of actors to avoid expected conflict over legislation. The hypotheses concerning agenda control are elaborated on the basis of whether procedural choices, such as the committee system choice or the urgent versus emergency procedural choice, systematically benefit a particular political actor: the Executive or the majority party. In addition, I pay attention to whether coalitional support when unified government exists and affects the pace of the approval of bills enacted by the Executive by employing double power resources (the enactment powers of the Executive and the majority voting rules in the House to speed up or delay bills). Finally, I also assess whether political actors, especially the Executive, are more motivated to employ agenda control mechanisms when the floor is divided (both in quantitative terms: fragmentation, and in qualitative terms: ideological polarization).

The general hypothesis is that the systematic and significant (statistically as a general characteristic of the pattern of legislative production) exertion of agenda control by majority actors (the Executive, the majority party) decreases the aggregation of interests in the decision-making process, and will thus display a low representativeness in the policy-making output. Whether these actors may make use of endogenous comparative advantages is an important question, and I test for the significance of these as compared with the effects of exogenous drives affecting the institutional output reflected in legislation.

By endogenous I mean the rules and norms that regulate the political activity under study: the legislative process of approval (or decision-making process). In this sense, the analysis of the characteristics of legislative production as related to the procedures employed to get legislation passed is an endogenous analysis *par excellence*, since the course of action of the political actors (passing a bill) and the procedures employed to do so are part of an interactive process. For instance, when the Executive chooses an emergency procedure to get a bill passed, the procedure and action are inseparable<sup>18</sup>.

By exogenous, in turn, I mean factors that do not, strictly speaking, belong to the institutional design in the sense that, while affecting political dynamics, they are external drives, such as the electoral cycle. The electoral cycle is a well-defined exogenous factor since time is present whether political actors choose one procedure or another, although the closeness of elections is in fact expected to affect the patterns of legislative production (Lanzaro, 2000). This illustrates a standard way of analyzing exogenous factors affecting political dynamics.

In an effort to theory test the hypotheses and works in the field of the institutional performance of presidential systems, and having chosen a particular aspect of policy outcomes such as the aggregation of interests, I compare the empirical evidence on the explanatory capacity of each of the endogenous (Chapters 2 and 4) and exogenous (Chapters 5 and 6) variables and reflect on their possibly interactive ability to produce actual outcomes in the way legislation is produced. I argue, on methodological grounds, the impossibility to understand inter-branch relations unless both endogenous and exogenous factors are accounted for, and my *ex-ante* expectation is that these factors are interrelated due to the fact that political actors possess information on both the institutional

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<sup>18</sup> On the issue of endogenous analysis in institutional investigations described in footnote 10 of this Chapter, I will describe the consequences of adopting this methodological strategy and reflect on the balance between costs and benefits from carrying out this analysis.

environment they occupy and the exogenous pressures that frame the existing environment (Schmitter and Santiso, 1998).

Finally, the analysis identifies some normative implications (Chapter 7), where I attempt to generate a fruitful bridge between institutional theory and the theory of democracy. For that purpose, I will connect the two-stage evaluation of the *de jure-de facto* analysis with the *type* of democracy that is becoming institutionalized in each of the cases (or the practices that are systematically employed by political actors). The patterns of variation discovered in the first stage of the analysis (on constitutional design) are expected to help in identifying a general relationship between these and the second stage of the analysis (the strategic employment of procedures to exert agenda control). The interaction between these two factors, in the light of the empirical findings, is expected to feed-back into the theoretical quest of analyzing the impact of institutional performance on the quality of democracy, as phrased in Question 3 (Section 3 in this Chapter).

The last methodological point is to make explicit the three assumptions that I hold in the thesis: (1) parties are the channels of representation and the agents of policy-making, that is, I do not consider other potential actors (such as interest groups or social movements, for instance) who may affect policy-making. (2) Both the Executive and the Assembly want to maximize policy making, which is a behavioral assumption, and derives from their function as representative actors. (3) I hold constant the historical origins of the institutional setting, excluding from the analysis why such institutions were originally chosen or which broader factors deriving from the political culture of each case are in place<sup>19</sup>.

Finishing this Section, for the sake of clarity, Table 1 and Table 2 summarize the sequence of the research design.

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<sup>19</sup> Despite I will include some reflections, particularly in Chapter 2, where I study the constitutional design in the four countries under analysis and identify that the way Constitutions are designed in each of the countries under analysis is heavily path-dependent, and in Chapter 7, in the reflections on normative implications, including the analysis concluding that constitutional choice or the patterns of political culture would constitute an independent investigation on itself. These two areas are in fact underscored as fruitful open lines for future research from this thesis in the conclusions.

*Table 1. Research design: Question, Variables, Hypotheses and Assumptions. Sequence one of the Research*

SEQUENCE OF RESEARCH 1	
Research question	Effects of the Constitutional design on the balances or un-balances of power of Executives and Assemblies in presidential systems <i>Are Assemblies weak or marginal political actors as a byproduct of the constitutional design in presidential systems?</i> (question 1)
Dependent Variable	Variation in types of presidential systems from the constitutional powers of Assemblies and Executives
Independent Variables	1) Macro-level: Constitutional rules (type of veto power and capacity of Assembly to override it, type of decree authority of the Executive, exclusive areas of legislation, capacity of the Assembly to control the Executive, capacity of the Executive to dissolve Assembly) 2) Micro-level: Legislative structure from the procedural design (type of committee system, type of emergency procedures, sequential design of the legislative process of approval)
Hypotheses	1- Positive relationship between the (number and quality of) constitutional ties among the branches in matters of policy and strength of the Assembly in <i>de facto</i> legislative production 2- The general macro-institutional design, determined by the constitutional structure, does not determine inter-branch dynamics, or its explanatory capacity is small. A configurational analysis of the constitutional rules contributes to increase the explanatory capacity of constitutional design on political outcomes, which implies: (1)taking Constitutions as part of a broader institutional package, (2) wherein interactions – between primary or constitutional and secondary or procedural rules – also exist 3- The procedural design, in its regulatory capacity of micro-institutional dynamics and as a cross-sectional set of rules applying to the whole decision-making process, needs to be included, in addition to the broader constitutional rules, to political outcomes, such as the aggregation of interests in the decision-making process (or legislative production)
Assumptions	1) The relationship of power between Executive and Assembly is not inverse: it does not hold that the stronger the Executive the weaker the Assembly 2) Behavioral assumption: both Executive and Legislative actors aim at maximizing their influence in policy-making as derived from their representative function

*Table 2. Research design: Question, Variables, Hypotheses and Assumptions. Sequence two of the Research*

SEQUENCE OF RESEARCH 2	
Research question	Does agenda control make a difference for the quality of democracy <i>Are endogenous sources available to majority political actors systematically determining the exercise of agenda control? How and when are exogenous factors interacting/framing political actors' incentives to exert agenda control?</i> (questions 2 and 3)
Dependent Variable	Latent: aggregation of interests in the decision-making process Observable: Procedural choice involving restriction of minority participation in the decision-making process In particular, Executive dominance (quantitative); policy dominance (qualitative); strategic behavior of political actors (qualitative)
Independent Variables	1) Variation in the strength of Executive and Assembly, from the constitutional design: in particular, degree of the branches' independence on their own survivability and degree of exclusive authority over jurisdictional areas of policy 2) Endogenous: characteristics of the committee system (size design, informational advantages, availability of special committees); availability of procedures for emergency legislation; sequential design of the legislative process of approval 3) Exogenous: degree of legislative scenario fragmentation and polarization; electoral cycle
Hypotheses	1) – Negative relationship between strength of Assembly from the constitutional provision of power and authority resources, and Executive dominance 2) – Negative relationship between the number of discretionary spaces of procedural choice and the aggregation of interests in the decision-making 3) – Positive relationship between informational advantages offered to majority actors by the committee system design and the exercise of systematic agenda control 4) – Positive relationship between high fragmentation and polarization on the floor, weak support in Congress for the Executive, and Executive dominance of the agenda 5) – Positive relationship between elections being close and Executive dominance with pork-barreling bias in policy-making
Assumptions	1) Both Executive and Assembly want to pursue their policy preferences (behavioral assumption) 2) Institutional setting is exogenous (institutional assumption), in that constitutional choice or procedural choice is not endogeneized in the analysis

## 6) THE CASES, TIME FRAME AND DATA AVAILABLE

### 6.1)- CASE SELECTION CRITERIA

Three criteria have been considered for the case selection in this research, namely: variation in the legislative party system format, cases at a relevant stage of democratization and one common characteristic at the macro-level of institutional design (unicameral Houses). I develop the importance of these criteria below. Thereafter, I also specify the time frame and the data available to carry out the empirical analysis.

1) The format of the legislative party system. Heeding the attributed importance of the party system format and features for political performance in presidential regimes (Mainwaring et al, 1995, 1997), I have selected two bipartisan cases with stable unified governments and systematic majorities within the Assembly (and thus, no need for coalition building), Honduras and Costa Rica, and two multiparty systems –Guatemala and Panama- with a high probability for necessary coalition-building within the Assembly and a more polarized party system.

This case selection is expected to enrich the analysis in several ways. The first and most evident is the enhancement of the comparative analysis. The expectation is that each pair of cases (on the one side the bipartisan, and on the other the multiparty systems) will display similar workings, in the case that the general hypotheses of Mainwaring *et alia* hold (i.e. that the source of the difficult combination for presidential systems is found in the characteristics of the party system, specifically fragmentation and ideological polarization). In fact, if this expectation is not met, the findings will challenge one of the most stable beliefs on the determining impact of the legislative scenario for legislative performance. The main characteristics of the party systems in the four countries under study are as follows:

*Table 3 Features of Party Systems in four Central American countries*

<b>Features of the party systems</b>	<b>GUATEMALA</b>	<b>PANAMA</b>	<b>HONDURAS</b>	<b>COSTA RICA</b>
Effective number of electoral parties	5.92	7.18	2.19	2.75
Effective number of legislative parties	3.52	3.51	2.11	2.31
Reducing effect of the electoral system	2.4	3.67	0.08	0.44
Rae fragmentation index	0.69	0.69	0.53	0.57
Electoral volatility	Average 66%	Average: 27,7%	Average 4,3%	Average 8,5%
Average electoral abstention	1984-1999: 52%	1948-1994: 27%.	1980-1997: 23%.	1990-1998: 22,3%
Sources for the average of electoral volatility: For Panama, the figure was calculated for the period 1994-99, from the figures in Otero (2003: 26). The other figures of electoral volatility are from Alcantara, 1999. Source for the reducing effect of the electoral system are from Garcia Diez (2001).				

The differences between the levels of party system fragmentation (as reflected by the effective number of parties, henceforth ENP) among these four countries are considerably large. The same goes for electoral volatility and average electoral abstention, showing that the party systems in the bipartisan cases are more deeply rooted, from the notably low figures for voting changes from one election to the next, which are in turn dramatically high for the Guatemalan case, and moderate for Panama<sup>20</sup>.

Another noteworthy aspect is that the bipartisan cases are classical two-party systems in both the electoral and the legislative realm, whereas the multiparty systems are much more fragmented in the former than in the latter. The explanation for this is the highly un-proportional working of the electoral systems for the multiparty cases, deriving from the very high number of small magnitude districts and the existence of a moderately high minimum electoral threshold<sup>21</sup> for these cases. These two elements help to explain the exaggerated reducing effect of the party system from the electoral realm to the legislative one, particularly strong in Panama. This conjunction of factors contributes to explaining why both Guatemala and Panama are extreme multiparty systems in the electoral arena and

<sup>20</sup> In the wording of Mainwaring, who coined the term ‘party system institutionalization’ and developed a range of indicators to classify party systems along a scale of institutionalization (Mainwaring, 1998; Mainwaring and Scully, 1995), these divergences among the four countries are precisely parallel to concluding that the party systems in Honduras and Costa Rica possess all characteristics of highly institutionalized systems while Guatemala is a good example of a weakly institutionalized party system and Panama falls in a mid-way category with a mixture of features.

<sup>21</sup> The percentage of small magnitude districts – typically considered as those in which five seats or less are to be elected – is 91,3% for Guatemala and 97,5% for Panama (Jones, 1995; Garcia Diez, 2001). In turn, these figures are 44% and 42,8% for Honduras and Costa Rica, respectively, with very proportional electoral systems. Generally, very large percentages of small districts strongly benefit the big parties (Lijphart, 1999). In addition, the existence of a minimum electoral threshold (4% for Guatemala and 5% for Panama) contributes further to favor the big parties. As a result of these two factors, the electoral systems in Guatemala and Panama have dramatically reduced to almost half the size the number of electoral parties becoming legislative parties (Garcia Diez, 2001).

moderate multiparty systems in the legislative one. Yet, both cases are (moderate) multiparty cases and therefore the empirical analysis of these four countries can still be expected to display significant pair-wise comparative results.

In fact, if we are looking for conflicting multiparty cases (as the original hypothesis on ‘the difficult equation’ sustains), moderate multiparty systems have been shown to be the most problematic ones. The percentage of minority Presidents in presidential systems with an ENP between 3 and 4 – as is the case for both Guatemala and Panama - is 59.69%, almost double that of the systems with an ENP between 2 and 3 – as is the case for Honduras and Costa Rica (33.45%) (Cheibub and Limongi, 2002). The probability of facing deadlock situations is also higher for more fragmented party systems (49.22% for ENP between 3 and 4, in comparison with a 31.49% for the ENP systems between 2 and 3, from Cheibub, 2002). I will now examine the percentage of seats in Congress of the majority party in order to identify the more or less weak conditions on which government was formed for the period under study:

*Table 4. Percentage of seats in Congress of the majority party*

Institutional features	<b>GUATEMALA</b>	<b>PANAMA</b>	<b>HONDURAS</b>	<b>COSTA RICA</b>
Legislature researched	1996-1999	1995-1999	1997-2001	1994-1998
Majority party in the legislature under study	PAN (Partido Avanzada Nacional)	PRD (Partido Revolucionario Democrático/Alianza Pueblo Unido <sup>22</sup> )	PLH (Partido Liberal de Honduras)	PLN (Partido Liberación Nacional)
Percentage of seats of the majority party in the legislature under study	55%	41,6% <sup>23</sup>	52.3%	47.3%
Percentage of vote for the winning President	51,2%	33,3	52,8%	49,5
Source: own construction, except the figures for the last row from Alcantara, 1999.				

As Cheibub and Limongi point out “the discussion so far has been guided by the supposition that the existence of a majority, either in parliamentarism or presidentialism, automatically means the ability of the government to govern. (...) What matters is both the number of parties that must come together in order to establish a majority and the

<sup>22</sup> The highly un-proportional workings of the electoral system, as has been mentioned above, leads to the need of both pre-electoral and post-electoral coalition-building, which has historically been especially intense in Panama and of more recent appearance in Guatemala.

<sup>23</sup> The PRD indeed needed to build a coalition in Congress in order to assure the majority of the House. The coalition integrated three small parties: PALA, LIBRE and MORENA, with 1, 2 and 1 seat respectively, providing the PRD coalition with the 47,2% of the seats (García Díez, 2001).

cohesion of the party (or parties) that belong to the majority” (2002: 156). Indeed, these authors demonstrate that the problematic relationship between multiparty systems and regime survivability significantly increases when the ENP is between 3 and 4, as is the case here for Panama and Guatemala. Hence, although I do not count on an ideal sample to speak to the literature on unified versus divided government (since unified government literally existed in all cases for the period under study), I take here as a proxy the variation among the cases regarding more fragmented legislative scenarios versus less fragmented bipartisan systems, including the associated differences in levels of ideological polarization.

2) Countries in a relevant stage of the democratization process. The interest of these countries is also related to their stage of democratic development. All are at very different stages of democratic experience and development, with the Costa Rican case standing as the longest and most stable democratic regime of the region (with the regime installation dating from 1948). Honduras also has a long democratic tradition, with political parties existing from the early twentieth century as channels for representation and participation, but characterized by a more inchoate nature of the democracy, with authoritarian rule mingling with democratic rule until 1985. Panama is relatively similar in this respect, given the long life of its political parties together with the relatively shorter life of the democratic regime as such, since free and competitive elections only began in 1984 (Garcia Diez, 2001, in Alcantara and Freidenberg, eds.). Finally, the weakest and most complex process of democratization was suffered by Guatemala, whose first attempts to democratize in the mid-1940s provoked a wave of violent reaction from over-conservative authoritarian leaders, and it was not until 1985, with the Peace Agreements, that the democratic regime was achieved.

The variation is therefore quite large, with a very general pair-wise distinction, as also seen with regard to the party systems, between the more stable and consolidated democratic regimes in Costa Rica and Honduras, and the more fragile and changing, still developing, democratic regimes of Panama and Guatemala.

This selection criterion is also relevant, since – even if scholarly emphasis on the perils of presidential systems for democratic stability and performance was strong – most of the countries undergoing processes of democratization in the ‘Third Wave’ (Huntington, 1991) made the ‘*wrong choice*’: adopting pure presidential (as in Latin America) or mixed forms of government (as in Eastern Europe). The variation in democratic longevity being embedded in the cases under study is therefore expected to contribute to an evaluation of these more subtle components of democratic experience in their relationship to procedural

fairness, aggregation of interests in the decision-making process, and the capacity of the political system to deliver representative policy-making, i.e. the emphasis on that everyday politics matters.

In fact, while several recent analyses of democracy have focused on the conditions for democratic survivability (Przeworski *et alia*, 1996; Cheibub *et alia*, 2004), as a zero (breakdown)-one (survivability) type of outcome, I contend that, in order to advance the analysis of what makes democracy work, research must pay closer attention to institutional performance (cf. Geddes, 1999). Hence, an empirical scrutiny of to what degree the legislatures perform functions of conflict solving in everyday politics, and of the more or less representative nature of policy from the way decisions are taken, may contribute an intermediate theoretical view of how democracies reach stability and survive more generally. As will be discussed more explicitly in the theoretical re-connection of the empirical findings of this thesis in the concluding Chapter, issues of procedural justice are manifestly engaged with issues of rule of law, regime legitimacy and quality of democracy.

3) Common broad institutional design: unicameralism. The last criterion for the case selection is unicameral legislatures, in place in all cases under study. The general institutional features of the Assemblies in the cases under study follow:

*Table 5. Institutional Features of the Assemblies in Four Central American Countries*

Institutional features	<b>GUATEMALA</b>	<b>PANAMA</b>	<b>HONDURAS</b>	<b>COSTA RICA</b>
Type of legislative system	Unicameral	Unicameral	Unicameral	Unicameral
Assembly size	113*	72*	118	57
Actors with legislative initiative	-Executive Power -Legislative Power -University S. Carlos -Supreme Court of Justice -Supreme Electoral Tribunal -Human Rights Committee -Popular initiative	-Executive Power -Legislative Power -Presidents of the Provincial Council• -Permanent legislative committees -Supreme Court of Justice -General Procurator -Administrative Procurator	-Executive Power -Legislative Power -National Electoral Tribunal -Supreme Court of Justice	-Executive Power -Legislative Power -Legislative committees with total legislative power
Type of legislation	-Acts -Decrees -Agreements -Resolutions	-Organic -Ordinary	-Ordinary -Urgent	-Ordinary -Decree

Source: own construction.  
 Guatemala and Panama do not have fixed Assembly size. In Guatemala, the size of the Congress is calculated for each electoral event according to the renewed population census. This is largely politically-loaded in the country, where the exclusion of indigenous voters from the census is still a problem in every electoral event.  
 In Panama, as a consequence of a complex mixed electoral system of uninominal and plurality districts, the Assembly size depends on the increase/decrease of population only for the plurality districts. In addition, the Electoral Law contemplates the possibility of adding seats for the parties that obtained enough votes for a seat, but did not get one, as a compensatory mechanism.  
 • The Presidents of the Provincial Councils possess legislative initiative authority only for ordinary bills and not for organic laws, plus they require the previous authorization of the Administrative Council and the Provincial Council.

## 6.2)- DATA AVAILABLE

The data I will employ here is available thanks to a Research Project<sup>24</sup> in which I participated both as a researcher and in the gathering of data. Data were collected regarding the legislative production process for one legislative period. The time frame for this study is therefore determined by the data available. The legislative periods under analysis, included in Table 4, cover a general period between 1995 and 2000.

Data availability has traditionally been a drawback for legislative research in underdeveloped democracies and countries, as has already been outlined. One of the reasons for this is that young institutions, such as those in underdeveloped democracies, fail to offer proper data on qualitative grounds. The present data are in fact a good reflection of the fact that varying levels of institutional development and learning – as

<sup>24</sup> “El rendimiento legislativo en America Latina” (Ref. 1FD97-0906), developed at the Institute for Latin American Studies, University of Salamanca, under the direction of Prof. Manuel Alcantara.

related to the length of democratic rule - matter. For the cases under analysis, this pattern holds and was very much felt in the data collection during the field research. Therefore, while the Costa Rican Congress offered easy access to data on legislative production, together with complete and reliable sources, the data from the Guatemalan and the Panama Congresses presented less complete and less reliable information, with problems of access to the information for the former and problems of complete and accurate information for the latter. Nonetheless, these differences may have been neutralized in that the objective of data collection was the same for all countries, i.e. gathering information on: the actor enacting the bill, the committee receiving it, the number of debates on the floor, the Executive action (veto/pass), and the number of days the bill spent in each of these procedural steps.

## **7) PARTIAL CONCLUSIONS AND CONTINUING THE RESEARCH**

Four partial conclusions may be drawn from this Chapter, two regarding the contribution and central focus of attention of this thesis and two regarding the prospects for continuing the research and the order in which I shall pursue this enterprise.

First, substantively this thesis aims to place the analysis of the patterns of legislative production as a middle-range theoretical approach that allows for an adequate linking of the theory of democracy and institutional analysis. Legislatures are the key realm for bargaining between political actors over public policy priorities and are also central institutions performing crucial functions for the proper workings of democratic rule: the aggregation of interests in the decision-making process and representation in policy-making. The analysis of how legislation is produced and whether, in fact, a systematic pattern of representative institutional output is in place or not is linked to the generation of both empirical discussion on the grounds of comparative assessment and normative discussion on the grounds of the institutional design debate.

Second, the central focus of attention in the thesis is placed on the possible spaces for strategic choice, and whether these are especially available to majority political actors, as a methodological strategy to capture agenda control and restriction or aggregation of interests in the decision-making process. The importance, hence, of developing the two-stage research design, is great for first identifying sources of variation that have gone unnoticed in the original treatment of presidential systems as a unique type of political system, and then employing this knowledge for the assessment of legislative performances. My substantive point here is that the most likely *ex-ante* answer to this is that the role of the constitutional design in determining inter-branch dynamics is negative. Not only because

typical analyses of constitutional design in presidential systems underestimate the number and quality of ties between the branches, and not only the individual effect of each rule or set of rules, but also because there exists important interaction between different *packages* of rules (such as between constitutional rules, procedural rules, partisan rules and informal rules historically employed by actors as a way out of political conflict).

Finally, the central methodological claims of this thesis are that (1) the evaluation of political performance requires greater attention to the interrelations between macro and micro institutional structures. The limited account, or explanatory capacity, of the focus on the dichotomy survivability of regime versus breakdown – as an indicator of regime performance - has in addition reduced our capacity to actually communicate the findings on the effects of institutional design on political dynamics with a more general and comparative theory about the interactive nature of path-dependency in the way political actors relate to one another and of institutional permeability to strategic or privileged behavior for some political actors. These issues are of interest in this thesis in an explicit attempt to make institutional theory also more permeable to more empirically-oriented and comparative work plus detailed analysis of micro-institutional structures (such as procedural choices or institutional pressures from the electoral cycle).

As Horowitz (2002) points out, we do not only lack a precise theory of constitutional design but also a minimal consensus over preferred political outcomes, even if international insistence on and assistance for the institutionalization of democracy is nowadays at the greatest level of all times. While I basically agree on that institutional design determines most of the available courses of action for political actors, there is a broader net of interactions between rules themselves, between rules and actors, and between actors and partisan structures that needs to be accounted for. On the contrary to many debates in the discipline, which are designed in favor of simplicity, I argue that in the forms of government and political performance debate we need to inject complexity, as the original specification of the debate suffered from severe misspecifications and a lack of comparative empirical evidence. The quest will be, hence, to make sense of the varying operating levels of individual and collective institutional effects. In an attempt to avoid confusion between levels of institutional operation (Diermeier and Krehbiel, 2003), my second and last methodological claim is in support of delivering empirical, comparative and contrastable results before conclusive and normative insights are derived from the debate on the forms of government.

Along these argumentative lines and methodological objectives, the continuation of the thesis is as follows: **Chapter 2** deals with the importance of measurement options to capture the effects of constitutional design in presidential systems. **Chapter 3** deals with the empirical examination of the patterns of legislative production in the four countries under analysis, and hints at how strategic behavior or Executive dominance of the agenda takes place. **Chapter 4** deals with the procedural choices of political actors to get legislation passed, arguing in terms of agenda control. **Chapter 5** examines the hypothesis that the legislative scenario determines the level of political conflict over agenda control. **Chapter 6** examines the effects of the temporal dimension on both the internal sequential design of the legislative process of approval and the exogenous effects of the electoral cycle. Chapter 7 presents a summary of findings and includes normative reflections from these.

## **CHAPTER TWO**

### **THE CONSTITUTIONAL DESIGN AS EXPLANATORY VARIABLE OF INSTITUTIONAL PERFORMANCE IN PRESIDENTIAL SYSTEMS**

“Looking at legislatures gives a sense of how and how well those in power are held accountable for their acts, an inchoate measure of a system’s constitutionalism.”<sup>25</sup>

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<sup>25</sup> Close, D. (1995: 1).

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## **1 – INTRODUCTION**

Students of the institutional design of political systems as a key explanatory variable of political outcomes have been aware that constitutional design alone matters to a great extent, but does not determine all possible dynamics in a political system. Specifically, constitutional design can contribute to explaining the distribution of jurisdictional domains, which determine authority, and therefore create a limit power simultaneously (Ferejohn et al, 2002). In addition, constitutional design contributes to estimating the likelihood of a political outcome taking place. For instance, whether presidential veto power can be used more or less easily (i.e. requires a more or less demanding majority of votes in Congress to override) undoubtedly affects the likelihood of veto usage and the strategic use of this decisional tool by the Executive.

Overall, constitutional design has attracted much attention in the debate on presidentialism, with a particularly strong causal claim: the constitutional structure typical of presidential systems over-strengthens the capacity of Executives to monopolize power resources, leaving the legislative branch with a marginal or rubber-stamp function.

This Chapter attempts to identify which decisional rules in fact strengthen the actual power capacity of political actors, specifically the two branches of power - Executive and Legislative - and which decisional rules possess the potential for strategic use (addressed in more detail in the remaining Chapters of this thesis). This idea emphasizes that political actors are not only constrained or encouraged to employ power or authority by formal rules, but rather, and most importantly, by the usage they can make of these in bargaining processes. This view also underscores a more dynamic approach, adopted by neo-institutionalism, whereby actors' behavior is not determined by institutions, but institutions act as a frame within which procedural rules (in legislative politics) generate incentive structures that are then susceptible to diverse employment by political actors.

In this bargaining process between political actors, and from this chapter's perspective on between the two separate branches of government in presidential systems, constitutional rules are part of an institutional package that, while determining what actors can or cannot do, does not fully explain what they will actually do. Hence, the point of departure here is that constitutional rules alone cannot capture the effects of a broader institutional structure, as this includes the procedural design for the approval of legislation, the characteristics of the political scenario, and the historical patterns of political interaction, all of which are generally present in the determination of political outcomes.

My claims are both substantive and methodological. Substantively, my claim is that only attending to constitutional design gives us little information useful for making predictions about inter-branch dynamics. While constitutional rules do settle the macro parameters of variation, by determining sources of authority and the limits of power resources, I argue that constitutional design is part of a larger web of rules that matters in the latter's configurational dynamics (cf. Mainwaring and Shugart, 1997).

Methodologically, I will argue that the causal weight given constitutional design to explain democratic performance in presidential systems is weak and biased. The argument is weak, I contend, because our explanatory capacity is restricted to what political actors can do, and hence underestimates what they actually do with their constitutionally provided capabilities. In fact, there are good examples of cases with a reputation for 'hyper-presidentialism' which display a low figure on the constitutional strength of the Executive if only formal written rules are considered (such as Mexico, Venezuela or Guatemala, Shugart and Haggard, 2001). This empirical evidence shows that more information is needed to explain the political dynamics of inter-branch relations, that is, not only the way political actors make use of the authoritative tools they are constitutionally provided, but also the historical patterns of interaction between actors, which shall be centrally included in the assertion of causal drives.

In addition, the argument is biased because it underestimates variation, assuming that all and any presidential systems share a core set of constitutional rules. Whilst it is true that there are three or four basic constitutional characteristics of presidential systems (particularly in their 'pure' form), as we discussed in Chapter 1, the largely diverse performance of democracies adopting this type of regime discredits the idea that commonalities are larger in number or qualitatively more important than the differences. Hence, judging from the largely varied ways in which both Executives and Legislatures in Latin America and elsewhere have employed their supposedly common set of rules, it is difficult to still view the presidential system as a unitary political system that delivers similar measures of performance.

Finally, in the intersection between substantive and methodological biases, the analysis of constitutional design in presidential systems has generally suffered from a static analytical approach. This approach has typically adopted an asymmetric assumption of inter-branch dynamics, usually described by powerful Executives and weak legislatures. The static nature lies in the fact that a separate evaluation of the power resources of each of the branches has dominated, consequentially dismissing the importance of constitutional ties

between the branches in the checks-and-balances system - typical of democratic regimes, and especially presidential systems. This point links in with the first substantive point made above: the proposal that constitutional design analysis be inserted into a configurational analysis of institutional rules (of both macro and micro leverage<sup>26</sup>) and of political actors' patterns of interaction.

This Chapter first examines in detail, in Section 2, the arguments offered in the debate on constitutional design where Assemblies are deemed to have a weak, or at most reactive, role in decision-making in presidential systems. Here, I elaborate my arguments in favor of adopting a configurational, comparative and symmetric analysis of constitutional design in presidential systems. I then proceed to discuss the indicators employed to carry out such an analysis (Section 3). In the following section, I apply the empirical analysis to the four countries under analysis, in an effort to unpack variation and hence identify sources of bias in the assertion of causality as previously hinted. Therefore, the empirical bulk of this Chapter contributes to answering the question of 'Are Assemblies weak actors in presidential systems as a byproduct of the constitutional design?' My *ex ante* answer, as may be guessed from the paragraphs above, is negative, for both substantive and methodological reasons, as is developed in detail in this Chapter.

In a final section, I suggest that the analysis of the constitutional design *per se* does not enlighten us about the dynamics between the Executive and the Legislative branches of power unless we incorporate as a central piece of analysis the procedural design. As a key arena where interaction between the branches of government takes place, legislative production is submitted to and ruled by an independent set of norms and procedures that political actors must observe. These ruled spaces of negotiation, bargaining, rejection and approval of policy proposals may also include spaces for the discretionary use of rules where political actors find opportunities to restrict the aggregation of interests and exert agenda control. I present the line of argument in theoretical terms in the last section, which also offers an adequate link to Chapter 3, where I assess the *de facto* practices of Executives and Legislatures behavior employing the original data on the patterns of legislative production.

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<sup>26</sup> This distinction refers to the constitutional design as determining the macro institutional structure, and the procedural design, the electoral rules, or other ruling packages as the determinants of micro institutional design.

## **2. - STATE OF THE FIELD: CONSTITUTIONAL DESIGN AS CAUSALLY EXPLAINING DEMOCRATIC PERFORMANCE**

The claim that legislatures in presidential systems, and more particularly in Latin America, are *rubber-stamps* or marginal actors was first made by Linz (1989), who then emphasized the problems of this for democratic stability and political representation. The main argument was that, by design, presidential systems are characterized by strong Executives: these are directly elected, so they have direct legitimacy, possibly leading to develop direct links with the citizenry and thereby weakening party identifications and increasing the possibilities of populism. In addition, Executives in presidential systems often enjoy special and strong ordinary powers, such as veto and decree power, and strong emergency powers, such as the capacity to introduce emergency legislation. Consequently, legislatures are deemed to have little power in policy-making (in contrast to the powerful legislatures in parliamentary systems, Linz argued). The likelihood of inter-branch conflict, the low capacity of the political system to translate social demands into political action, and of policy deadlock, were, thus, generated by the very characteristics of the constitutional design of presidential systems. The conclusion, for Linz, was that presidential systems are more prone to regime instability and to fostering conflict rather than consensus between the political actors.

Essentially, Linz saw the special and strong powers of Executives as a problem of the aggregation of interests. As the Executive is one political actor, elected by First-past-the-post devices and possessing strong legislative authority, the majoritarian nature of this recipe cannot lead to the aggregation of interests. Linz believed that the institutional devices present in parliamentary systems, where support for the government in the Parliament is central to its survival, facilitate the aggregation of interests because political actors need to be consensus-oriented to cultivate and sustain mutual support, plus they are elected on proportional rules. The combination of majoritarian electoral rules and independence in both origin and survivability of the Executive, typical of presidential systems, and determined by constitutional design, offered the grounds for a strong causal attribution to constitutional structure as responsible for the frequent breakdown of democracy in countries with such a form of government.

Despite the generation of work this hypothesis created, we still do not know what makes a legislative body powerful or powerless, nor which is the key element that determines this variation, nor how diverse, institutional or non-institutional, mechanisms lead to a smoothly functioning representative government that fosters the aggregation of

interests instead of the exclusive entrenched representation of some interests. In sum, we do not know which part of the original hypothesis was not well-specified (Cheibub et al, 2004).

The reasons for this reduced ability to generalize a theory of constitutional design have allegedly been diverse. One difficulty derives from the fact that similar constitutional designs have produced different outcomes, as Horowitz (2001) argues in discussing the faith Lijphart and other scholars have placed in proportional (PR) electoral systems and parliamentary systems for successful democratic institutionalization and performance. A second difficulty arises from the exclusion of the informal arena in the original analysis. As a general condition for democratic installment, there shall be a lack of entrenched and non-elected decisional gatekeepers (Schmitter and Karl, 1991). But outside the decisional arenas, there is evidence that informal procedures may limit changes to the status quo, the ability of elected actors to actually take decisions, or provide a way out of stalemate situations (see Carey and Baldez, 2001 for the Chilean case; Mejia 2004 for Ecuador; Guevara Mann, 2001 for Panama; Levitsky and Helmke, 2003 for a general claim on the need to include informal politics in the research agenda).

A third difficulty, the so-called 'difficult combination', is the fact that many presidential systems have been adopted in multiparty, divided societies (Mainwaring, 1990), which do not facilitate the adoption of compromises for consensus. The argument emphasized the crucial fact that rules do not exist in a vacuum, but rather interact with the characteristics of the legislative scenario, which are themselves a byproduct of other sets of rules (the electoral and the partisan). This argument is assessed in detail in Chapter 5 of this thesis; here it suffices to underpin the change of lens from formal aspects towards a more interactive approach that includes political actors and rules in an interrelated manner. A fourth general difficulty is the lack of academic consensus on how to evaluate democratic performance, which is a broader problem common to the Theory of Democracy (which generates a separate debate on 'democracy-with-adjectives' versus 'democracy-without-adjectives'<sup>27</sup>).

In sum, contributions and responses have been diverse, from both methodological grounds and theoretical standpoints. There has been a decade of continuous re-examination of the many possible institutional analyses in the debate on forms of government. Three works that have been very influential in the re-examination of arguments on constitutional design in presidential systems are Shugart and Carey (1992),

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<sup>27</sup> See Bollen, 1990; Collier and Levitsky, 1997; O'Donnell, 1996; Collier and Adcock, 1999; Elkins, 2000.

Mainwaring and Shugart (1997) and Haggard and McCubbins (2001, influenced by Tsebelis, 1999).

Shugart and Carey (1992) offer a complete volume on comparative constitutional design and electoral dynamics in which they call attention to the advantages of presidential systems for responsiveness, representation and accountability, three key aspects for the ideal of democratic performance. In particular, they critically assess Linz's main arguments on constitutional design by offering empirical and comparative evidence that the most unstable regimes appear to be hybrid, not the pure forms of either parliamentary or presidential forms of government. Their concrete contribution is to generate an index of the constitutional powers of Executives, which allows for an evaluation of the alleged connection between the strength of the Executive branch in terms of power and authority and the probability of regime breakdown or political instability. This index serves as a good point of departure to examine, both empirically and comparatively, the constitutional structure, unpacking into detailed indicators the possible varying tools of power and authority, including the legislative and non-legislative powers of Executives. Although this index retains the asymmetric view, by paying exclusive attention to the power resources of the Executive, it generated a path-breaking offer for comparing across political systems, including across forms of government.

Furthermore, their work contributed to a change in the general approach to the perils of presidential systems, as they called attention to the possibility of the (deliberate) delegation of powers from the legislature to the Executive. This hint, which then opened a fresh line of investigation<sup>28</sup>, contributed to unpack another way of viewing political dynamics as regards inter-branch relations: the possibility of strategic behavior. This finding is important, and narrowly relates to the general viewpoint of this thesis, as I will outline in the last Section of this Chapter.

A second change of approach takes place with the explicit effort by Mainwaring and Shugart (1997) to 'rethink the terms of the debate'. Essentially, they recognized that the flaws in Linz's hypothesis on constitutional design derived from misspecification, in the sense that institutional design needs to be understood as a package. They directed the attention to the explanatory capacity of context, including the characteristics of parties and party systems (specifically party discipline, ideological polarization and fragmentation).

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<sup>28</sup> Because delegation is not equivalent to marginal behavior from the legislature or to the capacity of the Executive to monopolize power resources, in that the branch that delegates always keeps the power to withdraw the delegation, constrain it temporally or to a set of policy issues, and exert capabilities of oversight over the agent action. This analytical way of approaching inter-branch relations basically underscores (1) that we need more complexity to understand the effects of the constitutional design on the behavior of political actors, mainly because (2) rules constitute a net wherein interactions also occur.

Their attempt to change the perspective was based on a partial support for Linz's hypothesis that presidential systems present some inherent characteristics that may be problematic for democratic institutionalization and political stability, with the nuance that looking at sets of rules alone may lead to the wrong conclusions. In this sense, their effort to rethink the terms of the debate was to suggest what is labeled in this chapter as the configurational approach to rules and incentives, because the type and nature of the interrelation between ruled spaces and actors' behavior determines political outputs more than the independent effect of each separate group of factors.

Finally, a third useful contribution in this discussion is Haggard and McCubbins (2001) recent work on how and when institutional rules help in explaining policy outcomes. With theoretical ambition, they put forward an analytical distinction between the separation of powers and the separation of purpose in policy-making. Their work is also related to Tsebelis' (1999) proposal to look at the number and structure (or ideological distances) of veto players, as a proposed theory with predictive capacity for any form of government or party system format. The potential variation captured by the combination of the analytical propositions of these authors may contribute to unpacking variation regarding the explanatory variables of the political dynamics of bargaining, understood as the number of actors and the number of veto players, the ideological distances between them, and the binding decisions once adopted. These may be captured by the idea of the degree of separation of purpose.

In this context, Linz had only explored - when compared with this recent contribution - one particularly difficult institutional combination when characterizing presidential systems: few but strong veto players, a large ideological distance between the branches of government, low separation of purpose, and rigid constitutional rules on fixed terms that do not foster consensual-oriented actors.

Thus, Haggard and McCubbins bring two basic and crucial nuances to bear on this debate: (1) the possibilities of variation are larger, where (2) constitutional rules are only a (very determinant) part of this variation - which also includes ideological distances and other outcomes from electoral rules<sup>29</sup>.

Their proposal implies analyzing not only how the Executive and Legislative branches are placed in terms of power domains within the overall political system (separation of powers) but also how far they are tied in policy matters (separation of

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<sup>29</sup> In particular, concurrent or non concurrent electoral cycles - with effects on the congruence of the government and the legislature -, the staggering rule - which affects the renewal rule of the Legislative Chamber(s) and hence the ideological distances between the branches - and the electoral formula - which affects the type of discipline and loyalties developed towards the party, the President or others. See Shugart and Haggard in Haggard and McCubbins (2001).

purpose). The argument here is that the more the branches are tied in policy matters, the more consensus oriented actors will need to be. The opposite, hypothetically, holds.

I have underscored how these contributions have introduced different innovative points in the debate on the effects of constitutional design, in both substantive and methodological terms. Basically, these different contributions converge on one key conclusion: that there is more variation within presidential systems than derives from the constitutional design alone, and that this variation is better captured if we include detail from both the broader institutional structure where political actors play and the particular context. In this thesis, the broader institutional structure is composed by secondary rules, such as those contained in procedural design, the ideological parameters of competition, the electoral rules and the fragmentation of the party system, and the context is composed by the time factor or electoral cycle.

In addition, these contributions also converge on one substantive conclusion: constitutional design also matters more in its configurational manifestation, as a net wherein interactions take place and this should be included in the analysis. The divergences fall into the different sets of independent variables, which essentially refer, albeit differently, to the characteristics of party systems.

The following empirical proposal attempts to combine a configurational analysis of constitutional design in presidential systems together with a symmetric assessment of the powers of the two branches of government.

### **3- INDICATORS TO MEASURE CONSTITUTIONALLY PROVIDED SOURCES OF AUTHORITY AND POWER IN PRESIDENTIAL SYSTEMS: THE CHECKS-AND-BALANCES SYSTEM**

“Like other constitutional provisions, the separation of powers remains government-enabling: it disentangles overlapping jurisdictions, sorts out unclear chains of command and helps overcome a paralyzing confusion of functions”<sup>30</sup>

I have already pointed out the lack of sufficient and complete studies of constitutional design adopting a comparative perspective. The standard analysis, which was present in Linz’s original hypothesis, combines two different levels where norms (constitutional rules, in this case) operate: first, macro constitutional design with respect to the authority to name the cabinet (the distinction between independent Executive naming versus parliamentary floor, central in distinguishing presidential and parliamentary systems,

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<sup>30</sup> Holmes, in Elster and Slagstad, 1988: 228.

respectively), referred to as independence of origin of the branches. Second, the specific norms of the constitutional design determining resources of power, typically focusing on three of these: veto power, decree power and reserved jurisdictional domains of exclusive enactment by the Executive.

If we attend to these aspects of the constitutional design we obtain no variation among the cases under study either with regard to the macro aspects or to the specific ones, since all cases share veto and decree power provision for the Executive, independence on cabinet formation for the Executive, and some specific reserved jurisdictional domains of policy for the Executive. While this holds, the analysis is still however intrinsically incomplete, since the Assemblies in the four cases under analysis and in virtually all presidential systems in Latin America, possess power resources to counterbalance the ones above in an explicit recognition of the checks-and-balances system.

Also important to note is that most of the elements considered above exclusively attend to the institutional independence of origin between the branches. However, this view disregards the importance of the independence of institutional survivability. In fact, the usual normative claim in favor of parliamentary systems springs from the link of survivability between the branches in this political system with the central role given to devices of mutual confidence. Hence, in parliamentary systems, institutional independence neither of origin nor of survivability exists, and this has been seen as a fostering element for consensus-oriented actors. The superior complexity of presidential systems is characterized by a mixed rule whereby there is independence of origin, but available institutional devices assuring a relative dependence of survivability. This piece of evidence shows that there are binding devices in the constitutional design of presidential systems as important for determining whether actors will be more likely to seek consensus or to employ threats of mutual dissolution, as those determining impeachment procedures or mechanisms of mutual oversight, and involving a relative dependence of survivability. My argument is that the nature, number and quality of such rules matters more in explaining democratic outcomes and political stability than the individual effects of separate rules that strengthen either the Executive or the Assembly.

In my view, the emphasis on individual rules as empowering a single political actor is a consequence of an asymmetric and static analytical style, inadequate for approaching presidential systems, which may combine mixtures of constitutional rules. These mixtures may not be exhausted in the macro structure of power of separate and independent

electoral devices for each branch's composition. Instead, I attempt to generate a more detailed analysis that includes the proactive and reactive powers of both Executives and Assemblies.

This analysis will help in understanding which elements make a legislative body powerful or powerless in the face of the proactive powers of Executives, or an independent institution, through the separate inclusion of legislative proactive powers. In addition, the analysis aims at generating a methodologically viable way of measuring and capturing variation within presidential systems.

Notice that, from my previous arguments, I will pay special attention to the inclusion of indicators which refer to the constitutional rules that tie the two branches of power together in a common rule, either by putting them under co-decision or by providing them with capabilities for mutual oversight. Since “in two-agent constitutional designs [presidential systems], how identifiability and representativeness are balanced in the final policy output depends on the ways in which presidential and assembly powers are balanced, shared, and checked”(Shugart and Carey, 1992: 274).

Given that this effort combines the elaboration of indicators that measure both power resources and how they vary on theoretical grounds and their possible empirical variation, I gather the indicators together in an empirical coding scheme adopted for each set of powers (proactive and reactive for Executives, proactive for Assemblies, reactive for Assemblies). These are set out in three separate tables, for the sake of clarity. The first refers to the proactive powers of Executives, defined as those powers of enactment that allow this actor to propose policy change. I then proceed with the reactive powers of the Legislative branch in presidential systems, defined as those powers of blockage or counteraction that allow a political actor to maintain the status quo as such. Finally, I also include the proactive powers of the Assembly, defined as above for the Executive.

Table 6. Proactive and reactive powers of Executives from constitutional design in presidential systems

Type of tool	Executive	Coding scale (Variation)
Authoritative	Cabinet formation	0 Has no independency in <b>cabinet formation</b> 1 Names members of cabinet but needs Assembly ratification 2 Names and forms cabinet independently
	Ordinary legislative initiative	0 Has no <b>ordinary legislative initiative</b> 1 Has ordinary legislative initiative
	Jurisdictional areas	0 Has proposal authority for <b>budget bill</b> but it can be fully amended in the legislature 1 Has proposal authority for budget bill and unlimited material amendments by the legislature 2 Has proposal authority and limited formal amendments by legislature 4 Has proposal authority and bill cannot be amended by legislature
		0 Executive alone cannot propose <b>Constitutional reform</b> 1 Executive can propose Constitutional reform subject to review by Judiciary or legislature 4 Executive can propose Constitutional reform with full independence
		0 Executive alone cannot <b>propose referenda directly</b> 1 Executive can propose referenda directly to ratify by legislature 4 Executive alone can propose referenda directly with full independence
Power tools	Veto power	0 Has no <b>veto power</b> 1 Has total veto power, one-shot 2 Has partial veto power, one-shot 3 Has total veto power for an unlimited number of times 4 Has partial veto power for an unlimited number of times
	Decree power	0 Has no <b>decree power</b> 1 Has decree power but must be submitted to legislature immediately 2 Has decree power with temporal effective application once legislative ratification obtained 3 Has decree power with temporal effective application without legislative ratification 4 Has decree power without restrictions
Institutional independence (of survivability)	Power of dissolution of the legislature	0 Has no <b>power of dissolution</b> 4 Has power of dissolution without jeopardizing own term
	Own-budget determination	0 Has no <b>own-budget determination</b> 1 Has own-budget determination but can be reviewed (decreased) by legislature 3 Has fully independent own-budget determination
Appointive powers (apart from cabinet)	Executive names members of the Judiciary	0 Executive cannot name <b>members of the Judiciary</b> 1 Executive can name members of the Judiciary but need legislative ratification 2 Executive names a quota of members of the Judiciary 4 Executive can name members of the Judiciary with full independence
Emergency powers	May declare war	0 No 4 Yes
	Calls for extraordinary session	0 No 1 Call for <b>extraordinary session</b> on a constrained policy issue 2 Call for extraordinary session for consideration of urgent issues (decrees)

		4 Call for extraordinary session any time
	Assumes special powers when Congress not in session	0 No 4 Yes
Note: The range of the empirical variation is settled between zero and four, zero implying no power provision for the branch under consideration and four implying full power provision for that indicator for the branch under consideration. The coding scheme is further explained below in the text.		

I have distinguished between different levels where constitutional rules operate and may be unpacked to incorporate detail: authoritative tools, power tools, institutional independence, appointive powers, and emergency powers. Each of these has a set of indicators together with a coding scheme designed to capture variation. While some indicators are adopted from the index elaborated by Shugart and Carey (1992: 150)<sup>31</sup>, the proposed index still stands as an innovative proposal.

I have also distinguished, adopting a continuous coding scheme, between different degrees of importance for each power resource, with the theoretical ceiling fixed at the value four. As can be seen, not all indicators display all five possible figures (from 0 to 4), so some indicators jump from the lowest value to the highest. This strategy is equivalent to the adoption of a theoretical weighting, attaching value four to a power device that is theoretically believed to maximally strengthen the authority of the political actor.

Authoritative tools refer to the proactive ability of a political actor to propose new legislation and to form a government with more or less independence. Within the former I have only considered ordinary legislation<sup>32</sup> and three particular jurisdictional policy areas of special importance. First, the authority on the budget bill, which is typically enacted exclusively by the Executive. Second, the authority for Constitutional reform, for its importance in terms of a potential unilateral ability to propose a reform to strengthen his/her own power, as seen in some mid-twentieth century authoritarian regimes in Europe, which employed constitutional rules to acquire extra sources of authority via constitutional reform. Third, the authority to propose a referendum directly, designed to capture an important resource that allows the development of direct linkages with the citizenry, circumventing other institutions, such as the legislature. This latter authoritative tool, if provided to Executives, has been seen to foster populist Executives by weakening party identifications, developing the desire to remain in office, and finally provoking a systematic representation of entrenched minorities despite the broad discursive image of

<sup>31</sup> In particular, the indicators related to cabinet formation, veto power, decree power, ordinary legislative initiative and the last indicator 'assumes special powers if Congress not in session' are common to Shugart and Carey's index, logically deriving from the corpus of constitutional rules employed for comparisons among forms of government.

<sup>32</sup> Here, it is obvious that the value zero has a heuristic value, since no known political system forbids the authority of the Executive or the cabinet to propose ordinary legislation.

populist Presidents. Besides this having the power to call referenda directly opens the possibility to legislate in any policy area that would be subject to legislative review were it to follow the ordinary process of legislative approval, i.e. it allows the circumventing of the legislature. Hence, referenda power provides an important resource for unilateral action, thereby restricting the aggregation of interests in decision-making.

Second, power tools include the two typical power devices generally considered to strengthen the Executive's resources for maximizing its potential for unilateral action: veto power and decree power. Here, while veto power is assessed as a reactive power invoked by the Executive as a response to a conflict over legislative drafting with the Legislature, decree power is assessed as an exceptional proactive power that may be employed to legislate under more or less demanding circumstances. Within veto power, the partial veto (also called item veto in the literature) ranks higher than the total veto (also called package veto). The variation is judged according to the number of times veto power may be exerted, that is whether the legislative initiative can be introduced again once it has been discarded via veto and not insisted. Here, the most powerful Executive would be one who can exert total and item veto at its own discretion and can also keep on vetoing for an unlimited number of times; this would be equivalent to quasi-authoritarian powers over the content of legislation.

With respect to decree power, I have also included the equivalent possible axes of variation, as for veto above: form of decree and temporal constraints. Decree power is usually employed as an exceptional power tool (typically as a way out of a deadlock situation), with a constrained policy content (as a way out of an economic crisis, for instance, or to speed up a political response to a natural disaster, as happened with Hurricane *Mitch* in the area of study) and with a constrained temporal validity (for short-term policy-making of priority for the government). Again, the most powerful Executive with regard to this power tool would be one for whom unilateral action, or quasi-authoritarian legislative powers are available: that is where decree power may be used without restriction. However, the range of variation captured in the Table above portrays once more the idea of how far the branches are linked via bonds of approval, ratification or potential rejection of mutual initiatives.

Third, appointive powers are included in order to capture possible incursion or intrusion that the Executive branch may make into the other two branches. While the

Legislative branch is by definition in (pure) presidential systems independently elected<sup>33</sup>, the Judiciary may lend itself to be a politicized arena if its composition is fully determined by one branch. Hence, whereas more and diverse appointive powers are usually attributed to Executives in all political systems, be they parliamentary or presidential in this context, I have chosen to include only the appointment of the Judiciary for its importance as the third branch in the separation of powers doctrine embedded in all modern constitutions.

In the fourth place, the powers of the branches to determine their mutual institutional independence of survivability is characterized with only two indicators, one on the Executive's power of dissolution over the legislature (reactive tool) and one on own-budget determination (proactive tool).

Finally, emergency powers are also seen as an important device determining the strength of a political actor from the constitutional design, due to the exit points these tools may offer when conflictive situations emerge (deadlock situations, inter-branch blockage or urgent legislation, such as a deadline on an International Treaty). Again, while the potential variation within this type of power resource is very large, I have only considered here three types of emergency procedures of constitutional rank<sup>34</sup> that provide important power resources to the Executive in adopting unilateral decisions (such as in the case of war or in the case of assuming special powers if the Assembly is not in session), or in enforcing its agenda-setting powers (such as the authority of the Executive to call on extraordinary session).

Next, Table 2 displays the indicators for measuring the reactive powers of Assemblies. I underscore the importance of these in order to assess the capacity of the Legislature to counterbalance and oversee Executive action.

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<sup>33</sup> In very few cases there is or has been a collegial election of the Executive or, in the opposite case, the requirement of investiture of the Legislature by the Executive. Again, in the pure presidential form a common constitutional design characteristic is institutional independence of origin, unlike institutional independence of survivability, as indicated in the Table.

<sup>34</sup> Chapter 4 deals precisely with emergency procedures of legislative procedural rank, that is, procedures that allow the Executive to either modify the sequential treatment of the bill (like reduction of the number of debates, assignment of a special committee to emit a dictum or call for an extraordinary session) or the status of the bill (from ordinary to urgent) in order to get legislation passed.

*Table 7. Legislative branch reactive powers from constitutional design in presidential systems*

Type of tool	Reactive capability of Legislature	Coding scale (Variation)
Authoritative	Capacity to ask for government reports	0 Has no capacity to ask for reports 1 Has capacity to ask for reports in following-up emergency legislation 2 Has capacity to ask Ministries for reports in the areas of their competence any time any policy issues 3 Has capacity to ask for reports with immediate effect on control mechanisms (may lead to investigation, vote of confidence, etc) 4 Has capacity to initiate independent investigation on the actions of Ministries, validating report information
	Capacity of oversight of Executive action	0 Has no capacity to oversee the Exe. Action 1 Has capacity to oversee Exe. Action with no judicial implications 2 Has capacity to investigate Executive action independently and open an independent judicial process 3 Has capacity of vote of confidence with a supermajority 4 Has capacity of vote of confidence with a simple majority
Power tools	Rule to override veto	0 Has no capacity to override vetoed bills 1 Has capacity to override total vetoes with simple supermajority (2/3) 2 Has capacity to override total and partial vetoes with simple supermajority (2/3) 3 Has capacity to override vetoes and the bill cannot be vetoed once insistence
	Amendment or temporal constraint on decree	0 Has no capacity to ratify or review decrees 1 Has capacity to review decrees with supermajority vote 2 Has capacity to review decrees within a temporal constraint when the bill is effective 4 Unless legislative review, the decree is ineffective
Institutional independence of origin and survivability	Power of dismissal of Ministries (censure or vote of confidence)	0 No 4 Yes
	Power to ratify cabinet formation	0 No 4 Yes
	Impeachment of President	0 No 4 Yes
	Own-budget determination	0 Has no own-budget determination 1 Has own-budget determination but can be reviewed (decreased) by Executive 3 Has fully independent own-budget determination
Jurisdictional areas	Amendment of budget bill	0 Has no power to amend budget bill 1 Has power to propose formal amendments, but cannot increase budget entries 2 Has power to propose material amendments, like redistribution among budget entries 3 Has power to propose amendments including an increase/addition of a budget entry
	International/ Foreign policy	0 Has no say in foreign policy of the government 4 International Treaties need Assembly ratification to be effective

As seen in this Table, a range of varied tools to control and constrain Executive actions is also available to Assemblies from the constitutional design. In their reactive form,

I have followed the distinction between normative levels of operation I employed for Executive proactive powers, in order to facilitate their comparative assessment. Again, I have ranked in a continuous scale the powers of Assemblies to counterbalance the proactive powers of Executives as included in Table 6. While most indicators are simple a replica of the indicators employed to measure the powers of Executives, the last one, jurisdictional areas, is novel: the capability to review the foreign policy of the government. Foreign policy is one typical prerogative of the exclusive jurisdiction of Executives in presidential systems, as is the budget bill. For this reason, I have considered as a key reactive tool the capacity of the Assembly to review these two policy areas where the Legislature is excluded from enactment, but may not be from the final drafting and approval.

Finally, the third piece of information to be considered is the proactive power of the Legislative branch, stemming from the constitutional provisions. Here, I have also adopted the basic distinction of the normative levels of operation of the constitutional design of authoritative, appointive, policy related and emergency powers. The indicators are, however, adapted to suit the Legislative institutional structure and functions.

*Table 8. Legislative branch proactive powers from the constitutional design in presidential systems*

Type of tool	Proactive capabilities of Legislature	Coding scale (Variation)
Authoritative powers	Ordinary legislative initiative	0 Has no ordinary legislative initiative 1 Has ordinary legislative initiative
Appointive powers	Legislature names members of the Judiciary	0 Assembly cannot name members of the Judiciary 1 Assembly can name members of the Judiciary that need Executive's ratification 2 Assembly names a quota of members of the Judiciary 4 Assembly names members of the Judiciary with full independence
Jurisdictional areas	Constitutional reform	0 Assembly alone cannot propose Constitutional reform 1 Assembly can propose Constitutional reform, subject to review by Judiciary or Executive 4 Assembly can propose Constitutional reform with full independence
	Referenda directly	0 Legislative alone cannot directly propose referenda 1 Legislative can directly propose referenda but ratified by Executive 4 Legislative branch alone can directly propose referenda with full independence
	Power of amnesty	0 No 1 Yes
Emergency powers	Calls for extraordinary session	0 No 1 May call for extraordinary session on a supermajority vote 2 May call for extraordinary session on a simple majority vote 3 Any member of the Legislature may call for extraordinary session

The number of indicators is overall lower for the Assembly than for the Executive concerning proactive powers, but notice that this does not hold if we add the reactive and the proactive. Shugart and Carey (1992) therefore had the right intuition when they called attention to the fact that the dual structure of presidential systems does not necessarily lead to marginal legislatures and extra-strong Presidents. This depends, therefore, from the frame of this analysis, on the kind of interrelation between normative levels of operation (in both number and quality) and on the way the branches are interrelated within this set of rules, that is whether political actors are in a position of confrontation, negotiation or consensus-seeking. The next Section is devoted to the empirical testing of these arguments.

#### **4- PRESIDENTS AND PARLIAMENTS IN FOUR CENTRAL AMERICAN COUNTRIES: UNPACKING VARIATION OF CONSTITUTIONAL RULES IN PRESIDENTIAL SYSTEMS**

“Fair procedures lead to fair outcomes, while fair outcomes generally result from fair procedures. But the two are distinguishable in practice as well as theory”<sup>35</sup>

In this section, I first empirically apply the theoretical indicators elaborated in the previous section and then analyze whether it holds that Assembly and Executive powers are inversely related (the stronger the Executive the weaker the Assembly) or whether my argument that not only the number but also the qualitative nature of the ties between the branches matters more in an interrelated way than the individual effect of each constitutional rule. This analysis will shed light on the explanatory capacity of constitutional design for political performance, which I expect to be low.

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<sup>35</sup> Klosko, G. (2000: 208).

*Table 9. Gross results of the constitutional powers of Executives in four Central American countries*

Indicators from the constitutional design	PANAMA	GUATEMALA	HONDURAS	COSTA RICA
<b>AUTHORITATIVE TOOLS</b>				
Cabinet formation	2	2	2	2
Legislative initiative	1	1	1	1
Budget bill exclusive introduction	0	2	1	0
Constitutional reform exclusive introduction	1	1	0	0
Referenda proposal exclusive introduction	0	4	0	1
<b>POWER TOOLS</b>				
Veto power	4	1	1	1
Decree power	3	1	3	1
<b>INSTITUTIONAL INDEPENDENCE</b>				
Power of dissolution	0	4	0	0
Own-budget determination	1	3	3	3
<b>APPOINTIVE POWERS</b>				
Names members of the Judiciary	1	0	0	0
<b>EMERGENCY POWERS</b>				
May declare war independently	0	0	4	4
Extraordinary session	1	1	1	1
Especial powers when Congress not in session	4	0	4	4

The general picture from the empirical analysis of the constitutional powers of the Executives in these four countries is that (1) more variation stems from the indicators related to power tools and emergency powers than any other set; (2) there is no variation in the appointive powers, indicating that the separation of powers is fully in place in these countries; (3) there is moderate to large variation between the possible courses of action that Executives may adopt to achieve unilateral action, but this will depend and be curtailed by the capacity of legislatures to oversee and review this action.

Secondly, and with more case-detailed information in mind, the set of indicators that is particularly revealing is that concerning the specific jurisdictional policy areas of exclusive introduction by the Executive. This domain constitutes part of what I will include in the last Section of this Chapter under procedural rules, that is those exclusively related to the process of legislative approval.

Thirdly, with this empirical information, we can only be sure that Executives in presidential systems generally possess the ordinary legislative initiative, independence in cabinet formation, total veto power for at least once, no authority in naming members of the Judiciary, the capacity to call an extraordinary session if a policy issue demands immediate legislative approval, and full own-budget determination. In all the other areas of power and authority there is variation, including the possible range of veto powers and

decree powers, both of which have been seen as particularly strong tools of power in presidential systems.

Finally, a rather surprising source of weakness for legislative action is the fact that in three cases out of four the Executive may assume special powers when Congress is not in session, thereby opening a window of opportunity for Executives to take important unilateral policy decisions during this temporal lapse. Despite the fact that in all four Constitutions under analysis the provision for this prerogative is constrained to special or urgent legislative needs<sup>36</sup>, the existence of this power tool strengthens the Executive's resources to marginalize the legislature if conflict is expected during the ordinary term (as in cases of divided government or of weak party discipline when there is unified government but a scarce majority in Congress).

Before elaborating any conclusions on the comparative strength of Executives in these countries, I shall carry out the corresponding empirical analysis with the chosen indicators for the reactive and proactive powers of Assemblies from the constitutional design of the four countries under analysis.

*Table 10. Gross results of the constitutional powers of Assemblies in four Central American countries*

Indicators from the constitutional design	PANAMA	GUATEMALA	HONDURAS	COSTA RICA
<b>REACTIVE POWERS</b>				
AUTHORITATIVE TOOLS				
Asks for reports	2	3	2	2
Capacity of oversight	1	1	2	2
POWER TOOLS				
Overrides veto	3	3	3	3
Reviews decree	2	4	2	4
INSTITUTIONAL INDEPENDENCE				
Power of censure over Ministries	0	4	0	4
Ratifies cabinet formation	0	0	0	0
Impeachment of President	0	0	0	4
Own-budget determination	3	3	3	1
JURISDICTIONAL AREAS				
Amendment of budget bill	3	2	2	3
Foreign policy	4	4	4	4
<b>PROACTIVE POWERS</b>				
AUTHORITATIVE TOOLS				
Ordinary legislative initiative	1	1	1	1
APPOINTIVE POWERS				
Names members of the Judiciary	0	4	4	4
JURISDICTIONAL AREAS				

<sup>36</sup> In the case of Panama, the Executive must ask for delegation from the Assembly; in the case of Costa Rica, the Executive may assume special powers in cases of war or public disorder generally phrased; and, finally, in Honduras the Executive may also take unilateral action or use special powers in the case of war, although in this latter case Congress must be called to session as soon as possible. Another institutional solution is provided in Guatemala, where there is a Permanent Committee, formed after a vote in Congress before the closure of the ordinary session.

Constitutional reform	4	4	4	4
Referenda	4	4	0	4
Power of amnesty	1	1	1	1
<b>EMERGENCY POWERS</b>				
Extraordinary session	0	2	1	0

Legislatures in presidential systems, according to the empirical results for these countries, are generally provided with the capacity to ask for reports from the cabinet, that is, they have administrative capabilities of oversight, own-budget determination, strong reactive capacities to override the veto power of the Executive, no say in cabinet formation (or total mutual independence of origin of legitimacy and authority), strong ratification powers in foreign policy, and strong jurisdictional authority on constitutional reform, referenda and amnesty.

A first element in this list that reinforces the power of the legislative bodies in Honduras and Costa Rica, where vetoed bills cannot be reintroduced in the same legislative term. Also for these two cases, the legislative capacity to amend the budget bill is strengthened, since the Executive veto cannot apply after approval in the House<sup>37</sup>. These types of rules constitute an empowering device for these legislatures, and are absent in the other two cases (Guatemala and Panama). The example illustrates my theoretical point that constitutional ties between the branches are more relevant in determining power resources than each separate rule. While it is true that veto power is available to all Executives in these countries, as a typical power device of presidential systems, limitations exist in some important areas where the representative input of Congress is privileged. Also in the case of the budget bill, the tie between the branches actually neutralizes the first-mover advantage of the Executive of exclusivity in proposal authority, since henceforth amendments in the legislature are unlimited.

In fact, Costa Rica displays a pattern that constitutionally reinforces the political functions of the legislative without an equivalent reinforcing of the Executive. This fact hints that the possibilities for combining varying power resources and the distribution of these among the two branches is not always inversely relating the two branches (the stronger the Executive the weaker the Assembly). In this respect, the legislative design of Panama is relatively surprising as the written rules, shown by the indicators employed here, put the House in a powerful position: it can increase entries in the budget bill, for instance, typically a scarce power resource for legislatures in presidential systems, and it also has full

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<sup>37</sup> The veto in both Honduras and Costa Rica is also forbidden for International Treaties and contracts, once submitted by the Executive to the House. For constitutional and electoral reforms the Costa Rican Constitution designates the Congress as the only sovereign actor, and for reform of the University system, which must be approved by the University San Carlos.

independence to call referenda. For the authors of the few existing studies on the Panama legislature (Guevara Mann, 2001; Otero, 2003) this picture of a powerful legislative body would come as a surprise. Explanations for this particularly rich case of *de facto* practices are described in the analysis of legislative production (Chapter 3).

Finally, if Costa Rica appears to have a strong Legislative branch and Panama middle-to-strong one, Guatemala displays the trickiest combination for interpretation in these terms. As a case where constitutional drafting involved a many of the international advisory institutions<sup>38</sup>, the Constitution in fact developed as a *collage* of elements that strengthen both the legislature and the Executive, clearly inspired by the theory on the benefits of independence of the branches. For this country, then, the constitutional design provides few ties between the branches, settling their areas of authority in an independent fashion. Nonetheless, the Guatemalan legislature has a strong power to censure Ministries, as does Costa Rican, and an authority parallel to that of the Executive to call for extraordinary sessions. Yet it may face independent dissolution powers by the Executive and an appealing call to direct legitimacy from this actor through its full independence on referenda proposals.

This comparative result is indicative of clear-cut differences and I will analyze the reflection of this difference in legislative performances of the political systems constitutionally designed to place political actors in two interrelated axes of dependence-independence: decisional involvement and consensus or conflict seeking. My point here is that where there is high dependence, in terms of constitutional ties (in both number and quality) there is an associated decisional involvement of political actors which practically leads to consensus-oriented actors. Provided that political actors need each other for the decision-making process and for agreement on possible ranges of amendments<sup>39</sup>, they will need to be consensus-seeking and agree upon a satisfying scheme of decisional interaction. On the opposite extreme, where there is high independence of political actors in terms of the number and quality of (absent) constitutional ties, actors are not forced to take on any scheme of decisional involvement and conflict may easily appear if divided government, low party discipline or a pork-barreling style of policy-making is in place.

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<sup>38</sup> The Peace Agreements in Guatemala in 1985 in fact involved the International Community in all aspects, from the negotiations between political parties and the schedule of their compromises, to the actual drafting of the institutional design. Hence, while the faith of scholars continues to be high on the role of advisory assistance in the constitutional design of institutions, Guatemala is a case that certainly raises doubts on the efficiency of this tool. While political will only made the long lasting Peace process feasible in 1985 (when Arzu held the Presidency), Guatemala is a clear case where the complex legacy of the past and the low renewal of the political elite have prevented the disappearance of the *status quo*.

<sup>39</sup> Or what Tsebelis (2002) calls the positional dimension, characterized by the leverage of discretion of the agenda setter – or the size of the choice set of amendments/proposals – and the closeness to the median voter of the legislature.

If these two scenarios may be clear both theoretically and empirically (the illustrative cases being Costa Rica for the first scenario and Guatemala for the second), what is the range of possible fuzzy spaces between cooperation and gridlock? My answer to this question, which is central to the contribution of this thesis, is the capacity of political actors to behave strategically (for instance by making credible threats of blockage or delaying legislative initiative, as Farrell and Heritier, 2003, suggest) and the pattern of historical interaction between political actors as explanatory variables. On this latter aspect, a crucial point needs to be made: while constitutional rules may or may not tie political actors to a mutual crossroad, the final decision to follow the conflictive or the cooperative pathway largely depends on the will of political actors. There are abundant examples of both routes, where consensus constitutional design has led to conflict between political actors (the Nixon term in the U.S.) and where conflictive constitutional design has led to a cooperative output induced by the will of political actors and their interaction (Holland before the Second World War).

So far, the overall variation identified from the empirical analysis of the constitutional design as carried out here is mostly based on the set of indicators for reactive powers. Like the Executives, where convergence on the proactive powers was great, the legislative branches also diverge in their variety of responses to the two typical power tools (veto and decree) that are available to the Executive, as well as with respect to the responses of the legislature to the exclusive enactment of some policy jurisdictions by the Executive.

A final exercise to test the performance of this ranking set of indicators is to assess the captured variation in a comparative way. Here I have employed a simple additive rule as a heuristic strategy<sup>40</sup>, adding all the indicators for each of the branches given that weighting was adopted on theoretical grounds. This simple comparison displays a pattern of variation susceptible to interpretation as a two-way combination of the branches' powers. As shown below, a simple correlation analysis between the total figure of Executive constitutional powers and the equivalent for the Assemblies shows that the relationship is not inverse but positive, weak and non-significant.

Table 11. Comparing the constitutional powers of Executives and Assemblies in presidential systems

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<sup>40</sup> My disclaimer here is that I do not aim to fully argue that the indicators of constitutional design as developed in this Chapter are possible to gauge in single indexes. I have, on the contrary, pursued the point that the effort of unpacking variation is relevant and that, generally, adding institutional detail and complexity is necessary for adequate empirical and comparative institutional analysis. The only function of adding the ranks from the previous unpacking exercise is to show that, in fact, the standard asymmetric view on the powers of Executives and Legislatures does not hold empirically with the data available for the cases under analysis.

Total	PANAMA	GUATEMALA	HONDURAS	COSTA RICA
Executive branch	18	20	20	18
Legislative branch	28	40	29	41
Weighted by number of indicators for Executive	1.38	1.53	1.53	1.38
Weighted by number of indicators for Legislative	1.75	2.5	1.81	2.56
Correlation analysis	Pearson Coefficient=0.034; significance value=0.966			

From this last comparative summary, we obtain three general pieces of information: first, the Legislatures display more diversity than the Executives. This suggests that while the design of Executive powers in constitutional provisions is fairly homogeneous in presidential systems, that there is a homogeneous range of powers available to Assemblies from the constitutional design is more difficult to capture. This empirical evidence indicates that while there is a clear conception in the presidential constitutional tradition of what a President in such a political system is provided with, in terms of power and authority resources, there seems to be a wider variety of tools for endowing Assemblies in a continuum of authoritative, appointive and oversight resources of power. Second, this fact also appears to indicate that what makes the difference for overall political performance is the degree of aggregation of interests (or the representative function) that legislatures are assigned, and not, (or not exclusively), what Executives can or cannot do. From the perspective of this work, the three levels of power operation matter (the powers of the Executive, the powers of the Assembly and the interaction between the branches), with larger weight given to the latter.

Thirdly, it seems possible – and indeed becomes clear when historical insights of case-specific nature are taken into account - that the figures above display a two-way prototypical combination of constitutional powers: Panama and Honduras represent very balanced political systems, with very similar ranking for both Executive and Legislative constitutional powers (in the additive version) while Guatemala and Costa Rica represent a type of political system that strengthens the constitutional powers of the legislature as compared to the Executive. Despite these relatively counter-intuitive results, as may be derived from the reputation of the Costa Rican democracy, here coupled with Guatemala, which does not enjoy such a reputation, the results hold empirically in that equal indicators were employed for the constitutional analysis.

In sum, what appears to happen is that multiple possible combinations are in place: for instance, while Panama and Guatemala are closer and highly comparable in terms of the political dynamics, and the same applies to Costa Rica and Honduras, this pair-wise comparative effort shows a different combination with respect to constitutional rules. The

problem with employing aggregate measures is precisely this: that it becomes difficult to identify what the final figure implies. This fits well with the theoretical aim of first unpacking the details of constitutional analysis and then proceeding with a comparative general analysis of this factor's weight (constitutional design) in determining political performance.

The historical context of the constitutional drafting moment sheds light on the apparent similarities between Guatemala and Costa Rica: Guatemala enjoyed international assistance and a recent past of hyper-authoritarian tradition, which a long process of negotiation among political actors attempted to limit. The result was thus inspired by claims that strong legislatures may solve the problem of presidential systems breaking down into authoritarian regimes. Costa Rica, with a similar context at the time of the Constitutional approval in 1949 (after a recent civil war generated by a crude conflict between personalized leaders both of whom were strong candidates for the Presidency), attempted in fact to limit the reproduction of such a conflictual situation, by designing a Constitution strongly inspired by the checks-and-balances doctrine. The Assembly thus ended being clearly strengthened and the Electoral Tribunal was created with the prerogatives of a fourth power.

In turn, the constitutional comparability between Honduras and Panama derives more directly from the limited but stable nature of the democratic regime in these countries, where long-standing parties (fronts for the personalized figures of Torrijos in Panama and Bonillas in Honduras) have acted as hegemonic political designers. The balanced constitutional design that appears to exist may thus be seen as a byproduct of a long historical process where hegemonic actors agreed to distribute independent power prerogatives among different institutions as a concessionary strategy that would allow them to keep control of power resources in all institutions. This strategy has in fact been successful in both cases, where a largely fragmented electoral offer translates with relative stability into bipartisan scenarios in the legislature<sup>41</sup>, so that the two main political actors can '*split-the-cake*' in terms of both institutional and electoral resources<sup>42</sup>.

Finally, it appears to be clear that, according to the empirical analysis carried out here, with these indicators and for these countries, Assemblies are not in a weaker or

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<sup>41</sup> In Honduras, for the legislative term under study (1998-2001), 94% of the seats in Parliament were occupied by legislators of the PNH or of the PLH, the two largest parties in the country historically dominating the institutional and electoral resources (Ajenjo, 2001, in Alcantara and Freidenberg). In Panama, for the legislative term under study (1994-99), 64% of the seats were occupied by the PA or the PRD, similarly the two largest parties of the country (Garcia Diez, 2001, in Alcantara and Freidenberg).

<sup>42</sup> This line of reasoning is further developed – empirically and substantively - for specific characteristics of the institutional design, such as the size of the committee system, in Chapter 4.

marginal position as compared to Executives in terms of the constitutional provision of power and authority resources. Looking at the last row of the weighted figures (in Table 6), where these can be compared more directly, all Legislative bodies in these countries rank higher than the Executives, even in the cases with slight numerical differences that is Panama and Honduras.

## **5 – A CALL FOR ATTENTION TO THE PROCEDURAL DESIGN**

So far I have obtained an empirical endorsement of the main expectation and hypothesis of this Chapter: (1) there were biases in the attribution of little variation to constitutional design in presidential systems, and (2) there is a net of rules whose interaction is more important in determining political actors' behavior than the individual effect of each rule. What remains to be addressed is the specific causal attribution to constitutional design as the responsible for the legislative performance in presidential systems.

Having chosen relatively similar cases for the empirical analysis of this thesis in terms of constitutional structure (presidential systems, unicameral and a similar set of actors with legislative authority) where does the variation that determines diverging political performance come from?

My answer to this question is that given that, as empirically shown, Assemblies are not necessarily weak as a result of the constitutional design (question 1), there are two additional elements that may help to capture the potential agenda control capabilities of Executives or majority parties in the legislature: (1) the endogenous institutional design of the legislative process allows political actors, in particular majority actors (the Executive or the majority party in the House) to exert agenda control as defined earlier; Or (2) the explanatory sources are to be found in exogenous pressures, such as the electoral cycle and the characteristics of the political context (such as polarization and fragmentation).

The exogenous pressures have been explored, showing significant effects, in several works looking at presidential systems (Shugart, 1995). I will examine these factors further in Chapters 3 and 6. I will now focus on endogenous institutional design, given its exceptional importance for democratic rule. The argument is that if political actors may restrict the aggregation of interests as a consequence of a strong economic shock in the country (let us say an external debt shock, suffered by many governments in Latin America), then a discretionary use of endogenous procedures to the decision-making may in fact take place. A problem appears if the discretionary employment of endogenous procedures occurs systematically. The emphasis of the argument is that, while the institutional design should not tie the political actors to highly inflexible decisional structures, especially given the increased complexity of the policy-making process, the question of to what degree the discretionary use of endogenous decisional tools is in place as a structural decisional style matters, in our analytical frame, for the effective application of the rule of law, which is so essentially associated with democratic regimes.

The range, or degree, that I refer to is whether the possibilities for unilateral action for a single political actor are embedded in the normative design. In line with the legal studies related to constitutional design, I agree that there is no rule or set of rules that may predict all possible courses of action. Therefore, there is a structural lack of accuracy in any institutional design, with respect to the spaces where a more discretionary employment or interpretation of a rule or procedure may be made. When these discretionary spaces of decision allow specific actors to undertake unilateral actions or enjoy comparative advantages is a manifestation of agenda control. In this context, it is important to identify which rules are available to the Executive that allow the circumvention of the legislature's capacity of oversight, review and authority. Assessing *de facto* practices, as I claimed at the beginning of this Chapter, may contribute to this effort, particularly by the detailed examination of which procedures are employed to get legislation passed with a view to identifying systematic patterns.

This call to pay increased attention to the importance of procedural design derives from the recognition that it is not only the broad institutional design – as determined by the Constitution – but also the auxiliary sets of rules and normative levels regulating who is entitled to present legislative initiatives, the general of approval or rejection of a bill, and the specific procedures that may offer comparative advantages. Within the latter, procedural design essentially establishes the committee system design (number and electoral rules of committees, specialization scheme and voting rules); the organization of

the legislative workload (the organization and composition of legislative blocks, ); the functions of and voting rules for electing the Directive Board; the sequential design of the process of legislative approval (including number of debates, length of speeches, type and adoption rule for ordinary and urgent procedures, deadlines for committee dictums and for the revision of dictums in committees, set up of the agenda); the general calendar of legislative work (defining the ordinary period of sessions); the type of amendments and available processes for the review of a decision; the mechanisms for reform of the Legislative Proceedings; and the voting rules for ordinary and organic legislation and quorums.

These rules are all important for determining the powerful or powerless position of political actors, in that they specify in detail the ordinary and exceptional procedures within which these can exert their political capabilities in the process of legislative production. I will now introduce the characteristics of the procedural designs in the four countries under analysis to proceed subsequently, in Chapter 3, with the analysis of *de facto* practices in patterns of legislative production. This descriptive information, therefore, serves an illustrative objective of identifying sources of variation and commonalities between the cases. The four countries share similar procedural designs at an aggregate level, in the unicameral composition of the House, but diverge in their specific provision of legislative authority to varying societal and political actors and on the design of the ordinary and urgent procedures for approving legislation. The comparative description of the legislative procedural design follows in Table 7.

*Table 12. Legislative procedural design in four Central American countries*

Components of the procedural legislative design	HONDURAS	COSTA RICA	GUATEMALA	PANAMA
Authority to call for extraordinary session	Executive Power Directive of Congress Absolute majority of deputies	Executive Power	Executive Power Directive of Congress 25% of deputies request to Directive Absolute majority of deputies	Executive Power
Majority for ordinary legislation	Simple majority	Simple majority	Absolute majority	Simple majority
Types of committees and sizes	1) Ordinary: 3-7 deputies 2) Special: 3-5 deputies	1) Ordinary: 9 deputies (Finances committee:11) 2) Full legislative authority**: <sup>3</sup> with 19 deputies each 3) Special: 3-5 deputies	1) Ordinary: 5-8 deputies (max. 11) 2) Special with assigned tasks*: 3 with one deputy of each bloc 3) Special without assigned tasks: n.a.	1) Ordinary: 7 deputies (Budgetcommittee:15) 2) Ad-hoc: min. 6 deputies 3) Special for research: min. 6 deputies 4) Special (known as 'accidental'): n.a.
Assignment rules to committees	Ordinary: proportional to seats Special: President of Assembly	Ordinary: proportional to seats Full legislative authority: proportional to seats Special: President of Assembly	Ordinary: proportional to seats (always a min. of one deputy of each bloc in each committee) Special with tasks assigned: designed by Constitution* Special without tasks assigned: 2/3 majority vote in floor	Ordinary: voting in the floor*** Ad-hoc: voting in the floor or consensus Special for research: voting in the floor Special: President of Assembly (previous discussion with speakers of blocs)
Number of debates on floor for ordinary legislation	Three	Two	Three	Three (first is committee dictum)
Types of emergency procedures available	Reduction of number of debates Special committee formation Urgent status of bill	Alter the agenda-of-the-day Special committee formation Urgent status of bill	Reduction of number of debates Urgent status of bill	Special committee formation Urgent status of bill
Assignment rule of bill to committee****	Secretary of Congress	Secretary of Congress	Agreement on floor	Secretary of Congress
Quorum for ordinary session	Absolute majority	Supermajority (2/3rds)	Absolute majority	Absolute majority or 25% of deputies

Source: own construction from the Constitutions and Internal Proceedings of the Assemblies collected in field research.  
 \* For Guatemala, the special committees are not named ad-hoc by the President of the Assembly. The special committees are designed in the Constitution with determined tasks ("Technical support for Congress activities", "Extraordinary for electoral reforms" and "Studies for the Peace Agreements").  
 \*\* The three committees with full legislative authority in Costa Rica have the full right to initiate and pass legislation. They may also receive bills from the floor if a 2/3 majority of the vote decides to delegate the bill to any of these. The delegation can be retrieved with an absolute majority vote in the floor. Delegation is not possible if a given bill concerns electoral issues, treaties or international agreements, budget, public credits or constitutional reforms.

\*\*\* In Panama the assignment rule of deputies to committees follows a formalized electoral rule as follows: the total number of deputies is divided by the total number of deputies to be elected for each committee. This constitutes the quotient. Each legislator votes over the list of self-standing deputies for each committee and the legislators elected are the ones who received as many votes as the quotient.  
\*\*\*\* From Garcia Montero (2004).

There are three general points of convergence in the procedural designs of the four countries under analysis: (1) the centrality of the committee system in the decision-making process, implying that the committee system is an effective gate-keeper; (2) the centrality of the political parties in organizing and channeling the legislative activity; (3) the availability of special procedures that may allow the circumvention of the ordinary procedure for passing legislation.

First, the committee system is a key gatekeeper in all four countries. The gate-keeping role of committees derives from their contribution to legislative work of a key good for the overall decision-making process: specialization (Shepsle and Bonchek, 1997; Krehbiel, 1997). There is divergence between the designs of the committee systems along two lines: the size of the committee system as a whole and as single committees, and diversity in specialization. In particular, Costa Rica and Panama have adopted a committee system with a limited number of committees whose specialization is thus not great (the jurisdictional area of each committee is broadly defined). In turn, in Guatemala and Honduras we find a large number of committees, and thus the jurisdictions of each committee concern very specific policy areas. I will assess these differences, hypothesizing on the likelihood of strategic use by majority actors of both informational advantages produced by committees and the size of relevant committees, in Chapter 3.

Second, the organization of Assemblies around party blocks is common to these four countries. In the multiparty cases, Guatemala and Panama, legislative block switching has been a common pattern, since often pre-electoral coalitions are renegotiated once deputies have secured their seats, thereby reshaping party affiliation and consequently party discipline. In turn, in the bipartisan cases, Honduras and Costa Rica, party switching is much less common and only the small parties need to build post-electoral coalitions in order to constitute a mixed block within Congress. But the general centrality of blocks as channels for legislative activity implies that the possibilities for action and proposal by each individual legislator are limited, both in terms of the possibilities to place proposals individually and in terms of the position of legislators in bargaining processes which is also mediated by the parties. Generally, the centrality of legislative blocks in organizing the workload involves the need for legislators to follow some disciplinary mechanisms, usually lacking in more individual-based legislative settings (such as the U.S. Congress).

Finally, the availability and type of special procedures for legislative approval also display diversity. The only convergence is found in the capacity of the Executive to call an extraordinary session, as we found in the analysis of constitutional rules. There is also some general convergence concerning the ordinary procedure of legislative approval, with the lowest variation found on who sends the legislative initiative to committee and the largest variation on the sequential design of the legislative process (see Appendix 2). The characteristics of each country's procedural design in this respect will clearly emerge in the following empirical exploration in Chapter 3, where the available data on the legislative production in a legislative term is specifically analyzed with respect to which procedures were employed for the approval of each bill, including committee assignment.

## **6. - PARTIAL CONCLUSIONS AND CONTINUATION OF THE RESEARCH**

The main conclusions of this Chapter are listed below. This should clarify the possible further lines of the research that spring from this analysis. There are three main theoretical or substantive claims and two methodological implications of central importance to the main claims of this thesis as well as for the redirection of the debate on the forms of government. First, the theoretical conclusions reached on the basis of the argumentative claims and the empirical evidence presented in this Chapter are:

- 1- I have shown the usefulness of the distinction between proactive and reactive powers for assessing the explanatory capacity of constitutional design and for unpacking hidden variation that incorporates important differences to the existing approaches. In fact, this distinction (proactive and reactive types of power resources) may be seen as the quintessential characteristic of presidential systems, with both branches able to vary in proactive and reactive powers<sup>43</sup>. These powers may be conceptualized as a continuum able to capture a wider variation than that deriving from an exclusive focus on the Executive powers. In addition, the inclusion in the analysis of the number and quality of normative ties between the branches has brought a fruitful component to the evaluation of constitutional design. I have emphasized that what matters in constitutional provisions is not whether the Executive has strong proactive powers (for

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<sup>43</sup> The ideal-typical of presidential systems would be, then, characterized by an Assembly with high proactive and high reactive powers and an Executive with high proactive and high reactive powers. In turn, an ideal-typical parliamentary system would also rank high in all power resources but in the reactive powers of Executives. Once more, my claim that there is wider variation than may appear at first sight from a general macro analysis of constitutional rules, since all possible combinations between high-low of Executive and Assembly powers would display a sixteen-cell table. Parliamentary and presidential are only two cells of these, and each unified and divided government may also display variation. This analytical proposal is brought back in the conclusions of this thesis as a field narrowly related or derived from this thesis work.

instance, decree power) but also how many and how strong the reactive powers of Assemblies are (typically review and rejection of decrees or imposition of a temporal constrain on decrees). This continuum may serve the purpose of generating a typological classification of presidential as well as parliamentary or hybrid systems, offering an increased potential for comparative analysis. In particular, for the further empirical analysis in the Chapters that follow, I will employ three different measures for Executive authority, Executive independence, and Executive dominance. These measures emphasize that the existence of cooperation or independence between the branches is in fact a function of the constitutional provisions, but regards these as a result of the branches' relative positions, not only of the Executive's unilateral position.

- 2- A strong legislature is characterized by a wider range of rules and powers than those ones provided to Executives. The measurement scheme developed in this Chapter shows that the convergences among Executives are certainly larger than those among Assemblies. I have already pointed out that this may come as a consequence of a clearer conception of what an Executive is in a presidential system drawn from a legal theory perspective (Sunstein, 2001), while there is a fuzzier equivalent for the Assembly. A second element here derives from the fact that I have included in the analysis not only typical authoritative tools and power resources, but also appointive powers, special or emergency powers and powers of control as relevant sources characterizing the checks-and-balances system.
- 3- Finally, the plausible conclusion on theoretical grounds is that any general model of macro-institutional rules, such as those laid down in Constitutions, does not make sense of political outcomes unless a path-dependent analysis of constitutional choice is endogeneized in the explanation, plus a historical account of the patterns of interaction between political actors. As we have seen, the constitutional drafting moment appears relevant for both stable and long-standing democracies (such as Costa Rica, since 1949) and young and fragile democracies (Guatemala since 1985). Only by incorporating knowledge about the relative position of political actors at the moment the Constitution was drafted and of the objectives of political conflict prevention privileged in each Constitution is it possible to understand why the two cases fall in the same comparative cell. I have also reflected that political will – or what I label the

historical patterns of interaction between political actors – may counter-balance or turn around the general character of the constitutional design. Calling attention to the importance of these two factors again emphasizes that constitutional design *only* settles broad parameters of variation, which are then given meaningful explanatory capacity depending on environmental and other micro-institutional factors, as I argue with respect to the importance of procedural design.

Last, the methodological implications of the findings in this Chapter are:

- 1- The central piece of information we can infer from the differences in the levels of proactive and reactive powers is how far political actors may make use of strategic threats on mutually dependent areas of authority, in terms of cooperation in exchange for support of a policy proposal or blockage in order to make political conflict public. In this sense, an adequate hypothesis for the effects of the balance or un-balances between the proactive-reactive powers of the branches is that the more proactive powers are concentrated in a political actor, the more independent dynamics will be seen in inter-branch relations (as in Guatemala). Similarly, the more reactive the branches are, the more consensus-seeking actors need to be. From a normative standpoint, scholars and constitutional designers have tended to prefer the latter option, with consensus seen as a powerful device for generating representation and conflict resolution (Lijphart, 1994, 1999). The nuance on this general view of constitutional design, as my contribution has developed in this Chapter, is that consensus is closely associated to the existence of normative ties between the two branches. Hence, representation and conflict resolution may be both fostered when political actors, particularly the two branches of government, need each other in order to pursue their own political priorities. As argued, political will is also essential for sustained conflict resolution and representation, together with incentives from the institutional design linking the decisional structure of both the Executive and the Legislative.
- 2- The original model that Linz (1984) attached to the pure presidential system was in fact an unusual type. Not only because the arguments and rules included in the original analysis were blind to the powers of Assemblies in place, as we have empirically shown, but also because it was institutionally extremely deterministic, accounting only for the macro parameters of variation flowing

from constitutional rules. The existence of other institutional determinants of political outcomes, such as the micro rules settled by the procedural design, the possibly interactive nature of these rules with the constitutional ones, and the way political actors have, historically, solved conflict, appears more to be the complex net that explains political outcomes. In fact, procedural design constitutes a cross-sectional set of rules that is not dependent on, say, the type of policy, but must instead be observed by all political actors as the central determinant of the decision-making process. The characteristics of procedural design and *de facto* practices characterizing legislative production are analyzed in the next Chapter.

## **CHAPTER THREE**

### **THE PATTERNS OF LEGISLATIVE PRODUCTION IN FOUR CENTRAL AMERICAN COUNTRIES:**

“Examining parliament shows if there are interests or opinions that are grossly over or under-represented, thus providing a rough estimate of the polity’s inclusiveness. (...) The proceedings of representative assemblies help us gauge the conflict that arises over public issues and show how effectively that conflict is resolved”<sup>44</sup>

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<sup>44</sup> Close, D. (1995: 1).

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## - Introduction

In this Chapter I present an original and extensive empirical analysis of the de facto practices of legislative production in the four countries under analysis during one legislative term. This descriptive effort serves one general and three particular objectives. The general objective is to provide empirical knowledge about the legislative workings in the four Central American countries under analysis that compliments the previous *de jure* analysis in Chapter 2. The analysis will result in an introductory guide that both explores the extent to which political actors employ their constitutionally provided tools of power and authority, and identifies the set of questions central for agenda control which will then constitute separate chapters in the remainder of the thesis. The expectation is that having this information at hand – the constitutional design analysis and the empirical examination of the patterns of legislative production – we will be better qualified to generate hypotheses about the suspected interactive effects between written rules and political output.

In addition, the analysis fills a gap in the knowledge about the legislatures, the Executives and the decision-making process in the four countries of the Central American region under analysis. Once data is available, the inclusion of this region in broader empirical studies of presidential systems, legislative performance and inter-branch dynamics will be facilitated by the present study.

The three particular objectives are:

- 1) Obtain detailed information of the overall balances or unbalances in comparative terms between Executive and Legislative initiatives, in terms of volume and in qualitative terms, which affect the aggregate characteristics of the decision-making process and provide information about where the differential use of power resources is placed;
- 2) Obtain detailed information about the differences in how legislation is approved depending on whether the Executive or Legislative actors enact the bill. The general hypothesis on this point is that the procedural design, in its micro-institutional regulating function, may leave spaces for the discretionary use of rules by majority actors, which is consequential on the aggregation of interests in the decision-making process. The specific hypotheses are elaborated with respect to each procedural rule under assessment: committee system design with respect to the informational advantages offered by the

specialization scheme adopted; emergency procedure design with respect to the reduction of time available to political actors for amendments, as a tool that manifestly affects the deliberative function of legislative debates by reducing a key resource such as time; the sequential design of the legislative process of approval with respect to the tools available to delay or speed up some legislative initiatives as compared to others; and the policy characteristics of the bill, exogenous to the procedural design, but usually affecting the choice of procedures for getting the bill passed.

- 3) Finally, the comparative analysis will pay attention to whether procedural rules or patterns of actors' behavior offer windows of opportunity to majority actors generally (that is, not only the Executive but also the majority parties). This is of particular importance for assessing the potential problem of democracy in systematically excluding minorities' will by consistently privileging majority rule for the adoption of decisions.

The Chapter proceeds as follows: I first look at the aggregate volume of legislative production in quantitative terms, identifying the general characteristics of the data available. I then unpack the qualitative information of interest in three sections<sup>45</sup>. The first of these deals with the committee system and the degree to which the committees perform a gate-keeping function. Second, I pay attention to the time factor with respect to the sequential design of the legislative process of approval in each of the four countries and the effects of the closeness of elections on the pattern of legislative production. I explore honeymoon effects in cases of unified government and the rupture of party loyalties towards the end of the term in cases of internally fractionalized party systems. The final qualitative section addresses the policy domain of the bills, attempting to capture whether the exercise of agenda control by majority actors (the Executive or the majority party) is especially concentrated in relevant policy areas, such as economic policies and political reform. The inequality between the branches in this aspect has largely been researched for only a few countries (as usual, by and large the U.S. heading the list with numerous studies on the link between public opinion and policy promotion). But the existing policy classifications and their validity have only been discussed to a limited extent and the difficulty of such an enterprise is also manifested in the analysis carried out here. I discuss on theoretical grounds the importance of each of these quantitative and qualitative analyses for the

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<sup>45</sup> I do not deal with vetoes, insistence on vetoes, amendments or roll-call votes, due to the unavailability of this data for these countries at the Legislative Archive Services.

objectives above in each corresponding section before displaying the actual analysis applied to the four cases under study.

I conclude the Chapter with a summary of the comparative results and the hypotheses developed through the findings in this chapter, which allows for an adequate linking of arguments with the Chapters that follow.

## – The empirical workings of legislative production in four Central American countries.

### 1.1. 2.1.) - QUANTITATIVE OVERVIEW

The first descriptive measure provides a general picture of whether there is Executive or majority party dominance of the agenda, or of the non-dominance of any, as a general overview, for each country under analysis:

*Table 13. Quantitative overview of the origin of the legislative production*

Descriptors	HONDURAS	COSTA RICA	GUATEMALA	PANAMA
Legislative term under study (data available)	1997-2001	1994-99	1996-1999	1995-1999
Total bills passed (total sample)	887	408	435	335
Number of bills enacted by Executive branch (and %)	529 (60%)	169 (41%)	228 (52%)	257 (77%)
Number of bills enacted by Legislative branch (and %)	322 (36%)	207 (51%)	173 (40%)	68 (20%)
Percentage of bills enacted by majority party (in Parliament)	PLH: 282 or 88%	PLN: 99 or 48%	PAN: 119 or 69%	PRD*: 51 or 75%
Notes: for the calculation of the bills enacted by each of the branches, I class missing values bills that were enacted by other actors with legislative initiative. This is why the addition of the third and fourth rows is not equal to the total number of bills in the sample (or the universe of bills approved in the legislative term under study). Similarly, for the last row, I only accounted for bills that were enacted by the legislators, within these taking the figure for those enacted by the majority party. * In Panama, I considered the bills enacted not only by the PRD, the majority party, but also from the parties that entered into coalition with this party in the House: the PALA, LIBRE, MORENA. (Garcia Diez, 2001).				

What is learnt from this first empirical piece of information is that the volume of legislation initiated by the Executive and the Legislative is more or less balanced, with the largest imbalance found in the House, where the majority party clearly dominates the agenda (or the enactment of bills that were finally approved). The majority party dominance within the House may be seen as an indicator of a low degree of aggregation of interests in the legislative decision-making process. Especially under unified governments, the number of devices available to exert agenda control may double, since the Executive may employ tools exogenous to the legislative procedural design to impose legislation (such

as decree power) and the majority party in the House may be able to dominate the internal workings of the legislative process in the Congress (cf. Lupia and McCubbins, 1994). However, this hypothesis is not fully supported by the empirical evidence above, because of the large divergence between Costa Rica and Honduras (both with unified government for the term under study) concerning the patterns of both Executive and majority party dominance. In particular, the PUSC in Costa Rica, the major opposition party in the term under study, was able to approve 44% of the total amount of legislation enacted by legislators, while the PNH in Honduras, the equivalent major opposition party, only enacted 6% of all legislation enacted (and approved) by legislative actors. This pattern indicates that the expected interaction between secondary rules<sup>46</sup>, that is between the procedural design in the House and partisan rules and format, does not follow a linear shape, and more detail is needed in order to explore the way those interactions take place. The strength of the PUSC as compared to the PNH, the differences in the intensity of ideological competition between these two countries and the longer democratic tradition in Costa Rica are all relevant elements at work in explaining the pattern here.

Giving greater attention to cross-country differences, there is a pattern that allows connection of the previous analysis of the constitutional design in Chapter 2 and these results: the most powerful Assembly on constitutional grounds, the Costa Rican one, is in fact the only one where the gross legislation enacted and approved by legislators exceeds the volume for the Executive. In turn, the middle-range<sup>47</sup> legislature from the constitutional analysis, that is Panama, displays the opposite pattern, in that the legislature's input in the aggregate legislative production is only 20%. The two intermediate-to-strong legislatures according to the constitutional rules, Guatemala and Honduras, also appear here to be intermediate combinations of legislative production from the Executive and the Legislative branches. In comparative terms, the Guatemalan legislative body appears slightly stronger, from its larger capacity to approve bills of its own enactment, but the majority party in Honduras is in fact stronger in dominating the legislative agenda.

In sum, there is a general pattern of Executive dominance that may be a consequence of the number of its jurisdictional areas of exclusive competence (Lanzaro, 2000) or the consequence of a broader phenomenon of delegation of legislative powers

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<sup>46</sup> I refer here generally to secondary rules as distinct from primary rules which are of constitutional rank. Secondary rules include procedural rules but also electoral rules and partisan rules, as referred to in this point.

<sup>47</sup> Panama was the case displaying a mixture of powerful and powerless devices assigned to the Legislative branch from the constitutional rules. As was referred to at that point in the previous Chapter, from the case studies available for Panama (Guevara Mann, 2001; Otero, 2003), this would be a case where the *de jure* and the *de facto* practices was expected to display a larger difference between the placement of the legislature as a powerful actor from the constitutional design and the actual underperformance of this institution in the country, as is well-illustrated in Guevara Mann dissertation on the issue.

from the House (Shugart and Carey, 1998; Morgenstern and Nacif, 2001). I examine next whether the policy content of a bill brings a powerful explanation to the relatively fuzzy pattern resulting from this quantitative indicator.

1.2. 2.2.) - CLASSIFYING LEGISLATION

The first qualitative measure is the classification of legislation in broad policy areas in order to identify whether variation in this matter is related to the actor proposing the legislative initiative. Classifying the bills of a legislative term in broad policy areas is not an easy task, since case-specific shocks may be mixed with general classifications and produce bias. Therefore, while expert knowledge on the case under study is relevant for this task, I have attempted to generate a classification susceptible to comparative analysis. In order to allow for synthetic measures of policy areas which may avoid the loss of information, I have created two measures. The first measure captures whether the bill entails spending, as phrased in the name of the bill, or not (i.e. belongs to a broader policy-making area). Although all legislation entails spending at some point or another (implementation is not part of the present analysis), I attempt to capture with this variable whether bills directly belonging to the budget bill are more likely to be enacted by the Executive or another actor. *Nota bene* that while, for all cases under study the General Budget bill is exclusively introduced by the Executive, the legislature may introduce amendments, budget entries or policy proposals that suck resources from the budget bill. In this sense, while a departure bias is expected –this time explained exclusively by the constitutional rules – this information also contributes to evaluating legislative performance as characterized by a distinctive role for Executives and Assemblies in these cases. In order to generate this variable without the full text of each bill, I took as a good proxy whether the bill was examined by a committee with economic competences. The pattern for the countries under analysis for this measure is as follows:

*Table 14. Budget legislation and origin of the initiative*

Country / Committee	Bill entails other policy areas	Bill entails spending
Costa Rica (total)	251 (74%)	87 (26%)
Executive	95 or 62%	59 or 38%
Legislative	156 or 85%	15 or 28%
Honduras (total)	554 (64%)	316 (36%)
Executive	264 or 50%	260 or 50%
Legislative	262 or 82%	56 or 18%
Guatemala (total)	241 (60%)	164 (40%)
Executive	96 or 43%	126 or 57%
Legislative	124 or 79%	33 or 21%
Panama (total)	267 (80%)	67 (20%)
Executive	200 or 78%	57 or 22%
Legislative	59 or 87%	9 or 13%

Note: The first figure is the number of bills and the second is the percentage as from the total volume of legislation enacted by each political actor (i.e. the percentages are calculated by row).

From the data above, there is an indication that in fact a more parochial or pork-barreling decision making style is present in the legislation enacted by the legislative (Shugart and Carey, 1992) in these countries. It appears that legislatures are mostly dedicated to enacting legislation in all policy areas other than budget. Hence, the Executive has both first-mover and last-mover advantages with respect to the allocation of resources for its policy priorities. Based solely on this piece of information, it is difficult to conclude whether these differences may be attributed to an efficient distribution of the legislative workload or whether they imply different decision-making styles involving a lower proactive role for legislatures in these countries.

The second measure for examining the policy content of the bills adds a relevant qualitative dimension to the assessment of the explanatory source of the above divergence. This second measure refers to the scope of the bill and follows Di Palma's (1976) exhaustive and general coding for the Italian legislation diachronically. A three-way classification according to whether the bill has a national, sectional or micro-sectional scope is produced. The definitions may be tracked for precision in Di Palma's (1976) original work, but they refer to the target or objective of the policy as it is designed<sup>48</sup>. Specifically, a bill is coded as national when the target of the policy is the whole population (like a regulation on the minimum wage); as sectional when a sector of the population is targeted but this group may be a heterogeneous one (like a regulation on the minimum wage of civil servants); and as micro-sectional when a sector of the population is targeted and this group is homogenous (such as a regulation on the minimum wage of civil servants in the public telecommunications sector). In effect, the differences between these

<sup>48</sup> Di Palma (1976) also created an additional measure to account for the effects of the bill, while here I only adopt his measure accounting for the objective of the bill. The measure for effects would require data on policy implementation.

categories are most fuzzy for the sectional versus micro-sectional, but overall the classification is expected to capture whether a more general interest as compared to a more particularized policy-making style is in place.

The contribution of this qualitative measure is expected to allow us to identify whether a more parochial legislative style exists in fact for the legislative bodies in these countries, functioning as an ‘efficient secret’ for the distribution of the legislative workload and for the divergent electoral constituencies of the two branches in presidential systems. The general hypothesis with respect to this issue is that legislatures have incentives to pursue parochial (or, in the language of Di Palma coding labels, more micro-sectional oriented) interests due to the devices deciding their election (and possible re-election) (Shugart and Carey, 1992). Especially in presidential systems the dual electoral design for the Legislative (generally employing proportional formulas and smaller district size than for the Executive) and for the Executive (generally majority formula, first-past-the-post) may be expected to generate this parochial versus national policy-making style. For the countries under analysis, there is a mixed pattern of cases with a clear split of functions in policy-making between the two branches along the parochial-national divide for the two branches, as in Costa Rica, and a stable bias in favor of the national scope of legislation, as in Guatemala. The specific results are as follows:

*Table 15. Leverage of the bill and origin of the initiative*

Country / Committee	Bill is national	Bill is sectional	Bill is microsectional
Costa Rica (total)	144 or 39%	85 or 23%	136 or 37%
Executive	88 or 55%	30 or 19%	43 or 26%
Legislative	56 or 27%	55 or 27%	46 or 93%
Honduras (total)	288 or 34%	223 or 26%	328 or 39%
Executive	203 or 38%	64 or 21%	162 or 52%
Legislative	85 or 27%	223 or 26%	328 or 39%
Guatemala (total)	215 or 56%	81 or 21%	91 or 23%
Executive	132 or 60%	35 or 21%	44 or 20%
Legislative	83 or 50%	81 or 21%	47 or 28%
Panama (total)	160 or 51%	68 or 22%	86 or 27%
Executive	141 or 56%	60 or 24%	50 or 20%
Legislative	19 or 30%	8 or 13%	36 or 27%
Note: The percentages are calculated by row, that is, within the whole legislative volume enacted by that political actor.			

The indication we obtained from Table 2 is supported by this analysis of the leverage of the bill in terms of territorial scope. Here, we obtain a pair-wise pattern of legislative performance and policy content, where Costa Rica and Panama stand together as characterized by legislatures more involved in micro-sectional legislating and by Executives mostly oriented to national legislation. For the time being, we cannot know whether this national scope also includes a bias from the constitutionally assigned authority of the Executives over foreign policy or whether the performance of both political actors involves an efficient distribution of the legislative workload in this form. In the middle-range of variation, Honduras shows the most stable or equal share of the policy-making style between the Executive and the legislature in all three categories. In turn, in Guatemala both branches are involved in national legislation on equal terms, as expected from the very balanced constitutional powers provided to both branches. In fact, Guatemala appears as the case where coherence between the expectations from the *de jure* analysis is in place in the *de facto* patterns from the data available.

Finally, there is no clear pattern of divergence among the legislative actors (Executive or legislature) concerning the sectional policy-making style, an intermediate category that may in fact capture a large range of policy types. Next, I proceed with an examination of how the time factor affects the pattern of legislative production for each branch of government.

### 1.3. 2.3.) - THE TIMING FACTOR: ELECTORAL CYCLE AND SEQUENTIAL DESIGN

The motivation for including the time factor as central in affecting the incentives of actors to exert agenda control or to push pork-barrel legislation targeted at groups of voters (when elections are closer) derives from a bulk of research claiming that the electoral cycle, specifically, but also the broader time component affecting the rhythm and succession of events (Schmitter and Santiso, 1998), is central to the comprehension of inter-branch dynamics.

This measure aims to capture whether the legislative initiatives proposed by the Executive are processed more quickly than those enacted by the Legislative, as has been shown in several presidential cases (see Lanzaro et al, 2000, for the Uruguayan case; Figueiredo and Cheibub, 1999, for the Brazilian; Binder and Maltzman, 2002, for the U.S. Senate case). The ability to delay or speed up a bill may be therefore seen as a procedural tool, exogenous to the constitutional design, and available to majority actors (especially when facing a situation of divided government – see Shugart, 1995) as a cross-sectional

tool, potentially applicable to all types of legislation, and expected to be employed with the most intensity when elections are close. The hypothesis is that majority actors will attempt to delay the approval of opposition actors' bills and to speed up their own initiatives. However, the use of time in this strategic way may not be linearly employed, interacting instead with other characteristics of the decision-making process.

In fact, in the empirical studies available on the matter, there have been some sustained counter-intuitive findings which may be placed under comparative analysis and theoretical reflection. Specifically with respect to the studies on the effects of the electoral cycle (not so much with respect to the sequential design of the legislative process of approval, as in Lanzaro et al, 2000), the finding is that the volume of legislative approval (enacted either by the Executive or the Legislative) decreases towards the end of the term of office (or when new elections are close). While the expectation could intuitively be that a larger volume of legislation is approved towards the end of a term, as a strategy to deliver more policies fostering an increased support for the party in power (thus taking advantage of the comparative advantages offered by the power resources available while in office), the empirical result has been the opposite. The explanation of this difference is placed in the qualitative realm regarding the characteristics of the policies: the legislation tends to be more micro-sectional in scope and entail spending.

Explanations for this pattern have clearly referred to the intensification of pork-barreling policy-making towards the end of the term for two key reasons: (1) Executives denied re-election – as is the case in most presidential cases in Latin America - will pursue corrupt practices towards the end of their term in order to fill their pockets before leaving office, given that no electoral punishment or accountability may be suffered by the actor. And (2) majority parties will attempt to make use of the comparative advantages they still possess to foster loyalty in targeted groups of voters that would eventually favor the success of the party.

The time component, which is examined in detail in Chapter 6, has typically been neglected within the discipline, and only recently have there been both modeling strategies and well-grounded hypotheses able to capture the effects of such an intrinsic element to political reality as time. Here, I limit my attention to the descriptive account of two time-related factors that may affect patterns of legislative production: first, the electoral cycle and, second, the internal sequential design of the legislative process of approval. This descriptive account involves, similarly to the previous analyses in this Chapter, a

comparison between the proposals of the Executive and the Legislative on each of those time-related factors.

*Table 16. Electoral cycle and origin of the initiative*

Electoral cycle	COSTA RICA	HONDURAS	GUATEMALA	PANAMA
YEAR 1				
Executive	32 or 48%	131 or 59%	70 or 61%	65 or 73%
Legislative	34 or 51%	91 or 41%	45 or 39%	24 or 27%
YEAR 2				
Executive	48 or 56%	219 or 72%	61 or 47%	44 or 85%
Legislative	38 or 44%	87 or 28%	68 or 53%	8 or 15%
YEAR 3				
Executive	40 or 45%	112 or 57%	68 or 67%	33 or 73%
Legislative	48 or 54%	84 or 43%	33 or 33%	12 or 27%
YEAR 4				*
Executive	87 or 64%	67 or 53%	28 or 52%	79 or 80%
Legislative	49 or 36%	60 or 47%	26 or 48%	19 or 20%
YEAR 5*				
Executive	-	-	-	36 or 88%
Legislative				5 or 12%
Notes: Percentages are calculated by column, that is, the whole legislative approval of that year and how the Executive and the Legislative behaved.				
For Panama, the legislative term is five years. The beginning of the term in 1994 was towards the end of the year, and so the legislative approval in that year was 10 bills (7 enacted by legislators, 3 enacted by the Executive). This year has been added to the legislative production of 1995, considering this year as Year 1 of the term.				

The results for these countries are in line with previous research: the volume of legislative production tends to start off with the largest figure and is then stable (as for Panama) or decreases (as for Guatemala and Honduras) in the last year of the term. The exception here is Costa Rica, with a differential pattern in this respect: here there is an increase in the total amount of legislation approved with an associate increase of Executive dominance of the agenda in the last year of the term.

In fact, with respect to Executive dominance of legislative production during the electoral cycle, there is evidence that the balance between the volume of legislative enactment by the two branches is broken towards the end of the term in all cases. The beginning of the term is comparatively hyper-productive, in all cases, due to the combination of two factors: (1) the honeymoon effect, especially under unified governments, and (2) the availability of clear political agendas when political actors have just taken office, especially for concurrent electoral cycles (cf. Shugart, 1995).

Despite the fact that these two factors (unified government and the honeymoon effect of mutual support between the branches) are present in all the cases under analysis, there is relevant variation among the cases concerning the strength of the majority party in the House, in terms of seats. This results from the varying degree of fragmentation in the party systems, with multiparty systems and a weak majority of the largest party in Congress

in Panama especially, but also in Guatemala, and stronger majorities for Honduras and Costa Rica. My claim is that we can find an explanatory source for this divergent pattern of legislative production and the effect of the electoral cycle in the interaction between partisan and electoral rules. Running a simple correlation analysis, we obtain a negative and highly significant relationship between the honeymoon effect and the fragmentation of the party system<sup>49</sup>, indicating that the higher the fragmentation of the party system, the smaller the honeymoon effect will be. As is in fact supported by empirical evidence, this result implies that the display of high support for the Executive agenda in the beginning of the term, which is then broken towards the end of the term is more likely to appear in cases with low fragmentation in the party system (among these cases, Honduras and Costa Rica).

My explanation of this rather hidden pattern relates to the worries of political actors for their survivability in the political system, which depends upon the number of parties competing in the electoral realm and the electoral rules. The hypothesis is as follows: in the bipartisan cases, given the low number of parties competing and the electoral rules fostering centripetal competition (Sartori, 1976), legislators will find more incentives to push the agenda of their constituencies when seeking for re-election and therefore diverging from the Executive agenda (the support decreases when elections are closer at the end of the term). Given that the Executive cannot be re-elected<sup>50</sup>, the legislators find no reward for supporting the Executive agenda other than party label prestige. In addition, electoral rules (different constituencies and electoral formulas for each of the branches) interact with partisan rules: in the bipartisan cases here the degree of internal fractionalization in the parties is either large (Costa Rica) or very large (Honduras). The solution to the problem of internal fractionalization has been different in the two countries, but a common element is the presence of primary elections within parties to elect the order of the standing competitors. This is expected to impose further pressure on legislators to deliver their own political agenda, pressuring them to adopt differential positions to that of the Executive agenda when elections are closer.

In turn, in the multiparty cases, the incentives to support the Executive agenda are larger, given that actors are more uncertain about their own survivability in the political system due to the higher number of parties competing. The higher degree of party

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<sup>49</sup> The correlation was made employing the pooled dataset, with dummy variable honeymoon (value 1 for the legislation approved in the first year of the term, value 2 for the legislation approved in all other years of the term) and dummy bipartisan-multiparty countries (with value 1 for Panama and Guatemala together and value 0 for Honduras and Costa Rica). The coefficient of correlation is  $-.09$ , with a significance value of  $.000$  (for both two-tailed and one-tailed tests).

<sup>50</sup> For the legislative term under study, Executive re-election was forbidden in both Honduras and Costa Rica, which are the referent cases for this hypothesis. But in January, 2005, there is a lively political debate in Costa Rica on the initiative by the Constitutional Court to legalize the Executive's re-election.

competitiveness in multiparty cases would support the argument that legislators are more likely to support the Executive, especially towards the end of the term. Because the Executives are more visible in the public discourse on the political agenda of the party, legislators may find supporting this agenda rewarding in the strategy to stand for a party label, which in a multiparty setting may bring more benefit than the individual differentiating from the party line.

The fact that both multiparty cases here, Guatemala and Panama, possess highly stringent electoral systems, with an exceptional reduction effect of the effective number of electoral parties (enep) into the effective number of legislative parties (enlp)<sup>51</sup>, explains why despite the relationship between honeymoon effects and the fragmentation of the party system being very significant, it is also weak.

Now that the exogenous time-related factor, the electoral cycle, has been explored, I shall now turn to the endogenous time-related variables: the sequential design of the legislative process of approval. I explore here the total time of approval depending on the origin of the initiative, differentiating whether the legislative procedure is ordinary or urgent. This detail is included in order to assess more systematically whether, in fact, political actors possess information about the length of the process of approval and whether emergency procedures are systematically employed as a tool of agenda control. The reduction of the time available to political actors to consider and hold a vote on the bill is an essential piece of information with regard to the aggregation of interests. Therefore, reducing the time of approval is considered, in the context of this thesis, as analogous to the reduction of the aggregation of interests in the decision-making process, based on the assumption that less time available for approving a bill implies a restriction on the possibilities for amendment by other political actors or time to propose alternative policy design.

I also consider the average time the bills spend in committee, as a central micro-institution that has been attributed a key role in the overall decision-making process precisely for the fact that time-wise, it constitutes the main gate-keeper (see Section 5 in Chapter 2 and Appendix 2). Hence, identifying whether the average time a bill spends in a committee may be used as a tool to delay or speed up some bills as compared to others is relevant for the purposes of this Chapter. The application to the four countries under analysis follows.

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<sup>51</sup> See Table 3 in Chapter 1; enep refers to effective number of electoral parties and enlp to effective number of legislative parties. Refreshing these figures for Guatemala and Panama, the electoral rules almost halve the former figure into the latter, therefore possessing some close characteristics to moderate multipartism on the workings of the party system in the legislative realm.



*Table 17. Procedural timing and sequencing by origin of the initiative*

Country/Sequence	Total time of approval ordinary	Total time of approval urgent*	Time in committee Ordinary versus Urgent
<b>COSTA RICA</b>			
Executive	877 (Mo=5) [n=46]	541 (Mo=3)	430 (Mo=0) vs 214 (Mo=229) [n=44]
Legislative	224 (Mo=11) [n=362]	1002 (Mo=56) [n=11]	197 (Mo=34) vs 469 (Mo=113) [n=316]
<b>HONDURAS</b>			
Executive	232 (Mo=15) [n=33]	89 (Mo=56) [n=493]	83 (Mo=2) vs 37 (Mo=1) [n=26]
Legislative	347 (Mo=41) [n=12]	72 (Mo=7) [n=307]	164 (Mo=16) vs 44 (Mo=1) [n=7]
<b>GUATEMALA</b>			
Executive	107 (Mo=28) [n=151]	103 (Mo=1) [n=17]	50 (Mo=6) vs 12 (Mo=1) [n=103]
Legislative	114 (Mo=9) [n=66]	9 (Mo=0) [n=17]	73 (Mo=1) vs 31 (Mo=31) [n=65]
<b>PANAMA</b>			
Executive	85 (Mo=72) [n=207]	56 (Mo=12) [n=48]	36 (Mo=22) vs 34 (Mo=7) [n=206]
Legislative	124 (Mo=40) [n=50]	93 (Mo=3) [n=14]	51 (Mo=10) vs 18 (Mo=0) [n=49]
<p>Notes: The calculation of the time differences (in number of days) to obtain the total time of approval is case-specific, that is, for each country the first and the last step of the legislative process is considered. The last step is for all cases considered to be the last debate on the floor, given that all bills in the sample were passed, and the lack of information on vetoes.</p> <p>The figures are means (in number of days); in parentheses the mode, as a further descriptive measure given the over-dispersion present in all time-related variables; in brackets the number of cases for each sub-sample analysis.</p> <p>* The figures displayed correspond to the change of status of the bill from normal to urgent. This may bring some bias, because in some cases another urgent procedure may be employed and we may not then be capturing the same phenomenon with the same accuracy for all cases. However, this analysis serves an introductory descriptive purpose of identifying gross differences and patterns in legislative production. A thorough analysis of emergency procedures is carried out fully and in detail for each case in Chapter 4.</p>			

From the endogenous time-related variables, we obtain three general characteristics with remarkable descriptive contribution to *de facto* analysis of the patterns of legislative production. First, there is wide variation concerning the efficiency of approval, in temporal terms, among the four countries under analysis. All the distributions of the total time of approval are over-spread, with a departure bias of a larger volume of urgent legislation in Honduras and Costa Rica, as compared to the opposite in Guatemala and Panama. This result indicates that in the bipartisan cases there is a higher likelihood of getting a bill passed if it bears the urgent label, although it holds for all cases that labeling the bill as an urgent is a synonym for increasing the speed of bill approval. There is, therefore, a window of opportunity for political actors to arbitrarily change the status of the bill, adopting the urgent label if political conflict is expected to arise.

Second, there is no clear pattern for classifying the cases according to Executive dominance via the employment of emergency procedures. Most notably, the case of Panama reveals that Executive dominance exists on both ordinary and urgent procedure, so basically the Executive has no need to employ procedural choice as a tool for agenda control. On the contrary, the Honduran case represents a delegative model, where

Executive initiatives are systematically treated more efficiently when compared with Legislative initiatives. In the middle-range of variation, both Guatemala and Costa Rica display a mixed pattern characterized by a more efficient treatment of bills enacted by the Legislative under ordinary procedure, especially in Costa Rica, and a quicker treatment of bills enacted by the Executive with urgent status. This pattern suggests that the Executives may have the comparative advantage over legislators to claim the urgency of legislation on the basis of government performance<sup>52</sup>, while legislators find it more difficult to claim credibly that a bill must be treated as urgently.

Finally, the average time a bill spends in the committee constitutes a substantive segment of the total time of approval. In all cases, whatever the procedure, the average time in committee represents over the 50% of the total time of approval, as will be further elaborated in the next sub-section, along with a more detailed analysis of committee centrality and design. If this pattern holds, then committee choice may also be seen as a possible tool for exerting agenda control and getting legislation passed efficiently.

#### 1.4. 2.4.) - COMMITTEE SYSTEMS: INFORMATION, SPECIALIZATION AND SIZE CHOICES

The final descriptive analysis of this Chapter is devoted to the committee system. The committee system is a central piece of the whole procedural design of the legislative process of approval. This centrality has been explained as a result of several conditions concurring in this institution. Committees offer specialization as a key good to the overall decision-making process, with an associated production of information flows between political actors (Krehbiel, 1991). Some authors have even seen committees as the key arena where the bargaining process takes place (Shepsle and Weingast, 1987) or the determining factor in making legislatures powerful amenders (Bowler and Farrell, 1995). In fact, for all four cases under study, a simple analysis of the weight of time spent in committee and the positive relationship between time spent in committee and the total time of approval provides some empirical evidence on the centrality of this institution to the whole legislative performance. This centrality has been seen as performing a gate-keeping function, that is, committees function as a filter for legislative initiatives and therefore determine their success or failure. An overview of the dependence relationship between the committee treatment of the bill and the total time of approval follows:

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<sup>52</sup> Such as, for instance, the commitment to deadlines, as associated with International Treaties between governments, which may affect the international credibility of the government.

*Table 18. The gate-keeping function of committee systems*

Committees	COSTA RICA	HONDURAS	GUATEMALA	PANAMA
Percentage of total time of approval that a bill spends in committee on average	99%	47%	59%	44%
Explanatory capacity of total time of approval as a function of time in committee	46%	43%	61%	34%
Increase in total time of approval as a function of time in committee	+.96	+1.03	+.87	+.82
Notes: First row displays average time figures in number of days for the whole sample in each country. Second and third row are the R Square and the coefficient of a linear regression equation with dependent variable total time of approval and independent variable time in committee. This regression is not orthodox, since it suffers from both endogeneity and autocorrelation problems by definition. However, it nonetheless serves our general descriptive purposes of identifying positive/negative, strong/weak relations between procedural choices, actors' behavior and political output in the form of legislative approval. All regressions and coefficients were significant at the .01 level of confidence.				

The information above supports the argument, general to all analyses of committee systems in legislatures, that committees perform a gate-keeping function. The relationship between the time in committee, where bargaining over amendments and voting on the approval or rejection of the bill as a pre-floor procedure takes place, and the time of approval, is positive and highly significant. This result holds for all cases. Slightly counter-intuitively, this result means that the longer a committee spends in the bargaining process over the content of the policy, the longer the process of approval is, marking the centrality of a positive dictum in committee for a bill to be approved.

The relevant characteristics of the committee system operate on two levels: (1) as a system and (2) as a number of committees with internal rules of operation. As Bowler and Farrell point out “the number of committees and their degree of specialization are good indicators of the degree to which a legislature has the potential to challenge the executive” (1995: 221). Thus, examining the number of committees gives an indication of the degree of specialization of the legislative work and examining the number of components per committee (committees as units) gives an indication of the power resources committees provide to parties. In the first realm, the committee as a system, specialization is important because it contributes to explaining how information on policy matters is collected and processed within the whole legislative process of approval. This generation of flows of information has been seen as a potential tool for controlling the agenda and the decision-making process (Bimber, 1991; Lupia and McCubbins, 1994). This is where committees as units become relevant; not only the size of each committee but also the composition rules, the definition of the jurisdictions of each committee and the decisional rules for majority actors to possess privileged access to specialized information of central importance for policy-making. Therefore, committees operate as both decisional gate-keepers and as

information providers. The design of the committee system is thus central when examining the patterns of legislative production.

Empirically, as already seen in Table 7 of Chapter 2, there is a pair-wise variation across the four cases under study concerning the size of the committee system and the rules for assigning deputies to committees, with both elements affecting the role of this institution for the legislative production. Adding detail to this, I assess here how far informational advantages are in fact offered to majority actors, in this case majority parties, as a consequence of the committee system size and the actual assignment of seats among the legislative blocks in each Parliament. Whether majority parties can in fact monopolize informational and time resources via the characteristics of the committee system is a major question that falls outside the constitutional rules, yet belongs to the effects of rules on performance. Below, I provide empirical information on these aspects of the committee system design for the four cases under analysis as committees were in the legislative term under study:

*Table 19. Committee system design: size, seats and informational advantages*

Institutional features	<b>GUATEMALA</b>	<b>PANAMA</b>	<b>HONDURAS</b>	<b>COSTA RICA</b>
Percentage of seats of the majority	55%	41,6%	52.3%	47.3%
Assignment rule of deputies to committees	Qualified proportional	Majority rule on self-standing candidates	Proportional rule	Proportional rule
Number of committees (including special ones)	26	21	53	24
Number of deputies per committee	Ordinary: 5-8 (11 maximum if requested by President of committee) Special: undetermined	Ordinary: 7 Budget committee: 15 Special: Undetermined	Ordinary: 5-7 Special: 3-5	Ordinary: 9 Budget Committee: 11 Full legislative authority committees: 19 Special: 3-5
Average percentage of seats in committees of the majority party	52% (Mode=62%)	44% (Mode=43%)	61% (Mode=67%)	43% (Mode=44%)
Range of variation Minimum % Maximum %	Range 86% Min 14% Max 100%	Range 18% Min 36% Max 54%	Range 48% Min 37% Max 85%	Range 22% Min 33% Max 55%
Un-proportionality	-3%	+3%	+9%	-3%
Correlation between size of committees and seats of majority party	-.19***	-.18*	-.71***	-.18***

\*\*\* Significant at .001 level of confidence; \* significant at .050 level of confidence. Chi-square distribution employed; Spearman measure of correlation displayed.

In addition to the general pair-wise characterization of the committee system with regard to the size of the system as such, we obtain two specific important pieces of information from this more detailed account. First, there is an interactive relationship between the size of the committee system (number of committees) and the size of the committees (number of deputies per committee), that appears largely beneficial to the majority party in the House. This characteristic is particularly outstanding in Honduras, with the largest committee system size, which neutralizes the proportional rule of assignment of deputies to committees<sup>53</sup>. This is the case where the largest bias exists in the explicit benefit of the majority party, as supported by an average gain of 9% of seats in favor of the majority party in committees.

The Honduran and Panama cases show that the majority parties are able to neutralize the proportional rule of assignment of deputies to committees, which is an illustrative example of how written rules may perform very differently in practice. In both cases there is a systematic over-representation of majority party deputies on average in any random committee. This over-representation averages positive but it is indeed more biased the more important a committee is regarding jurisdictional area or policy domain of specialization. This analytical detail is brought in the analysis in Chapter 4, where an assessment of the design of special committees (where more discretionary rules are likely to prevail with respect to the size and the composition rules) is included.

The most interesting aspect of this apparently strategic choice of a committee system in favor of majority parties is that committee size and tools available to majority actors to gain over-representation follow a negative relationship (last row in Table 7). This second result is stable and highly significant for all the cases, indicating that a general finding is embedded in this relationship. This finding is that, while there is evidence of informational advantages available in committees depending upon the size of this system, the availability of these comparative advantages decreases with the size of committees as units. The finding is relevant in that we may conclude that the larger the size of the committees, the lower the advantages for the majority party. In fact, it is precisely the

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<sup>53</sup> This neutralizing the proportional rule of assignment is a product of two interrelated factors: the human resources of small parties in the House and the ratio between the size of committees and the size of the Assembly. If the committee system is large, the legislators of small parties in the House need to be present in a very large number of committees, with the associate workload. A large workload will probably end in a low attendance to committee sessions, or in a low involvement with the specialized character of each committee. Notice that self-standing is a characteristic of the assignment rule of deputies to committees only in Panama, where a better fit between the interests of legislators in policy areas and the matching of legislators to committees would be expected. For studies in this area, see Gilligan and Krehbiel (1989).

combination of a very large committee system (53 committees) and small committee size as a unit (from a minimum of 3 to a maximum of 7 deputies per committee) which lays the basis for the large over-representation of the majority party in the committees in Honduras. On the contrary, it is the combination between a relatively small committee system (with 24 committees) and a fixed, high number of deputies per committee (nine) in Costa Rica which explains why there is no systematic over-representation of the PLN members despite this party had a solid majority in the House.

Once more we have empirically seen that the analysis of de facto practices in decision-making, via the assessment of procedural choices in legislative production, involves a complex interaction between rules, actors and procedures that is not constrained by the macro constitutional structure. The dynamics identified through the findings of these Sections may stimulate further hypotheses if we undertake a more general comparative analysis that allows for interactive relationships between the factors previously assessed separately, to emerge. This forms the content of the next Section, followed by a summary of the findings and hypotheses of this Chapter.

## **Comparative results: Looking ahead**

The question of whether there are tools, embedded within the rules of the legislative structure and design, available to majority actors – be it the Executive or the majority parties – involves the assessment of potentially interactive patterns between the factors examined in the previous sections. The reasons for this are that it is important to identify whether political actors are in a privileged position and able to exert an unbalanced influence on the volume of legislative production or on differential policy enactment and approval, and also whether these manifestations of agenda control follow any systematic pattern when contextual factors are present or when some procedures are employed for legislative approval. The identification, therefore, of interactive effects is central to the contribution of the present work to understanding how the incentives of Executives or majority actors work to restrict the aggregation of interests in the decision-making process. The analytical effort constitutes a contribution to the investigation of how constitutional and procedural rules interact with contextual factors, and thus affect the institutional performance of legislatures.

In fact, from a general overview of the findings of the previous sections, the results point to three main elements to be more closely analyzed: (1) the characteristics of policies in interaction with the contextual time pressure of the electoral cycle, in order to examine,

in a comparative manner, the hypothesis developed on the interactive relationship between party system fragmentation and honeymoon effects; (2) the interaction between levels of procedural choice, such as between ordinary-emergency procedures and committee choice; (3) the interaction between type of policy, procedural choice and the fragmentation of the legislative scenario.

For these analyses, I employ the pooled dataset of all cases, however using the weights of the country frequencies in order to not lose detail of a case-specific nature<sup>54</sup>, useful for comparative purposes. With respect to the first analysis, there is a positive, weak and very significant relationship between the scope of the bill as defined by Di Palma (1976) and the electoral cycle, implying that one additional year in the office term tends to increase micro-sectional legislating. The multiparty cases have a negative relationship with scope, that is, thus tend to more national-scope legislation even when controlling for the effect of the electoral cycle<sup>55</sup>. The analysis therefore supports the hypothesis on the differential rupture of loyalties on the Executive agenda under more or less fragmented legislative scenarios, with the micro-sectional legislating style more likely in bipartisan systems. This type of relationship also holds when employing honeymoon effect as explanatory variable of scope<sup>56</sup>.

With respect to the second analysis, there is also some suggestion that procedural choices are not independent of one another. For instance, with ordinary versus urgent procedure of approval, there is a systematic positive and highly significant relationship between the bill being submitted as urgent and an economic committee assessing the bill, indicating that political actors tend to employ urgent procedures according to policy characteristics, and that this has an effect on committee choice<sup>57</sup>.

Similarly, there is a negative and highly significant relationship between the size of the committees and the ordinary versus urgent status of the bill (Pearson  $R=-.34^{***}$ ), indicating that the smaller the size of the committee, the more likely it is to assess urgent

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<sup>54</sup> The frequency weights serve to avoid the data of one country overweighing in the determination of results. For instance, the volume of legislation approved in Honduras is almost double that of the other three countries. When employing the pooled data, this fact might create biases from the distributional properties of this country. Employing the frequency weights solves this problem by weighting the models by each country's number of cases.

<sup>55</sup> From a chi-square test of scope and the electoral cycle, the Pearson chi-square is 54.94, with a p-value of .0000, that is, it indicates a positive, weak and significant relationship. For the multiparty-bipartisan hypothesis, I run a linear regression, where the coefficient for the electoral cycle is .03\*\*\* and for the dummy country (with Panama and Guatemala falling in the same category of multiparty systems) -.33\*\*\*, with frequency weights for each country.

<sup>56</sup> With the same linear regression equation, substituting the continuous variable for each year of the electoral cycle by a dummy capturing the honeymoon (first year of term=1, all other years=2), the coefficient for honeymoon effect remains positive and highly significant (.08\*\*\*), as well as the coefficient for the dummy multiparty-bipartisan countries remains negative highly significant.

<sup>57</sup> Running a chi-square test between the type of committee, having classified these in broad policy areas (economic issues, political reform issues, socio-cultural, infrastructure) and the ordinary versus urgent procedure employed for legislative approval we obtain a Pearson chi-square of 99.24, with a p-value .000.

legislation. In the previous Section, evidence was obtained that the smaller the committee, the larger the bias in favor of majority parties in terms of holding a proportion of seats in the committee that would assure enough support on any vote. Hence, the procedural choice of labeling a bill as urgent and choosing a committee expected to emit a dictum, are not independent choices. Instead, they follow a systematic and significant relationship that allows the majority actors to monopolize informational advantages produced within committees.

Finally, the third analysis also displays the expected results for the comparative dataset, revealing relevant interactions between rules and context: first, the choice of ordinary versus urgent procedures is negatively associated to fragmentation in either the electoral or the legislative realm<sup>58</sup>. This result implies that bipartisan systems tend to make greater use of urgent procedures for legislative approval, and so we can confidently conclude that procedural choices are also dependent upon the characteristics of the legislative scenario. Further exploring this relationship, we obtain robust results for the negative original pattern above even when including the scope of the policy and the effects of the electoral cycle, both of which have a small positive effect on the adoption of an urgent procedure.

The results in this Chapter have provided substantial evidence that, apart from and in addition to constitutional rules, a large array of contextual effects and secondary rules, such as procedural choice, contribute to explaining inter-branch dynamics. However, despite the evidence from the analyses in this Chapter, we still lack a general theory of the precise way in which the interaction between constitutional rules, procedural rules and actors' incentives works. Assessing the shape, leverage and variation of those interactions in different contextual specifications demands a comparative effort, which is accordingly generated in the next three Chapters of the thesis. The final Section is a summary of the results and hypotheses developed in this Chapter. It also sketches how the research is to be continued.

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<sup>58</sup> Running a linear regression equation with dependent variable dummy for ordinary versus urgent procedure of approval and independent variable electoral fragmentation (Rae's index), the coefficient is -4.8\*\*\*; for independent variable effective number of parties in the legislature, the coefficient is -.54 (both equations with frequency weights of variable country), with a 54% of the variance explained by these single variables, respectively.

## **Partial conclusions of the Chapter and continuing the research**

The partial conclusions of this Chapter are several, as it has enriched our understanding of inter-branch dynamics, and particularly on the conditions under which Executive dominance or majority party advantage take place. This analysis of the *de facto* patterns of legislative production has included the contextual and procedural factors that lie outside constitutional design as crucial factors affecting the structure of incentives of political actors to pursue agenda control in order to get legislation passed.

The main finding of this Chapter is that, as predicted constitutional structure settles the parameters of variation to a significant degree. From the quantitative overview of Executive-Legislative performance in terms of legislative enactment and approval, the Costa Rican legislature displays the most balance between the branches, while the Panama legislature displays the least, as it appeared in the previous Chapter as a stable result. Yet outside this general overview in terms of quantitative balance or imbalance, further insights on what explains the imbalance as a general output have also been obtained.

The finding has an impact on the debate on presidential systems supposed inherent tendency to Executive dominance and weak legislatures: much caution is needed to pursue the argument that constitutional design determines all dynamics between branches. From the empirical evidence of this Chapter, the answer to the second question ('do endogenous sources of legislative procedural design explain agenda control') is positive. Having found support for this positive answer, we can also derive an implication for the last question left open in Chapter 2: 'what specific causal weight can we give to constitutional design'. The answer to that question is that there is a spurious relationship between constitutional rules and other rules, in that secondary rules mirror primary or macro rules. Within these, procedural rules appear to matter strongly in determining how political actors behave in pursuing their political agendas. In addition, there is no independence between different operative levels of the procedural design, since support for the hypothesis that procedural choices are associated has also been found.

In terms of hypothesis generation, this Chapter has also enriched the general expectations collected in the research design Tables in Chapter 1. It appears that the party system format, the characteristics of the legislative scenario, the size of the committee system as a system and as a set of committees as units, the availability of urgent procedural

choices, the sequential design and the context of time pressure derived from the electoral cycle all have a significant impact on patterns of legislative performance

Particularly, the hypotheses developed on the effects of electoral rules, honeymoon effects and partisan rules, contextual pressures from the electoral cycle affecting the likelihood of cooperation and support between the branches; the committee system design as a system offering informational advantages; and emergency procedures as tools restricting time resources for amending legislative proposals, point out that these factors constitute important explanatory variables and need to be included in the assessment of inter-branch dynamics and legislative performance.

These tools determine agenda control and the capacity of the branches to maneuver and participate with more or less power resources in the decision-making process. These issues provide an outline for the continuation of research as follows:

Chapter 4 deals with the endogenous (to the decision-making process) tools for agenda control, assessing in particular the emergency procedures and the committee system design.

Chapter 5 deals with institutional exogenous factors, particularly the degree of polarization and fragmentation in the party system and how this is transferred to the legislative scenario.

Chapter 6 deals with the timing factors of both an exogenous (the electoral cycle) and endogenous (the sequential design) nature.

**CHAPTER FOUR**

**ENDOGENOUS PROCEDURES FOR AGENDA CONTROL:  
THE COMMITTEE SYSTEM AND EMERGENCY PROCEDURES**

“If the institutionalists are correct, much or all of political behavior and collective decision-making is an artifact of the procedures used to make decisions, (...) as institutional analysis focuses on showing how preferences and decisions are artifacts of institutions”<sup>59</sup>

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<sup>59</sup> Immergut, 1996: 327-329.

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## INTRODUCTION

This Chapter addresses the specific weight of endogenous procedures in explaining agenda control. Endogenous procedures are understood as the rules of the decision-making process for passing bills. The effects of endogenous rules have only recently entered the analysis of politics, as was discussed in Chapter 1, but the field has developed powerful analyses to understand in a more interrelated fashion the incentives of political actors to undertake a particular course of action and political outcomes.

The study of agenda control demands by its very nature the inclusion of an endogenous analysis. Since the main quest of the analysis is to understand how political actors make use of comparative advantages that are embedded within procedural rules, i.e. there is a strategic procedural choice explaining the political actors' incentives and behavior, the assessment of the procedural structure is central. In the analysis carried out here, the empirical scope is to identify *which* are those tools, while in the following Chapters (5 and 6), the objective is to refine the analysis by exploring *how* and *when* – that is how sensitive the findings are to different contextual (the characteristics of the legislative scenario) and temporal (the point in time) specifications.

The previous Chapter confirmed the expectation that the *de facto* patterns of legislative production are better explained by an interaction between constitutional (as exogenous) and procedural (as endogenous) rules. Once this expectation has been descriptively confirmed, I aim to identify which type of procedural structure is in fact employed by Executives or majority parties to control or dominate the agenda. I generate original hypotheses specifically concerning the characteristics of the committee system and the type of especial and emergency procedures available from the procedural design.

Within the endogenous procedures, I account for procedural choice, organizational choice, and the interactions between these choices, in the assessment of which tools from the endogenous decision-making design are employed. Accounting for the potential interaction (or multi-layering) of decisional tools to get the bill passed is innovative and important, since the two aspects are narrowly interrelated in legislatures. For instance, a rule determining the assignment procedure of deputies to committees requires the existence of committees as institutional bodies within Congress. At the same time, the procedural rule determining the size and composition of committees affect their capacity to work as organizations within Congress. This is a good illustration of the interactive nature

of the procedural and organizational dimensions of legislatures. Nonetheless, the procedural and organizational rules, interrelated as they may be, can be unpacked to measure their separate impact on the performance capabilities of legislatures as a whole, in addition to their potential overlap also included in the analysis.

The Chapter explores the links between the broad theoretical questions (1) what makes a legislative body powerful and (2) what procedural rules offer systematic comparative advantages to some political actors. To that end, I carry out an empirical analysis of how the organizational (the characteristics of committees) and procedural (the availability or rules that allow the circumvention of the ordinary process of approval, or emergency procedures) characteristics affect legislative performance with a view to agenda control. This research belongs more directly to “those theoretical investigations that seek to uncover the effects of procedural rules and institutional constraints, [which] must take cognizance of incentives and opportunities for people to disregard those rules and constraints” (McKelvey and Ordeshook, 1984: 201).

The Chapter proceeds as follows: in the following section, I unpack the research questions more clearly and describe the hypotheses that will be tested for each dependent variable, whether organizational (committee systems) or procedural (emergency procedures). Section 4 displays the results in a comparative light. Finally, I gather the key results of the Chapter and outline the issues to be covered in the following Chapters.

### **THE RESEARCH QUESTIONS**

“The distancing [in legislative studies] of the analytical from the empirical has had unhappy consequences: it diminishes the impact of insights derived from more analytical approaches and it minimizes the prospects for cumulativeness for more descriptive studies”<sup>60</sup>

Rules of procedure have been seen to affect both decision-making processes and the outcomes of policy-making processes in Congresses. Cox expresses this clearly: “rules can change the set of bills that plenary sessions of the legislature consider; they can change the menu of amendments to any given bill considered in the plenary; they can affect how members vote; and – putting the first three effects together - they can affect which bill pass” (2002: 247). Within the set of procedural rules, I look particularly at the way in which actors may employ available institutional procedures in order to get a bill passed with the least number of amendments and hence, and thus as closer to their preferred policy. This constitutes the general object of research and the point of departure

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<sup>60</sup> Shepsle, 1985: 7.

for generating specific hypotheses with respect to organizational advantages afforded by the committee system, and purely procedural advantages such as the call for special or emergency procedures.

Although each type of rule and procedure will require a modeling specification (i.e. taking into account case-specific variation for different institutional designs), I develop here two general hypotheses that are expected to hold for both dependent variables.

First, the degree of support for the Executive agenda in Congress is determinant for the strategic choice of procedures. When the Executive is certain that his/her own party in Congress will back the legislative initiative, the incentives for strategic choice and hence for agenda control diminish. In turn, when the Executive is either not certain of the size of its legislative support, or is certain that as a result of majority rule requirements its proposal will not be passed with the least number of amendments, the incentives for procedural choice increase. This hypothesis is stable both for the literature on divided versus unified governments (for instance, in Lupia and McCubbins, 1994) and for studies of administrative procedures (as in Bawn, 1995). The argument generally relates the incentives of Executives – or, for the sake of argument political actors in the position to propose legislation independently – to expectations of political conflict over policy. The argument is that the deputies of the majority party when there is unified government, also find benefit in supporting the Executive agenda. Whatever legislators of the majority party may seek (good public policy, reelection or prestige – Mayhew, 1974) the good performance of the Executive increases the legislators' utilities. In turn, under divided or fragmented scenarios, it is more costly for the Executive to attract the pivotal actors (those needed to get a majority of the votes - Krehbiel, 1998), than it is to employ other available institutional procedures that allow bill to pass with the least number of amendments, therefore avoiding political conflict on the floor.

Overall, what the hypothesis brings to the analysis is the capabilities of political actors to anticipate conflict, and the type of behavior (in my wording: strategic) that is associated with this anticipation. These capabilities depend, most importantly, on the information flows within Congress and between the branches, but also on the aggregate size of the support for or coherence of the legislative agendas of the parties. It is, hence, “when there is significant disagreement, [that] the choice of procedures will be affected by the institutions that structure legislative bargaining:” (Bawn, 1995: 70), that is, by procedural rules and the organizational characteristics of the legislative process of approval.

The second hypothesis is more straightforwardly concerned with the role of information in informational advantages. Political actors are surrounded by uncertainties that may be partially solved with the acquisition of information (Krehbiel, 1991). The bodies that provide specialized information, and judgment, on the links between (1) policy alternatives and policy goals and (2) the space between the proposer's preference and the median legislative preference<sup>61</sup>, are the legislative committees. These, in turn, possess very especial characteristics (assignment rules, size and voting procedures) which are expected to be susceptible to strategic use. The choice of general institutional characteristics, such as, most importantly, the number of committee members (or what was called the committee as a unit in Chapter 3), displayed an effective positive correlation with the (dis)proportionality of the assignment rule and the size of the majority party in the House (Chapter 3, Section 2.4). However, I also identified a non-linear relationship between these three factors (rules, organizational characteristics and actors' incentives). Here, I want to push the argument further in a more explicit effort to engage these previous findings with a general assessment of how informational advantages are associated to procedural choices.

The hypothesis runs as follows: informational advantages are a key good associated to agenda control, i.e. I expected a positive relationship between these. The question is how the access to informational resources is strategic and which specific informational resources are at hand to majority political actors. The sub-hypotheses concerning these questions are:

- 1) Political actors are able to anticipate conflict over legislation (General Hypothesis 1), so their procedural choice is mediated by their estimation of political conflict. The specific hypothesis here is that when conflict is expected to arise from serious divergences over the policy proposal (i.e. that are not possible to resolve with usual bargaining or where this would be too costly<sup>62</sup>), political actors empowered to employ emergency procedures will use these to get the legislation passed (with the least number of amendments);

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<sup>61</sup> In the legislature, the median preference is equivalent to the point where there is no possible coalition to defeat it, as is common knowledge in legislative studies. See Shepsle and Weingast (1982, 1984) and Riker (1962, 1982).

<sup>62</sup> In formal models of legislative politics, such as those that assess transaction costs or those studying distances between veto players (Tsebelis, 2002) or pivotal actors (Krehbiel, 1998), the concept of "too high costs of bargaining" is quantitatively determined. Here, my hypothesis is attentive to political dynamics when conflict is anticipated (as determined by the size of mutual support, fragmentation in the legislative scenario or the degree of ideological polarization between political parties) and I am hence not interested in formalizing the analysis, which may well be a future extension of the work nonetheless.

- 2) Political actors have privileged information about the spaces of arbitrary or discretionary procedural design; particularly, when the committee system (emphasis: as a system) is large, the jurisdictions of the committees will tend to overlap and offer opportunities for strategic choice of the committee receiving a bill. While procedures to assign a certain bill to a certain committee tend to vary across countries (Garcia Montero, 2004), it is still possible to attempt to generalize a distinction between the most discretionary rule, which gives the President of the House complete freedom to assign bills to committees (as in Honduras), and the least discretionary rule which requires a general vote on the floor with majority rule (as in Guatemala). The bottom line is that discretionary spaces increase the possibilities to employ informational advantages and these are positively associated to agenda control.

These sub-hypotheses entail one key assumption that should be made explicit: that political actors do not behave strategically unless they have exhausted all other ‘ordinary’ mechanisms (i.e. the usual bargaining between preferences and the use of majority rule). Hence, my assumption is that when political actors are certain that their policy proposal will gather the necessary votes (majority rule) or that it is a type of policy that no legislator will oppose (it is a ‘valence’ issue), they will not employ resources that, even if available, are costly – either because they are scarce, as informational advantages, or because they increase the possibility of critical public opinion, as the overuse of emergency procedures would produce.

This assumption is equivalent to giving a central role to political conflict (or, as Tsebelis would say, to the ideological distances between veto players), and to the capabilities of political actors to predict conflict based on their knowledge of the policy positions of other political actors and on how far the institutional structure allows these preferences to gain support (see Krehbiel, 1998, on the theory of pivotal politics).

The generality of these hypotheses and sub-hypotheses does not allow for the time being, the addition of case-specific detail. This information is offered in the next sections, which distinguish between the specific hypotheses for the organizational (the committee system) and procedural (the emergency procedures) advantages.

1.5. 2.1.) - THE COMMITTEE SYSTEM

The committee system is one, if not the, most important gates to getting legislation passed: “the power to decide which bills make it to the floor is arguably the least appreciated but most fundamental power in terms of influencing final outcomes” (Cox, 2002: 261). The committee system is also a collective solution to the problem of information (Krehbiel, 1992). In order to produce information, specialization facilitates the development of expertise. In fact, specialization is a traditional way by which informational dilemmas can be solved. But the fact that committees produce information does not ensure that access to information is the same for all legislative actors. In other words: “organizational choices in the information area, thus, do not simply involve questions of efficiency or effectiveness with which information is generated, distributed and used; they also involve questions of the basic distribution of power” (Cooper and MacKenzie, 1981, cited in Bimber, 1991: 592).

Hence, committees are resource-centers of power and information and the distribution of these is crucial. Committee power has been attributed to the sequential design of the legislative process of approval, which commonly demands the assessment of every legislative proposal by a specialized committee. If it is true that “the explanation of committee power resides in the rules governing the sequence of proposing” (Shepsle and Weingast, 1984: 86), then the possible space for strategic behavior must reside in *which* committee receives the bill. In other words, the centrality of committees derives not only from sequential design (which makes mandatory the assessment of every bill by a specialized committee before the bill proceeds to the floor<sup>63</sup>), but also from the *distribution* of tasks and power resources (in terms of assignment rules of bill to committee, and legislators to committees). The underlying question is whether there is any significant difference in the assignment of bills to committees depending upon who enacts the bill, its policy characteristics or the point in time in the electoral cycle.

Therefore, the main question becomes how these resources are made available or not, whether they are equally accessible or inaccessible to all political actors. While variation is usually high among different committee systems, there are several well-studied aspects of committee systems in general which define these as powerful gatekeepers. The first of

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<sup>63</sup> In some cases, as in Guatemala, the bill is first read on the floor (which is considered the first debate) and then proceeds to the specialized committee for assessment. However, there is no possibility of vetoing a bill in the immediate first stage (the floor), but there is in the second one (the committee emits a negative dictum on the bill); hence, the centrality of the committees as gatekeepers and strong actors as determined by the sequential design remains intact. For an overview of these procedures in Latin America, see Garcia Montero (2004).

these is the rule for assigning bill to committee: whether there is more a discretionary power to decide which committee is appropriate one to assess each bill or, in turn, majority rule is employed. While, at first sight, committee systems appear as jurisdictionally more or less complex, with a large range of factors determining the ‘optimal’ committee size<sup>64</sup>, jurisdictional complexity may affect the possible courses of strategic behavior. It is difficult, though, to generalize any hypothesis on the relationship between jurisdictional specialization and the possibilities offered to political actors to choose a specific committee where they expect the likelihood of bill approval without amendments to be higher. Francis (1982), in a stylized formal analysis of committee sizes and decisional costs, suggests that the larger the committee, the least special interests oriented committees will be, thereby offering fewer possibilities for strategic maneuvering. In turn, in the exploratory analysis of Chapter 3, Section 2.4, specifically devoted to committee systems, I obtained partial endorsement of that general assertion (the larger the committee, the least advantages for single actors or majority parties). A specific finding was added to this however: the larger the committee as a system, the greater the possibilities to neutralize proportional rules for the assignment of deputies to committees, and the greater the possible advantages to majority parties. The two findings may yet be compatible and relevant for the assessment of informational advantages, but they demand a refinement of the hypotheses in order to be able to combine them. Two hypotheses contribute to this, which follow:

- 1) While the general hypothesis that the larger the committee (as unit), the least special interests-oriented it will be – since the committee majority becomes closer to mirror of the parent majority – holds, this may change if coordination between political actors is possible in a split-the-cake strategy. This type of strategy, developed in evolutionary game theory, is generally characterized by the following situation: there are two actors and one cake; the actors know they will need to bargain over the proportion of cake they will obtain, but they both want to get the bigger slice. There are several possible solutions, presenting a range of fair or unfair divisions of the cake, but one general result is that actors will reach a satisfactory agreement (a good piece of the cake that approximates a half-half partition) if they can

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<sup>64</sup> According to Francis (1982), the optimal committee size – as evaluated with respect to alternative decisional costs – is characterized by small committees which can delegate to sub-committees. The range of factors affecting optimal committee sizes includes the size of the House, voting rules in committees and bargaining complexities. The author does, however, recognize that this theoretical approach lacks detail on how sensitive chambers and committees may be to different issues and proposals, as to their political content and public opinion attention to each policy.

trust in each other<sup>65</sup>. Applying the underpinnings of this game to the frame of legislative committees and political actors running for resources (informational and distributional), a split-the-cake strategy can appear under three conditions: (1) actors are acquainted with each other's preferences, as happens when the size of committees tends to be small; (2) actors have a long history of interaction, and so trust (or distrust) is built on experience; (3) the split-the-cake strategy, or the distribution of power resources in the form a-bit-more-than-half, is possible because between the two actors there is no minimal-willing coalition that can defeat their preferences – or, similarly, the two actors constitute all minimal-winning coalitions.

The main point that this hypothesis makes, in this more refined specification, is that the historical patterns of interaction between political actors matter, because they endow political actors with sources of key information in the bargaining process, be they over power resources, informational advantages or on the shape of the institutional design (such as committee size and assignment rules).

With more specific reference to the cases under study, my hypothesis is that the cases with bipartisan systems and a longer democratic tradition (Costa Rica and Honduras) will be more prone to employ the split-the-cake strategy than the multiparty cases with young democracies (Guatemala and Panama). Mainly because experience of political interaction matters, as described above in terms of trust-building and the mutual knowledge of preferences, political coordination that offers majority actors opportunities for splitting the power resources in mixes of a-bit-more-than-the-half and a-bit-less-than-the-half, is expected to appear in Honduras and Costa Rica and not in Guatemala and Panama. The only disclaimer here, as usual, is that case-specific light is necessary to smooth the expectation, but generally the hypothesis should help in distinguishing between country-specific and general factors affecting and explaining patterns of legislative production.

The second refinement to the general hypotheses on the interaction between committee size, rules for assigning bills to committees and political actors' incentives to gain access to informational advantages is:

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<sup>65</sup> Trust is in this context employed in its economic meaning: as a concept that captures expectations on the length of the relationship (Axelrod, 1984). In the original formulation of the split-the-cake game, economists usually assume that actors have perfect information about each other and hence can anticipate – using backward induction – a satisfactory solution for both. Here I have deliberately employed trust in that the concept gathers two properties: it does not only refer to knowledge of preferences (perfect information) but also to the mutual confidence that emerges in lengthy interaction (so that an equilibrium other than defeat – or the prisoner's dilemma – can emerge).

- 2) Discretionary procedures for assigning a bill to a committee range from the minority of the majority deciding the maximal discretionary assignment rule, to a supermajority vote on the floor the minimal discretionary rule. The minority of the majority means that a single actor may decide on which committee receives the bill, and that this actor belongs to the majority party. Such is the case when the Head of Congress, who commonly is the leader or the speaker of the majority party, is responsible for the assignment of the bills to committees. This is clearly a minority of the majority type of rule and increases the discretionary use of power this actor may wield *pro doma sua*. In turn, if the bill must be voted on the floor before it is sent to committee, the rule allows for a greater participation of political actors (especially those not belonging to the majority party or those who did not propose the bill) and co-decision in the assignment may be expected to exist. A supermajority rule for such a vote would eventually be the most demanding and participatory (or aggregative) rule, explicitly avoiding discretionary procedures.

Among the cases, there is some variation with respect to this rule, with only the Guatemalan case requiring a vote on the floor to assign the bill to a committee. The most discretionary cases, with a minority of the majority rule – or leaving complete discretion to the President of the House to determine which committee receives each bill – are Honduras and Costa Rica. The fourth case, Panama, falls in a medium category which is relatively difficult to assess, as it usually displays a mixed rule as follows: the committee is the “*adoptive body*” (prohijador) of every legislative proposal of constitutional rank, which practically implies that no legislative proposal can go to the floor without a committee having adopted the role of proposer. For ordinary proposals, in turn, the presentation of the proposal is made to the floor by the proposer, but the concept of “*adoptive committee*” is still employed. So, even if every committee adopts a symbolic role of ‘step-adopter’ of the proposal, the minority of the majority still has the power to determine which specific committee is the recipient of that authority.

Overall, the expectation is that we observe more embedded informational advantages for majority parties in Honduras and Costa Rica, where not only is the split-the-cake strategy to divide resources expected to be in place, but also the most discretionary rule to determine the assignment of bills to committees.

There are two additional general elements in the studies of committee systems which offer additional hypotheses. A key well-studied aspect is the interaction between the size of the committee system and the rule for assigning deputies to committees. While above I have brought to the analysis the interaction between committee size and assignment rule of bill to committee, I shall now turn my attention to another assignment rule that determines the composition of committees. The size of the committee system – as the number of committees available for distributing seats –, the size of committees – as the number of seats within each which in turn determines the workload of legislators and hence the amount of attention available to dedicate to each specialized area – and the assignment rule are all determinant for the functioning of committees as expertise providers. If, in fact, we subscribe to the view that “institutional arrangements shape the relevance of expertise to political outcomes” (Bimber, 1991), the assignment rule determining the composition of committees is central to the shape of distributional advantages (as complimentary to the purely informational ones, Cooper and McKenzie, 1981). Some aspects of the distributional advantages offered to majority parties have already been calculated through the un-proportionality figures in the previous Chapter (Table 7). But case-specific light on which jurisdictional areas are privileged by majority parties still lacks. Such information would reveal whether in fact the un-proportionality observed in Panama and Honduras derives from the unequal distribution of relevant policy resources. The following Table displays detailed information on those committee jurisdictions where the majority party disposes of a working majority, and the volume of legislation that was passed in each of these committees.

*Table 20. Percentage of legislation approved through committees where the majority party held full majority on its own*

VARIABLES	GUATEMALA	PANAMA	HONDURAS	COSTA RICA
Percentage of bills approved that were processed by committees classified in four broad policy areas where the majority party had the majority of seats				
Political reform issues	36 %	79 %	100 %	49 %
Economic issues	9 %	0 %	100 %	0 %
Socio-cultural issues	97 %	36 %	70 %	0 %
Infrastructure issues	63 %	18 %	92 %	95 %
Note: The benchmark to classify the committees as the majority holding the majority is 50% of the seats or higher. This high benchmark serves the conceptual objective of capturing those situations where the majority party does not need to build coalitions or negotiate any point of its most-preferred policy preference.				

From the Table above, one key piece of information brings further detail to the general hypothesis. There is a varying sensitivity among the cases with respect to the policy

areas where actors are most interested in monopolizing key informational resources through advantageous positioning in committees. In particular, an intuitive hypothesis that is not supported by the data is that majority parties concentrate their attempt to monopolize informational resources on economic policy, because the availability of resources is essential for the success (especially for implementation) of policies. Instead, we find that majority parties tend to place bills in committees where they have an assured majority with respect to infrastructure issues (which include committees assessing bills on transportation or energy resources) and to political reform issues (constitutional issues, international relations or committees for assessing decentralization or municipal reforms). These two broad policy areas form the majority of bills passed in committees where the majority party was sure of winning the vote. This observation is equivalent to acknowledging that variation in the patterns of legislative production also derives from differences in policy priorities across the countries, or that case-specific factors in determining different policy areas that **matter** more or one country and less for another bring qualitative detail and can, hence, partially explain differences in the policy biases of the legislative production in these four countries. The qualitative aspect may hence be a further element, of case-specific nature, to account for in the interpretation of the results related to the hypotheses laid out above.

The last aspect of committee systems to be studied is the existence of ad-hoc committees. Ad-hoc committees (called “accidental” in Panama, “special” in Costa Rica, “urgent” in Honduras and “ad-hoc” in Guatemala) serve the general objective of assessing legislative proposals that no other committee can, for reasons of lack of expertise or for reasons of the urgency of the dictum. Hence, these ad-hoc committees are collective solutions to the various needs of the legislature, in both time pressures and technical capabilities – in principle. Ad-hoc committees, despite not belonging to the permanent institutional structure of the legislature, also have naming and composition rules. Here, a distinction between discretionary rules and majority rules for the naming and composition of these committees may again be drawn, as well as on when it is decided that a bill requires an ad-hoc committee assessment.

Precisely because these committees are usually smaller in size than ordinary ones in order to facilitate temporal and decisional efficiency, naming becomes a central question in characterizing variation among these special bodies. For instance, while an ordinary committee in Costa Rica is composed of 9 to 11 deputies, special or ad-hoc committees are only composed of 3 to 5. If the naming rule is once more discretionary in favor of the

majority party (as called before: the minority of the majority), then only two deputies in an ad-hoc committee guarantees a majority for the majority party. If this fact concerns the enactment of bills of policy relevance (for instance, that entail spending), elections are closer and the status of the bill is changed to urgent, then the preferences of the majority party are the only ones assured in the legislative process of approval. That is, if procedural and organizational tools for agenda control are coincidentally employed, the resulting legislation will surely display a low aggregation of interests.

Among the cases under study, only Guatemala has no recourse to ad-hoc committees from its constitutional rules, which designed ad-hoc committees with pre-defined tasks. These thus belong to the permanent structure of the legislature. The tasks assigned were, obviously, largely related to the broad peace process in which the country was involved for almost a decade, particularly in three areas of expertise: technical assistance to Congress, extraordinary for electoral reforms and specialized on studies of peace-building. All other cases have some ad-hoc committees and are designed according to the following rules:

*Table 21. Ad-hoc committees design: size, assignment rules and types*

Characteristics	GUATEMALA	PANAMA	HONDURAS	COSTA RICA
Type of ad-hoc committees	<p><u>With tasks assigned:</u></p> <p>1) Technical assistance to the legislature</p> <p>2) For electoral reform</p> <p>3) For Peace studies</p> <p><u>Without tasks assigned:</u> No</p> <p><u>Possible to create subcommittees:</u> No</p>	<p><u>With tasks assigned:</u> No</p> <p><u>Without tasks assigned:</u> Yes</p> <p><u>Possible to create subcommittees:</u> Yes</p>	<p><u>With tasks assigned:</u> No</p> <p><u>Without tasks assigned:</u> Yes</p> <p><u>Possible to create subcommittees:</u> No</p>	<p><u>With tasks assigned:</u></p> <p>1) For research on the death of Wagner Segura</p> <p>2) For Constitutional reforms</p> <p>3) For research on sustainable development</p> <p><u>Without tasks assigned:</u> Yes</p> <p><u>Possible to create subcommittees:</u> Yes</p>
Size of committee (number of deputies)	1 has 6 deputies 2 has 11 deputies 3 has 10 deputies	Minimum 6 deputies	3 to 5 deputies	3 to 5 deputies
Assignment rule	Belong to permanent legislative structure	Minority of majority (President of the House) – after consultation with party leaders	Minority of majority (President of the House)	Minority of majority (President of the House)
Voting rule	Majority	Majority	Majority	Majority
Note: for Guatemala, the number of deputies in the especial committees is that for the legislative term under study, as for the data collected in field work.				

This procedure is an exceptional one yet the departure expectation would naturally be that it is not employed often. In Honduras, as the case where the procedure is most frequently employed compared to the other three cases, 28% of the total legislation approved employed an especial committee for dictum. Since this case has the most specialized committee system (with 53 committees, each with very specific jurisdictions – such as the Committee for Sugar issues and the like), this pattern has attracts attention as it would seem these committees are employed in order to avoid political conflict on the floor. In order to carry out such an assessment, I detail below the type of bills and procedures associated to the employment of especial committees in this case<sup>66</sup>.

*Table 22. Ad-hoc committee employment in Honduras*

Ratio of use ordinary versus especial committee	27% of bills approved assessed by especial committee
Enactment when bill is assessed in especial committee	58% Legislative actors (within dummy Executive-Legislative enactment), with significant correlation of size $-.25$ Within parties: 97% PLH (government party), no significant correlation
Average proportion of seats of majority party in committee	Proportion is in all cases the minimum legal (3 deputies), of whom in all cases the majority party holds the 67% of seats (that is, two deputies are from PLH)
Type of procedures employed when especial committee emits dictum	97% of cases bills after especial committee dictum is approved in one or two debates (alter -order-of-the-day)
Median time in especial committee as compared to ordinary committee dictum	Median for especial committee= 5 days (mean=32) Median for all other committees= 17 days (mean=48)
Scope of policy when bill is assessed by especial committee (Di Palma, 1976 coding)	Bill is national in the 35% of cases Bill is sectional in the 27% of cases Bill is micro-sectional in the 37% of cases

The empirical evidence clearly indicates that the majority party employs special committees to its own advantage, as the ad-hoc committee endows the party with an assured majority (see third row: in 100% of the cases, the majority party hold 67% of seats, or two deputies out of three in the ad-hoc committees). As the President of the House is the agenda-setter, or the actor in charge of sending the bills to ad-hoc committees and naming the deputies who will form these, the rule allows for the discretionary assignment not only of bills but also of deputies (*who* is part of the ad-hoc committee). In fact, the President of the House for the period under study was the leader of the majority party in

<sup>66</sup> For Guatemala, with the data available, only 2% of the bills approved were assessed by the especial committees with pre-defined tasks, and no information on the especial committees without assigned tasks –the spot of interest for the Honduran case and where our attention lies with respect to hypothesizing on agenda control – is available for Guatemala or Panama. Lastly, for Costa Rica, only three bills were assessed by the especial committees with tasks assigned, and no information was available for the especial committees without assigned tasks.

Honduras for the period under study (Rafael Pineda), and would in fact be the presidential candidate for the PLH in the general elections in 2001.

With respect to enactment, the bills assigned to this committee are mostly enacted by legislators, which indicates that the internal resources belonging to the House are known and appreciated by legislators, but not by the Executive. This fact makes sense not only in that the physical placement of legislators is within the House, but also because the organizational resources of the legislature are known to them (with knowledge here designating informational advantages as we have been referring to above). We can also see that the chosen size of committee is systematically the smaller one, always an odd number (three) so that whatever voting rule is adopted (unless unanimity, which is not present in committee voting rules for dictum), the two deputies of the majority party constitute a majority. A particularly remarkable qualitative piece of information from the employment of ad-hoc committee in Honduras is that the scope of the bill is not related to the choice of an ad-hoc committee for dictum (the correlation test is not significant and of a weak negative size). Similarly, the temporal efficiency of this committee as compared to ordinary (permanent) committees is not significantly higher, and so the time pressure to approve a bill cannot explain the employment of ad-hoc committees for dictum. There is thus some indication that the grounds for employing ad-hoc committees are not related to time pressure or to a lack of technical capabilities, as was initially attributed to the existence of this procedural resource.

In fact, the results for Honduras on ad-hoc committees – *how* and *when* these are employed – point to an additional refinement to the bulk of hypotheses developed thus far: when there is unified government the opportunities for agenda control are doubled. This expectation also applies to Costa Rica, where the political scenario is also historically characterized by unified government. The variation the other two cases with unified governments for the period under study provide is thus the degree of fragmentation and polarization in the House. The literature on unified versus divided government in fact emphasizes the divergences between the performances of these contextual conditions on the need for parties to coalesce, negotiate or find compromises. This need also appears under unified government when the seats of the biggest party in Congress – especially in parliamentary systems – are a relative majority instead of an absolute one: that is, fragmentation matters. In addition to fragmentation, when this situation is combined with polarization (a measure of ideological distances), the prospects for coalescing, negotiating and finding compromises also become increasingly narrow. In our cases, this variation is

present in Guatemala and Panama, where the expectation is, therefore, that there is either plain Executive dominance of the agenda, or that the possibilities in terms of monopolizing the legislature's internal resources within the reach of majority party legislators are not placed on the ad-hoc committee design – since they cannot assure a majority.

The general argument is that the procedures which are accessible to legislators, such as the organizational characteristics of the committee system provide a way for the majority party to get its bills passed with the least number of amendments. In turn, resources that may be more accessible to Executives – such as vetoes, decrees and calling an extraordinary session, which are exogenous to the legislature's internal (organizational or procedural) structure, may offer an alternative method of agenda control. If a single party, for example in the context of unified government, has assured access to both resources from its privileged position in terms of the available resources, the phenomenon of agenda control is most likely. This assertion is equivalent to considering plurality, or more accurately the possibilities for political plurality (i.e. the aggregation of interests), as a phenomenon of disagreement. It is in fact an essential characteristic of democracy that disagreement is allowed and fostered by the institutional design and rules, or as has been argued: that the channels for conflict solving are institutionalized (Przeworski, 1991).

The hypothesis hints that agenda control may be exerted in two ways: first, through plain Executive dominance of the agenda through strong authoritative tools such as veto power, decree power and extraordinary or exceptional agenda-setting powers; second, through the majority party's advantageous position with respect to informational and distributional advantages within the House's organizational and procedural design, more specifically embedded within the committee system's characteristics assessed above (size, jurisdictional specialization and assignment rules – plus the interaction between these).

This Chapter offers measurement options and general and specific hypotheses concerning *how* and *when* procedural justice is missing and where there are instead embedded advantages benefiting some political actors as compared to others, specifically majority parties and Executives. These advantages clearly involve a troubling relationship with the underpinnings of democracy on representation, universal principles (access to institutional participatory and decisional mechanisms for elected representatives<sup>67</sup>) and the

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<sup>67</sup> Notice that, while the legal literature on the universality of participatory rights in democracy is usually only concerned with citizens', as is the literature on the Theory of Democracy, which assesses the equality of citizens and the universal (at least) electoral participation of citizens as a pre-condition for calling a regime democratic, my point here remarks the importance of procedural justice and universal equality among politicians as a central drive determining the degree of representativeness of the democracy at work. In fact, this is an important theoretical point further developed in the conclusions of this Chapter in connection with the function of Institutional Theory and its predictions for Theory of Democracy.

equal application of procedures as embedded in the rule of law. Detailed hypotheses regarding emergency procedures will now follow, before their empirical assessment.

1.6. 2.2) -. THE EMERGENCY PROCEDURES

Emergency procedures are those that allow a bill to be passed more quickly by appealing to its special character (urgent for social needs, urgent for a deadline on an International Treaty, etc). Mechanisms like decree authority (Shugart and Carey, 1998) and the imposition of closed amendment rules (Baron and Ferejohn, 1989) have attracted the academic attention as a way to assess emergency procedures. Whilst it is true that decrees constitute the most studied tool for solving emergency situations (Nacif and Morgesntern, 2002; Shugart and Carey, 1998), it may not be that which is most often employed. We simply do not know which other tools can also fall in the category of emergency procedures unless we pay close attention to the procedural design. There are four<sup>68</sup> common factors that can be considered emergency procedures from the definition that they provide channels for a bill to get a quick approval. These are: (1) the reduction of the number of debates on the floor; (2) the call for an extraordinary session, out of the ordinary calendar of the Congress; (3) the modification of the status of the bill to urgent; and (4) alteration of the order-of-the-day to include a legislative proposal.

Emergency procedures are, hence, heterogeneous and may offer distinctive means to political actors to transform an open round of amendments (without temporal or quantitative constraints) into a closed one (with temporal constraints for quick passage or rejection) [Baron and Ferejohn, 1989]. The availability of these distinctive emergency procedures for the four cases under analysis follows:

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<sup>68</sup> A fifth would eventually be the assignment of a bill to an ad-hoc committee. As seen in Table 3 for the case where the most detailed information exists on the matter, the temporal efficiency of ad-hoc committees is not significantly higher than the time any other standing committee takes to emit a dictum. Thus the endorsement that temporal efficiency is not the explanatory source of ad-hoc committee formation has already been obtained.

Table 23. Availability of emergency procedures in four Central American countries

Types of emergency procedures	HONDURAS	COSTA RICA	GUATEMALA	PANAMA
Reduction of the number of debates in the floor	Yes	No	Yes	No
Extraordinary session	Yes	Yes	Yes	Yes
Bill proposed as urgent	Yes	Yes	Yes	Yes(*)
Motion for altering the agenda-of-the-day to include a bill	No	Yes	No	No

Source: own construction.  
 (\*) In Panama the bill cannot be proposed as urgent until the second debate (given that the first debate is the committee dictum) and is called '*notoria*' designating the special – urgent – treatment of the bill.

The hypotheses elaborated for the committee system with respect to the strategic maneuvering of political actors when (1) conflict on the floor is expected, (2) the size of legislative support for the Executive agenda is small and (3) there is unbalanced access for majority parties to privileged information regarding spaces for the discretionary use of power, also hold for the use of emergency procedures. The distinction, however, between committee choice and the employment of emergency procedures, is placed at the analytical level at which these types of procedures operate, i.e. in relation to the temporal *sequence* for the bill's approval. In this case, then, the choice of emergency procedures is related to the anticipation of the **rhythm** of bill approval. As Schmitter and Santiso emphasize: “*when* something happens, as well as in *what order* and with *what rhythm*, can be even more important in determining the outcome than whether something happens or what happens” (1998: 69, italics in original).

The specific hypothesis on the use of informational advantages does not, however, appear to be crucial for the choice of emergency procedures, since these do not involve issues of specialization where choice may be exercised. Instead, emergency procedures involve a choice from temporal alternatives within a range of possible procedures.

Concerning the way (*how*) in which I employ the analytical distinction between the range of discretionary procedures that we developed previously. On this point, while there are more ‘risky’ emergency procedures – such as the reduction of debates on the floor, requiring a simple majority vote in Honduras and an absolute majority vote in Guatemala - the call for an extraordinary session or the proposal of a bill with urgent status does not require any previous vote on the floor of the House. With respect to extraordinary session, I have already described in Chapter 2, together with the assessment of constitutional rules,

that the authority to call an extraordinary session always lies with the Executive (Table 4 in Chapter 2), while legislators have varying authority over this (with the possibility to call for it in Guatemala and Honduras, absent in Costa Rica and Panama). I have considered the extraordinary session as an emergency procedure because it offers an exceptional way of placing an issue on the agenda and getting it passed, possibly under exceptional quorum and voting circumstances<sup>69</sup>. However, data availability is again a constraint on measuring exactly the same phenomenon in all cases; as can be seen below, a descriptive account of the employment of emergency procedures displays a varying range of available data for the four countries under analysis.

*Table 24. Frequencies of the use of emergency procedures in four Central American countries*

Types of emergency procedures	HONDURAS	COSTA RICA	GUATEMALA	PANAMA
Reduction of the number of debates on the floor	<b>86,9%</b>	n.a.	<b>5,5%</b>	n.a.
Call for Extraordinary session	N.A.	<b>50,5%</b>	N.A.	<b>9,9%</b>
Bill proposed as urgent	N.A.	<b>30%</b>	<b>15,2%</b>	<b>19,4%</b>
Alteration of the order-of-the-day to include a bill	n.a.	<b>40,9%</b>	n.a.	n.a.
Source: own construction. The percentages show the use of the emergency procedures, that is value 'Yes' in Table 1. n.a. Not available in the procedural rules of the country; N.A. not available in the data.				

Only with the descriptive information of the Table above, and yet surprisingly enough, a clear pattern in the data above is that the two bipartisan cases, Honduras and Costa Rica, use more often, in quantitative terms, the emergency procedures for which data is available than the multiparty cases – Guatemala and Panama.

In addition, due to the moderate diversity of emergency procedures in the cases under study, case-specific analyses will first need to be developed in order to be able to capture the same phenomenon (the use of endogenous procedures for agenda control through emergency procedures) in the final comparative assessment. Despite this fact, four explanatory variables that may shed light on the phenomenon as such may still be elaborated, while disregarding the specific type of emergency procedure employed:

1) Is the call for an extraordinary session a systematically chosen path for Executive dominance of the agenda? In terms of variables, the expectation is that positive values on the variables regarding Executive authority and Executive independence – which capture

<sup>69</sup> For instance in Guatemala, there is a type of quorum which is called the '*reduced quorum*' (*quorum reducido*) that sets 25% of deputies as the benchmark to install a legislative session. If this quorum were adopted on a call for an extraordinary session by the Executive, this would practically imply that a bill could be approved with only 14 votes in the legislature (as result of 113 total number of deputies in the term under study, of which 28 is a 25%, of which 14 deputies are a 50% for the absolute majority voting rule).

the constitutional power of the Executive to call for an extraordinary session - correlate with positive values on the procedural choice of emergency procedures. If the answer to this question is positive, then the original hypothesis that there is a more complex interaction between macro-institutional (such as constitutional) and micro-institutional rules (such as procedural) is only partially supported, indicating that constitutional rules alone can in fact determine varying degrees of institutional performance and policy outcomes.

2) Do the policy characteristics of the bill determine the employment of an emergency procedure, for instance bills that fix deadlines for institutional approval (such as International Treaties signed by the Executive which require ratification on the floor; or amendments to the budget bill that are of interest to the proposer). If the answer to this question is positive, the hint is that procedural choice manifested through the employment of emergency procedures is not reflective of strategic behavior, but rather of exogenous determinants, like the bills' characteristics.

3) Do also the levels of fragmentation and polarization (following the hypothesis on unified versus divided government developed in the previous subsection) also determine the differential employment of emergency procedures by Legislative and Executive? Once more, the expected distinction lies in the varying access that these political actors have with respect to procedures. For instance, while the authority to call an extraordinary session is provided to all Executives in the cases under study, this is not the case for Legislative actors, who must, furthermore, coordinate to access this emergency procedure<sup>70</sup>. If the answer to this question is positive, that it is not an inherent tendency of presidential systems to perform badly in institutional terms, but the combination of presidentialism and multipartism that explains varying degrees (and *qualities*) of institutional performance (Mainwaring, 1990)<sup>71</sup>.

4) Does the pressure of the electoral cycle determine which emergency procedure is employed and who enacts the bill appealing to an urgent status? The expectation is that towards the end of the term there is in fact a greater use of emergency procedures, especially by the Executive (that is, extraordinary sessions or the introduction of bills with an urgent status). This expectation should hold if the hypothesis derived on the basis of the

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<sup>70</sup> In Panama and Costa Rica the call for an extraordinary procedure is not awarded to the Legislative at all, and in Guatemala and Honduras, where it is, constitutional rules require a simple majority vote on the floor for the former case and a supermajority vote for the latter. Clearly, the voting requirement demands coordination if agreement on the need to consider an issue in an exceptional session is to be made.

<sup>71</sup> Mainwaring then extended the argument not only to the format of the party system in terms of number of parties but also to the roots of the party system in society and additional measures of ideological distances between parties and the like, elaborating on the concept of party system institutionalization (see Mainwaring and Scully, 1995; Mainwaring, 1998).

exploration of honeymoon effects (Table 4, Chapter 3), which displayed a decrease of the legislative support of the Executive agenda towards the end of the term, is correct. To circumventing the decrease of support in the legislature, the Executive may instead appeal for an urgent status of the bill or an especial procedure. Finally, if the answer to this question is positive, the classical perspective on the 'electoral connection' (Mayhew, 1974) would stand as an explanation of the branches' behavior with respect to legislative production. This perspective basically emphasizes the role of individual goals and not institutional structures.

The general expectation is that all variables explain *some* variance of procedural and organizational choice. A competitive modeling strategy (which is better explained in Section IV) will, however, allow me to assign specific weights to each type of factor, thereby allowing the distinction between the contextual and structural explanatory sources of endogenous procedures employed as tools for agenda control to emerge. Again, the analytical distinction between exogenous factors (such as the constitutional rules determining variation in Executive authority and independence, the time pressure of the electoral cycle, the characteristics of the legislative scenario such as fragmentation and polarization) and the endogenous (such as the sequential design making committees powerful and emergency procedures effective or the hypotheses concerning informational and distributional advantages within the legislative decisional structure) is expected to enrich the analysis both by adding institutional detail and by capturing general comparative patterns.

#### 1.7. 2.3).- THE INTERACTIONS BETWEEN THE PROCEDURAL AND THE ORGANIZATIONAL AS ENDOGENOUS RESOURCES: MULTI-LAYERING OF TOOLS FOR AGENDA CONTROL

Up to now I have discussed specific properties, characteristics and relevant questions of organizational (committees) and procedural (especial or urgent procedures) choice. An additional analytical possibility involves exploring the interactions between the organizational and the procedural, and constitutes a further step largely under-explored in legislative studies<sup>72</sup>. For instance, I have said that committee power is entrenched from the sequential design of the legislative process of approval. This assertion involves in fact the recognition that the purely procedural (the sequence for approval) affects the

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<sup>72</sup> In Krutz (2001), Cheibub and Limongi (2002) and Haggard and McCubbins (2001) there is an explicit effort to explore the interactions between the legislative decisional structure, the rules governing it, and the context, as characterized by political behavior and responses to temporal pressures, economic shocks or to constraints from constitutional rules. The exploration, however, of interactions **within** procedural rules governing the legislative decisional structure is still unknown territory for the field.

organizational (the degree of committee centrality). Similarly, we can find examples where the organizational affects the procedural, for instance with respect to the quorum required for the installment of an extraordinary session (as an organizational demand of human resources), which affects the procedural (no bill can be put to vote on the floor without the minimum quorum requirements).

One key piece of information from the empirical assessment of the use of ad-hoc committee in Honduras (see Table 22, in this Chapter) is that the use of especial procedures can in fact be multi-layered, or employed together, for a given bill. For instance we saw that, once ad-hoc committees are employed, the bill is passed in either one or two debates (against the three debates for ordinary legislation) in 97% of the cases. This means that for that specific bill an ad-hoc committee dictum was employed together with a successive reduction of the number of debates on the floor. Here, sequential design was employed strategically together with the organizational existence of ad-hoc committees.

The possibilities to multi-layer procedural and organizational choices are obviously large and vary according to the available set of alternatives present in each country. However, we may elaborate on some possibilities that are expected to enrich the analysis by extending it to the interactive effects. I devise two specific multi-layered choices which are particularly relevant and enlightening for the assessment of how agenda control is in fact related to a restriction of the aggregation of interests in the decision-making process:

1<sup>st</sup>) The interaction among the actor who enacts the bill, a particular sequential choice and an organizational choice attached to it. Such a situation is likely if the standard belief about Latin American legislatures, as coordinative devices for patronage legislation enacted by the Executive, holds empirically. Hence, the empirical reflection of this potential coordination between Legislative and Executive for patronage to the benefit of a particular set of interests would be characterized by the following situation: the Executive enacts a bill – with micro-sectional scope and spending involved<sup>73</sup> - and attaches an urgent status to it; the legislature replies to the time pressure involved by the urgent status by sending it to an ad-hoc committee and approves the dictum in one debate on the floor (which, as we have seen, tends to happen in most of the cases following an ad-hoc committee dictum). The approved bill would see very little scrutiny by parties other than the proposer's one, given that ad-hoc committees are characterized by a smaller number of

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<sup>73</sup> These two characteristics are expected to capture, with the data available, patronage legislating. Given the micro-sectional scope precisely designing targeted specific social groups, plus the spending involved capturing the assignment of resources for the policy, the two factors together may well be taken as a proxy for patronage, defined equivalently as policies that direct financial resources to specific targeted social groups.

legislators and resolving the approval in one debate also involves a shorter deliberative decisional process.

The point is whether it is true that it is precisely **because** the Executive enacts the bill that the response is the multi-layering of two choices: the procedural reduction of the number of debates and the organizational choice of the ad-hoc committee, or for the sake of argument any committee where the majority party holds a majority of seats (which is a more general hypothesis and for which I possess detailed data for testing). This hypothesis is important for the identification of coordination for patronage legislation, and therefore in fact contributes to a meaningful assessment of the connections between the systematic patterns of legislative production and the low aggregation of interests in the decision-making process as a reflection of agenda control.

2<sup>nd</sup>) The interaction between organizational and procedural committee choices, in terms of the choice of a committee whose temporal efficiency in emitting a dictum is expected (to be systematically and significantly) higher. In this case, the organizational choice related to the assignment of a bill to a temporally efficient committee, overlaps with the procedural choice of employing a discretionary rule to assign the bill to a specific committee where the majority party holds the majority. Such interaction may well be reflected if committees where the majority party holds a majority of the seats are also more efficient because decisional problems do not emerge, i.e. the majority party is disciplined and coherent (there is no great internal disagreement on the policy preferences of the party). If this holds, we are observing a single effect type of hypothesis and not an interactive one, but there is also a possibility that this fact takes place as the result of the interaction of factors, i.e. that a bill is assigned to a committee because of the temporal efficiency and not because of the seats held by the majority party in that committee.

Before proceeding to the modeling stage, which is somewhat complex on account of the number and diversity of hypotheses contained in these previous sections, I first summarize the bulk of theory-driven hypotheses together with the empirical operationalization elaborated in the specific subsections for each dependent variable (committee system and emergency procedures). This follows in Table 6.

Table 25. Summary of hypotheses on endogenous procedures as tools for agenda control

THEORY-DRIVEN HYPOTHESES	EMPIRICAL OPERATIONALIZATION	EXPLANATORY SOURCES AND EXPECTED RELATIONSHIP
<b>Single-effect Hypotheses</b>		
Size of legislative support for Executive agenda is associated to procedural choice, as an attempt by the Executive to circumvent ordinary procedures	Legislative support for Executive agenda depends on fragmentation of the party system, closeness of elections, coherence of political agendas between Executive and Legislative majority party, informational flows between the branches	Committee choice and emergency procedure choice is positively related to large values of fragmentation and polarization on the floor; and last half of electoral cycle -- as a response of the Executive to loss of legislative support
Anticipation of political conflict is positively related to procedural choice (which is a manifestation of agenda control)	Political actors behave strategically once they have exhausted ordinary bargaining channels, or when bargaining becomes too costly – unless coordination based on trust (historical interaction) and between low number of political actors (bipartisan systems) is possible	Political conflict is positively associated to polarization (i.e. in terms of ideological distance) or divergences on policy preferences (i.e. bill is micro-sectional: targets a social group), which are positively associated to procedural choice
Informational advantages, on the spaces of discretionary ruling, are positively associated to procedural choice	Discretionary rules of assignment of bills to committees increase the possibilities to employ endogenous procedures as tools for agenda control	Discretionary naming and composition rules embed quasi-dictatorial advantages for the majority party: minority of the majority decides which committee receives each bill and composition of especial committees
Informational advantages, on the jurisdictional specialization of committees, are positively associated to procedural choice	Large committee system (as a system) with small committees (as units) provide opportunities for disproportional comparative advantages to majority parties	Large committee systems favor discretionary assignment of bill to committee since jurisdictions tend to overlap and choice is <i>which</i> committee receives the bill: i.e. a bill on policy area economic issues, may be assigned to a specific committee where advantages to majority party are assured

<b>INTERACTIVE-EFFECT HYPOTHESES</b>		
Executive's incentives to circumvent legislative procedures increase when elections are close and when the competitiveness of the electoral cycle is high	The size of legislative support for the Executive agenda is expected to suffer significant ruptures towards the end of the term under bipartisan systems with internally fractionalized parties	Honeymoon effects positive and significant Interactive Executive enacts the bill and dummy for bipartisan versus multiparty systems is negative and significant
Under unified government, the opportunities to exert agenda control are doubled	Resources more accessible to Executive (decree power, veto power and call for extraordinary session), plus Resources more accessible to majority party in the House (ad-hoc committees, committee assignment)	Large values of Executive authority (as constitutionally provided) positively and significantly explain call for extraordinary session, and interact with end of term (loss of support for Executive agenda in the House)
Executive's incentives to circumvent legislative procedures increase when polarization is high and when elections are closer	Call for extraordinary session and employment of emergency procedures are significantly higher in the multiparty cases (hypothesis related to the anticipation of conflict on the floor)	Interaction between Executive incentives to employ emergency procedures (enactment of bills with urgent status or call for extraordinary session), large polarization (multiparty cases) and last half of term (elections are closer)
Procedural and organizational choices may be multi-layered, increasing the comparative advantages as dependent upon the characteristics of the bill (patronage) or the actor enacting the bill (majority actors)	1) Coordination for patronage legislation: Bill is microsectional (targets specific social group), entails spending (bill is assigned to a committee for economic issues), is enacted by the Executive (agenda dominance), sent to an ad-hoc committee and proceeds through urgent treatment in one debate on the floor 2) Overlapping of advantages: Bill is assigned to a time-efficient committee and the majority party holds the majority of the seats	1) Interaction between scope of bill and committee receiving the bill being assigned to a committee for economic issues and Executive enactment of bill with urgent status  2) Interaction between time-efficient committees and seats of majority party in committees holding over 50% of seats

The analysis follows a competitive modeling strategy, whereby separate models are first run including as explanatory variables only those endogenous to the legislative structure, such as the characteristics of the committee system (size of committees, percentage of seats held by the majority party in each committee) and the characteristics of the legislative scenario (fragmentation, seats of majority party in the House, number of legislative blocks, ideological polarization). Then, only the exogenous variables, such as the characteristics of the policy (scope and economic issues, and committee receiving the bill as a proxy for the bill entailing spending) and the electoral cycle (honeymoon dummy for first half of term versus last half), are included. A third step involves searching for the best

fitting model<sup>74</sup>, or for which combination of endogenous and exogenous factors better explain the phenomenon of strategic procedural and organizational choice as derived from the above hypotheses. Given the large number of hypotheses tested through diverse model specifications, I have gathered the auxiliary estimated models of this Chapter in Appendixes 4, presenting the results for the best-fitting models, along with the data available for the cases under analysis.

## THE MODELS

The results are organized as follows: first, I devote specific sections to the single-effects hypotheses. The results for the interactive effects follow. Within these, I first address the interactive effects with respect to the shape of the Executive's incentives when the floor is polarized and when elections are closer, and then address the interactive effects between procedural and organizational choices.

### 1.8. 3.1.) - SINGLE-EFFECT HYPOTHESES

The models for the single-effects hypotheses count with four variables, two characterizing committee choice and two characterizing emergency procedures choice. These variables have been created for the four cases in order that a comparative analysis may be produced<sup>75</sup>. The first concerns the hypotheses developed for committee choice and one variable is constructed to classify the large differences among committee systems into four broad policy areas. These policy areas are: economic issues, political reform issues, socio-cultural issues and infrastructural issues. The model employed for this variable is a multinomial logit, which allows the comparison of transitional probabilities of a bill having been assigned to a committee as compared to another committee (among the four-fold classification). The results from the best fitting model basically endorse the main expectation that majority parties take advantage of the specific characteristics of the committee system, so essentially the factors endogenous to the committee system explain committee choice. As can be seen below, Executive enactment is, in addition to the

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<sup>74</sup> The best fitting model is characterized, generally, by (1) all explanatory variables displaying statistical significance, meaning that their individual effect is robust, and (2) the overall goodness of fit of the model – i.e. when all explanatory variables appear together – is satisfactory (with a range of measures for evaluating different models' goodness of fit). Here, when I refer to the best fitting model, it implies not only these two characteristics (which exclusively proceed from quantitative criteria) but also that the explanatory variables are meaningful for our theoretical expectations on the basis of the hypotheses developed in this Chapter. The rule of thumb employed, therefore, is not exclusively based on statistical significance, but rather on the empirical information we can obtain through modeling for the interaction we attempt to capture between rules, actors' incentives and the patterns of legislative production.

<sup>75</sup> Table 7 in Chapter 3 and Table 4 in this Chapter display the detailed information with country specific information for the characteristics of the committee systems and the availability of emergency procedures in the four countries under analysis.

endogenous characteristics of the committees, the variable which best explains which committee receives the bill. Particularly, the probability that a bill be received by an economic issues committee increases greatly under Executive enactment. Two sources explain this phenomenon: on the one hand, constitutional rules assigning the Executive exclusive enactment of the budget bill. On the other hand, time pressure from the electoral cycle is in fact only significant for explaining the relative risk ratio change between political reform and economic committees (see Appendix 4.2.1, model 2), implying that the Executive in fact faces more pressure to circumvent legislative procedures towards the end of the term and specifically for policies which entail spending.

*Table 26. Best Fitting Model for Dependent Variable Committee Receiving the Bill*

Variables	Political▶ Economic	Political▶ Infrastructural	Political▶ Socio-Cultural
Size of committees (number of deputies in each committee)	2.3***	.78***	.78***
Seats of majority party in committees (in %)	1.07***	1.00	1.02***
Committee efficiency (time each bill passes in committ)	1.00***	1.00***	1.00***
Dummy electoral cycle (first half-last half of term)	.80**	.80	.79
Executive versus Legislative enactment of bill (dummy)	11.49***	1.36	.17***
Fragmentation (Rae, 1971)	.009***	.12***	43.07***
Ideological Polarization	1.04***	1.02***	1.01**
Interactive Polarization- Executive enacts the bill	.96***	.96***	.99
Model Measures			
Sample size	3995		
Pseudo-R square	.21		
Wald chi-square	1157.07		
Log (pseudo)Likelihood	-3899 (compared to iteration zero LL=-4912)		
P-value model	.000		
Notes: Model is Multinomial Logit with reference category for calculating probability Political Issues Committee receives the bill <sup>76</sup> . Robust errors estimated; Relative Risk Ratios reported instead of coefficients; Frequency weights of variable country. Columns reveal the transitional probabilities with respect to a bill having been assigned to a Political issues committee (fixed reference category) and the corresponding committee in each column. See Appendix 4.1. for the calculations of the polarization . *** Significant at 0.01 level of confidence; ** Significant at 0.05 level of confidence.			

<sup>76</sup> The arrows between the four categories of committees therefore mean the difference in the probability that each committee receive the bill as compared to the reference category, which are the committees for political reform issues. The model, by construction, fixes one value of the dependent variable as the reference category, and delivers the probabilities of a bill having been assigned to the other committees as compared to the reference category, given the explanatory variables (this is why we called the results of this model ‘transitional probabilities’ in the text above).

With respect to the characteristics of the legislative scenario, the hypothesis that the strategic assignment of a bill to a committee depends on the anticipation of political conflict, is also endorsed. This hypothesis is better explained when polarization rather than fragmentation is employed as explanatory variable, indicating that the measure for ideological distances better captures the leverage of political conflict than the straight numeric criterion of fragmentation. In addition, the information from the effects of the characteristics of the legislative scenario reveals that, while separate effects are rather small (although significant under any model specification), effect is systematic and highly significant when assessed in interaction with the origin of enactment (Executive enactment adopting value one and hence being significant). Therefore, the hypothesis that the incentives of the Executive strongly depend on the characteristics of the legislative scenario, but more particularly in combination with the pressure from the electoral cycle towards the end of term, are altogether supported empirically.

In turn, the hypothesis on the doubled opportunities for agenda control through committee choice under unified government (or, in the frame of the cases, bipartisan cases) does not empirically hold. It seems, therefore, more plausible that the hypotheses regarding the loss of Executive support are more likely in bipartisan countries, which eventually contradicts the hypothesis on the double opportunities for agenda control. If the hypothesis on double opportunities under unified government were true, this would mean that the Executive-Legislative agenda is assumed to be coherent, or mutually supported, in all cases when there is unified government. Instead, the dynamics assumed under unified government seem to miss the finding abounding here: the fact that electoral competitiveness may weigh heavily on political actors' behavior regarding the mutual support of political agendas. As indicated by the empirical results here, a decrease of mutual support between the branches may also take place under unified government (in our cases, in the bipartisan countries). In short, the inter-branch dynamics when elections are getting closer have more to do with the electoral rules and the more or less restrictive character of the competition than with the previous conditions of the government in terms of unified versus divided government. That is, under strongly competitive electoral rules, as tends to be the case in bipartisan countries where competition is centripetal (Sartori, 1976), the incentives of political actors are placed on their own political agendas rather than on supporting the agenda of an Executive who will soon be out of office (especially in cases where the Executive cannot be re-elected, as in these countries).

This result, which emphasizes the relevance of electoral rules for political actors' strategic behavior, is particularly supported by the results for the second dependent variable for committee characteristics: the seats of the majority party in each committee. The best model with the data available includes as explanatory variables the biasing effect due to the electoral cycle (which measures the systematic difference between the effective number of electoral parties and the effective number of legislative parties) and the fragmentation of the party system (see results in Appendix 4.2.2). In particular, there is a systematic negative relationship between the seats of the majority party in committees and the size of the committees, which basically confirms the previous exploratory findings: the larger the committees as units, the more these will tend to mirror the parent chamber (as in Francis, 1982). Although the models do not take into account institutional choice and its path-dependent nature<sup>77</sup>, the results hint that the hypothesis on the larger possibilities for coordination between fewer political actors in the split-the-cake form is in place. This fact is indicated by the strong and highly significant negative relationship between legislative fragmentation and the seats of the majority party in committees. The prediction that, in bipartisan systems, the monopolization of the channels of informational advantages by majority parties is better assured is therefore present.

Turning to the variables for emergency procedures, there are also two possible dependent variables for comparative analysis: first, the call for an extraordinary session, which is possible in all cases under study but data are only available for Costa Rica and Panama, and the alteration of the status of the bill from ordinary to urgent, which is available for all cases.

With respect to the first phenomenon, it was already seen in Chapter 2 that Executives possess the prerogative to call for an extraordinary session with more or less constraints (specifically the constraint of having an explicit policy proposal before calling an extraordinary session). In fact, Executive authority as determined by constitutional rules is a key variable in explaining the employment of extraordinary sessions as an emergency procedure: in all cases it was the Executive to call for an extraordinary session. Further to the origin of the initiative, the explanatory sources for employing this emergency procedure

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<sup>77</sup> Notice that the hypothesis on 'split-the-cake' as a coordinative device between political actors was essentially based on the capabilities of political actors to build trust and be acquainted with each other's preferences from long-standing interaction. A full testing of this hypothesis would demand, hence, the inclusion of a path-dependent view on the characteristics of the institutional design currently observed as a byproduct of previous historical choices. The unavailability of time series data, which would bring variation over alternative institutional designs, constitutes a major drawback to carry out this test empirically. This problem appears in this thesis with respect to several indicators of the political system, as a consequence of having data for only one legislative term. It is, nonetheless, possible to assert some indication of the hypothesis being present in the political dynamics from case expert knowledge, i.e. qualitative knowledge on the historical development of the political system, a typical way of evaluating results in the discipline. In particular, this hypothesis was generated with expert knowledge of the Honduran case in mind.

are mostly found in the exogenous pressure of the electoral cycle and on the degree of polarization on the floor. These are not usually the reasons raised in the call for an extraordinary session, which are formally linked to a specific policy that the legislature is urged to consider. Instead, neither the scope of the bill (or its policy objective), nor the temporal efficiency of approval were significant in explaining extraordinary sessions.

The results of the models are difficult to assess, since the distribution is over-determined by Executive authority to call for this type of session. In fact, when comparing endogenous and exogenous explanatory factors, the goodness of fit, as a measure of the whole model specification (or how much it explains given all explanatory variables together) does not vary to any great extent. Therefore, the best model will be a combination of endogenous and exogenous factors, as is portrayed in the best fitting model below:

*Table 27. Best Fitting Model for Emergency Procedure Extraordinary Legislative Session*

Variables	Odd Ratios and Significance	Model Measures
Dummy Executive-Legislative enactment of bill	6.29***	Sample size= 1599 Pseudo R <sup>2</sup> = .23 P-value= .000 % Correctly classified= 85% Positive predictive value= 65% Negative predictive value= 89%
Dummy electoral cycle (first half-last half of term)	1.22***	
Ideological Polarization	-.12***	
Interactive polarization and Executive enactment of bill	-.10***	
Notes: Model is Logit with dependent variable dummy ordinary-extraordinary session; with frequency weights of variable country. Odd ratios reported. *** Significant at 0.01 level of confidence.		

The first remarkable piece of information from the results above is that two of the explanatory variables contribute to fostering the phenomenon (have positive sign), while two contribute to hindering it (have negative sign). I have already mentioned that the call for an extraordinary session constitutes a pillar of Executive dominance as empirically sustained by the data for Costa Rica and Panama, and that such dominance is reflected in the very large and highly significant odd ratio for the first variable. In addition, the likelihood of calling for an extraordinary session increases with the closeness of elections, so that the last half of the term is positively related to the probability of the Executive getting a policy approved through extraordinary sessions. However, an important nuance obtained through the empirical analysis is that when polarization is large the likelihood that the Executive calls for an extraordinary session decreases. A possible explanation is that the Executive is able to predict a possible blockage which is related to quorum deficiency. As a more subtle type of blockage, when polarization is large the possibility that opposition parties or minor parties coordinate not to attend the session, when the Executive is trapped

by the need to obtain legislative approval of a bill<sup>78</sup>. It is in this sense that positive values of fragmentation and polarization are negatively associated to the call for an extraordinary session.

Finally, the last analysis for the second variable for emergency procedures – urgent status of the bill – is available for all countries. The results add one nuance to the previous picture: for urgent legislation, only the exogenous factors matter, with the greatest importance applying to the characteristics of the legislative scenario. With relative surprise, I find that political actors do not employ this tool – the introduction of bills with urgent status – in relation to the characteristics of the policy, or when employing their informational advantages concerning the committee expected to receive the bill (neither committee efficiency nor the size of committees contribute to the explanatory capacity of any model, despite their statistical significance). The best model in terms of combination of variables gathers exogenous and contextual variables as explanatory of urgent legislative enactment, as follows:

*Table 28. Best Fitting Model for Urgent Legislative Enactment*

Variables	Odd ratio and Significance	Model Measures
Biasing effect of electoral cycle	-2.94***	Sample size= 4228 Pseudo R <sup>2</sup> = .46 P-value=.000 % Correctly classified= 86% Positive predictive value= 91% Negative predictive value= 83%
Number of legislative blocks	.91***	
Ideological polarization	-.03***	
Dummy Executive-Legislative enactment	-.24***	
Dummy electoral cycle (first half-last half of term)	.45***	
Notes: Model is a Logit with dependent variable urgent versus ordinary status of bill. Frequency weights of variable country. *** Indicates significant at 0.01 level of confidence.		

The results imply a divide between the three factors with a negative sign, and hence associated to the non-employment of urgent legislation enactment, and the two factors with a positive sign that are associated to the dependent variable. Within the former, the variation in ideological polarization on the floor contributes very significantly to explain urgent enactment, but only slightly affects the probability of urgent legislative enactment. This fact indicates that the hypothesis on the anticipation of conflict is in fact empirically supported but that this positive relationship acquires a larger impact when other, possibly exogenous or contextual, factors are also present – such as electoral cycle pressure or the

<sup>78</sup> For instance, in the Guatemalan case, there is a ‘reduced quorum’ provision in the Constitution, for extraordinary sessions, but this type of quorum does not allow for approval of bills.

The type of subtle blockage procedures, as quorum rupture, are much more explored for parliamentary cases and for the presidential case of the U.S., with particularly numerous studies existing for filibustering, or the ability of legislators to block the approval of a bill from exhausting very long times of speech in the House in order to have the final vote postponed.

more or less stringent character of the electoral system (captured by the variable biasing effect of the electoral system, which has a large negative and highly significant impact).

In fact, within the contextual factors, a high significance is obtained for time pressure from the electoral cycle, with a positive relationship existing between the probability of urgent enactment and the moderate size of this effect. This fact implies that, while urgent legislative enactment is present during the whole legislative term, it is moderately intensified when elections get closer, i.e. in the last half of the term.

Finally, the negative sign of the dummy for Executive versus Legislative enactment means that this procedural tool, which affects the sequential treatment of the bill, is mostly employed – in relative terms – by legislators. This result partially supports the hypothesis that the tools which are most accessible to legislators are in fact significantly more likely to be employed by these actors than they are by the Executive. Despite this partial endorsement, the full hypothesis on the double opportunities for agenda control under unified government is still open to assessment in the interactive-effects analysis which follows in the next section.

Overall, the model displays a very satisfactory goodness of fit (there are good figures for the model measures, and the positive and negative predictive values are balanced<sup>79</sup>), yet each of the variables weighs little (their separate effects are small to moderate). This fact points to the need to include interactive explanatory variables which may better capture the underlying data structure<sup>80</sup>.

In sum, in this section examining the single-effect variables, I have obtained empirical support of the hypotheses in relation to the anticipation of conflict and on variation with respect to the size of legislative support for the Executive agenda. Further, I have obtained empirical endorsement for the hypothesis that the employment of endogenous procedures is related to the endogenous characteristics of the institutional structure. This is particularly well-supported for committee choice. In addition, I have obtained empirical insights that exogenous and contextual factors better explain the employment of emergency procedures, especially when they are all present. Finally, an important piece of information from the analysis above is that the scope of the bill (or its policy objectives) and temporal efficiency do not determine the employment of emergency

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<sup>79</sup> This fact indicates that the model predicts the ratio between ordinary and urgent enactment well, or in other words, that it does not over-predict one particular value as opposed to another. This is a desirable characteristic of logit modeling, in that it assumes a binomial distribution to be true for the population and bias may appear if the actual distribution is not close to binomial (or if an unbalance exists between the cases in value zero and the cases in value one).

<sup>80</sup> Essentially, the fact that the explanatory variables do not increase the overall model goodness of fit separately, but only altogether, or when they are all present, generally indicates the under-specification of the model in the omission of interactive variables on the explanatory side.

procedures (extraordinary session or urgent status of the bill), although they do matter for committee choice. This result is largely relevant, since it supports the idea that strategic behavior is not related to the characteristics of the bill, but to the choice of procedures that assure the bill's approval with the least number of amendments. The assessment of the interactive effects follows, before a gathering of the conclusions of this Chapter.

1.9. 3.2.) - INTERACTIVE-EFFECT HYPOTHESES

The interactive effects, which were theoretically referred to as the multi-layering of endogenous tools for agenda control in the form of (1) coordination for patronage legislation and (2) the overlapping of advantages, offer a refined view of the empirical results presented above. Essentially, the analysis delivers a confirmation of the hypothesis that the overlapping advantages indeed takes place, therefore bringing a more refined assessment of how agenda control takes place.

The results, which included new explanatory variables to capture interactive effects, display an improvement in the goodness of fit with respect to the previous (single-effect) models. In particular, I have included in this model the interaction between efficiency of committee (the time each committee takes to emit a dictum) and the seats held by the majority party in each committee. The new variable comprises the idea of that committee choice (the dependent variable in the first case of the single-effects models) might be related not only to the estimation of the temporal efficiency of committees and to the distributional advantages of the majority party (through a monopoly of a majority of seats within committees) but also to the combined effect of these variables. Again, the transitional probabilities of committee choice better explained are those for a bill from going to a committee for political reform to an economic issues one. In fact, the new interactive variable holds significant and positive under any specification. The results including the interactive variables for the Executive incentives towards the end of the electoral cycle (elections being closer) are as follows:

*Table 29. Assessing the Overlapping of Procedural Advantages and Committee Choice*

Variables	Political→ Economic	Political→ Infrastructural	Political→ Socio-Cultural
Dummy for seats of majority party in committees over 50% (has a majority on its own or not)	.26***	.67**	2.93***
Interactive efficiency of committees in temporal terms and seats of majority party in committees	.99***	1.00***	1.00***
Seats of majority party in committees	1.09***	1.06***	1.02**
Committee efficiency (time in emitting dictum)	1.02***	1.02***	1.02***
Ideological polarization	.94***	1.02***	1.04***
Interactive ideological polarization and Executive enactment	1.02***	.96***	.97***
Dummy electoral cycle (first half versus last half of term)	1.41**	.70**	.64**
Interactive last half of electoral cycle and Executive enactment	.64**	1.41*	1.20
Model Measures			
Sample size	3995		
Pseudo-R square	.15		
Likelihood ratio chi-square	1463		
Log (pseudo)Likelihood	-4180 (compared to Iteration 0 LL= -4912 <sup>81</sup> )		
P-value model	.000		
<p>Notes: Model is Multinomial Logit with reference category for calculating probabilities Political Issues Committee receiving the bill; Relative Risk Ratios reported instead of coefficients; Frequency weights of variable country. Columns reveal the transitional probabilities with respect to a bill having been assigned to a Political issues committee (fixed reference category) and the corresponding committee in each column.</p> <p>See Appendix 4.1. for the calculations of the polarization index following Coppedge (1998).</p> <p>*** Significant at 0.01 level of confidence; ** Significant at 0.05 level of confidence. * Significant at 0.10 level of confidence.</p>			

With the new interactions included, I can now assess committee assignment as a procedural choice that tends to be associated to a choice made on the basis of the efficiency of committees. Therefore, it seems plausible to suggest that political actors not only place bills in committees independently of the policy area of the bill itself, but also in relation to their strategic priorities, which are associated with estimates of the temporal efficiency of each committee. In this sense, time pressure for policy making appears to be a powerful drive for procedural choice, with respect to both specific micro-rules for the bill's path through the legislature and with respect to broader rules of approval.

<sup>81</sup> For this model, the final log-likelihood being so close to the departure likelihood of the model without explanatory variables (which is the Iteration 0 LL) indicates that the model is over-determined. Essentially, this fact implies that a more parsimonious model exists with fewer variables. This is typically the case in many models, but in this case we are interested in assessing whether the newly created interactive variables add insight to both theory and empirical analysis. Therefore, this is a standard case where we are willing to assume a statistical cost in favor of the theoretical and empirical sense of the analysis.

The evidence for this interaction between committee choice and the efficiency of committees in temporal terms appears as a systematic and significant but very weak relationship (the coefficient of the interactive variable for efficiency is .003 for all committee categories). Hence, it seems that, while it can be asserted that the efficiency of committees is of relevance for political actors, they cannot exactly predict the variation of the efficiency of committees. In fact, the variation of committee efficiency is rather small if compared to any other time-related variable of the process of legislative approval, indicating that the time a bill spends in committee is a difficult tool to employ strategically<sup>82</sup>.

The second finding is related to the newly included variable for the committees where the majority party holds the majority of seats. This variable, which captures the concept of distributional advantages, displays both high significance and a large effect. Although the risk ratio is positive and moderate, the size of the effect is best understood by looking at the coefficients<sup>83</sup>, with a negative and large impact in the transitional probabilities of a bill assigned to a committee for political reform issues or other committee. Practically, this result means that the hypothesis on the overlapping of advantages in fact takes place in a particular manner: political reform issues (the reference category in the model) are systematically assigned to committees where the majority party has distributional advantages (holds an absolute majority of seats) and are more likely to be approved at the beginning of the electoral cycle.

The finding indicates that despite discretionary rules existing in diverse spaces within the procedural design of the legislative process of approval, their employment is relatively circumscribed to a particular specification, which provides relevant information on the question of agenda control. The fresh nuance that derives from this finding is that when agenda control is associated to distributional advantages, it is particularly directed to controlling the pace and the content of issues associated to political reform. I will extend the implications of this finding in the partial conclusions of this Chapter. Now, having identified the large significance and effect of the variable capturing the distributional advantages of majority parties in committees, I assess the interactive effects that will help explain more clearly the employment of these committees, by considering this phenomenon as a procedural choice in itself. The results follow in Table 30.

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<sup>82</sup> The argument is that, since the variable time in committee has such a compressed distribution, with moderate variation, the possibilities of strategic use decrease, as there is not much space to reduce the time of committee assessment of any bill. The distributions for all cases of time in committee display a smaller range (with very close mean, median and mode figures) than any other time-related variable, especially in comparison to total time of approval.

<sup>83</sup> See Appendix 4.2.3 for the same model as Table 29 with coefficients reported instead of relative risk ratios.

*Table 30. Majority in Committees as Procedural Choice*

Variables	Odd ratios (Coefficients) and Significance	Model Measures
Scope of bill (policy characteristics)	1.14 (.14) ***	Sample size= 4112 Pseudo R <sup>2</sup> = .50 Wald chi sq= 922 p-value model=.000 LL= -1419 (LL0=-2846) Correctly classified= 86% Positive predictive value= 86% Negative predictive value= 86%
Executive-Legislative enactment	.35 (-1.04) ***	
Dummy electoral cycle	.57 (-.56) ***	
Ideological polarization	.99 (-.005)	
Interactive ideological polarization and Executive enactment	.99 (-.004)	
Bill is urgent or ordinary	4.37 (1.47) ***	
Number of blocks in the legislature	.57 (-.56) ***	
Notes: Model is a logit, with dependent variable Committees where the majority party holds a majority of seats on its own (50% of the seats and higher) or not. Frequency weights of variable country. Robust errors estimated. Reported odd ratios and coefficients in parentheses. *** Significant at the 0.01 level of confidence.		

The results are enlightening on the types of bills committees where the majority party holds a majority tend to receive: they are more likely to be national bills in scope, enacted by the Legislative and not the Executive, and urgent. Also, the likelihood that any bill is assigned to a committee where the majority holds the largest number of seats decreases with the number of blocks in the legislature and when elections are close (in the last half of the legislative term). Since the variation in the cases concerning these variables is low, it is easy to identify that the cases better explained by the model are bipartisan (with the variables blocks and polarization adopting the lower values). If this holds, then a procedural choice where the hypothesis on the split-the-cake coordination holds empirically has been identified, since this hypothesis was developed especially for the bipartisan cases. It seems that the procedural choice which involves committees where the majority party has an assured majority is positively associated to low polarization and a low number of blocks in the legislature. One interesting piece of information arising from this model is that the interactive variables for Executive incentives when polarization is large do not display any significance and the size of the effect is negligible. This last result supports the claim that legislative structure has an impact on its own in defining the decision-making process, where legislators and parties can behave strategically to ensure that their policy priorities are approved.

Overall, therefore, it seems that coordination for the overlapping of advantages in the form of urgent legislation and committee choice where the majority party is powerful holds particularly well for the bipartisan cases. Essentially, this is equivalent to the previous finding from the interpretation of the results of

Table 29, i.e. the overlapping of legislative procedures takes place within a set of possibilities. Interestingly, the hypothesis with no empirical support refers to the significant employment of committee choice specifically when the bill is an Executive enactment. Moreover, bivariate correlations appear significant between all variables pertaining to procedural choice, but this pattern does not hold when attempting to identify a more structural relationship between the variables (i.e. placing these in a full model).

In sum most of the hypotheses for the overlapping of procedural choices have robust empirical support. In turn, the second hypothesis concerning the interactive effects of the coordination of patronage does not hold empirically with the data available. Once more, this comparative work shows that standard stereotypes of Latin American politics are not in fact true. Or at least, they are not empirically supported with the data available, which in fact come from the institutional arena. This may suggest that the hypothesized coordination of patronage may take place, if at all, outside the institutional channels (see Helmke and Levitsky, 2003). The results of the models for coordination of patronage<sup>84</sup> add relatively little knowledge to the earlier findings; in fact, they only show that the legislative agenda is controlled – quantitatively – by the majority party if considering the initiatives from the Executive and the majority party in the legislature together. Furthermore, the only sustained result from this last model, as in previous findings, is that those emergency procedures such as urgent status of the bill and extraordinary session in fact tend to overlap for each bill approved in the House.

In sum, the hypotheses for the overlapping of advantages are much better explained by the tools endogenous to the legislative process of approval, accessible to legislators, than by Executive dominance through extraordinary session, which is constitutionally assigned almost exclusively to this actor. In the following Section, I gather the conclusions from the empirical investigations developed in this Chapter and extend the theoretical implications of these for the assessment of agenda control as ill-advised for the quality of democracy.

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<sup>84</sup> The results are found in Appendix 4.2.4. Given the low goodness of fit of the models I decided to collect them, for the sake of complete evidence, in the set of Appendixes for this Chapter.

## **- PARTIAL CONCLUSIONS AND CONTINUING THE RESEARCH**

“While there is no single model or easy solution for democratic political development (...) presidential institutions can provide a complex system of representation when bargaining, negotiation and compromise are essential”<sup>85</sup>

The extensive analysis carried out in this Chapter has shown that variables internal to the decision-making process have a significant effect on policy outcomes as defined here. The most general result is that the variables pertaining to the legislative decisional structure have a significant effect in explaining institutional performance and the degree of aggregation of interests in the legislative production. While this result was also suggested from the analyses in Chapter 3, in this Chapter I developed more specific and refined hypotheses by assessing the specific tools and contextual specifications under which political actors are motivated to choose specific procedures to get a bill passed.

This general result is crucial for the generation of a more explicit bridge between the theoretical expectations and normative predictions of Institutional Theory. Essentially, my argument here has been that the predictions of Institutional Theory with regard to the effects of rules and institutional structure(s) on political outcomes need to put the real actors into the explanatory equation. While it is generally asserted that the literature on incentives engages particularly badly with the literature on institutional factors, since the former tends to hold as constant the preferences of actors and the latter tends to hold as constant the individual actor effect, I have shown here that the possibility of integrating new institutional approaches exists<sup>86</sup>. This actual engagement is particularly relevant for analyzing strategic behavior, since this is a specific realm affecting institutional performance and mediated by specific actors' behavior.

This Chapter has offered a large array of alternatives to connect theoretically driven hypotheses with empirical assessment (although constrained by data availability) of actors' incentives, procedural rules and a specific output of legislative production. In this analytical effort, I have obtained findings on two levels of operation in addition to the more general,

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<sup>85</sup> Von Mettenheim, 1997: 245.

<sup>86</sup> Specifically, where the new institutional approach with strong actor-centered theoretical underpinnings (as in Shepsle, 1989) and where institutional rules constitute the set of constraints and fostering factors of individual action (as in North and Weingast, 1989). The meeting point of these initially divergent approaches may be generated when adopting a sequential research design, as Diermeier and Krehbiel, 2003 suggest, and as has been applied in this Chapter. The facilitating sequence is characterized by focusing first on the shape and determinants of actors' incentives, which are then included in the modeling of institutional outcomes.

key finding above, which I shall now unpack for the sake of clarity. First, the substantive findings related to the debate on the inherent tendency of presidential systems to Executive dominance. Second, the set of findings related to the theoretically induced implications of the possible systematic employment of endogenous tools for agenda control by majority political actors.

Within the substantive findings, the first and most outstanding is that, while presidential systems are characterized by the independence of the branches, the patterns of agenda control display a more complex shape than plain Executive dominance. The only phenomenon which is characterized by Executive dominance, explained by the constitutional power of Executives to employ this procedural tool, is the call for an extraordinary session. Further to this procedural tool, there is no systematic pattern of Executive dominance of the agenda on the other procedural and organizational choices considered in this Chapter. On the contrary, there is evidence of the need for Executives to take legislative action into account. In fact, the variable capturing interaction between the degree of polarization on the floor and Executive enactment, as a way of measuring the incentives of Executives to play strategically has displayed the expected relationship (significant and positive) in all models.

This is partly explained by the fact that legislative support for the Executive agenda does not directly depend on constitutional sources of power and authority, which in turn depends partly on the competitiveness stemming from electoral rules (or the number of actors competing – fragmentation – and the ideological distances between them – polarization) and partly on the capacity of political actors to anticipate political conflict over policy preferences. It thus appears that Executives need to observe the legislative decisional structure in order to get a bill passed. Therefore, the results hint that the highly emphasized formal independence between the branches pertains ‘only’ to the electoral realm with its effectively divergent devices for election. But, following the electoral ‘dis-connection’<sup>87</sup>, Executives and legislatures in presidential systems still need to bargain continuously and observe one another during the term.

I have also obtained detailed information on the more subtle tools for agenda control that are in fact offered by the internal decisional structure of the legislature, such as the committee system design and the especial procedures for urgent bills. The more

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<sup>87</sup> I employ the term dis-connection because there are both possibilities for disconnected elections of the branches (for instance, where mid-term elections of the legislature are present or generally non-concurrent elections of the two branches are in place), and for the electoral events for Executive and legislature being connected (when elections are concurrent, i.e. take place the same day and coherent voting is more likely).

specific hypotheses have obtained varying levels of support, but the general claim that endogenous institutional design matters has been endorsed. A second important substantive finding is that while there is general empirical support for the assertion that the characteristics of the legislative scenario influence the strategic behavior of majority political actors, ideological polarization more satisfactorily captures the variation in procedural choices than legislative fragmentation under any specification. This result indicates that the more qualitative measure of political conflict is in fact more suitable for assessing the incentives of political actors than purely quantitative measures such as fragmentation (referred to as effective number of parties). Essentially, one of the central hypotheses, which focused on whether the anticipation of conflict is a drive for strategic behavior, is empirically supported. The refinement of the analysis here is that this anticipation is associated to the ideological distances between actors, i.e. to disagreement over policy preferences<sup>88</sup>, more strongly than any other characteristic of the legislative scenario.

Third, the findings with respect to the overlapping of procedural choices constitute an innovative modeling effort for including interactive effects, which is typically an extremely tricky task in institutional analysis. While there are abundant studies on specific phenomena of the decision-making process of legislatures<sup>89</sup>, there is a clear lack of modeling strategies for interactive effects, even if it is well-known that institutional rules, outcomes and actors playing within institutions are not easily dissociable. Amongst those accounted for in this Chapter, all interactive variables except the coordination for patronage legislation have obtained empirical support, and display robust significance. This finding is also interesting, since it allows us remarking one general objective of this thesis, its emphasis on producing empirical evidence in a comparative light. By confronting the standard stereotype that corruption and patronage is a common policy style of Latin American governments in a critical manner, this finding shows that comparative work is necessary for the review of these stereotypes, which are often grounded on case-specific examples and rely strongly on contextual evidence. However, it should be recognized that this finding does not fully discuss the specific phenomenon of coordination for patronage. Due to the lack of data available on the informal bargaining that takes place outside the institutionalized realm of legislative activity, this result is taken cautiously and I fully

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<sup>88</sup> Adopting the view developed in Freedman (1998), ideology is understood as the institutionalized struggle among alternative ideal visions on the societal order, which is practically reflected in the institutionalized disagreement over public policy priorities.

<sup>89</sup> Investigations such as on amendment rules, Baron and Ferejohn, 1989 and on the characteristics of the committee system, Gilligan and Krehbiel, 1989, as particularly strongly developed ones.

acknowledge its the lack of generality. Still, the result does indicate that Helmke and Levitsky (2003), in their call for attention to informal politics in fully explaining the radically varying indicators of institutional performance in the Latin American region, are correct in their assessment of what is lacking in *'overly-institutional'* analyses.

Fourth, I have also obtained support for the hypotheses on the importance of contextual factors. However, the particular shape of the effects of contextual factors adopts a complex pattern depending on which procedural choice is taken into account. The only contextual, and exogenous, factor that appears as systematically significant is the electoral cycle (which was measured through the honeymoon effect). Therefore, the results support the 'electoral connection' view (Mayhew, 1974), but add a specific contribution: time pressure works intensely towards the end of the legislative term, which is reflected in the enactment of a larger volume of urgent legislation, for instance, but the modification of the efficient approval of a bill is relatively difficult. In particular, the modification of the temporal efficiency of committees is significant with a moderate effect. The conclusion drawn from this was that political actors are interested in estimating the temporal efficiency of committees, as key gate-keepers of the legislative approval, but they lack precise information on the factors determining temporal efficiency. Although the two factors appear to be relatively dissociated, they are in fact closely related: the overall result is that time pressure from the electoral cycle is powerful only to a certain extent. Generally, the pressure from the electoral cycle is a fostering factor for strategic behavior, but the tools available to carry out such behavior remain dependent on the legislative decisional structure, and not on the time pressure, since actors cannot control many resources related to time (as illustrated with the temporal efficiency of committees).

Finally, a last relevant substantive finding relates to the intense phenomenon of agenda control when policy issues refer to political reform. The central finding is in line with the literature emphasizing how little political systems change as a result of the very conditions required to change the rules: change must be initiated by the actors participating in the system. Questions for investigation such as why are Constitutions stable (Ferjohn, Rakove and Riley, 2001; Holmes, in Elster and Slagstad, 1988) or why processes of political reform generally benefit big and powerful parties (such as electoral reform, Garcia, Diez, 2001), may find inspiration in the explanatory sources suggested in this thesis. These explanatory sources, as derived from the empirical findings above, are found in the interactive relationship between primary and secondary rules (respectively constitutional and procedural rules), contextual factors (such as time pressures from the electoral cycle

and majoritarian pressures related to the conflict between parties, as reflected in all significant measures of ideological polarization) and the path dependent factors present in a certain institutional structure (such as large committee systems and the availability of emergency procedures).

With respect to the theoretical findings, I would underline two particularly relevant results. First, I have inductively discovered that the traditionally viewed tradeoff between representation and efficiency does not hold under any contextual specification – i.e. the coexistence of both representation and efficiency appears to be possible. Instead, my theoretical claim notes the importance and robustness of varying contextual specifications of the tradeoff between representation and procedural justice. Procedural justice is a recent term in the discipline, which views everyday politics with regard to the equal and universal access of citizens and political actors to the democratic process (Klosko, 2000; Teitel, 2000; Jupille, 2004). The term captures the idea that fairness springs from the equal and universal application of procedures to both citizens (for instance, access to justice) and among politicians, which is my specific focus. Thus, the various ranges of fair application of procedures and fair results constitute a narrowly interrelated, ongoing process which is reflected in the way everyday politics deals with conflict – which is equivalent to assessing decisional styles. The emphasis is placed on the recognition of the two-way relationship between procedures and outcomes, insofar that “fair procedures lead to fair outcomes, while fair outcomes generally result from fair procedures” (Klosko, 2000: 208). The specific finding is that the relationship between procedural justice, as the constellation of interactive relations between procedures and outcomes, is in a direct tradeoff relationship with representation. When procedural justice is damaged, or curtailed, so is representation. This fact implies that, in close association to agenda control as a systematic mechanism for majority political actors exploiting their comparative advantages, the representative grounds of democratic regimes consequently suffer from embedded biases in favor of some.

The term procedural justice is hence manifestly engaged with issues of rule of law, and bridges the interactions between macro-institutional rules and micro-institutional indicators. The approach to empirically analyzing agenda control in four presidential cases used here, with its major analytical effort to capture the partial effects of constitutional rules (as macro-institutional rules that settle the parameters of variation but do not determine all possible courses of action) and specific procedural choices (as micro-institutional components affecting the prospects and the way policy-making is made), constitutes a reflection on how this analytical effort may be developed. This finding is

central for the range of issues this thesis discusses and is further elaborated in the concluding Chapter of the thesis.

The second theoretical result is that coordination between political actors depends on the trust they are able to generate mutually<sup>90</sup>. These two issues (trust and possibilities of coordination) require time series data in order to generate empirical analysis if they are viewed as institutional outputs. It is in this sense that the explanation of a particular institutional choice (be it as particular as the number of members in committees and the assignment rules, or as general as the set of exclusive policy jurisdictions assigned to the branches) would require synchronic data. In particular, this type of data would allow the examination of how much the constellation of preferences of the political actors participating in the constitutional choice (or other packages of rules) weighs in determining the actual configurations of discretionary spaces of decision or opportunities for agenda control. Overall, this statement is equivalent to acknowledging that accounting for path-dependent devices present in the actual institutional configuration of rules and procedures<sup>91</sup> is necessary.

The path for continuing the research is adequately laid out by the results obtained in this Chapter. What remains, essentially, is to develop specific assessments of the independent effect of the two broad sets of factors which appear to explain agenda control: the characteristics of the legislative scenario and the specific weights and effects of time-related factors.

Chapter 5, devoted to the assessment of the characteristics of the legislative scenario, constitutes an effort to test whether the influential hypothesis that presidentialism and multipartism together what have a negative effect on the institutional performance of these systems (Mainwaring, 1990) holds empirically for my cases, and whether it has a powerful explanatory capacity. While, generally, this hypothesis is in tune with the standpoint of this thesis, I shall nevertheless undertake a critical methodological assessment of whether it is derived from the adoption of a particular measure of political conflict, which may determine the strong causal attribution attached to the format of the party system as translated into the legislative scenario.

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<sup>90</sup> The hypothesis was that coordination is facilitated when there are few political actors in the game – such as in bipartisan countries. However, the difficulty to produce general theoretical expectations without specific cases is considerable. The inability to deliver a general testing of this hypothesis is in fact related to this problem. The only aspect where the empirical results hinted a correct elaboration of the above proposition was with regard to the assessment of the committees where the majority party holds a majority, which displayed a large explanatory capacity for the bipartisan cases (Costa Rica and Honduras).

<sup>91</sup> Notice the insistence on assessing packages of rules, including the constitutional design, adopting a *configurational* approach, as argued in Chapter 2.

In Chapter 6, in turn, I unpack the two time-related factors which appear to strongly determine the contextual forces on the incentives and behavior of political actors: the sequential design of every bill approval (endogenous to the legislative decisional structure) and the electoral cycle (exogenous to the legislative decisional structure).

The final Chapter gathers the conclusions and lays out the normative implications of the theoretical reflections and empirical findings of this thesis.

## **CHAPTER 5**

### **THE LEGISLATIVE SCENARIO AND LEGISLATIVE PERFORMANCE IN PRESIDENTIAL SYSTEMS: IDEOLOGICAL DIVIDES AND LEGISLATIVE FRAGMENTATION IN FOUR CENTRAL AMERICAN COUNTRIES**

“Ideology has been, and remains, one of the most persistent and ubiquitous concepts in modern political thought. No doubt this popularity is due to the absence in our political lexicon of alternative terms that link political thought and behavior in a satisfactory way”<sup>92</sup>

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<sup>92</sup> Mullins, W.A. (1972: 498).

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3) - INTRODUCTION

This Chapter deals with the question of whether the characteristics of the legislative scenario determine the institutional performance in presidential systems. I have already obtained empirical evidence in the previous Chapters that the legislative scenario has at least two types of effects on the patterns of legislative production. First, through its direct effect on the volume of legislative production and all qualitative measures characterizing it, as shown in Chapter 3. Second, I have also discovered a mediated effect of the characteristics of the legislative scenario via the incentives of political actors to take certain procedural choices, as elaborated in Chapter 4. In this Chapter, I will focus on its specific impact, first by carrying out a detailed analysis of the lines of ideological division and then by adopting the aggregate measure for ideological polarization.

Thus far I have employed the original measure for ideological polarization, which is based on the idea of the maximal distance in a party system on the left-right continuum and weighted for the presence of each party in the legislature (as in Appendix 4.1). In this Chapter, what I specifically address is whether this methodological choice, systematically adopted, is responsible for the strong causal attribution to the characteristics of the legislative scenario on the institutional performance of presidential systems (as ‘the difficult equation’, Mainwaring, 1990). This normative and empirical approach develops and then compares several measures for capturing the ideological divisions in the four countries under analysis, which add up to generate alternative aggregate measures of ideological polarization.

The Chapter proceeds as follows: I first discuss the alternative and numerous conceptual approaches to ideology, the minimal unit which must be understood before generating more aggregate and comparative measures of the political scenario, such as ideological polarization.

Then, the empirical analysis is developed in two stages. First, in Section 3, I assess country-specific patterns, followed in Section 4 by the comparative and aggregate analysis. I believe the country-specific component to be highly important in characterizing the ideological divides and competition in each country. For that reason, I employ original data on elite position-taking derived from interviews with legislators in

the four countries<sup>93</sup> and unpack the different dimensions in which these positions matter for the evaluation of ideological divides. This detailed country-specific analysis is nonetheless common for the four countries under examination here, in order to facilitate further comparative analysis. Finally, Section 5 puts together the pieces of information and hypotheses derived from the previous analyses, and offers alternative measures of ideological polarization. The existence of alternative measures will allow me, in the comparative analysis, to test whether the original assertion of causality is correct or not, from an examination of its impact on agenda control. As previously, the Chapter ends with a summary of findings and a brief reference to how the research will continue in the final Section.

#### 4) - MEASURING IDEOLOGY: CONCEPTUAL AND EMPIRICAL APPROACHES

The concept of ideology is one of the key concepts in the discipline, yet some elaboration of the concept is necessary. The low level of consensus on the definition of how to assess ideology has led to a large body of work, from philosophical to empirical, with few connections across perspectives or contributions. This Chapter attempts to discuss in an intertwined fashion the conceptual and the empirical approaches to ideology in order to carry out a further analysis of legislative performance, accounting for ideological polarization as an independent variable.

Of particular interest here are the conceptual elaborations of ideology that have some impact on the study of the performance of political systems. Ideology has been attributed many functions in political systems: from the protection of the bourgeois interests in the form of hegemony (Marx, Gramsci, Laclau) to the symbolic vehicle for channeling social interests and demands (Sartori, Coppedge). Therefore, the conceptualization of ideology faces two substantial challenges: (1) the placement of the concept in a more or less pragmatic/abstract continuum; (2) the specification of the consequences of adopting a particular normative approach for its empirical assessment.

Putnam emphasizes that “few concepts in social analysis have inspired such a flood of commentary as has ideology. Yet few have stimulated the production of so little cumulative knowledge. The lack of cumulation is the result of recurrent confusion

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<sup>93</sup> The data proceed from two Research Projects on the Legislative Elites in Latin America, fully quoted in the references, which contain excellent original information on the values and ideological positions of legislators from all parties present in the legislature in all Latin American countries, and also include time series variation. The specific items chosen from the large datasets available are described in Appendix 5.1.2.

of empirical with definitional issues and both with normative concerns” (1973: 31). In effect, the analysis of ideology demands not only a discussion of alternative and available conceptual choices, but also on the normative roots of these.

Due to the importance of normative, often underlying, assumptions in the study of ideology, it is crucial here to broadly discuss to what extent these affect the nature and scope of a further empirical analysis. Some well-established approaches to ideology may help in uncovering the assumptions I aim to revise, as summarized in the following:

*Table 31. Approaches and bases of some well-established theories of ideology*

Approach	Grounds	Representative authors
1-Programmatic approach	Ideologies provide answers to general principles of political ideas and offer specific policy orientations	Party Manifestos Project Coppedge Alcantara
2-Institutionalist approach	Electoral system characteristics plus the type of electoral competition shapes the ideological placement of parties	Lijphart Sartori
3-Historical institutionalism	Historical configuration of cleavages in the origin of the party system	Lipset and Rokkan Bartolini and Mair
4-Rational institutionalism	Spatial analysis: parties are vote seekers and are only ideologically oriented insofar as this enhances their attractiveness to the median voter	Downs
5-Macrocultural approach	Ideologies as matrices for the creation of collective conscience Ideology as a macroscopical consequence of attributing meanings to a range of interrelated political concepts; Postmaterialist shift: ideology loses power in the economic right-left axis, but is restructured in the more complex, crosscutting axis of immaterial values	Geertz  Freeden  Inglehart

The general picture of the approaches laid out above induces reflection on the elaboration and comprehension of what ideology is and how it operates, is closely linked to the comprehension of how political representation works. From this standpoint, the understanding of the mutual shaping of ideology by context and other political concepts providing support to the legitimacy of the political system become central. As Freedden puts it “political concepts acquire meaning not only through historically transferred traditions of discourse, but also through their particular location within a constellation of other political concepts” (1998: 54).

While these approaches generally differ more or less on whether ideology is a more or less abstract system of beliefs and values with some degree of pragmatic

reflection on alternative programmatic offers, one underlying assumption persists: that ideology can be grasped in a uni-dimensional space. This assumption is present in all these approaches except the historical institutional approach. The attention of this approach to the origin, context and evolution of meaningful political cleavages has proved essential to the understanding not only of how ideology is organized in certain societies, but also of how it operates in relation to the evolving social context. Conceptually, I will assess ideology as a multi-layered phenomenon that nonetheless materializes in specific systems of beliefs. These specific systems of beliefs have a strong country-specific content, whose reasons may vary from a differential use of language to the perception of social problems and varying meanings attributed to political concepts. This fact does not mean, however, that comparative analysis is unfeasible for ideology. Instead, whereas national context helps to frame the discourses and possibly heterogeneous systems of beliefs, comparative analysis can be produced through the elaboration of certain relevant common dimensions that shape the electoral competition and therefore determine the placement of parties in an ideological fashion.

Empirically, therefore, it follows that it is necessary to use a combined qualitative and quantitative methodology to measure ideology. The qualitative side accounts for the case-specific information that requires historical knowledge and the careful analysis of each case; the quantitative part will then make the study comparative and, thereafter, facilitate an analysis where ideology is an independent variable. First, I attend to case-specific patterns so as not to lose revealing information regarding the types and evolution of cleavages in each case. Thereafter, once those pieces of information are in place, I develop a comparative analysis where I elaborate on four dimensions of ideology, all meaningful to the four cases under analysis: (1) role of the State; (2) vision of society; (3) spatial distances between parties in the left-right scale; (4) vision of democracy. The analysis of such dimensions should be relational<sup>94</sup>. These dimensions correlate with both the analysis of ideology at the intra-party level and the inter-party or party system level (see Table 2 below).

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<sup>94</sup> The Party Manifestos Project represents great teamwork in which the content analysis of party programs was mainly thematic (See Budge and Laver, 1986; Keman and Pennings, 2000). Here, I opt for a combination between thematic and relational analysis of programmatic divides across parties, where the thematic perspective – connecting ideology with broader case-specific knowledge - is combined with a broader, comparatively oriented analysis of how the systems of beliefs are interrelated. Thus, I expect that the different sets of indicators above will cluster in meaningful relational axis (See Section 3).

Table 32 . Dimensions and indicators to measure ideology in four Central American countries

DIMENSION	VARIABLE	INDICATORS
Intra-party	Party cohesion	Degree of agreement over key ideological principles+ salience of an issue
	Role of State	1.1 Position towards dichotomy State-market 1.2 Degree of State intervention/regulation (which are the salient issues?) 1.3 Attitude towards public spending on social services 1.4 Attitude towards privatization of public services
	Vision of Society	2.1 Attitude towards abortion (individual decision versus State regulation) 2.2 Attitude towards divorce (individual decision versus State regulation)
	Vision of democracy	3.1 Evaluation of potential advantages of a democratic regime (in terms of regime legitimacy or regime effectiveness) 3.2 Democracy is preferable to any other regime or not 3.3 Belief on partitocracy as a vehicle of representation 3.4 Belief on elections as the key democratic mechanism 3.5 Preference for majoritarian vs. proportional electoral system 3.6 On the legalization of political parties
Inter-party	Electoral rules	4.1 Ballot system: closed vs. open lists 4.2 Average districts magnitude 4.3 Number of districts 4.4 Systematic reducing effect of electoral system 4.5. Electoral formula and existence of threshold
	Spatial distances in left-right scale	5.1 Self-placement of the interviewee in the left-right scale 5.2 Placement of the political party in left-right scale
	Cleavage formation and evolution	6.1 Age of party system (oldest parties in current party system) 6.2 Type of cleavages at the time of party system formation
Indicators for dimensions “Role of State”, “Vision of society”, “Vision of democracy” and “spatial distances” come from Research Projects on Elite positions in Latin America, fully quoted in the references. Original questions in the survey, measurement scales and years of the surveys are found in Appendix 5.1.2.		

In the building of the dimensions to measure ideology, three types of variables have been included: (1) Historical variables (such as the origin of the party system and the types of cleavages that organize political competition). (2) Institutional variables (such as the electoral system and the type of political competition). And (3) system of beliefs variables (such as the role of society, role of state, vision of democracy, and left-right).

The historical variables account for the ‘stickiness’ of the past into the present. The standpoint here is that the past affects the present via diverse mechanisms (which are not discussed here<sup>95</sup>). The hypothesis is that the existent cleavages (or ideological divides) are related to those that contributed to *freezing* certain political ideas into political programs. In

<sup>95</sup> Whether that mechanism is path dependence, critical junctures, institutional inertia, embedded political interests and clienteles in maintaining a status quo, etc, is not under discussion here. That question constitutes a separate query, given the great debate behind it. For further references, see Hall and Taylor (1996) and Immergut (1991).

other words, not only which, but also how, political ideas became intrinsic to political competition may be explained via attention to their historical development. Paying closer attention to the period when the party system emerged may therefore be informative as to which, and how, political discourses became meaningful dividing lines of political competition. Within this 'category' of variables, the age of the party system and the types of cleavages relevant at the time of its emergence are included. The age of the party system informs us as to the degree of institutionalization, as a general indicator of how grounded or volatile a party system is. The hypothesis is that the degree of institutionalization affects the way ideological competition is organized, which is complimentary to the second measure of this set of variables: the types of cleavages at the time of the party system formation. This latter variable is richer and provides substantive information about the original dividing lines of political competition in each party system under analysis.

Second, the inclusion of institutional variables attempts to relate the analysis of ideology to that of the determinants of the real actors' behavior. Party systems and parties have access to tools which allow them, alone, to move along the ideological spectrum independently of external forces. However, the electoral system, the number of seats to be elected and the type of electoral competition are all elements that may render such a degree of independence in strategy formation profitable or not. In fact, a particularly prolific literature in this field has for decades dealt with the question of what effects electoral systems have on party discipline, party cohesion and on party organization<sup>96</sup>. These dimensions are also components affecting the ideology of a political party. At the intra-party level, it has been learned that the structure of electoral lists (open, closed not blocked, closed and blocked) affects party cohesion significantly, and thus affects its position on certain issues. This fact brings about the question of the salience of issues, which is in principle the choice of each individual party, and only subsequently transferred to inter-party competition. Party cohesion, then, as a complex variable composed by the degree of agreement of partisans over the key political ideas the party flags, along with the salience of issues, is incorporated in the analysis.

At the inter-party level, the electoral system shapes political competition as much as the existing political parties do. The type of competition is shaped principally by the number of parties competing in a system, but also depends on whether the electoral system systematically favors big parties or not (as will be seen, in the end, the

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<sup>96</sup> For example, Cox (1997), Taagepera and Shugart (1989), Grofman and Lijphart (1986), Lijphart (1999), Sartori (1976).

three variables are strongly correlated). District magnitude, the electoral formula and the size of the electoral threshold (if present), have been shown to affect not only party politics but also the overall quality of democracy (Lijphart, 1984, 1994, 1999). This is so because of their powerful impact on political fragmentation and polarization, which are aggregate measures of how ideology works. As such, these components of the electoral system are included to measure the workings of ideology.

Finally, the third dimension is composed by the variables falling into the system of beliefs category. These represent the meaningful ideological issues chosen as the key points common to the four countries under analysis. At this macro-level of analysis, the diffusion of patterns of political competition in the geographical area under examination (just as in Europe, for example)<sup>97</sup> must be acknowledged. For instance, the indicator 'Vision of democracy' attempts to capture the normative division between a vision of democracy as an end in itself, and a vision of democracy as a tool for other (usually economic) objectives (growth, stability, commerce, etc). Given that the transitions to democracy in the cases under study (the Central American region) have taken place relatively recently, a sharp division between parties regarding how do they assume a democratic regime to work is expected to be a significant and revealing ideological dimension. In fact, particularly given the way in which transitions to democracy took place in the region, that is without a parallel process of profound elite renovation, it is relevant to the analysis of ideology to check whether a legitimate function is given to democracy or, instead, a functional view.

The second dimension in the 'system of beliefs' is 'the role of the State'. This dimension attempts to capture the division of parties in ideological terms between the supporters of State intervention in the economy and the supporters of a more minimal version. This dimension is relevant to understanding the specific political discourses of each party, since it is a particularly dividing line of competition between parties in Latin America. Indeed, this cleavage was present in most countries of the region when the party systems emerged, and continues as an important dividing idea throughout the history of democracy in the region<sup>98</sup>.

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<sup>97</sup> Diffusion not only affects the existence and particular salience of some issues across the region at certain periods of time (as happens in Europe), but also the waves of political reform in the region from their direct experience of managing conflict. Many scholars have indeed benefited from the revival of using diffusion as a tool to spread means of democratization via advice on reform of institutional design, as an example of the importance of this pattern of spreading knowledge.

<sup>98</sup> I am referring here to the split between 'Liberals' and 'Conservatives', as the main political forces, originating just after the wars of independence in the region (1820-1830).

The third and final dimension is ‘Vision of society’. This dimension aims to capture whether a more ‘collectivist’ or ‘individualist’ vision of society is underscored in the ideological principles of the parties. The inclusion of this information may contribute to detail the relational axis of ideology. The natural source for information on this dimension would be the documents where the ‘ideological principles’ of the party are stated. However, the unavailability of such ideological principles for every party in every case (especially Panama<sup>99</sup>) has led me to search for other possible sources. Two questions in the survey, related to attitudes towards abortion and divorce, were worded precisely in terms of ‘collectivism’ (regulation of divorce or abortion by society) versus ‘individualism’ (individual decision).

5) - COUNTRY PATTERNS: FOUR CENTRAL AMERICAN CASES

“Ideologies, as actual practices of political thinking which never attain the total determinacy (and lucidity) of counterfactual thought, mix and balance the various concepts. The real question then is not, ‘is there a mix?’ but ‘what is the range of mixes?’”<sup>100</sup>

A key commonality to all the cases is that, generally speaking, two cleavages were present at the founding moment of the parties: (1) full democracy versus ‘façade democracy’ and; (2) left-right divisions in Latin American politics (i.e. ‘Liberals’ versus ‘Conservatives’). The evolution of the party systems in these four countries (Alcantara and Freidenberg, 2001; Alcantara, 2004), however, shows that the “old” party system was forced to readapt in the face of relatively new political forces which are currently gaining more representation. This fact contributes to the need to address country-specific patterns in more detail, which now follow in specific subsections devoted to each of the countries. In the country analyses, I first carry out a factor analysis as a general tool to capture clusters among values on the dimensions employed to measure

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<sup>99</sup> Panama is a special case in which, despite the parties being relatively old institutions, not all have a single document setting out the ideological principles of the party. The author exhausted all possible sources where these documents could be present. The case, it seems, is that the most similar documents parties produce to flag some ideological ideas as opposed to others, are in the electoral programs of each electoral event.

<sup>100</sup> Freeden. M. (1996: 40).

ideology<sup>101</sup>. Then, I attempt to capture a more general explanation of the ideological placement of parties in each of the countries through regression analysis. The analytical strategy is identical for all cases, in order to facilitate comparative analysis after detail has been gathered.

### 3.1.)- PANAMA

Panama is the youngest democracy of the cases under analysis, and no truly systematic analysis of the party system in ideological terms exists<sup>102</sup>. This fact is partly due to the difficulty of gathering information about the ideological principles and positions of the political parties. In addition, the party system in Panama is highly volatile in terms of frequent coalition building and rebuilding, which is particularly *ad-hoc* for every electoral event. Generally speaking, the party system is strongly organized in a ‘bipolar’ fashion (Alcantara, 1999), around the ‘old’ Partido Revolucionario Democrático (PRD), founded in 1979 and the ‘new’ coalition under the umbrella of Partido Arnulfista (PA), founded in 1991 (García Díez, 2001). A first exploratory analysis of how the variables within each of the dimensions described above cluster follows, using factor analysis for both the inter-party and intra-party levels<sup>103</sup>:

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<sup>101</sup> Factor analysis is employed to detect the underlying structure of data with respect to factors, or dimensions, which depict the number and weights of each dimension.

<sup>102</sup> But see Otero Felipe (2003) and García Díez (2003).

<sup>103</sup> The intra-party analysis includes, for all cases, the big parties as separate categories, with the category Others created from the low sample size of cases for other small parties. I have attempted to create a typology that is sensitive to each case. This typology is included, together with the acronyms of the parties, after the Bibliography at the end of the thesis.

Table 33. Factor analysis by dimension at the inter-party and intra-party level for Panama

Dimension	Interparty: all cases n=63		Intraparty: PRD n= 29		Intraparty: PA N= 20		Intraparty: others n= 14	
Role of State  Total variance: Interparty: 52% Intraparty PRD: 72% Intraparty PA: 70% Intrapart Other: 79%	<b>Factor 1</b> (21%): -Labor policies -Pension policies - Environm. Policies	Loads: .81 .63 .56	<b>Factor 1</b> (22%): - Housing policies - Educatio n3 - Unempl oyment subsidie s	Loa d .86 .62 .82	<b>Factor 1</b> (28%): - Educatio n 1 and 2 -Health care policies - Environ m. Policies	Lo ad .90 .80 .91	<b>Factor 1</b> (25%): -Health care polic. - Educatio n3 - Unemplo y. Subsidie s -Control prices	Loa d .79 .72 .73 .70
	<b>Factor 2</b> (19%): -Housing policies - Education 3 - Unemplo ym. subsidies	Loads: .81 .67 .66	<b>Factor 2</b> (18%): -Pension - Environ m. Policies	Loa d .87 .90	<b>Factor 2</b> (23%): -Labor policies - Pensions - Educatio n3 - Unempl oy. Subsidie s	Lo ad .77 .73 .65 .64	<b>Factor 2</b> (24%): -Labor policies - Pensions - Environ m. policies	Loa d .72 .90 .62
		<b>Factor 3</b> (16%): - Educatio n 1 and 2		Loa d .78		<b>Factor 3</b> (19%): -Control prices - Housing policies		Lo ad .87 .87
	<b>Factor 3</b> (12%): -Control prices	Loads: .95	<b>Factor 4</b> (15%): -Labor policies	Loa d .95				<b>Factor 4</b> (14%): -Housing policies

Vision of society	<b>Factor 1 (66%):</b> -Attitude divorce: .81 -Attitude abortion: .81	<b>Factor 1 (60%):</b> -Att. divorce: .77 -Att. abortion: .77	<b>Factor 1 (77%):</b> -Att. divorce: .88 -Att. Abortion: .88	<b>Factor 1 (61%):</b> -Att. Divorce: .78 Att. Abortion: .78					
Vision of democracy  Total variance: Interparty: 50% Intraparty PRD: 76% Intraparty PA: 54% Intrapart Other: 61%	<b>Factor 1 (29%):</b> -Regime legitimacy vs. effectiveness - Partitocracy (belief on) - Legitimacy of elections -Ideal electoral sys.	Load .62 .58 .65 .52	<b>Factor 1 (27%):</b> -Regime legitimacy vs. effective -Ideal elect. sys.	Load .85 .78	<b>Factor 1 (30%):</b> -Partitocracy -Legaliz. of parties	Load .73 .71	<b>Factor 1 (35%):</b> -Regime legitimacy vs. effectiveness - Legitimacy of elections	Load .89 .73	
			<b>Factor 2 (25%):</b> - Partitocracy - Legitimacy elections	Load .73 -.71	<b>Factor 2 (24%):</b> -Regime legitimacy vs effective -Ideal electoral sys.	Load .76 .60	<b>Factor 2 (26%):</b> - Legalization of parties	Load .75	
		<b>Factor 2 (21%):</b> - Legalization of parties	Load .90	<b>Factor 3 (23%):</b> - Legalization of parties	Load .92				
<p>Notes: Factor analysis using Principal components method of extraction (eigenvalues over one) and varimax rotation. The loadings given above belong to the rotated solution. Next to the factors, between parentheses, the percentage of variance captured by that factor.</p> <p>In Role of State: Education 1 and 2 stands for “Intervention of State in Primary and Secondary education”; Education 3 stands for “Intervention of Sate in University education”.</p>									

Two general patterns are clear from the results presented above: first, most of the variables chosen are salient, capturing variance at both the inter-party and the intra-party level. Second, none of the factors in each dimension capture a significantly higher variance than any other, indicating that all factors, or underlying political divides, are equally important. This fact is probably a consequence of the indeterminate shape (or morphology) of political competition between parties in this country. The variables that

capture the highest percentage of variance are those two on the dimension Vision of society, particularly for the PA. In general, regarding the dimension role of State, it is seen that the variables are pooled: at the inter-party level, all the factors ranged between the typical welfare capabilities of a State (such as unemployment subsidies, pensions, basic education, control prices, labor policies) and the more 'postmodern' set of values (university education, environmental policies) combine in a mixture. At the inter-party level, the two big parties compete on the same policy principles, with the exception of the emphasis of the PA on State intervention on healthcare and inflation control, whereas the PRD instead emphasizes State intervention on housing and labor policies. The other parties obviously also include all these policy areas in their principles, in different mixtures, due to the bipolar fashion of the party system and the difficulties imposed by the electoral system on new parties entering the legislative arena<sup>104</sup>. Finally, concerning the dimension vision of democracy, the factor analysis shows that the variance captured at the inter-party level is not as high as that captured by the factors for the PRD, indicating a higher importance of this dimension for that party. Overall, a remarkable result is that all the variables of that dimension significantly contribute to defining the positions of parties. The most common significant variable at all levels is the legalization of parties (which is indeed negatively correlated to belief in parties as the vehicles of representation). In addition, the variable 'ideal electoral system', portraying the attitude towards a more 'majoritarian' or 'proportional' democracy, is a constant in its contribution to explain the structure of this dimension at all levels of analysis. Both issues are indeed hot topics in the political life of Panama and this preoccupation has translated into an intense political reform that is never considered satisfactory by all parties<sup>105</sup>.

A more detailed analysis of what defines ideological placement in Panama required non-linear models, indicating that, in effect, the dividing lines of competition are not parsimonious, being neither linear nor additive, but different shapes of various layers of political ideas. I used an ordinal regression that uses as the sorting (ordering) variable the mode of the ideological placement of parties.

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<sup>104</sup> In Section 4 I will consider institutional variables such as the effects of the electoral system on the party system.

<sup>105</sup> Electoral reform has many faces in Panama: from the reform of the electoral threshold, to the adoption of a complex mixed electoral system, to the reform of district magnitude, all aiming at opening possibilities for small parties to enter the legislative arena. Pragmatically, those reforms also aimed at creating majority governments, which has traditionally been a problem in the country's political life. For an excellent review of the types of electoral reforms in the country and their effects, see Garcia Diez, 2001.

*Table 34. Ordinal regression with sorting variable mode of ideological placement by party, Panama*

Thresholds <sup>106</sup>	Variables	Coefficients	Model fit
Mode= 5 then -11.616 Mode=6 then -9.941	Market versus State State intervent. Control prices State intervent. Education 1 and 2 State intervent. Housing policies State intervent. Labor policies State intervent. in Unemployment subsidies Public spending on Safety Public spending on Education Public spending on Defense Public spending on Pensions Public spending on Unemployment subsidies Attitude towards divorce Attitude towards abortion	-.83** .97** -1.42* -1.34*** -1.1** .98*** 2.3* -5.62*** -1.27** 2.26*** -.57 -.54** .81**	Pseudo-R sq (Nagelkerke)=.66 Intercept-only Likelihood= 99.27 Likelihood with variables (2) =58.73 n= 47 Link function: Probit Significance= 0.000
* Significance at the 0.10 level; ** Significance at the 0.05 level; *** Significance at the 0.01 level. As before, Education 1 stands for “Intervention of State in Primary education”; Education 2 stands for “Intervention of State in Secondary education”; Education 3 stands for “Intervention of Sate in University education”.			

The distances between the parties along the dimensions is the first piece of information, yielded by the thresholds. The thresholds are calculated within the interval ( $+\infty$  and  $-\infty$ ), so that -11 denotes the interval between  $-\infty$  and -11, which is spatially covered by the PRD; between -11 and -9, the PA, and the other parties are between -9 and  $+\infty$ . This means that the PRD and the PA are spatially very close, which is precisely why we may speak of a bipolar organization of the party system (Sartori, 1976, Ch. 6). The second piece of information is that the other parties are not competing for the same electorate, but can only aim at building coalitions, because their ideological placement is outside the area of the two traditional parties' monopoly.

Combining these results with those from the factor analysis, will allow a better understanding of the ideological divides in this country. The general lesson is that the political divides in Panama are largely based on the role of State and on the vision of society dimensions, since no variable from the dimension vision of democracy shows significance in the more complete analysis from the ordinal regression. The most

<sup>106</sup> I used the mode of the ideological placement of parties in the left-right scale due to a high dispersion in the responses for this question (therefore the mean or the median are not good predictors of the distribution; See Appendix 5.2). In this case, mode=5, corresponds to the PRD; mode=6, to the PA and mode=7 to 'others' (compared implicitly by the model, so that the last threshold is the difference between the PA and others in spatial terms when taking into account the dimensions under study).

powerful issues, where all parties compete, are education, labor policies and housing. Other key policy areas where parties need to take a position are Safety policies and Pensions. Clearly, the first group of policies has a strong electoral flavor, since they involve the sorts of promises parties make to citizens that they can change the situation of the poor (labor policies), plus benefit the middle classes (public education at all levels). The second group of policies, however, seems more target-oriented, in the sense that pension policies favor older electors and safety policies favor the wealthy. In sum, the Panama party system seems to have a low profile in the definition of key political divides, although the role of the State dimension has showed relevance and explanatory capacity, and the distances between parties is small, most likely as a strategy to hold a monopoly of the political center.

### *3.2.) - GUATEMALA*

Guatemala is a multiparty democracy where the ‘old’ party system is disappearing in a slow but deep process of political change (Ajenjo and Garcia in Alcantara and Freidenberg, 2001). One of the most volatile party systems of the region (the average volatility rate for the 1990s was 66%), the party system faces reorganization at every electoral event. Whereas at the origin of the party system the main cleavage was façade democracy versus pluralist liberal democracy, the current party system is organized around other key dividing issues. As before, I employ factor analysis to detect how the several components of each dimension cluster together in meaningful ways.

Table 35. Factor analysis by dimension at the inter-party and intra-party level for Guatemala

Dimensions	Interparty: all cases		Intraparty: FRG		Intraparty: PAN		Intraparty: LEFT <sup>107</sup>		Intraparty: OLD party system <sup>108</sup>	
Role of State	<b>Factor 1</b> (26%):	Load	<b>Factor 1</b> (32%):	Load	<b>Factor 1</b> (23%):	Load	<b>Factor 1</b> (36%):	Load	<b>Factor 1</b> (30%):	Load
Total variance: Interparty: 5.15%	- Educ3	.77	-Labor policies	.77	-Educ1	.82	-Labor policies	.78	-	.93
Intraparty: FRG: 60%	- Educ2	.63	-	.72	- Environm policies	.81	-	.83	Health care	.91
Intraparty: PAN: 63%	-Labor policies	.62	- Educ3	.70	-		-	.84	-	.80
Intraparty: LEFT: 70%	-Unemployment subsidies	.64	- Unemplo. subsidies				Unemplo subsidies		-	
Intraparty: OLD party system: 75%					<b>Factor 2</b> (21%):	Load	<b>Factor 2</b> (19%):	Load	<b>Factor 2</b> (23%):	Load
					-Labor policies	.78	- Environm policies	.70	-	.87
					- Unemployment subsidies	.83	- Control prices	.63	Control prices	.73
									- Educ3	
	<b>Factor 2</b> (25%):	Load	<b>Factor 2</b> (27%):	Load	<b>Factor 3</b> (18%):	Load	<b>Factor 3</b> (14%):	Load	<b>Factor 3</b> (21%):	Load
	- Educ1	.79	-	.86	-	.82	-	.90	-	.87
	- Environmental policies	.78	-Health care	.75	- Educ2	.76	Health care		- Unemployment subsidies	
	-Health care	.62	- Environm	.83	- Educ3	.61				.76
					- Control					

<sup>107</sup> In the factor analysis of the dimension Vision of democracy, the questions “Do you think democracy is always preferable even under tough circumstances?” and “Should all parties have the possibility to be legalized, even if they have an antidemocratic character?”, were deleted from the analysis because they are constants (all respondents of the left parties agreed on the positive response).

<sup>108</sup> In the factor analysis of the dimension Role of State, the variable “Education1” was deleted from the analysis for these parties, because it is a constant (all respondents agreed that a maximal State intervention should be allowed in that policy area).

			police s		l prices				- Educ2	
Vision of society	<b>Factor 1</b> (61%): -Att. Divorce:.78 - Att.Abortion:. 78	<b>Factor 1</b> (56%): - Att.Divorce:. 75 - Att.Abortion: .75	<b>Factor 1</b> (58%): - Att.Divorce:. 76 - Att.Abortion :.76	<b>Factor 1</b> (66%): - Att.Divorce: .81 - Att.Abortion .81	<b>Factor 1</b> (74%): -Att. Divorce:.86 - Att.Abortion: .86					
Vision of democracy Total variance Interparty: Intraparty:FRG: 72% Intraparty:PAN: 60% Intraparty:LEFT: 77% Intraparty:OLD party sys: 76%	<b>Factor 1</b> (20%): -Demo/ critic convictio n - Legalizat . of parties	Loa d .77 .70	<b>Factor 1</b> (28%): -Ideal elect. sys. - Legaliz at of parties	Loa d .77 .80	<b>Factor 1</b> (22%): -Ideal elect sys - Regime legitim acy vs effectiv e	Load .71 -.70	<b>Factor 1</b> (48%): - Regim e legitim acy vs effectiv e - Partito c/ racy	Load .97 .97	<b>Factor 1</b> (26%): - Regime legitim ac vs effectiv e - Democ r convict ion	Loa d .86 .88
	<b>Factor 2</b> (20%): - Partitocr acy - Legitima cy of elections	Loa d .78 .70	<b>Factor 2</b> (23%): - Regime legitim acy vs effectiv e	Loa d .92	<b>Factor 2</b> (20%): Legitim acy of election s - Legaliz of parties	Load .76 .69	<b>Factor 2</b> (29%): -Ideal elect sys - Legiti m/ acy of electio ns	Load .82 .68	<b>Factor 2</b> (25%): -Ideal elect sys - Legaliz of parties	Loa d .75 .77
	<b>Factor 3</b> (18%): -Dem. Legitima cy vs effective . - Legitima cy of elections	Loa d .82 .65	<b>Factor 3</b> (20%): - Partitoc ra Legitim acy of election s	Loa d .86 .68	<b>Factor 3</b> (18%): - Partitoc ra c y	Load .87			<b>Factor 3</b> (24%): - Legitim ac of election s - Partitoc r/ r/	Loa d .90 .77

									acy	
<p>The method used was Principal component analysis (eigenvalues over one) with Varimax rotation of the factors. This is the solution given). Between parentheses next to each factor, the percentage of variance that factor explains.</p> <p>In Role of State: Education 1 stands for “Intervention of State in Primary education”; Education 2 stands for “Intervention of State in Secondary education”; Education 3 stands for “Intervention of Sate in University education”.</p>										

The factor analysis for Guatemala shows one clear pattern concerning the dimension role of State: there is a clear divide between poverty alleviation policies (education, labor policies, unemployment subsidies) and the intervention of the State on infrastructure (healthcare, control of inflation). This is a common pattern both at the inter-party level and at the intra-party level, showing that these variables in effect contribute to shape political competition. A remarkable result in this dimension is that the pattern of responses clusters more clearly for the left and old party system parties than for the others, thereby placing the two most extreme sets of parties in the left-right scale along this dimension. This is a good indication that this is a structural cleavage shaping the political competition in Guatemala, since it has been not only present across time but also across the two extremes of the left-right scale.

Concerning the dimension vision of society, the same pattern as the previous case is displayed: there is a single underlying dimension, both at the inter-party and intra-party levels and the percentage of variance captured is large, that is, this dimension matters at both levels. Unsurprisingly, this dimension is more defining (the percentage of variance captured is higher) for the old party system parties (placed in the far right), and likely indicates the presence of a secularism-Catholicism cleavage.

Finally, the dimension vision of democracy is also meaningfully clustered into three factors at the inter-party level, with a high importance for regime legitimacy versus effectiveness and conviction on democracy (with the two highest loadings). This fact is revealing of the problematic democratic institutionalization the country faces, which probably stems from a weak appropriation of democratic rules by the elite. At the intra-party level, again the left and the old party system parties share a common pattern: a very high variance is captured by this dimension, showing that a structural cleavage exists around this attitudinal vision of democracy, and that this is stable across time (the left being a new actor and the old parties actors more established).

Other variables within the factors that display high loadings and thus structure the internal positioning of parties, are those related to the more tangible institutional structure, i.e.: legalization of parties, ideal electoral system and belief in partitocracy (parties as the vehicles of political representation). This shows that these variables denote a real and powerful splitting line between those who support a ‘majoritarian efficient’ democracy and those who support a ‘proportional all-inclusive’ democracy. It seems that the FRG and the left parties agree on opening the barriers of entry to the party system (the variables legalization of parties and ideal electoral system are positively correlated), whereas for the PAN and the old parties, a negative correlation is in place. This latter position reflects a positive view on a majority electoral system plus high barriers to the entry of new parties.

Contrary to the Panamanian case, linear models display both significance and explanatory power for Guatemala. The results follow in Table 36.

*Table 36. Regression analysis with dependent variable ideological placement of parties, Guatemala*

Models	Variables	Coefficients	Fit of the model
<b>Dimension Role of State</b> Model 1: Independent variables Intervention of State	State interv. on Housing policies	-.48*	R square = .027 P-value= .057 n= 135
Model 2: Independent variables Public spending priorities	Public spending on Health care Public spending on Defense and Military Public spending on Pensions	-2.8 2.51*** -.79*	R square= 0.113 P-Value= 0.007 n=120
Model 3: Independent variables attitude towards privatization and market-State dichotomy	Market vs State Att. Towards privatization	.33** -.50***	R square= .011 P-value= .001 n= 133
Model 4: Independent variables all (saturated model)	Att. Towards privatization Market vs State State interv. on Housing Public spending on Health care Public spending on Defense and military Public spending on Housing	-.66*** .42*** -.68** -4.67** 2.25*** 1.75**	R square= .266 P-value= 0.000 n=122
<b>Dimension Vision of Society</b> Model 1: Saturated (both variables: attitude towards divorce and abortion indep.)	Att. Towards divorce	.34*	R square= .023 P-value= .082 n= 135
<b>Dimension Vision of democracy</b> Model 1: Saturated model (all variables of this dimension as indep. vars.)	Regime legitimacy vs effectiveness Conviction on democracy Ideal electoral system Legalization of parties	-.51 -1.12 .62*** .81	R square= .09 P-value= .022 n= 135

<b>Saturated model (all dimensions)</b>	Market vs State	.48***	R square= .34 P-value= .000 n= 122
	Att. Towards privatization	-.60***	
	State interv. on Housing	-.62**	
	Public spending on Health care	-5.82***	
	Public spending on Defense and Military	3.02***	
	Public spending on Housing	1.96**	
	Ideal electoral system	.66***	
Regression models using backward method (using sig. 0.10 level to drop variables). * Significance at the 0.10 level; ** Significance at the 0.05 level; *** Significance at the 0.01 level.			

The most noteworthy results from these regressions are two: first, the variables that strongly determine power over the ideological left-right scale (that is, the number of layers that overlap with the left-right dimension) are mainly related to the Role of State and Vision of democracy dimensions. Particularly, public spending on healthcare, defense and housing and the belief in democracy display very robust results, showing significant and powerful relationships under any specification. More specifically, by attending to the signs of the coefficients, we see that the more the parties shift to the right, the more they tend to support public spending on Defense and the Military and Housing policies, and are more pro-market concerning the regulation of the economy and finally they are pro-majoritarian electoral systems. Instead, the more they shift to the left, the parties support heavy public spending on Health care policies, they reject massive privatization of public services and they are more convinced over democracy as the best regime under any circumstance.

The second important result is that the dimension vision of society has a very low explanatory power with regard to the ideological placement of parties, showing, as in the factorial analysis, that the secularism-Catholicism cleavage has a low profile for the definition of ideology (there is a cleavage but it is not very strong).

Finally, the results from the ordinal regression show a very strong explanatory power for, mainly, the same variables that appeared as robust and relevant in the linear models, especially the public spending priorities (Health care on the left and Housing and Defense on the right). In addition, variables from all dimensions appear in this specification, reflecting the multilayered nature of ideology in this country.

*Table 37. Ordinal regression with sorting variable mode of ideological placement by party, Guatemala*

Thresholds <sup>109</sup>	Variables	Coefficients	Model fit	
Mode=2 then -3.78	Market vs State	.46***	Pseudo-R sq (Nagelkerke) =.445 Intercept-only Likelihood=322.44 Likelihood with variables (2) =264.84 (Chi-square=57.6) n= 104 Link function: Probit Significance= 0.000	
Mode=5 then -2.64	Attitude towards privatization public servs.	-.46***		
Mode=5.5 then -2.1	State interv. on Housing	.35*		
Mode=6 then -1.22	State interv. on Education 2	-.48***		
	State interv. on Unemploym. Subsidies	-.34***		
	State interv. on Labor policies	.08		
	Public spending on Health care	-3.9***		
	Public spending on Housing	1.07**		
	Public spending on Unemploym. Subsidies	.21		
	Attitude towards abortion	.49***		
	Regime legitimacy vs effectiveness	.43*		
	Belief on partitocracy	-.15		
	Conviction on democracy as best regime	-.41		
Attitude towards Legalization of parties	.38			
* Significance at the 0.10 level; ** Significance at the 0.05 level; *** Significance at the 0.01 level. As before, Education 1 stands for “Intervention of State in Primary education”; Education 2 stands for “Intervention of State in Secondary education”; Education 3 stands for “Intervention of Sate in University education”.				

The thresholds show that the distances between the parties are relatively small, reflecting a centripetal competition between the FRG, the old parties and the DCG, thus leaving a large space towards the left for the set of left parties, with the right exclusively occupied by the PAN. This may be indicative of a biased perception of the interviewees of their own party’s placement, or a tendency to place their party more towards the center than it really is (this seems to be the case for the FRG).

<sup>109</sup> I used the mode instead of the mean or the median due to the wide dispersion of responses to these questions (See Appendix 2). For Guatemala, the modes above correspond to the following parties: mode=two, Left parties; mode=5, FRG; mode=5.5, Old party system parties; Mode=6, DCG and the last category is mode=7, PAN (so the last threshold is the cutting point between the interval occupied by the DCG and that occupied by the PAN).

### 3.3.) - HONDURAS

Honduras is a stable bipartisan democracy in which the two largest parties have been in existence since the end of the nineteenth century. As in the other cases, a slow but deep restructuring of the party system has taken place since the entrance of three smaller parties (between the mid and late 1980s). A curious characteristic of the Honduran party system is that, despite this plurality of parties which breaks the bipartisan character of competition, the center of the political spectrum is towards the right<sup>110</sup>. A first explorative analysis using factorial analysis follows below:

*Table 38. Factor analysis by dimension and at the inter-party and intra-party level for Honduras*

Dimension	Interparty level (n=235)		Intraparty: PLH (n=112)		Intraparty: PNH (n=105)	
	Factor 1 (38% of variance)	Loadings:	Factor 1 (35% of variance)	Loadings:	Factor 1 (32% of variance)	Loadings:
Role of State	-Education 2	.70	-Control prices	.63	-Control prices	.57
	-Education 3	.80	-Health care	.66	-Housing	.85
Total variance: Interparty: 51% PLH: 60% PNH: 57%	-Unemployment policies	.57	-Education 3	.68	-Labor policies	.82
			-Unemployment policies	.72	-Unemployment policies	.77
	Factor 2 (13% variance)	Loadings:	Factor 2 (25% variance)	Loadings:	Factor 2 (24% of variance)	Loadings:
	-Housing policy	.77	-Education 1	.80	-Education 1	.72
	-Labor policies	.89	-Education 2	.72	-Education 2	.81
	-Health care	.53	-Environment	.78	-Environment	.74
Vision of society	Factor 1 (63% variance)	Loadings:	Factor 1 (61% variance)	Loadings:	Factor 1 (64% variance)	Loadings:
	-Att. Abortion	.79	-Att. Abortion	.78	-Att. Abortion	.80
	-Att. Divorce	.79	-Att. Divorce	.78	-Att. Divorce	.80

<sup>110</sup> The ideological positions of the interviewees in the left-right scale (1 to 10, respectively) is more radicalized when they self-place (occupying the whole ideological spectrum), than when they locate the parties they belong to. The range of the latter was between 4 and 8, therefore placing the center of the left-right spectrum at 6.26 (slightly to the right).

Vision of democracy Total variance: Interparty: 45% PLH: 47.6% PNH: 68%	<b>Factor 1</b> (23% variance) -Partitocracy -Ideal elect.sys.	Loadings: .78 -.51	<b>Factor 1</b> (24% variance) -Legitimacy of elections -Legalization of parties	Loadings: -.59 .73	<b>Factor 1</b> (24% variance) -Partitocracy -Legitimacy of elections	Loadings: .78 .68
	<b>Factor 2</b> (22% variance) -Regime legitimacy vs effectiveness -Legalization of parties	Loadings: .61 .68	<b>Factor 2</b> (23% variance) -Ideal elect.sys. -Partitocracy	Loadings: -.80 .59	<b>Factor 2</b> (23% variance) -Ideal elect. sys. -Legalization of parties	Loadings: .74 .71
					<b>Factor 3</b> (21% variance) -Regime legitimacy vs effectiveness	Loadings: .87

Note: Only the PLH and PNH have been included here due to the small sample size for the other parties (See Appendix 1).

The method used was Principal component analysis with Varimax rotation of the factors (this is the solution given).

In Role of State: Education 1 stands for “Intervention of State in Primary education”; Education 2 stands for “Intervention of State in Secondary education”; Education 3 stands for “Intervention of State in University education”.

Concerning the dimension role of State, there are two key issues where almost all interviewees agreed that maximal State intervention should be assured: education (at all levels, but especially primary and secondary) and environment. Therefore, these are crosscutting cleavages affecting all parties. More divisive issues are State intervention on housing and labor policies, which is largely relevant to the PNH.

The general overview at the inter-party level is that the factors capture the positions of parties towards three types of public goods. The first factor is related to poverty alleviation policies (unemployment subsidies) and development policies (education being the key tool for this); the second factor is representative of the infrastructure needs of the country (specifically, housing and hospitals). Overall, the factors show that there is a strong agreement across parties that State intervention is necessary in key public goods (the best example here is education), but also that State

intervention on purely economic issues should be limited (price control does not appear for any group analyzed).

Concerning the dimension Vision of democracy, the results show that this dimension has a low profile for explaining ideological differences between parties in Honduras<sup>111</sup>: it is not largely divisive. The only cleavage between parties in this dimension is a particular potential political reform: the ideal electoral system. Whereas the PLH, who has been the party in government during most of the country's democratic experience, is significantly pro-majority electoral system. In correlation with a strong belief in political parties as vehicles of representation, the PNH is in favor of a relaxed barrier system for new parties in combination with a pro-proportionality position.

Finally, the vision of society dimension also displays a single factor, capturing relatively high variance with its internal indicators scoring equally. The variance captured is highly homogeneous across the groups, showing that a broad agreement between parties exists in this dimension.

A second exploratory analysis was made with the linear regressions presented below, in order to detect which are the key issues by dimension that define ideology in Honduras.

*Table 39. Regression analyses with dependent variable ideological placement of party, Honduras*

Models	Variables	Coefficients	Fit of the model
<b>Dimension Role of State</b>			
Model 1: Independent variables Intervention of State	Education 1 Education 2 Health care	-.60* -.40** .78*	R square = .037 P-value= .068 n= 234
Model 2: Independent variables Public spending priorities variables	Infrastructures Health care Education	1.20*** 2.24** 1.93***	R square= 0.19 P-Value= 0.000 n=144
Model 3: Independent	Market versus State	.35***	R square= .095

<sup>111</sup> Agreement that elections are the best democratic mechanism, that democracy is preferable to any other regime, and that all parties must have the opportunity to legalize is maximal, indicating that these issues are 'valence' issues or that no party opposes. Therefore, they were not included in the analysis (because they are constants).

variables attitude towards privatization and market-State dichotomy	Attitude tow. Privatiz	-.41***	P-value= .000 n= 238
Model 4: Independent variables all (saturated model)	Public spending on Infrastructures Public spending on Defense Public spending on Health care Market versus State	.94** 1.72*** 2.37** .52***	R square= .255 P-value= 0.000 n=155
<b>Dimension Vision of Society</b> Model 1: Saturated (both variables: attitude towards divorce and abortion indep.)	Attitude towards divorce	.55***	R square= .041 P-value= .002 n= 237
<b>Dimension Vision of democracy</b> Model 1: Saturated model (all variables of this dimension as indep. vars.)	'Ideal' electoral system Legalization of parties	.43** .50*	R square= .04 P-value= .012 n= 232
<b>Saturated model (all dimensions)</b>	Market versus State Public spending on Infrastructures Public spending on Health care Public spending on Defense	.47*** .78** 3.55*** 2.04***	R square= .28 P-value= .000 n= 154
Regression models using backward method (using sig. 0.10 level to drop variables). * Significance at the 0.10 level; ** Significance at the 0.05 level; *** Significance at the 0.01 level.			

The results confirm that every dimension explains some variance, and therefore that ideology in Honduras is a multilayered phenomenon. The last model logically yields the greatest variance explained when all the variables from all three dimensions are included; however, only variables of the dimension role of State remain significant, both altogether and individually. Public spending on infrastructure, healthcare, and defense, plus a relatively weak but positive belief in State intervention in the economy, characterizes the parties to the right, with the healthcare and defense sectors scoring particularly strongly. The final model is, as for the previous cases, the ordinal regression.

*Table 40. Ordinal regression with sorting variable mode of ideological placement of each party, Honduras*

Thresholds <sup>112</sup>	Variables	Coefficients	Model fit
Mode= 2 then 1.57	Market versus State	.46***	Pseudo-R sq (Nagelkerke)=.357 Intercept-only Likelihood= 233.91 Likelihood with variables=182.51 n= 240 Link function: Probit Significance= 0.000
Mode=3 then 1.78	Attitude towards privatization	-.23*	
Mode=4 then 1.86	Intervention of State in Labor policies	.48***	
Mode=5 then 4.017	Intervent. State in Education 2	.42*	
	Intervent. State in Education 3	-.50*	
	Public spending Infrastructures	.56*	
	Public spending Health care	1.74**	
	Public spending Defense and Military	1.07***	
	Public spending Pension system	-.60**	
<p>* Significance at the 0.10 level; ** Significance at the 0.05 level; *** Significance at the 0.01 level. As before, Education 1 stands for “Intervention of State in Primary education”; Education 2 stands for “Intervention of State in Secondary education”; Education 3 stands for “Intervention of State in University education”.</p>			

The thresholds show that, the parties in Honduras are concentrated in a rather small ideological space. The historical monopoly of government by the PLH clearly dominates the pattern of competition: all three new parties gather around the space occupied by the PLH, slightly towards the left, while the PNH occupies the space to the right.

Regarding the coefficients, the results here confirm the previous ones: the dimension role of State has a strong effect in defining the ideological placement of parties in the left-right scale, reflecting an overlap between the left-right scale and the other dimensions included. Particularly, the parties towards the left side of the ideological spectrum support significant State intervention in University education and the pension system and oppose the privatization of public services. The parties towards the right, the two traditional parties, place their priorities on policies involving infrastructural investments, such as health care, labor and defense. In sum, therefore, there is agreement in the Honduran party system that the State should have an active role in welfare provision, but there is a disagreement over the key priorities. In addition, there is a broad agreement on the vision of society and a rather majoritarian vision of democracy. The conclusion is therefore that the left-right divide plus the role of State have the strongest power in explaining the morphology of ideology in Honduras.

<sup>112</sup> The thresholds I use are the modes of the ideological placement of each party in the left-right scale due to a high dispersion of the responses for this question (See Appendix 2). Above, mode=2, corresponds to the PUD; mode=3, to the PDCH; mode=4, to the PINU; mode=5, to PLH and mode=8, PNH (this last one implicit in the model in the last threshold).

### 3.4.) - COSTA RICA

Costa Rica is the longest, and according to most scholars studying Latin America also the most stable, democracy in the entire region. This is partly due to the party system's stability, and partly due to the consensual character of the institutional design and the actors, as will be seen in the data analysis. First, as in the previous cases, I shall look at the factor structure by dimension.

Table 41. Factor analysis by dimension at inter-party and intra-party level for Costa Rica

Dimensions	Interparty: all cases n=148	Intraparty: PUSC n=62	Intraparty: PLN n=57	Intraparty: Provincial parties <sup>113</sup> , n=16
Role of State	<b>Factor 1</b> (29%): -Education -Pensions -Health care - Environm. policies	<b>Factor 1</b> (23%): Education - Environm. Policies -Health care	<b>Factor 1</b> (31%): -Health care - Educatio n1 -Control prices	<b>Factor 1</b> (37%): -Labor policies - Pensions
Total variance: 55%	1	1	1	1
Interparty: 55%	.80	.78	.81	.80
Intraparty PUSC: 65%	.75	.79	.73	.81
Intraparty PLN: 52%	.77	.69	.71	
Intraparty Provincial: 64%	.74			
	<b>Factor 2</b> (25%): -Control prices -Labor policies - Unemploy m. Subsidies -Education 3	<b>Factor 2</b> (22%): -Housing policies -Labor policies <b>Factor 3</b> (20%): - Education 3 - Unemplo ym. Subsidies	<b>Factor 2</b> (21%): -Labor policies - Educatio n3 - Unemplo y. subsidies	<b>Factor 2</b> (27%): -Control prices - Educatio n3
	.64	.81	.79	.85
	.73	.87	.81	.76
	.64		.73	
	.64	.76		
		.72		
Vision of Society	<b>Factor 1</b> (67%). -Att. Divorce: -Att. Abortion:	<b>Factor 1</b> (62%). -Att. Divorce: -Att. Abortion:	<b>Factor 1</b> (69%). -Att. Divorce: -Att. Abortion:	<b>Factor 1</b> (80%). -Att. Divorce: -Att. Abortion:
	.82 .82	.80 .80	.83 .83	.90 .90

<sup>113</sup> For the factor analysis of provincial parties in the dimension role of State, the questions regarding the State intervention on Education1, Environmental policies and Health care were deleted from the analysis because they are a constant (i.e. all respondents from these parties had responded that maximal State intervention is needed in those policy areas).

Vision of democracy <sup>114</sup> Total variance: 52% Interparty: 52% Intraparty PUSC:79% Intraparty PLN:51% Intraparty Provincial parties:62%	<b>Factor 1</b> (26%): - Legalization of parties	Load .80	<b>Factor 1</b> (29%): -Regime legitimacy vs effectiveness - Legalization of parties	Load .82 .82	<b>Factor 1</b> (26%): - Legalization of parties -Regime legitimacy vs effectiveness	Load .80 - .76	<b>Factor 1</b> (33%): - Partitocracy - Legitimacy of elections	Load .68 .80
	<b>Factor 2</b> (26%): - Partitocracy - Legitimacy of elections	Load .80 .80	<b>Factor 2</b> (27%): - Partitocracy - Legitimacy of elections	Load .83 .81	<b>Factor 2</b> (25%): -Ideal elect. system - Legalization of parties	Load - .81 .75	<b>Factor 2</b> (29%): - Legalization of parties	Load .90
			<b>Factor 3</b> (22%): -Ideal elect. system	Load .94				

Note: Only the PUSC, PLN and provincial parties have been included here due to sample size (See Appendix 1).

The method used was Principal component analysis with Varimax rotation of the factors (this is the solution given). Between parentheses next to each factor, the percentage of variance explained by that factor.

In Role of State: Education 1 stands for “Intervention of State in Primary education”; Education 2 stands for “Intervention of State in Secondary education”; Education 3 stands for “Intervention of State in University education”.

The factor analysis displays some very clear results: the most relevant dimensions structuring ideology in Costa Rica are the vision of society and role of State, with a much lower importance for the vision of democracy. The dimension role of the State is more relevant to the PUSC and the PLN, the two largest parties, and both share the same pattern: a first factor where basic goods in a more developed society cluster together (primary education, health care, environmental policies). A second factor where more focalized welfare policies (labor policies, unemployment subsidies and

<sup>114</sup> The question “Do you think democracy is preferable to any other regime even under tough economic circumstances?” has been excluded from the analysis because it is a valence issue for all the parties in Costa Rica (full positive agreement of all respondents).

university education) appear together. The provincial parties are, however, more oriented towards policies that affect specific electorates, probably their core support base: labor policies (for young people at the provincial level who want to remain in the province but find a more diversified labor offer than agriculture) and pensions (for older people). The second factor for the provincial parties reveals the importance they give to intensive State intervention in the economy (inflation control) and equality promotion policies (University education).

The Vision of society dimension, as mentioned, displays large relevance for all the parties in Costa Rica, with particular structuring effects for the PUSC and the provincial parties, whereas the vision of democracy ranks high for the PLN and the provincial parties. Overall, these patterns show a rather low ideological polarization around these dimensions: relevance is commonly high for all parties and the key variables structuring the data are common for all groups as well. Nevertheless, a noteworthy aspect of this dimension, vision of democracy, is that the Costa Rican politicians do not hold relevant positions concerning the attitudinal components of democracy (those that entail a system of beliefs: conviction on democracy and belief on democracy as the best regime). Instead, the only ones appearing as relevant concern pragmatic institutional components (ideal electoral system and barriers to entry to the electoral arena for new parties). The second data analysis, linear regressions for each dimension, follow.

Table 42. Regression analyses with dependent variable ideological placement of party by dimension, Costa Rica

Models	Variables	Coefficients	Fit of the model
<b>Dimension Role of State</b> Model 1: Independent variables Intervention of State	Unemployment subsidies	-.30**	R square = .034 P-value= .030 n= 142
Model 2: Independent variables Public spending priorities variables	On Pension policies On Health care policies	.95* -3.0**	R square= 0.10 P-Value= 0.072 n=69
Model 3: Independent variables attitude towards privatization and market-State dichotomy	Att. Privatization Market vs State	-.13 .49***	R square= .13 P-value= .003 n= 146
Model 4: Independent variables all (saturated model)	Market vs State Public spending on Infrastructures Public spending on Health Care Public spending on Pensions	.70*** -2.73* -2.63* 1.35**	R square= .29 P-value= 0.006 n=68
<b>Dimension Vision of Society</b> Model 1: Saturated (both variables: attitude towards divorce and abortion indep.)	Att. Towards divorce	.31**	R square= .032 P-value= .032 n= 145
<b>Saturated model (all dimensions)</b>	Regime legitimacy vs effectiveness Belief on partitocracy Legalization of parties State interv. on Labor policies State interv. on Health care State interv. on Unemplo.subsidies Public spending on infrastructure Public spending on Health care	-.76* .43* 1.34** -.60* -1.54** .62* -4.73** -6.79*** 2.2 3.01* -1.63** 3.10* 1.47**	R square= .50 P-value= .026 n= 70

	Public spending on Safety Public spending on Education Public spending on Unemplo.subsidies Public spending on Housing Public spending on Pensions Attitude towards privatization	-.40**	
<p>Regression models using backward method (Fsig. 0.10 level to drop variables).  Note: Dimension vision of democracy not included in the Table because no model displayed any significance and the R square was almost zero. However, these variables were then included in the saturated model and show significance under that specification.  * Significance at the 0.10 level; ** Significance at the 0.05 level; *** Significance at the 0.01 level.</p>			

The results from these models confirm the results observed in the factor analyses: the role of the State is remarkably relevant for the ideological positioning of parties, vision of society is a shared, not a divisive, issue, and some components of the dimension vision of democracy are significant when included in the saturated specification. More particularly, the results show that parties to the right of the spectrum emphasize public spending on education, housing, safety and pensions, support the opening of barriers to the entry of new parties, whereas the parties towards the left give priority to public investment on infrastructure, healthcare, labor policies and unemployment subsidies. In sum, the dimension role of State in Costa Rica seems to fit well with the traditional values of the left-right cleavage, reflecting a significant overlap between the dimensions in that direction.

Finally, the results for the ordinal regression also confirm the high significance of these same variables. A new pattern that had not been detected previously is the strategic position of the provincial parties in the ideological space they occupy, between the PLN and the PUSC (the two largest traditional parties). Whereas the PFD freely occupies the left, the PLN absorbs some space of the left plus the center, an excellent strategy explaining their victory in most of the elections of the past century (supporting welfare and redistributive policies) and the PUSC occupies the small space at the center which is left by the provincial parties plus the right.

The second remarkable aspect, as is shown below, is that public investment on education is a common value for the Costa Rican parties, whereas the split between safety, housing and pensions (right) and labor plus unemployment subsidies (left) again shows very strong relevance. Accordingly, the right is slightly in favor of a pro-market regulation of the economy whereas the left is against the privatization of public services. Overall, the overlap between the chosen dimensions and the left-right ideological scale is reflected in the results.

*Table 43. Ordinal regression with sorting variable mode of ideological placement of each party, Costa Rica*

Thresholds <sup>115</sup>	Variables	Coefficients	Model fit
Mode=4, then -.13	Market vs. State	.67**	Pseudo-R sq (Nagelkerke) = .66 Intercept-only Likelihood= 109.26 Likelihood with variables=64.85 (Chi-square=44.41) n= 49 Link function: Probit Significance= 0.000
Mode=5, then 2.47	State interv. on Control prices	-.50	
Mode=5.3, then 3.05	State interv. on Education 1	.26	
	State interv. on Housing	1.45***	
	State interv. on Labor policies	.46	
	State interv. on Education 2	-2.4***	
	State interv. on Unemploy. Subsidies	.39	
	Public spending on Safety	-.89	
	Public spending on Education	2.84	
	Public spending on Unemploy. Subsidies	-2.7***	
	Public spending on Pensions	.60	
	Belief on partitocracy	.49	
	Attitude towards abortion	.94***	
	Attitude towards privatization public services	-.17	
* Significance at the 0.10 level; ** Significance at the 0.05 level; *** Significance at the 0.01 level. As before, Education 1 stands for “Intervention of State in Primary education”; Education 2 stands for “Intervention of State in Secondary education”; Education 3 stands for “Intervention of Sate in University education”.			

<sup>115</sup> The thresholds correspond to the mode of the ideological placement of each party in the left-right scale, due to dispersion in the responses I do not use the mean or the median (see Appendix 2). Here, when mode=4, it corresponds to PFD+Renovacion Costarricense+Renovacion Democratica; when mode=5, PLN; when mode=5.3, Provincial parties; mode=6, PUSC (implicit in the figure for the last threshold).

6) - COMPARATIVE ANALYSIS OF IDEOLOGY IN FOUR CENTRAL AMERICAN COUNTRIES

“Inasmuch as ideology conceptualizes the historical process and orients human beings for shaping it, ideology is itself an active agent of historical change”<sup>116</sup>

The aim of the comparative analysis is to elaborate a new index of polarization that includes in more detail the several dimensions that organize ideological competition between parties in these four countries. The importance of constructing such a detailed measure of polarization lies in two key arguments: (1) the characteristics of the legislative scenario are relevant to explain political behavior and overall political outcomes. A uni-dimensional measure of one important component of the political system, in general, and of the legislative scenario, in particular, would provide poor grounds for an accurate further analysis of outcomes. (2) The measurement of ideological polarization in a more informed way may contribute to enhancing the understanding of the dynamics of bargaining in political systems. Particularly if ideological polarization is viewed as the explanatory force for how willing political actors are to negotiate and compromise, depending on the distance(s) between them, then the more detailed the measure, the better we are able to predict a significant part of those incentives. Here I will employ this definition, whereby the potential willingness of political actors to negotiate is directly and inversely related to the degree of political conflict. This definition offers the advantage that we link the characteristics of the party system are linked to the outcomes in the legislative arena, which is relevant for the analysis in Section 6.

In order to construct this measure, some final pieces of information must be included in the analysis: the institutional and historical variables, as argued in the conceptual section of the Chapter. A general summary of these characteristics for the four countries under analysis follows.

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<sup>116</sup> Mullins, W.A. (1972: 504).

*Table 44. Historical and institutional characteristics of the four cases under study*

DIMENSIONS	VARIABLES	HONDURAS	COSTA RICA	GUATEMALA	PANAMA
HISTORICAL	Age of party system (average years of existence, all parties)	54	19	21	14
	Type of cleavages at time of party system emergence	Liberal versus Conservative parties	Christian democracy versus Conservative parties	Revolutionary versus Conservative	Arnulfismo versus Torrijismo (highly personalized)
INSTITUTIONAL	Salient issues	Role of State	Role of State Left-right	Role of State Vision of society Vision of democracy	Role of State Vision of society
	Type of electoral competition	Centripetal	Centrifugal	Centrifugal	Centripetal
	Number of competing parties (1)	2.2	2.7	5.9	7.2
	Biasing component of electoral system (5)	No (0.08)	No (0.44)	Yes (2.4)	Yes (3.67)
	District magnitude (2) and (6)	44% and 6.4	42.8% and 7.8	91.3% and 4.9	97.5% and 1.7
	Ballot System (type of lists)	Closed Blocked	Closed Blocked	Closed Blocked	Closed Not blocked
	Electoral threshold (3)	No	No	Yes (4%)	Yes (5%)
	Electoral formula (4)	Proportional: RM-Hare	Proportional: RM-Hare	Mixed: proportional (D'hont) and majority (FPTP)	Mixed: RM-Hare and FPTP
<p>(1): Effective number of electoral parties, average for the 1990s, Alcantara (1999).  (2): In percentage of small districts, defined as where five or less deputies are elected.  (3): Although Costa Rica has an electoral threshold, it is so small – half quotient – that it has virtually no effect on the party system.  (4): Electoral formula for legislative elections.  (5) Between parentheses, the reducing effect due to the biasing component of the electoral system. This figure is obtained by subtracting the effective number of electoral parties from the effective number of legislative parties. It denotes, therefore, the number of parties that do not make it to Parliament due to the electoral system.  (6) And average district magnitude (obtained by dividing the number of seats to be elected by the number of districts). For Guatemala, since the size of the Parliament is variable, this figure is calculated for the number of seats in the term 1996-99.  Sources: District magnitude from Jones (1995: 12). To calculate the average age of the party systems, Electoral Tribunals of each country.</p>					

The clear divide between the countries is between the more stable and open in terms of political competition cases of Honduras and Costa Rica and the more fragmented but also more majority oriented political systems of Guatemala and Panama. In addition, as expected, the dimension Role of State, as more likely to overlap with the left-right cleavage, is salient for all the cases, whereas the dimension Vision of democracy is only salient for Guatemala, reflecting the different historical trajectories of the countries in this regard.

Now, the construction of a typology of ideological polarization based on these pieces of information follows a positive relationship with a composite measure of each type of variable: the institutional variables, composed by the characteristics of the electoral system, are amalgamated to build the variable ‘cohesion’. Here, borrowing from Morgenstern and Hawkings (2000), the hypotheses are that open ballot systems, intra-party competition (for instance, through primary elections), a high percentage of small districts, and low agreement on whether discipline should be used to enforce cohesion, produce low cohesion. The opposite should also hold true. Second, concerning the degree of fragmentation, I expect the number of competing parties and the biasing effect of the electoral system to be positively correlated to cohesion. Finally, the smaller the distances between the parties in the salient dimensions, the higher the cohesion (or the lower the ideological polarization).

Scrutiny of the cases according to these measures displays the following results: Costa Rica and Honduras share the same pattern concerning the institutional variables, as do Panama and Guatemala. This fact produces a clear split between low cohesion for the latter two cases and high cohesion in the former two. However, the pattern is not completely parsimonious: Honduras has primary elections, and thus a robust tradition of intra-party competition, and low agreement on strong disciplinary mechanisms is in place for all cases<sup>117</sup>. The same combined pattern is obtained for the other two types of variables: there is both a large number of competing parties and a strong biasing effect

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<sup>117</sup> Here I used a variable found in the questionnaires for the two Research projects employed here (see Bibliography for full references). These addressed discipline in the following terms: “How far do you agree that the party leaders should have more power over rank-and-file politicians to impose the party line?”. The percentages of agreement in the category “not very much” or “not at all” in all four countries makes this conclusion clear: for Honduras 84%; Guatemala 80%; Panama 64% and Costa Rica 72% of the interviewees.

In general, however, the left parties –especially those in Honduras (PUD) and Costa Rica (PFD) – displayed an opposite tendency. Nevertheless, the limited sample available for these cases (below the 5%) makes it difficult to generalize about a clear pattern of disagreement regarding this aspect.

of the electoral system in Guatemala and Panama, but the distances between the parties in the salient dimensions are small for all four cases<sup>118</sup>.

Given this state of mixed scenarios, I have opted to include the variables individually, but classify them as follows: on the one hand, the variables exogenous to the legislative scenario (effect of policy, electoral cycle, age of party system, number of competing parties, biasing effect of the electoral system, ballot system, district magnitude and type of electoral competition). On the other hand, the endogenous variables characterizing the legislative scenario (number of blocks, size of Executive party in Parliament, distance between parties in the 'system of beliefs' dimensions, distance between parties on the left-right scale and support for discipline as a mechanism for enforcing cohesion). I will test in the next and final section of this Chapter the explanatory power of the exogenous and endogenous factors, showing that the latter do not capture causality, despite positive correlation and significance.

#### 7) - THE EFFECTS OF IDEOLOGICAL POLARIZATION ON LEGISLATIVE PERFORMANCE

The objective of this analysis is to discuss the claim that it is not presidentialism alone, but a combination of presidentialism and multipartism that produces problem for democratic stability in presidential systems (Mainwaring, 1990 and 1998, and Mainwaring and Scully, 1995). These authors have shown that when high fragmentation and high polarization characterize the legislative scenario in a presidential system (particularly Latin American cases), the probability of gridlock (legislative paralysis) or inter-branch conflict (the Executive imposing legislation) increased substantially. These two facts also increase the probability of breakdown or chronic political instability.

My contribution to this debate is to re-test this causal relationship by employing the measure of ideological polarization elaborated in this work. The dependent variable I employ here, in order to capture the effect of Executive dominance of the agenda<sup>119</sup>, is the origin of legislative initiative in each legislative term. The results are as follows:

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<sup>118</sup> I used cluster analysis here to gain a more visual approach to the pattern of groupings of the cases by country. Without going in detail, the clusters by cases (constructed on the basis of the distances of the scores) concentrated most of the cases in the first few clusters.

<sup>119</sup> As stated in previous Chapters, the phenomenon of agenda control is complex and may adopt varying forms, as procedural or organizational choice (Chapter 4). In this Chapter, I only account for Executive dominance of the agenda since this was the reference for the original hypothesis by Mainwaring. This theory-testing effort communicates better with the existing literature if the dependent variable is the same. In addition the employment of the characteristics of the legislative scenario as explanatory variables of inter-branch dynamics is present in all other Chapters, hence offering a complete test.

*Table 45. Logit model with dependent variable Executive dominance of the agenda, all countries*

VARIABLES	COEFFICIENTS	MODEL FIT
<u>Original model</u> Dummy country Polarization only left-right scale	1.437*** 1.010***	n=2005 Sig=.000 $\chi^2=27.859$ PseudoR sq=.02 Percentage of cases correctly predicted= 59%
<u>Only exogenous variables</u> Policy area of bill Electoral cycle Age of party system Biasing component of elect. system Number of competing parties (effective electoral number of parties)	.442*** .907** 1.026*** 13.331*** .251***	n=1972 Sig=.000 $\chi^2=600.8$ Pseudo Rsq=.35 Percentage of cases correctly predicted=75%
<u>Endogenous and exogenous variables</u> Blocks Distance Idistance Effect of bill Electoral cycle	1.194*** .827 .991 .442*** .907**	n=1972 Sig=.000 $\chi^2=600.8$ PseudoRsq=.36 Percentage of cases correctly predicted=75%

\*\* Significance at the 0.05 level; \*\*\* Significance at the 0.01 level

The results show evidence in support of the general hypothesis of this work: while the characteristics of the legislative scenario alone have a positive and significant relationship with particular phenomena of legislative performance, such as agenda control, their explanatory capacity is very low. Therefore the original model in Mainwaring overemphasized the causal role of these variables. This fact implies that we cannot attribute a clear causal relationship if only the uni-dimensional left-right measure of polarization<sup>120</sup> is accounted for. When only the exogenous variables are included (model 2), both the fit of the model and the explanatory capacity increase substantially, indicating that variables external to the legislative scenario contribute to explaining Executive dominance of the agenda. Furthermore, the final model, with an equal goodness of fit and significance, includes the two measures of distance calculated for the dimensions Role of State, Vision of society, vision of democracy (distance), and left-right (idistance). As expected, there is a mixture of endogenous and exogenous variables that properly explains Executive behavior regarding agenda control. The most powerful variables are the number of blocks (or fragmentation) and the closeness of elections (electoral cycle). Overall, using a more detailed measure of the ideological

<sup>120</sup> The measure of polarization used in the first model is the traditional left-right distance between parties weighted by their share of seats in Parliament at a given term, particularly following Coppedge (1998) as is shown in Appendix 4.1.

positioning of parties improves the possibilities to capture better the characteristics of the legislative scenario.

8) - - SUMMARY OF FINDINGS AND PARTIAL CONCLUSIONS OF THE CHAPTER

“Cleavage is fuzzily defined because it lies as intermediary between two views: that of social stratification and its impact on institutions and political behavior, on the one hand, and that of political institutions and their impact on social structure and change, on the other”<sup>121</sup>

This Chapter has presented evidence that a more detailed analysis of ideological divisions enhances the possibilities to analyze the impact of the legislative scenario on institutional performance. Not surprisingly, the salience of political issues varies widely across the countries under analysis. Still, a comparative analysis has been produced by adopting a common conceptual umbrella of meaningful dimensions over which parties compete and flag important ideas as vehicles for ideological positioning. Both the analyses and the results of this Chapter show that such a measure is not easy to produce. However, one advantage derived from the research carried out in this Chapter is that a methodological strategy that allows communication between two types of data has been developed. First, between the data on elite position-taking, whose unit of analysis is the individual, and data on legislative production, whose unit of analysis is the bill along with detailed information on the institutional characteristics of the process of approval. If it is true that both types of data are related to political behavior (including ideology as a tool for behavior in this context), then linking the individual and party level with respect to the first type of data with the broader institutional information from the second type of data is feasible and fruitful. This analytical effort is strongly inspired by the neo-institutional view on that actors' behavior is a product of institutional factors and that institutional performance depends on institutional characteristics.

In fact, the quotation that opened this Section, drawn from the excellent volume on ideological divides in Europe by Bartolini and Mair (1990), underscored that the intrinsic complexity of ideology – in terms of both conceptual and measurement

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<sup>121</sup> Bartolini and Mair (1990).

challenges – is great. My analytical standpoint is in line with this criticism of the analytical over-reduction of a heterogeneous and possibly relational central component of politics as ideology. I have obtained proof that a more detailed analysis of ideology allows the injection of qualitative content into the lines of division and competition in different party systems. The key proposal from my analysis is that aggregate measures (such as ideological polarization) should build on a well-informed assessment of each of the units intervening in the construction of the measure. Without this, the descriptive and substantive capacity of aggregate measures to explain important political phenomena may be very limited. Hence, methodological choices are a pre-condition for satisfactory and meaningful research just as much as proper conceptual and theoretical elaboration. In the study of ideology, as both a particularly complex phenomenon in itself and as an explanatory variable of broader political outcomes, this effort has proven empirically and theoretically enlightening, even if the usual aggregate measure assuming uni-dimensionality in the left-right placement of parties also delivered some positive explanatory capacity.

The key empirical findings of this Chapter are three. First, the measurement of ideological polarization demands a previous deep understanding of the pinpoints of ideological competition between parties in each country. Second, the analysis of the spatial overlap between parties on some cleavages (such as those analyzed here: Role of State, Vision of society and Vision of democracy) plus the left-right dimension, can improve our understanding of how political competition works. This effort further contributes to providing an appropriate linkage between the intra-party, inter-party and comparative levels of analysis. The third result is that the relevance and significance of ideology, as elaborated in this work, is positive and moderately important for explaining how political actors push their agenda in the decision-making process. However, exogenous factors substantially affect the weight of this causality and the incentives of actors.

Furthermore, the theoretical contribution of this Chapter, despite its eminently empirical nature, is that the treatment of ideology as a multi-layered, relational phenomenon, improves our chances to understand the behavior of political actors better, and to place this within the broader political system and historical context in which they are based. Bringing the political actors back in institutional analysis increases the potential of this approach to deliver more realistic and qualitative analyses. This work

also shows that the specification of causal arrows between relevant political variables is not an easy task, and that resuming the meaningful historical and institutional devices in a single measure of polarization impoverishes rather than enriches the understanding of ideology and its effects on other spheres of the political system.

From the results in this Chapter, there are particularly two interesting open lines for research. A first potential open line for research as suggested by the analysis is to improve the measure of ideological polarization by including hypotheses and appropriate weights for party cohesion and discipline. In this work, the unavailability of the typical sources to measure cohesion and discipline (roll-call votes in Parliament or percentages of re-election), has made it impossible, for the time being, to generate more accurate hypotheses regarding the possibly important effects of these devices.

In addition, a second aspect that has appeared important is the inclusion of the characteristics of the historical development of the party system in the analysis, in order to properly ground the comprehension of ideology. This view is once more related to Bartolini and Mair's (1990) quotation, with its emphasis on the placement of ideology between political behavior (from concrete political actors) and political institutions (as lines of division and competition), and as a pragmatic tool settling competition over the specific priorities of public policy (Freedon, 1996). The possibility to capture this range of functions is possible, as seen from the results in this Chapter, when an interactive historical and cross-sectional approach is employed. In my view, the generation of a historically grounded analysis of ideology may enhance the possibilities to successfully link the different levels of operation (political actors, political parties and their institutional role) of these types of fuzzy concepts, which are so relevant to the discipline.

## CHAPTER 6

### TIMING AND SEQUENCING IN LEGISLATIVE PERFORMANCE: THE ELECTORAL CYCLE AND THE PROCEDURAL DESIGN

“As organizations of collective decision making, legislatures operate continuously and interactively in two domains of choice: *procedure* and *policy*”<sup>122</sup>

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<sup>122</sup> Krehbiel, K. (1991: 15, italics in original).

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## - Introduction

Time is of the essence for political actors when delivering policy, be it policy change or *status quo*. As a key exogenous factor to policy-making, time has been seen as a powerful device in determining political behavior. From election pressure to the efficient resolution of social problems, time and timing affect the structure of incentives and disincentives present in the policy preferences of legislators and Presidents.

If timing is so relevant for political activity, we know relatively little about the particular effects of the varying pressures it exerts. We have fragmentary information about the effects of the electoral cycle (Mayhew, 1974; Shugart, 1995) on different aspects of the policy-making process<sup>123</sup> or on the rhythm of political reform and constitutional amendment after a change of regime has taken place (Sustein, 2003).

More so than in other areas of knowledge, there is scarce information about the pressures of the endogenous timing and the sequencing of legislative procedures impose on political actors. The procedural design of the legislative process sets explicit deadlines for legislative production, establishing the minimum and maximum amount of time available to get a bill passed/rejected/amended, etc. Phenomena such as delaying or speeding up a bill can be seen, then, as tools of agenda control, relatively available to political actors. The use of emergency procedures or the pre-selection of a committee to emit a dictum on a bill may well be manifestations of agenda control in this very sense, as seen in Chapter 4. However, a more specific analysis of the effects of time is possible, and is developed in this Chapter.

The strategic use of time is addressed here as both an endogenous and an exogenous factor affecting the degree of aggregation of interests in policy. It is a factor endogenous to the procedural design of the legislative process when considering the deadlines regulated by internal proceedings, that is, when a legal document<sup>124</sup> establishing the procedures to pass a bill determines the number of days each institutional unit processing the bill may use. It is an exogenous factor to the legislative process when considering the electoral cycle.

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<sup>123</sup> The focus has traditionally attended more to the effects of time pressure from the electoral cycle on internal characteristics of parties, such as higher or lower cohesion or discipline, and on reelection pressures, since Mayhew's work 'the electoral connection'.

<sup>124</sup> Sometimes it is the Constitution and sometimes it is the internal proceedings of parliamentary procedures regulating these specific details of the legislative process.

The point of departure of this Chapter is that legislative production is responsive to the effect of sequencing and timing and may therefore change quantitatively, qualitatively or both. The specific question is how does it change, what are the varying effects on each institutional unit when processing a bill and whether these varying effects depend on who proposes the bill. The first question constitutes a descriptive effort and will settle the parameters of variation across the cases and across political actors. The second question addresses the strong belief in the literature on legislative politics that once a bill has passed the committee dictum, the floor vote is a mere formality. Any delay would thus be expected at the pre-floor stages. The second section then presents more detailed hypotheses regarding how strategic behavior takes place and how cooperative and non-cooperative institutional settings affect these phenomena, such as size of committee and assignment rules of bills to committees. Whether a bill is treated more speedily, or generally more efficiently, when it is initiated by the Executive or by the majority party in Congress may be a key explanatory factor of why legislatures are seen as marginal institutions, and as to what degree legislative procedures are susceptible to be used arbitrarily or discretionally (Cheibub and Limongi, 2002).

The Chapter further addresses the question of whether a focus on formal procedures, as part of the literature on institutional design tends to, is incomplete in nature due to relevant, more informal and subtle resources that also affect the quality of the decision-making process, like the strategic use of time.

The Chapter is organized as follows. First, I elaborate on the importance of analyzing time to get legislation passed, highlighting the nature of my research question in relation to the existing broad literature on agenda control. Second, I develop contrasting models that allow me test for the two types of effects: external timing and internal sequencing. Third, I analyze both case-specific and comparative patterns, and finally draw conclusions on the relevance of time for a better understanding of the strategic behavior of political actors in the decision-making process.

## - The nature of the research question

Time, as information, is a key good affecting the process of policy-making which in turn substantially affects political outcomes (whether stability, good public policy or the legitimacy of the institutions). Whereas time is a relatively unexplored phenomenon (but see Krutz, 2001; Binder and Maltzman, 2002; and Cheibub and Limongi, 2000), information is a field that has gained the status of a new approach to legislative politics (Krehbiel, 1991; Lupia and McCubbins, 1994; Bimber, 1991; Sabatier and Whiteman, 1985). In this context, models of flows of information illustrate arguments of the importance of coordination (mainly through specialization) in institutions of collective decision-making and the gains-from-trade perspective has dominated the research agenda.

The convergence between perspectives on information and the existing works on the effects of time on legislative production springs from the fact that both empirical analyses attempt to account for more subtle tools of the procedural design that strongly affect political outcomes. Thus, the focus is empirical and consequential in its attention to micro aspects of the procedural design that affect overall legislative performance.

The three studies in the literature closest to that developed in this Chapter are Krutz (2001), Binder and Maltzman (2002) and Cheibub and Limongi (2000). All make a claim regarding the comparative delay that some legislative initiatives suffer as compared to others.

Binder and Maltzman (2002) analyze the collective (majority party in Congress) and individual (ideological divergences) reasons for senatorial delay in confirming federal judge nominations in the U.S. They find that mainly contextual factors such as divided government and the closeness of the end of the term help in explaining why “interested senators are quick to exploit the rules in pursuit of their agendas” (p.197). As an example of systematic strategic behavior by the majority party in Congress in a historical perspective, the conclusion is that exploiting procedurally guaranteed rights responds to clear sets of incentives. These may vary from leaving the nominee in a decisional limbo to the strategic passage of nominees supporting a particular political agenda.

A similar conclusion is reached by Krutz (2001) in his assessment of omnibus legislation. This type of legislation is “a tactic by which unification of diverse measures within a single large bill occurs” (p.210) and the claim of the author is that it constitutes a key way to control the agenda since these type of bills are more likely to be passed, and with less amendments than any ordinary bill. This is a reasonable hypothesis in that

omnibus legislating “alters the time-honored legislative process. Omnibus packages are often fast-tracked through committees with less consideration than typical bills” (p. 210). In addition to this change in the timing of the legislative process of approval, it also allows for the strategic behavior of actors particularly when they anticipate that an omnibus bill is likely to succeed, namely: it will discourage any presidential veto, it has distributive (non pork-barrel) effects, it is likely to be efficient in the face of tight budgetary circumstances and it will override potential minority obstructionism. In Krutz’s hypotheses, contextual factors and procedural rules interact to produce comparative advantages to some political actors over others, as we will model in this Chapter.

Krutz (2001) sheds further light on the characteristics of the legislative scenario when strategic behavior makes most the sense: if the majority party is homogeneous and cohesive and the minority parties are heterogeneous, omnibus legislation will be very likely to succeed. The opposite also holds. These refined specifications of the legislative scenario effect are also likely to prevail when assessing the effects of time on legislative production and agenda control, as developed in this Chapter.

Finally, Cheibub and Limongi also suggest an institutional hypothesis, but assign a central explanatory role to the individual actions of legislators in their analysis of the differences in bill approval times depending on who enacts the bill in the Brazilian Congress, also in synchronic perspective. The delay of the bills enacted by legislators as compared to Executive bills “is also institutional, although of a diverse nature. (...) While the judiciary and the executive sponsor bills as institutional agents, the members of the legislative propose bills individually” (2000: 80). Such a loss of efficiency, they argue, in the selection of bills that will pass on to the process of approval is nonetheless in favor of a more deliberative role for the Congress in this country. Again, the tradeoff between efficiency and the costs of consensus (via deliberation) in the legislative arena is presented as one that allows other political actors to take advantage of such time losses to impose their political agenda (as do the Executive or the Judiciary, in their article).

At a more theoretical level, the articles edited by Santiso and Schedler (1998, *International Political Science Review*, Issue *Democracy and Time*) underscore the importance of including time as a key explanatory variable of democratic outcomes. In particular, the perspective adopted by the editors’ opening article underscore that “time rules freeze structures of power and time rules regulate trade-offs”, with explicit reference to the procedural design of legislatures. The actions regulated through time and deadlines affect

the “opposition time”, as the authors label it, and hence the amount of time available to actors to influence, amend, resolve or create conflict over legislation<sup>125</sup>.

This paper addresses such explanatory variables by attempting to predict how responsive legislative production is to external timing (electoral cycle) and to internal sequencing (deadlines defined by the procedural design of the legislative process). In the next Section, I detail the specific data employed for this analysis, and specify the dependent and independent variables and the hypotheses which may be tested for the four countries under analysis.

## **- Available data**

The available data contain precise information about timing and sequencing as defined in the previous sections. Concerning the electoral cycle, two variables may be drawn directly from previous analyses in this thesis, one continuous for each year of the term (four in three countries and five in Panama) and a second dummy for the honeymoon effect (splitting the first half of the term and the last, when elections are closer).

As seen in Chapter 3, and in line with existing studies on legislative production (Lanzaro *et alia*, 2000), we know that the beginning of a legislative term is the most productive one, while at the end of the term the volume of legislative production substantially and systematically decreases. This difference has linked to two interrelated factors: first, renewed legislatures and presidents do have a clear political agenda to carry out when they take office, which diminishes as time passes by, or equivalently in association to political erosion. Second, the next elections are still far away and a large volume of legislation, with less budget implications, is in place, whereas when elections are closer (end of term), politicians running for re-election will seek to approve more important legislation with greater budgetary implications and the volume is therefore lower. There is, hence, a symbiosis between quantitative and qualitative differences which depend on the exogenous effect of time via the electoral cycle, which will be addressed in this Chapter.

The second dependent variable is the number of days that a bill spends in each sub-unit of the legislative process, which captures sequencing. In this way, the differences in the internal sequencing of legislative approval may be attributed to ‘administrative

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<sup>125</sup> As Santiso and Schedler put it: “time is scarce, delays are costly, and decisions have to be taken. (...) In this sense, time rules act as mediators in the conflict between, in Niklas Luhmann’s terms, substantive concerns and social concerns” (1998: 10).

inefficiencies’ or political factors more clearly. The ‘administrative inefficiencies’ apply if a significant and systematic time delay is observed in the pre-committee stages (corresponding to the time the bill spends in the administrative secretariat being registered and photocopied, for instance). The political factors may be diverse and affect how long each bill takes after the committee emits a dictum to get to the floor, or the time it spends from the first to the last debate on the floor<sup>126</sup>.

The independent variables stem from four explanatory sources: (1) institutional endogenous variables; (2) institutional exogenous variables; (3) constitutional design variables, and (4) the policy characteristics of the bill. Table 1 below displays the number of variables within each subgroup of explanatory variables and briefly describes the type of variable and level of aggregation. The objective in including these explanatory variables is to run an explicit theory test, as is clear from the specific hypotheses attached to each set of factors, which are explained below the table.

*Table 46. Independent variables: nature of the variables and level of aggregation*

Nature of variable	Independent variable	Level of aggregation
Institutional endogenous	Recocomi: Common coding of committee system depending on whether they deal with “political reform issues”, “economic issues”, “infrastructures” or “socio-cultural issues”	Bill
	Size: percentage of seats of majority party in Congress Blocks: number of blocks in Congress	Country
	Sesion, durgence, dpriori: dummy for whether an emergency procedure is employed to pass the bill or not (employed in Chapter 4 as dependent variables)	Bill
	Sizecomi: Size of the committee system, that is, number of deputies in each committee	Bill
	Majcomi: seats of majority party in each committee	Bill
	Comieff: committee efficiency in temporal terms (number of days each committee as classified in the four broad policy areas spends to emit a dictum on each bill)	Bill
Institutional exogenous 1) Electoral system	Biaselec: biasing effect due to the electoral system in favor of big parties (large for Guatemala and Panama; small for Honduras and Costa Rica)	Country
	Competition: type of electoral competition: centripetal (Honduras and Panama) and centrifugal (Guatemala and Costa Rica)	Country
2) Party system	Age: average age of the party system	Country
	Polariz: index of polarization following Coppedge (1998), [Appendix 4.1.]	Country
Constitutional design variables	Executive authority: dummy for authority of the Executive based on two key constitutional design issues: Executive has total and partial veto power and has strong decree power (i.e., a law that is immediately effective without Congress ratification) (value zero for Costa Rica and Guatemala, and value one for Honduras and Panama)	Country
	Executive independence: dummy for independence of Executive based on three strong prerogatives of this actor vis-à-vis the Legislative branch: Executive has authority to dissolve Congress; the legislature	Country

<sup>126</sup> See Appendix 2 for a visual approach to the legislative process of approval in the four countries under analysis.

	cannot impeach the President; Executive can call for referenda directly without the ratification of Congress (value zero for Costa Rica and Panama, value one for Honduras and Guatemala)	
Policy characteristics	Scope: scope of bill following Di Palma (1976)	Bill
	Ecocomi: dummy for whether the bill was assessed by an committee for economic issues (proxy to capture whether the bill entails spending)	Bill

The institutional endogenous variables attempt to capture whether strategic behavior by political actors is endogenized, that is, whether political actors use their informational advantages over procedures, and the discretionary spaces within them, to pursue agenda control. This hypothesis follows the informational approach to legislative politics (Krehbiel, 1991).

The institutional exogenous pays homage to theories claiming that environment matters more than decision-making style or the incentives of individual politicians. Electoral systems as shaping party systems, and party systems' characteristics as shaping degrees of discipline, have been seen as key causal covariates explaining the behavior of both legislators and Executives. Two hypotheses have remained remarkably stable in this literature, and will be addressed in this work. First, politicians are more worried about their own survival under a stringent electoral system (with restricted or forbidden reelection and with a large biasing effect in favor of larger parties). When this is the case, actors will attempt to pursue agenda control in order to monopolize resources for their own personal benefit (corruption), or foster the loyalties of targeted social groups in order to favor the success of the party (patronage).

The second hypothesis is that more polarized and fragmented legislative scenarios, seen as a consequence of the characteristics of the electoral system and of the historical pattern of electoral competition between political parties, is a fostering variable of Executive dominance. The argument is that Executives may anticipate the degree of conflict on the floor, as was developed theoretically in Chapter 4.

Finally, I include the policy characteristics of the bills analyzed in order to capture single and interactive effects of the time of approval as dependent on the qualitative content (scope) of each bill. The hypothesis is that a policy is more likely to trigger conflict on the floor when it involves pork-barreling (or benefits to localized social groups, as the micro-sectional coding attempts to capture) and when it involves spending (which reflects competition for public resources).

As is well-known, theory testing is not an easy task, particularly when endogeneity is present. I argue here that the costs of endogeneity are unavoidable if the

effects of institutional rules and actors' incentives are to be understood in an interrelated fashion. Because institutional rules affect institutional outputs, actors' incentives are institutionally determined, and the effects of both explain a particular aspect of institutional performance. Endogeneity is present here from the very theoretical approach, as is common in neo-institutional analysis. I will suggest some possible methodological solutions to this problem, arguing however that the cost-benefit balance is skewed – especially in terms of increasing complexity and sophistication, i.e. on the side of the costs. Next, I proceed with the models, which once more entail some complexity given the relatively recent availability of analytical tools to capture the effects of time on political realities (Box-Steffensmeier *et alia*, 1997).

## **- The models**

In this Section, I first explore the data available (Section 4.1), which includes (1) a detection of sample biases; (2) tests of the distributional properties of the dependent variables; and (3) a detection of strong correlations between the independent variables, which is generally problematic for the robustness of the models. Then I proceed with the modeling of the pooled data on legislation from the four Central American countries under analysis (Section 4.2).

### 4.1.) - EXPLORING THE DATA: COUNTRY-SPECIFIC PATTERNS

The detection of sample biases and distributional properties both form part of the exploration of the dependent variables. The former is relevant to facilitate the subsequent modeling effort. The latter is relevant due to the importance for survival analysis of assuming *a priori* distributions to fit the data, which may be based on theoretical or empirical reasons (Box-Steffensmeier *et alia*, 1997). The dependent variables are total time of approval for the analysis of the effects of the internal sequencing of the legislative process of approval, along with the dummy for the electoral cycle capturing the honeymoon effect for the analysis of the exogenous timing.

Table 2 below displays the results of these first exploratory analyses.

*Table 47. Exploring sample biases and distributional properties of the dependent variables<sup>127</sup>*

Exploring...	COSTA RICA	HONDURAS	GUATEMALA	PANAMA
Frequencies and sample properties				
Total time of approval	n=362 Missing=46 Mean=627 Median=481 Mode=91 Maximum=4767	n=884 Missing=3 Mean=91 Median=40 Mode=7 Maximum=1394	n=269 Missing=166 Mean=99 Median=43 Mode=28 Maximum=1328	n=328 Missing=7 Mean=86 Median=70 Mode=72 Maximum=379
Electoral cycle (dummy for honeymoon effect)	N=391 Missing=17 Early term=37% Last years=59%	N=887 Missing=0 Early term=62% Last years=38%	N=432 Missing=3 Early term=63% Last years=36%	N=335 Missing=0 Early term=43% Last years=57%
Distributional properties <sup>128</sup> (pooled data of the four countries)				
Total time of approval	Lognormal Weibull			

The only remarkable sample bias is for the case of Guatemala on the first dependent variable, total time of approval, with a very large number of missing cases and a skewed distribution, this latter characteristic holding for all the countries under the analysis. The problem of imputing a mean value or, in general, a single value for all missing cases for which no information on whether they are structurally missing, missing at random or not, has been recently discussed in the literature and new methodologies for more accurate imputation techniques are beginning to appear in the software (see Royston, 2004). However, for the sake of making the use of similar imputation techniques for missing values for all country samples and thereby their employment thereafter in the pooled dataset possible, I imputed the median value for the first dependent variable of each country sample<sup>129</sup>. Regarding the second dependent variable, the electoral cycle, the exploratory analysis delivers a satisfactory degree of variation with no particular distortions for the further analysis.

With regard to the distributional tests carried out for the time-related variables, we can see that the best strategy is not to parameterize at the first instance the baseline hazard (using the Cox PH model) and then proceed with a Weibull specification, as is a common strategy for survival modeling.

<sup>127</sup> The Table includes only the numeric information, but the visual approaches to these explorations can be found in Appendices 6.1 and 6.2.

<sup>128</sup> Here, I carried out visual tests employing only the distributions used in survival analysis for continuous time (total time of approval), that is, Weibull, Log-logistic, Log-Normal and Generalized Gamma (for parametric models), see Jenkins, 2004.

<sup>129</sup> For such disperse (spread and skewed) distributions, the median is a more accurate indicator of the distributional characteristics than the mean. This is the case for the variable total time of approval in all four countries under analysis: for Costa Rica, whereas the mean is 627 days, the median is 481 days; for Honduras, the mean is 91 days whereas the median is 40 days; for Guatemala, mean is 99 days and median is 43, and last, for Panama, the mean is 86 days and the median is 70. In sum, the median appears as a less biased indicator of the distributional properties (with a large number of cases concentrated in both the lower and the upper values of the variable).

The second part of this exploratory analysis concerns the independent variables. Bivariate tests have been performed to detect the possible interactive effects or problematic large correlations between these, as they may cause problems for the robustness of the further models. The most worrying set of variables, due to the large collinearities between them, are the institutional exogenous ones: as expected, the biasing effect of the electoral system (which simply subtracts the effective number of electoral parties from the legislative equivalent), district magnitude, and the index of polarization are significantly and highly correlated (all above 50% association). Further, the constitutional design variables are also moderately correlated (significantly, 22% of the variation is shared between Executive independence and Executive authority). Surprisingly enough, however, we find that the endogenous institutional variables included in this work are significantly correlated but the size of their correlations is very low, implying an advantage for their simultaneous inclusion in the same equation.

Pertaining to the data exploration, a final descriptive piece of information is needed with regard to all the time-varying potential covariates present in the data: on average, each bill took on average 191 days to be approved (with a very large dispersion, as seen above), of which 11% of the time was spent on the floor, 17% being administratively processed within Congress (archived and photocopied, for instance) and a remarkable 41% of the time in committee. This pattern supports the importance of including institutional endogenous variables to explain the differential use of time by different political actors. In effect, these descriptive figures indicate that procedural tools, especially the committee system, are central to explaining agenda control. In particular, the figures above suggest an empirical support for the informational approach: if the committee is the key procedural unit where bargaining takes place as a result large amount of time bills pass there as compared with the total time of approval, then political actors need to develop resources in order to control this decisional gate. The variables efficiency, size of committees and size of majority party within committees attempt to capture precisely this, that is whether the informational advantages of majority actors matter.

4.2.) - MODELING THE DATA: POOLED LEGISLATION OF FOUR CENTRAL AMERICAN COUNTRIES

“Political time cannot be separated from the strategic interaction between actors. It is almost never purely chronological and absolute – although self-chosen or externally-imposed deadlines can have a quite independent effect – but usually and inextricably linked to the time preferences, expectations, anticipations, delayed gratifications, aims for the future of one’s allies and opponents”<sup>130</sup>

Two models are constructed in this Section: the first addresses the differential volume of legislative production as responsive to the electoral cycle, and the second addresses the sequencing of the legislative process of approval. For the dependent variable exogenous timing (electoral cycle) I display the best fitting model<sup>131</sup> below:

**Table 48. Logit model for dependent variable electoral cycle, Pooled data**

Independent variables	Coefficients	Marginal effect in dependent variable	Model goodness of fit measures
Constant	6,17	-	LL intercept= - 2878
Dummy bill is urgent-normal	.57***	.14	LL full model= - 2721
Number of blocks in Congress	-.33***	-.08	Chi-square= 249.8
Average magnitude of districts	-.52***	-.13 <sup>132</sup>	BIC intercept= - 29513
Scope of bill (Di Palma)	.11***	.027	BIC full model= - 247
Time of bill in the floor	.005***	.001	%Correctly class= 62%
Executive independence	-.64***	-.16	Sensitivity= 44%
Size of committee	.046*	.01	Specificity= 75%
Seats of majority party in committee	-.03***	-.01	p-value= .000
Notes: logit model with frequency weights of variable country; coefficients reported.			
*** significant at the 0.01 level of confidence; ** at the 0.05; * at the 0.10.			

The best fitting model for the electoral cycle reveals that the central explanatory variables for differences in legislative production are exogenous: particularly, the average district magnitude and executive independence as defined constitutionally. The most surprising result is that the policy characteristics of the bill matter relatively little, since

<sup>130</sup> Schmitter and Santiso, 1998: 72.

<sup>131</sup> I already discussed the criteria for model selection and the concept of best fitting model in Chapter 4 (footnote 16 in that Chapter). Here, I again adopt the same criterion, i.e. not focusing exclusively on the criteria of statistical significance but rather on the theoretical value of the results. The comparison among different models (following the theory testing objective of comparing between only-endogenous, only-exogenous and informational factors) is gathered in Appendix. 6.3.

<sup>132</sup> Given that the electoral system variables are highly correlated, I plugged in different equations the other ones in order to avoid multicollinearity. With the same model specification as above and substituting only the district magnitude by the biasing effect of the electoral system (the difference between the effective number of electoral parties and the legislative equivalent), the marginal effect of this variable is -.10 and, performing the same with the ballot variable, the marginal effect is .33. These results confirm the general pattern that the pressure of the electoral cycle affects the patterns of legislative production depending on the stringent or permissive effect of the electoral system, as is developed below.

scope (intended effects of the policy are national, sectional or micro-sectional) is significant and positive but the size of the effect is very limited. This finding partially refutes the previous results in Lanzaro (2000) and in Shugart and Carey (1992), who argue that a differential national versus parochial policy-making process is in place for Executives and legislatures respectively.

In essence, the gross differences produced by the electoral cycle in legislative production are due to whether the electoral system is more or less stringent: a stronger biasing effect of the electoral system in favor of big parties and a smaller average districts' magnitude (which contributes to the biasing effect substantially) affects the behavior of actors significantly with regard to the legislative initiatives they present. Hence, the hypothesis that political actors, preoccupied for their own position in the political system, seek to manage the political agenda strategically throughout their term of office in order to assure either resources for their pockets or to target social groups that may support the party holds empirically for these countries. That is: parties manage their political resources on their own benefit, this is true of stringent electoral systems, and time pressure from the electoral cycle is a central drive in generating this pattern.

The second noteworthy result from above is that it predicts moderately better the negative value of the dependent variable, that is, legislative production during the two first years of the term, rather than the last (specificity is 62%). This fact indicates that the characteristics of the electoral systems serve as good explanatory factors for typical legislative production during the honeymoon term. Essentially, this finding is in line with the previous findings (specifically in Chapters 3 and 4) that there is a decrease in support for the Executive agenda in the legislature towards the end of the term, a phenomenon analyzed separately earlier on in the thesis.

Third and last, the results display very significant variables with very small coefficients, indicating that when the variables appear together there is a systematic explanatory effect, but that the size of each individual variable is limited. In fact, the full explanatory capacity of the model is moderate, despite the fact that this is the best fitting model for this data and for this sample. Once more, this may derive from a lack of knowledge, and therefore a capacity to include, interactive effects between the variables, which is discussed in the conclusions of this Chapter.

For the second dependent variable, the effects of the internal sequencing of the legislative process of approval, I employ survival analysis modeling<sup>133</sup>. Survival analysis, of relatively recent application in the discipline, has mainly been employed to assess the survival rates of cabinets in a historical perspective (Diermeier and Stevenson, 1999) and to model leadership or government duration (Bienen and Van der Walle, 1992; McCarty and Razaghian, 1999). Survival analysis requires *a priori* assumptions about the risk of the phenomenon under study which are not easy to make: choosing between distributional forms and between parameterized or non-parameterized models is required here. In the following models, I test both semi-parametric specifications (with the baseline hazard not parametric and the covariates parametric<sup>134</sup>, or the Cox Proportional Hazards Model, quoted below as Cox PH) and parametric ones (using the Weibull distribution parameters). The results of these competing models follow:

*Table 49. Competing models: survival analysis of legislation in four Central American countries*

Explanatory variables	Only endogenous variables, Cox PH	Only exogenous variables, Cox PH	Mixed best fitting model, Cox PH	Model with Weibull specification
Non time-varying covariates				
Bill is budget bill	1.3 (.26) ***	-	1.1 (.12) **	1.2 (.18) ***
Polarization	.98 (-.01) ***	-	1.04 (.041) ***	-
Scope of bill	1.0 (.001)	-	1.03 (.03)	-
Size of committee	.93 (-.07) ***	-	1.1 (.12) ***	-
Seats of majority party in committees	.90 (-.002)	-	-	-
Committee efficiency	.99 (-.001) ***	-	.99 (.051) ***	-
Executive or Legislative initiative	-	.84 (-.17)	-	1.3 (.23) ***
Exe initiative and electoral cycle	-	1.03 (.03)	-	-
Executive independence	-	2.44 (.90) ***	8.12 (2.09) ***	2.7 (.98) ***
Districts' magnitude	-	.78 (-.24) ***	.85 (-.16) ***	.71 (-.34) ***
Average age of party system	-	1.0 (.009) ***	-	-
Electoral cycle	-	.98 (-.018)	-	-
Type of committee in broad policy area	-	-	1.05 (.051) *	-

<sup>133</sup> The essence of these models is to capture the effects of time-varying dependent variables, as it is the case in this Chapter. The necessity of these models derives, therefore, from the impossibility to apply easier or simpler models to the object of analysis, for reasons well-specified in Box-Steffensmeier *et alia* (1997).

<sup>134</sup> The parameterization of the covariates simply implies that the model assumes a distribution with a specific number of parameters that by construction are of a determinate shape. In turn, not parameterizing the covariates implies these are free to vary and adopt a shape as close as possible to the real distribution of the data. Further, in these models, the baseline hazard is equivalent to the constant in any other model, hence it is only descriptive of where the assumed distribution crosses the axis of origin, i.e. it is usually of no interpretative value.

Biasing effect of electoral system	-	-	-	.84 (-.16)
Time-varying covariates				
Time in floor	1 (2.07e-07)	.90 (-4.38e-07)	-	-
Time in committee	1 (7.3e-07)***	.90 (-9.65e-08)***	-	-
'Administrative time'	.90 (-1.87e-07)***	.90 (-1.21e-07)***	-	-
Goodness of fit				
Sample size	1661	1951	1664	1719
Likelihood ratio ( $\chi^2$ )	284.9	560.4	634.6	667
Log- ps likelihood	-10419	-12473	-10320	-2758
Significance (p-value)	.000	.000	.000	.000
<p>Model Specifications: Dependent variable is total time of bill approval (defined survival rate with respect to final approval).</p> <p>Cox proportional hazards models with Breslow method for ties. Hazard ratios reported and significance. Coefficients between parentheses. Robust estimates.</p> <p>Weibull model using default settings.</p> <p>*** Significant at the 0.01 level of confidence; ** at the 0.05 level of confidence; * at the 0.10 level of confidence.</p>				

The survival models display very significant results and deliver some remarkable additional pieces of information. The most surprising result is that the variables belonging to the endogenous institutional design of Congress, and the time-varying covariates, representing the sequencing structure of the legislative approval process, show no effect, although significantly contributing to the fit of the data. This result implies that the relationship between the total time of approval and the time each bill spends in committee or in administrative processes of Congress is evidently positive and significant, but that there is no strong explanatory relationship between these. A similar result appeared in Chapter 4 when checking for the effects of efficient committees together with the variation of the seats held by the majority party in these. Recalling the result under that specification, I concluded that the space for strategic altering of the times spent in the various processes internal to the legislative structure – in particular the time a bill spends in committee – was limited, i.e. indicating that there were significant attempts by political actors to estimate efficiency, but with a poor, or very general, capability to assign specific variation across committees. The result here, concerning the time-varying factors, is similar. The finding, therefore, holds as a robust result on the relative importance of endogenous factors to the legislative structure in determining institutional performance. The boundaries of their effect, specifically in relation to the effects of time-related factors, are instead set by exogenous factors, such as the specialized character of the bills. Hence, spaces for the discretionary use of these procedures are very limited.

The most striking explanatory variable of the hazard rate for a bill (or its quick approval, as defined in this work) is Executive independence as defined constitutionally. Overall, two exogenous forces help in determining the rhythm of legislative approval: the first is this constitutional design attribute, Executive independence, and second come the characteristics of the electoral system. Again, and opposite to the findings for the previous model for the effect of the electoral cycle on the legislative production, a more stringent electoral system decreases the pace of approval of the bill. A possible hypothesis explaining this divergence is that party systems characterized by an electoral system which is not systematically biased in favor of big parties, are characterized instead by strategic behavior concerning the volume of legislation and the qualitative differences that these may achieve. In turn, in highly competitive party systems, with electoral rules biasing in favor of big parties, minority parties may only employ as a strategic tool of delaying legislative approval, via exhausting the procedurally established deadlines. This somewhat more complex hypothesis would clearly require not only further theoretical elaboration but also more data which is currently unavailable.

In addition to these two clear results, another two new pieces of information with regard to the effects of time on the approval of legislation were found: (1) first, whether the bill involves spending significantly contributes to explaining its quick approval. This fact implies that majority parties with access to government resources are interested in speeding up the rhythm of legislative approval. It would be necessary here to test for the spuriousness of this result, which once more demands the collection of more data, or the refinement of the theoretical approach. Finally, with regard to the time-varying covariates, the results confirm the hypothesis of the informational approach to legislative politics<sup>135</sup> given that the only significant variables are those related to administrative and committee time. This fact implies that the time the bill spends on the floor is practically a formality and supports the hypothesis that bargaining over and amendment of the bills is made during the pre-floor stages.

In sum, the results of this work are in line with the results drawn by Cheibub and Limongi (2000, 2002) for the Brazilian Congress. Essentially, these authors argue that the inclusion of constitutional rules enlightens the analysis of institutional performance (as here, the most stable and important result is that Executive independence determines

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<sup>135</sup> This support is nonetheless partial, given that the other central variables which were included for this theory test mainly related to the characteristics of the committee system were significant but showed no effect on the dependent variable. In order to gain definitive support, or revision of the hypotheses provided by the approach, further elaboration and refinement of the variables is needed.

variation on the effects of time on legislative approval), in particular if these are understood in combination with the endogenous spaces for the discretionary use of the rules.

Furthermore, despite the fact that the models are not comparable, since they do not share equivalent distributional assumptions, both display very significant results, albeit with the drawback that few of the variables are significant individually. This fact indicates that the specification and inclusion of interactive variables has been largely under-explored in the analysis of the effects of time on institutional dynamics. In fact, my suspicion is that this lack of a well-developed and accurate method for the inclusion of interactive effects in complex institutional analyses stems not only from the mixture of institutional levels of operation, as insisted in this thesis and according to Diermeier and Krehbiel (2003). In addition, there is a lack of a general assessment of the fact that the balance between determinacy and indeterminacy in the discipline may well be a consequence of the omission of the temporal dimension in the study of politics, as Almond and Genco (1977) emphasized in their famous article on “*clouds, clocks and the study of politics*”. This point is also important for the study of democratic rule in view of everyday politics, as I have attempted to generate here, and appears as a central conclusion in the following last Section of this Chapter.

## - Conclusions

“The study of democratization, more than most fields of comparative political inquiry, should be sensitive to the time factor. *When* something happens, as well as in *what order* and with *what rhythm*, can be even more important in determining the outcome than whether something happens or what happens”<sup>136</sup>

The conclusions of this Chapter are brief. I will remark on two new findings which represent some specific refinements to the findings from previous Chapters, and on two relatively innovative methodological and substantive conclusions arising from the theory testing effort carried out here.

The first remarkable result is that, despite the low variation present in the data regarding the exogenous institutional variables, these have displayed a highly significant and

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<sup>136</sup> Schmitter and Santiso (1998: 69, italics in original).

moderately sized effect in both models on the effects of time on legislative approval. In particular, variation from Executive independence, which only had shown significance in the models on the employment of extraordinary legislative sessions, constitutes the central explanatory drive of the rhythm of legislative approval. This finding gives partial credit to the original hypothesis of the debate in terms of its emphasis of constitutional design. However, here I have added of more qualitative content to the range of constitutional rules in order to test for their impact on legislative approval. In particular, for the construction of the variable regarding Executive independence I took into account one important source of authority (the ability to hold referenda without legislative ratification) and two important sources of mutual ties between the branches (the threat of dissolution and impeachment). Therefore, as I have remarked, the result constitutes only a partial endorsement since the constitutional rules included do not *only* look at the electoral devices determining the origin of the branches. Instead, as was insisted in Chapter 2, I have privileged the inclusion not only of individual rules, which affect specific capabilities to power and authority of political actors, but also the ties between the branches, as of relevant character for determining inter-branch dynamics. Here, such an emphasis has in fact delivered the expected relationship, with a positive independent impact.

The second result is that the results of this Chapter support the previous bulk of empirical evidence from country-specific studies (as in Lanzaro *et alia*, 2000, for Uruguay, and Cheibub and Limongi, 2000, for Brazil) but adds a comparative perspective. As in previous Chapters, I have found that the format of the party system is substantially related to patterns of legislative production, in this case the pace of legislative approval. The impact of the party system format may only be understood in a comparative perspective. In addition to this general claim in favor of producing more comparative analysis in terms of the substantive contribution it may bring, the specific finding is that the characteristics of electoral rules more broadly determine the dynamics between the branches and between the parties than exclusively through their impact at the time of elections. In this Chapter, the characteristics of electoral rules have contributed to explaining the effects of the electoral cycle on the rhythm of legislative approval, but not of internal sequencing.

With regard to the two methodological and substantive findings, the first refers to the analytical innovation brought by the employment of models which require *a priori* assumptions. This type of analysis may only deliver good theoretical results if those *a priori* assumptions are derived from sound theoretical expectations about the shape of political dynamics. This is a particularly difficult exercise, and the existence of more fruitful

dialogues between approaches – such as between exclusively theoretical and exclusively empirical fields of study - would probably facilitate the generation of these types of expectations, intuitions or benchmarks.

The second methodological remark, which affects the substantive approach to the analysis of institutional performance, is that introduced in the summary of results in the previous Section: there is not enough knowledge on how to model the interactive relationships between institutional variables. There is no lack of technical possibilities, since the discipline is currently seeing a strong development in mixture models, which allow for the modeling of two distributions for a single sample. In survival models, there are the ‘frailty models’, which include measures for capturing the potential tendency that some bills have to be delayed or sped up (of interest to my object of research). My proposal is that developing proper intuition on differential hazard rates or the potential inertia of some bills as compared to others would require three interrelated efforts:

(1) First, the generation of more reliable, susceptible to comparative analysis, and qualitatively grounded classifications of legislation in meaningful policy areas, including normative judgments about the degree of aggregation of social interests in legislation.

(2) Second, the inclusion of the more subtle tools of the decision-making process, susceptible to analysis under the lens of agenda control, agenda setting, or strategic behavior, may contribute to assessing which issues follow a specific decisional path as compared to other(s), or have an intrinsic ‘inertia’ or a tendency to be success/failure.

(3) Third, the analysis of everyday politics requires the inclusion of the temporal dimension related to the rhythm, sequencing and timing of political dynamics in the general balance of the observed conflict versus consensual politics. As Schmitter and Santiso point out in the quotation above, it is not only important to understand what happens as a succession of historical facts. When and in what order facts happen may not be purely exogenous. It may instead be a manifestation of a structural decisional style, as found in this Chapter with respect to the positive correlation between Executive independence and the quick approval of bills.

This Chapter is the last effort of specific theory testing in this thesis. In the last Chapter a summary of the relevant theoretical and empirical findings of this thesis is provided in light of their normative consequences for the Theory of Democracy.

**CHAPTER 7**

**CONCLUSIONS AND NORMATIVE REFLECTIONS ON  
CONSTITUTIONAL DESIGN, LEGISLATIVE PROCEDURES AND AGENDA  
CONTROL IN PRESIDENTIAL SYSTEMS**

“The term performance refers to the execution and accomplishment of work and also, in a connotation relevant to us, to the manner and effectiveness with which something fulfills an intended task”<sup>137</sup>

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<sup>137</sup> DiPalma, G. (1976: 7).

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## 1) INTRODUCTION

In this Chapter I first summarize the findings of this thesis with respect to the three issues that have been separately analyzed on theoretical and empirical grounds: constitutional design, legislative procedures and agenda control in presidential systems. In this, I pay particular attention not only to what tools are employed to exert agenda control, but also to the how and when these are employed. These refined findings are relevant for institutional theory and its possibilities to generate more accurate predictions on the determinants of the political performance of institutions. The predictions from institutional theory also involve some normative reflection, as I defend and develop in the second part of this Chapter. As Haggard and McCubbins point out “a generation of work has shown that institutions affect various political outcomes. (...) Less is known about *how* and *when* institutions affect policy outcomes” (2001: 1, italics in original). I have followed this line of thinking in remarking that even less is known about the normative implications of showing how and when specific institutional settings matter for the short or middle-term, not to mention the long-run consequences of institutional settings. My approach here has emphasized the importance of assessing everyday politics as a middle range realm that affects the quality and type of a key political output: the aggregation of interests in policy-making. To that end, I have paid detailed attention to the characteristics of the decision-making process, with respect to the opportunities for political actors to act strategically, unilaterally or discretionally.

The findings of this thesis have provided support for the idea that both contextual factors as path dependent factors matter in the explanation of political outcomes. These issues have been increasingly integrated into the institutional accounts of political performance, and with particular intensity in the comparative debate on forms of government. As I have argued in the substantive Chapters, the combination of exogenous and endogenous institutional tools does matter, although larger effects stem from the endogenous ones – such as procedural rules and the sequential design of the legislative process of approval – in the explanation of political performance, more specifically with respect to inter-branch dynamics.

The analysis of the endogenous tools available for agenda control, for the unilateral action of the Executive or for strategic behavior by legislators from the majority party, has been fruitful in assessing which practices become institutionalized as decisional styles. The question of whether the institutional structure offers systematic comparative advantages to privileged political actors (such as, most importantly, majority parties and the Executive) constitutes in this frame of analysis a middle-range set of variables that allow an evaluation of the decisional style and the degree to which democratic principles of representation are fostered or impeded.

The central claim with respect to this type of evaluation is that the range of the everyday political interaction, which takes place mostly in forums of decision and deliberation in bodies such as legislatures, may present some variation (e.g. across presidential and parliamentary settings or across multiparty polarized party systems and consensual bipartisan settings), but that this variation derives from a systematic respect of two principles: (1) the effective inclusion of all political forces with representation in decision-making (of legislative approval) and (2) institutionalization of the means for solving political conflict, as a crucial element of democratic regimes. While in the previous Chapters I have performed a detailed empirical analysis of which elements affect the prospects for inclusive decision-making styles and of the ways in which political actors' incentives vary according to their anticipation of policy conflict, I now turn to the normative level of analysis. I will pay attention to the consequences of the discovered variation for the evaluation of democracy and democratic institutionalization in the cases under analysis and, more generally, in presidential systems.

I have employed a functional definition of performance in this thesis, in which political outcomes, in terms of the aggregation of interests and the representative nature of the legislative production, are assessed as both a result of the incentives for actors to behave strategically and of the tools available in the procedural design that allow for the discretionary or unilateral use of power. The explanation, therefore, pays attention to endogenous tools, embedded within the institutional design, that offer comparative advantages to some political actors as compared to others. The evaluation is then taken to the normative level, which is developed here along the lines of connecting three crucial drives of political performance: (1) actors' incentives, (2) rules at the macro (constitutional) and micro (rules of legislative approval) levels of operation, and (3) procedures. The normative viewpoint allows this thesis to speak more clearly to the

Theory of Democracy, by placing an explicit emphasis on the Tocquevillean argument concerning the perils of democratic regimes to degenerate into a ‘soft’ tyranny by the majority.

In Section 3 I reflect on the effects of varying decisional tools and in particular on the majority rule in ordinary and extraordinary procedures for passing legislation. Section 4 then develops a possible strategy to more clearly connect the knowledge about the incentives of political actors, the characteristics of the procedural design and the role of rules in both macro and micro spheres of political action.

The final conclusions note a central finding of this thesis regarding the tradeoff between representation and procedural justice, which we discovered *ex novo* and is related to a very recent emergent literature on procedural politics (see Jupille, 2004). A final Section is devoted to the research agenda and lines of research that directly derive from this thesis.

## 2) FINDINGS ON CONSTITUTIONAL DESIGN: THE IMPORTANCE OF CONSTITUTIONAL CHOICE

“Rules fascinate me. How can these things that we ourselves devise do what they are supposed to do, which is precisely to prevent us from doing what we might otherwise do (or enable us to do what we otherwise couldn’t)? How, in short, can objects of human choice simultaneously serve as sources of human constraint?”<sup>138</sup>

The lack of consensus in academic research about what makes a Constitution stable and legitimate in the view of social and political forces with representation (those, with capabilities to reform it) is great. Part of this lack of consensus results from the difficulty to measure and evaluate the effects of constitutional design on political outcomes. As Horowitz reflects: “if there is a subject called constitutional design, then there must be alternative constitutional *designs*. Assuredly there are, but even now most constitutional drafters and reformers are, at best, only vaguely informed by anything resembling an articulate theory of their enterprise. (...) We also lack a consensus emerging from the articulate theories, whether these relate to electoral systems, presidential or parliamentary structure, or the costs and benefits of centralized or devolved power. Lack of consensus is the first obstacle” (Horowitz, in Reynolds, A. (ed.), 2002: 19).

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<sup>138</sup> Jupille, 2004: xiii.

This lack of consensus may be partially solved with the analytical contribution I presented in Chapter 2, which focuses on distinguishing between the proactive and reactive powers of Executives and Parliaments, and emphasizes the importance of the number and quality of ties between the branches for assessing inter-branch dynamics. This analytical distinction concerning the resources for power and authority contributes to capturing some of the variation neglected in analyses focusing on pure or prototypical forms of government. The main finding here is, hence, that the characterization of presidential systems by the three prototypical elements of inter-branch independence of origin, fixed terms of office, and the exceptional powers of Executives (Linz, 1989; Sartori, 1994) is a weak account of the variation possible within both the Executive and Legislative powers. In fact, I have found evidence that the ideal type accounted for in the original hypothesis by Linz (1989) was an unusual type, and falls far short of capturing the characteristics of presidential systems and their political performance of these systems. In particular, this finding is supported due to that the Executives in the four presidential cases studied here do possess institutional independence of origin, but not of survivability; hence the independence of terms of office is only partially true. Also, Executives possess veto and decree powers which are limited by the capabilities of the legislatures to oversee and constrain these (in either content or time). Third, the exclusive jurisdictional areas of enactment of the Executive (such as the budget, importantly) must also be submitted to legislative amendment, after which a veto may not be employed (thereby, counterbalancing the first-mover advantage of the Executive in this policy area).

The bottom-line is that the original hypothesis was largely blind to the actually existing resources of power and authority of legislatures. What determines inter-branch dynamics is not only what actors *can* do, but what they are actually prepared to *do* with the constitutionally provided resources of power and authority. In this point, my findings show that combining a *de jure* and a *de facto* analysis enhances the possibilities to understand inter-branch dynamics, as well as to make predictions about when and how Executive dominance of the agenda is likely to prevail.

Secondly, I have shown that while there is relatively little variation found among the Executives' resources of power and authority in the presidential systems under analysis, there is a variation among the Legislative branches, judging from the constitutional rules. Legislatures are far from being marginal actors, they are instead

central gears of the political process. Two main sources of power determine the relative strength of the legislatures in the cases under analysis: the exclusive areas of legislative introduction in relevant policy areas (specifically on constitutional reform and the power to call referenda) and oversight capabilities on the Executive and the cabinet.

The pieces of information important for a complete analysis of constitutional design are of two types: (1) the degree to which political actors may make use of strategic threats on each other's survivability (degree of institutional independence) and (2) to what extent political actors (in this case, the branches of government) need to seek consensus to ensure their preferences. Although these two points have shown relevance in the analysis of constitutional design, there is evidence from my empirical analysis that any general model of macro-institutional rules lacks accuracy unless attention is also paid to the path-dependent effects of constitutional choice. This point is basically derived from the recognition that political will plays a role in determining the effects constitutional rules have on institutional performance. The theoretical point is closely related to the view that the way political actors have interacted historically – both in solving political conflict and in choosing a model of institutional design, with its associated trade-offs – matters in the long-term for the prospects of democratic rule. The importance of constitutional choice is precisely a reflection of this theoretical point: the strong weight of the past in the present is manifested through the path-dependence of the past constitutional choice in present institutional practices and outcomes.

Therefore, my analytical proposal in order to develop a complete and comparative analysis of constitutional design is to combine a historical institutional approach with a formal institutional one. The former allows the inclusion of the type of interaction between political actors across time – the varying political will to cooperate or not – while the latter allows an understanding of the preferences of political actors with respect to the specific characteristics of each constitutional choice. In their common contribution, we can thus better understand why and where there are present embedded advantages within constitutional rules which offer opportunities to some political actors to behave strategically, undertake unilateral action, or employ the discretionary use of power.

Thirdly, I have also found that Executives employ their constitutionally provided powers only when they have exhausted other possible, and more subtle, devices for triggering support for their own legislative proposals. Specifically, Executives employ

extraordinary legislative sessions (as an exclusive power of this branch) and the alteration of the sequential design of the process of legislative approval (by appealing for the urgent status of a bill) when there is scarce support in the legislature (higher fragmentation and polarization) and when the electoral cycle exerts the most pressure (elections are close). These findings are in line with the general literature on these issues (Shugart, 1995; Lanzaro, 2001; Cheibub and Limongi, 2002; Krutz, 2001), but add one new insight not previously explored: the size of legislative support for the Executive agenda is a function of the fragmentation in the electoral realm and of the available mechanisms for internal discipline in parties. The shape of this function is linearly associated with the fragmentation in a positive fashion and non-linearly associated with the disciplinary devices. Basically, in multiparty systems that face stringent electoral rules (or where party competition is more intense), legislative support for the Executive agenda decreases linearly with the passage of time (when elections are closer). In turn, in bipartisan systems, provided that parties possess devices to enforce internal discipline (as in Costa Rica), support for the Executive agenda in the legislature is stable or slightly increases towards the end of the term. However, the effect of party discipline is non-linear because this latter finding does not hold for Honduras, a bipartisan system with largely proportional electoral rules but which lacks devices to assure internal discipline in parties, so that this case behaves closer to the multiparty cases (Guatemala and Panama).

Fourthly, I have found that the major axes of differentiation in the constitutional design of presidential systems are related to the variety of reactive and proactive powers. The former may be assessed as a way of capturing how likely cooperation is between political actors, while the latter captures the capabilities of political actors to act independently. Because the reactive type of powers reflect the ability of political actors to impose constraints on each other's actions (similar to the approach of counting veto players). Similarly, the proactive type of powers reflects the degree to which a political actor is able to undertake independent action. This argument is coherent with the initial claim I made about the importance of the ties between political actors – or how far they are necessary for each other for achieving their political preferences – in both quantity and quality. This approach can furthermore be combined with other analytical distinctions to unpack variation within presidential systems (and, indeed, within any type of political system, including mixed forms), such as in Haggard and

McCubbins (2001). The eventual generation of typologies of continuous degrees of cooperation and independence between the branches may deliver a better informed type of aggregate analysis of constitutional rules and expected political behavior. In carrying out such an analysis out in this thesis, I have focused especially on the likelihood of strategic behavior. Inserting this piece of information into a configurational analysis of constitutional rules (Mainwaring and Shugart, 1997) helps to identify variation that does not appear when evaluating the effect of each constitutional rule separately.

Finally, I have found evidence that secondary rules (i.e. procedural rules) are a reflection of primary rules (i.e. constitutional rules). Further to the known principle of legal hierarchy, by which secondary rules cannot contradict primary rules, this finding is sustained both empirically and in the analysis of the procedural design as essential to inter-branch dynamics. Because the findings with respect to the tools provided by the procedural design available to political actors to behave strategically and exert agenda control constitute a central set of results of this thesis work, I shall now devote a specific section to these.

3) FINDINGS ON PROCEDURAL DESIGN: ENDOGENOUS TOOLS FOR AGENDA CONTROL

“Given that institutions matter, that actors have derived preferences over them, and that strategic interaction drives institutional choices, what can be said about the conditions under which everyday politics will take place **with respect to rules, rather than within them?**”<sup>139</sup>

Procedural design, as a cross-sectional set of rules applicable to all policy proposals, constitutes a key part of the political process where inter-branch dynamics are clearly materialized. Whether the “preferences of a decisive coalition of political agents are a key ingredient in evading procedural strictures” (Shepsle and Weingast, 1984: 208) has been a major question of this thesis. The relevance of this question lies not only in whether positive or negative answer is obtained, but in whether there is a systematic exclusion of the political aggregation of interests in the ‘evasion’ of procedures, or in a softer form, the strategic choice of procedures.

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<sup>139</sup> Jupille, 2004: 18, emphasis added.

In what follows, I summarize the most remarkable empirical results from the analysis of endogenous tools for agenda control. In a final paragraph, I draw some relevant conclusions relevant to the theoretical debate to which this work contributes.

Empirically, there are three main results: (1) whereas I cannot fully reject the strong significance of the variables pertaining to the characteristics of the legislative scenario (particularly ideological polarization, with a more qualitative contribution to capture political conflict), I have identified several conditions that are associated with the strength of this consistent significance. Equivalent to the conclusion that context (electoral cycle) is a fostering – always positive and highly significant – variable (empirically), interactive with the others in a theoretical sense, polarization is a mediating variable that contributes to the incentives for political actors to employ tools of agenda control, but does not fully define them. Political actors do take into account the fragmentation and polarization on the floor because these characteristics contribute to their estimations of conflict upon policy (be it policy interests, policy areas or spending priorities), a determining factor for agenda control. However, given expected conflict over policy, the interested political actors can find ways to circumvent the floor (e.g. through emergency procedures) or attempt to control crucial decisional gates such as the committee system. It is in this sense that polarization and fragmentation are theoretical mediators that powerfully contribute to generate and modify incentives.

(2) A second result is that political actors employ informational advantages to their benefit, giving positive credit to the informational approach to legislative politics (Krehbiel, 1991). Especially, informational advantages are closely related to the structure and efficiency of the committee system. However, I have found that the structure of the committee system (in terms of the number of seats to be distributed, or the size of committees and the assignment rule of deputies to committees) is a better predictor of agenda control than their efficiency. This result appears as a consequence of the inability of political actors to make very precise estimations of the varying efficiency of each committee. On this particular point, I have found evidence that, depending upon the degree of legislative fragmentation, two strategies to exert agenda control are available: if the majority party holds a plain majority in the House, agenda control is associated to the decisional process of legislative approval, particularly by monopolizing key decisional and informational resources. However, when the majority party holds a narrow majority, it will need employing emergency procedures, i.e.

procedures that circumvent the ordinary process of legislative approval. In this line, the results allowed me to make robust differentiated claims concerning the characteristics of the legislative scenario and the legislative behavior of political actors.

Furthermore, this kind of strategic behavior appears more when the bill is micro-sectional, that is, when the policy-style tends to be characterized by patronage and targets particularized interests, and when the electoral cycle is at its most pressing (i.e. elections are close), this time holding independently of the degree of legislative fragmentation in the House.

The findings with respect to the sequential design of the process of legislative approval provided further refinements to previous findings in that they generally show the importance of endogenous tools for agenda control. In particular, the central sequential step for the strategic choice of procedures is the time a bill spends in the committee. The models designed to systematically capture the effects of time show that the most determining factor affecting time is informational advantages produced within committees. Hence, and once more in tune with the bulk of empirical analyses in this field, once the bill has been approved in committee, the vote on the floor will very likely match the committee dictum where this is positive. As a consequence, being able to place bills in committees with some desirable characteristics – small size, particularly – constitutes an efficient way of subtly controlling the agenda, by *ex ante* estimating *which* committee will tend to receive the bill.

In addition, the specific context that most affects the length of the legislative process of approval is the type of electoral rules. Sharply, more stringent electoral systems (i.e. with a large systematic bias in favor of big parties), related to the degree of competitiveness in a party system, foster the employment of time-related procedures for agenda control, especially when the bill involves spending. On this point, there is a relevant divergence that also brings more detail to the contextual specifications of agenda control: while the scope of the bill and the spending involved positively and significantly affect the rhythm of a bill's approval, these policy characteristics do not affect the shape of legislative approval throughout the electoral cycle. This result means that, while policy characteristics do relate to endogenous procedural choices (in this case, the sequential process of approval), these are quite independent from the exogenous time pressure of the electoral cycle. Interestingly, this result confirms our

general expectation that endogenous procedures define what actors do with their actual constitutional resources of power.

A final finding related to the use of endogenous procedures for agenda control is that, referring to the time-related procedures, Executive independence (as defined constitutionally) matters negatively and significantly. This fact confirms the main finding we obtained in the previous section, where I emphasized that unilateral action from the Executive may appear only under two circumstances: (1) when the actor has exhausted other means to foster legislative support for his/her own agenda and (2) when the power provision assures independence and not cooperation. The effects of Executive independence are, however, non-linear with respect to time, depending upon which time unit accounted for. While Executive independence is negatively related to exogenous pressure from the electoral cycle, this relationship is positive with respect to the endogenous sequential design of the legislative process of approval. In other words, when a bill proposed by the Executive gets to legislative approval, the passage of this bill through the procedural design is quicker than when any other political actor enacts the bill, but this needs not happening in connection with the closeness of elections. The latter result – the negative association between Executive independence and pressure from the electoral cycle – reaffirms the findings for the honeymoon pattern: decrease in the support for the Executive agenda tends to occur towards the end of the term, and this is even more likely in bipartisan cases with internally fractionalized parties.

Overall, this thesis has found evidence that the effects of constitutional rules on agenda control, in particular, and as an indicator of political performance, are generally weak or moderate – only for the calling of an extraordinary session. The effects of procedural design contribute more strongly to determining the shape of the incentives of political actors' and the degree to which embedded possibilities for strategic choice are present within the legislative realm, a key decisional institution in liberal democracies. With the benefit of adding institutional detail, the main findings are that informational advantages are provided by the characteristics of the committee system design, that Executive dominance of the agenda exists in the case with the weakest legislative body (Panama), that exogenous aspects of the party system such as available devices for enforcing discipline and the competitiveness stemming from the more or less stringent the electoral system do matter when assessing the degree of legislative support for the Executive agenda,. In addition, the employment of time-related procedures for agenda

control does not depend on the policy characteristics of the bill. Therefore, policy-targeting and patronage, as many Latin American governments are famous for, is not a general output of institutional design but, probably, of other non-institutional (i.e. informal) conditions.

These findings point to three types of tools susceptible to normative reflection: (1) the design of the committee system, (2) decisional rules of a majoritarian or supermajoritarian nature, and (3) interactions between these two types of rules. These normative insights and a general reflection on their implications for the theory of democracy follows.

4) CONNECTING INCENTIVES, PROCEDURES AND RULES: NORMATIVE REFLECTIONS WITH IMPLICATIONS FOR THE THEORY OF DEMOCRACY

“Tocqueville distills his discovery of the essence of modern society in this way: the equality of conditions is not a single characteristic among others; it is the ‘generative fact’ from which all the rest is deduced”<sup>140</sup>

The main argument I will develop here is that the institutionalization of democracy possibly demands as much effort from real actors as from the ‘correct’ design of procedures and institutions. I have already endorsed Horowitz’s (2002) view that excessive trust in our capabilities to ‘engineer’ constitutions and, more broadly, institutional design, constitutes a partially failed effort from a lack of precise predictive capabilities concerning (1) alternative institutional design(s) and (2) alternative ways of assessing the direct, indirect and spill-over effects of those institutional design(s) on political outcomes. My specific criticism has been that, if this is generally true, the most unrealistic aspect of the debate on the forms of government with respect to the weight attributed to the constitutional design of presidential systems was the misspecification of interactions between rules. As shown, interactions between rules also exist, and accounting for these interactions or not affects the possibilities to detect important factors affecting the determination of one political outcome or another.

A second strong criticism underscored in this thesis is the narrow focus of the original debate on the forms of government, whose fault lies with the evaluation of only two possible outcomes: stability of democracy *versus* breakdown. My contribution aims

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<sup>140</sup> Manent, P. (1996: 1).

to generate a fruitful strategy that allows breaking the definitional link between functioning democracies and political stability. While in fact both politicians and institutional designers of course share a desire for political stability, my point is that they also desire other political goals. Such goals may range from seeking for the general interest in their role as representatives (Przeworski, Stokes and Manin, 1999) to the imposition of particularized political agendas in the race for economic resources, such as corruption, or specific social privileges (*status quo*). These types of outcomes do not display a linear relationship with either regime stability or breakdown: they are instead more related to the way everyday politics is characterized by a range of indicators of institutional performance, as I have argued.

My analytical proposal that may contribute to partially solve these gaps in accurate political analysis is that, looking at how the decision-making process allows more or less discretionary and unilateral behavior, increases our possibilities to identify different combinations of practices which are not purely adaptable to the type of analysis on ‘well-working democracy *versus* breakdown’. Instead, there may be a range of mixes of practices that become institutionalized: for instance, fair bargaining with respect to socio-cultural, economic and infrastructural policies but a restricted aggregation of interests, or agenda control, with respect to issues of political reform, as we discovered empirically in Chapter 4.

The specific finding of this thesis that may contribute to adopting a more general view on the connections between incentives, rules and procedures is through the central conceptual placement of procedural justice. As already discussed in Chapter 4 (Section 5) some useful innovations may be drawn from this concept, as a result of its comparatively strong theoretical **and** empirical rooting.

A normative exploration of the consequences of providing such centrality to the concept of procedural justice, which is particularly well suited to facilitating an increased dialogue between Institutional Theory and Theory of Democracy, involves asking: ‘Is procedural justice a byproduct of the specific characteristics of the legislative process of approval?’ This question is related, on the one hand, to Institutional Theory on that it specifically refers to the institutional characteristics and structure of a decisional body (legislatures). On the other hand, it makes dialogue with the Theory of Democracy possible in that the question aims to explore a direct relationship between an observable phenomenon – procedural justice – and two normative grounds of

democracy: representation and inclusiveness specifically by exploring which type of relationship exist between the two, as I argue below.

My *ex ante* answer to this question is negative, but exploring the reasons for this answer is important to the general heading of this Section, which is devoted to the assessment of the connections between incentives, rules and procedures. The idea that fair bargaining in the decision-making process of legislatures is **not only** a consequence of the characteristics of the institutional design has also been dealt with in the literature specifically concerned with deliberation (Elster and Slagstad, 1988; Elster, 1998). A central argument here is that some bargainers are better positioned in all political systems. I agree, but my question related to this possible argument is whether those comparative advantages systematically benefit particular political agendas and hence specific political actors. If this is so, then there is a systematic threat to the ‘generative fact’ (as in the quotation above, referred to Tocqueville’s view on democracy) from the very institutional rules of the game. This threat is relevant since both inclusive and representative devices are on the very normative grounds for desiring democratic regimes, as oppose to the arbitrary and discretionary use of power in authoritarian systems. While I also view deliberation as an important device for democratic rule, I wish to underscore that deliberative democracy benefits the democratic process only *if* the basis of bargaining and compromise among political actors is also endowed with the principles above, from a normative perspective.

This point is important, and also makes a specifically adequate definitional contribution to the concept of procedural justice clear. Authoritarian regimes may in fact deliver legitimate outputs, for instance through ambitious policy making with a social character (e.g. targets of full employment), which are in the short-run supported by the citizenry. However, my point is that, structurally, by definition, authoritarian regimes lack legitimate input. In turn, democracies are intimately associated to the idea of the rule of law, which implies – in addition to some other pre-conditions which are not discussed here (but see O’Donnell, 1998a, 1998b) – that procedures are equal and universal for all citizens (as in studies of access to judicial institutions, for instance) but also for all politicians (my focus here).

Therefore, despite the fact the my general answer to the question of whether procedural justice is exclusively associated to the characteristics of the decision-making process is negative, the nuance I aim to introduce is that the concept of procedural

justice focuses on the **input** side of the democratic process: i.e. to what extent are there universal principles, equally applied to all political actors, governing access to the rules governing the adoption of decisions. A further element of this nuance is that the quality of this input affects the output of institutions. This is where I identified a trade-off relationship between representation and procedural justice.

Having identified the trade-off relationship between representation and procedural justice, I must now explore how far this is linked to the combination of incentives-rules-procedures and its impact on the quality of democracy. We have seen that no single form of government, and for the sake of the argument, no single institutional design, is free from such trade-offs (Haggard and McCubbins, 2001). Our standpoint has been, however, that unpacking variation with respect to both macro-institutional (i.e. constitutional) and micro-institutional rules (i.e. procedural design) significantly contributes to the assessment of institutional performance, especially when including their interrelated effects. My emphasis was on whether or not the endogenous institutional structure of the legislature has an independent impact on political outcomes, to which our answer – on both theoretical and empirical grounds – was positive. As I have seen, combining actors’ incentives, procedural rules and the discretionary spaces these offer, and macro-constitutional rules (as settling the parameters of variation for political action) results fruitful. But, what are the consequences of these combinations for the quality of democracy? Or, in specific terms for my contribution here: ‘What are the consequences of assuming that an increase in the quality of the procedural design leads to an increase in the quality of democratic outcomes?’ My answer has been that plurality benefits the democratic process, and that this plurality – including the plurality of political interests – should be procedurally guaranteed in the political system. Distinguishing between the local and the global positive effects of increasing procedural justice, the global effect is the increased capability of the political system to deliver representative policy, i.e. to deliver policies which **reflect** the plurality in the House, and do not privilege any specific political agenda, aggregating interests instead of systematically excluding them. What point would there be for holding elections in democratic regimes if the representatives were then systematically hindered in their role...

With respect to local effects, more detail is required to evaluate each specific outcome. In fact, at the time of writing, an intense political debate is taking place in

Costa Rica over Executive re-election and the internal sequential design of the process of legislative approval (on reducing specific deadlines for votes on the floor), and in Honduras with respect to the electoral rules of primary elections in order to foster even less discipline within the parties. These two examples indicate that political actors do worry about the internal rules governing the adoption of decisions. From the empirical findings of this thesis, I can claim that allowing the re-election of the Executive would have positive local effects on the coherence of legislative production, producing less fluctuations in the volume of approval from the beginning of the term to the end of the term – a consequence of the decreased legislative support for the Executive agenda, as seen empirically. Second, I have also identified the positive effects of having large committees, which will more likely mirror the composition of the House and offer no comparative advantages. Third, I may say that having disciplined parties is positive for its influence on trust-building via the mutual knowledge of political preferences by political actors, which facilitates more transparent bargaining. Finally, my general normative claim is that the availability of discretionary spaces for the interpretation of rules or the employment of procedures has a negative impact on all the indicators for the aggregation of interests, and is instead positively associated to agenda control. The importance, therefore, of designing clear rather than vague or fuzzy rules – a typical way to offer spaces for discretionary interpretation, in both developed and developing democracies, in this case – is essential for limiting phenomena such as systematic agenda control, unilateral action or strategic behavior as derived from the discretionary use of power.

The potential normative implications for each country are evidently rich and a large amount of international assistance is being provided to the Central American region (importantly, by the Inter-American Development Bank, IADB, through projects strongly inspired by the principles of ‘Technical cooperation’ - with the general objective of “institutional strengthening in the region”). This thesis suggests some ideas for the more nailed down design of specific political and institutional reform of Parliaments or more broadly for the rules governing inter-branch dynamics, which institutions like the IADB are in charge of financing, proposing and evaluating. My normative analysis, however, stops at this point within the range of theoretical leverage. Next, a brief Section on the lines for research opened by this thesis follows.

## 5) A RESEARCH AGENDA

The lines of research following on from this thesis are several. I will underscore three main areas of research, that relate to three fields of study: Theory of Democracy, Methodology and Comparative Politics. I briefly expand on the ways in which this thesis contributes to generate new lines of investigation valid and relevant to these fields.

The most central finding for research related to the theory of democracy is the identification of constitutional choice as a source of heavy path dependent effects on the political performance of a country. As followed from the applied analysis of the four Central American cases in Chapter 2, on constitutional design, the relative position and preferences of political actors, together with the degree of elite renovation, affects the prospects for embedded comparative advantages for some political actors. This type of investigation has been carried out systematically for some cases where the characteristics of the transition to democracy have heavily influenced its further development (or constrained its development) of democracy itself, such as Chile. Extending the work to the Central American region, with the evidence of comparability between such cases as different as Guatemala and Costa Rica, suggests that the evaluation of the constitutional design is incomplete in nature unless an analysis of constitutional choice and, importantly, the preferences of the political actors at the time of choosing the institutional frame is included.

Furthermore, this result provides the basis to produce comparative research of importance to both constitutional reformers and academics in the discussion of Constitutions as inter-generational pacts. In this sense, the opening of this line of research represents an innovative type of investigation, most importantly in its potential for interdisciplinary research. The question links properly current issues in two fields that could be interrelated: on the one hand, Constitutional Theory – in its objective of to identify the intergenerational pacts that Constitutions represent (Buchanan, 2002; Habermas, 2001; Holmes, 1988), and, on the other hand, Institutional Theory and Comparative Politics – in the objective of identifying what matters and how for variation in democratic and political performance.

A second area of research that derives from the findings of this thesis and naturally extends into a research agenda is related to the methodological realm. I have

found evidence through robust and sophisticated empirical analysis that important biases in the original hypothesis on the perils of presidential systems (Linz, 1989) were present due to the methodological choices. Innovation in this debate will thus clearly derive from a greater awareness of sources of bias and the effects of these biases on research output. The development of this area of research is relatively recent as well, in the recognition that conceptual and methodological choices are largely interrelated. However, a broad discussion on the range of consequences of the methodological choices on the research output has not yet explored all the implications seriously and consequentially for the renewal of the field. Such a debate is necessary in the light of the need to take methodological choices as seriously as conceptual clarifications and delimitations. That is, methodology is central to the process of elaborating and justifying the object of research. In the thesis work, I have mostly explored the effects of choosing alternative modeling strategies, favoring quantitative modeling on the basis of a qualitative construction of variables. In addition, with reference to the discussion on alternative modeling strategies as a valid and necessary step affecting the research output, I contend that sample size choices also affect the information and results obtained from research. Including normative views in methodological choices will, in this way, increase awareness on how the discipline may develop in a less competitive style, away from the proliferation of several measures for the same phenomenon that do not communicate, and towards an increased effort to contrast each measure and determine its specific explanatory capacity.

Finally, a relevant finding of the thesis for the field of Comparative Politics is the acknowledgement that variation within each form of government may deliver better informed judgments about issues of political performance. Hence, while the broad comparison between pure presidential and pure parliamentary systems is rather exhausted, the exploration of hybrid systems and the number of varieties within either presidential or parliamentary systems may yield diverse and relevant comparisons from the existing ones that are, hence, unexplored to a large extent (cf. Cheibub *et alia*, 2004). My specific proposal has been that multiple layers of combined systems may be elaborated by applying the distinction between large-low variations in the (1) proactive-reactive powers, for each (2) Executive-Legislative branches, and varies under (3) the context of unified-divided government. By adding the possible cells of variation from those political factors plus the possible ranges of variation, the pure presidential and the

pure parliamentary forms of government are in fact only two cells out of sixteen potential ones. Clearly, there is a vast potential for exploring the political outcomes of varying forms of government in a comparative perspective.

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- Electoral Tribunal, Costa Rica at (<http://www.tse.go.cr>)
- Electoral Tribunal, Honduras at (<http://www.tne.hn>)
- Electoral Tribunal, Panama at (<http://www.tribunal-electoral.gob.pa>)
- Database of the Americas at (<http://www.georgetown.edu/pdba>)

### **DATA FROM RESEARCH PROJECTS EMPLOYED IN THE THESIS**

- Research Project “*Rendimiento del Poder legislativo en America Latina*”, (Ref. 1FD97-0906), financed by FEDER and Spanish National R+D Plan, developed at the Institute for Latin American Studies, University of Salamanca, Spain. Director: Prof. Manuel Alcantara.
- Research Project “*Elites Parlamentarias en America Latina*” (Ref. 95-0845), financed by the Ministry of Education of Spain (MEC), developed at the Institute for Latin American Studies, University of Salamanca, Spain. Director: Prof. Manuel Alcantara.
- Research Project “*Representacion politica y calidad de la democracia: un estudio de las elites politicas en America Latina*” (Ref. SEC2002-03483), financed by the R+D National Program, Ministry of Education of Spain (MEC),

developed at the Institute for Latin American Studies, University of Salamanca, Spain. Director: Prof. Manuel Alcantara.

**ACRONYMS OF POLITICAL PARTIES EMPLOYED IN CHAPTER 5:**

**- HONDURAS:**

PLH: Partido Liberal de Honduras

PNH: Partido Nacional de Honduras

PINU: Partido Innovacion y Unidad

PUD: Partido Unificacion Democratica

PDCH: Partido Democrata Cristiano de Honduras

**- GUATEMALA:**

PAN: Partido de Avanzada Nacional

FRG: Frente Republicano Guatemalteco

URNG+EGP+PUR+FDNG: Union Revolucionaria Nacional Guatemalteca+Ejercito Guatemalteco Popular+Frente Democratico Nueva Guatemala

DCG+PNR: Democracia Cristiana Guatemalteca+Partido Nacional Revolucionario

MLN: Movimiento de Liberacion Nacional

UCN: Union de Centro Nacional

DIA: Desarrollo Integral Autentico

MAS: Movimiento Accion Solidaria

**- COSTA RICA:**

PLN: Partido Liberacion Nacional

PUSC: Partido Union Social Democrata

Provincial parties includes: PUAC: Partido Union Agrícola Cartaginesa, ADA: Accion Democratica Alajuelense, PAN: Partido Agrario Nacional, PAC: Partido Union Agricola Cartaginesa.

Others includes: PALA: Partido Accion Laborista Agricola+ML: Movimiento Libertario

**- PANAMA**

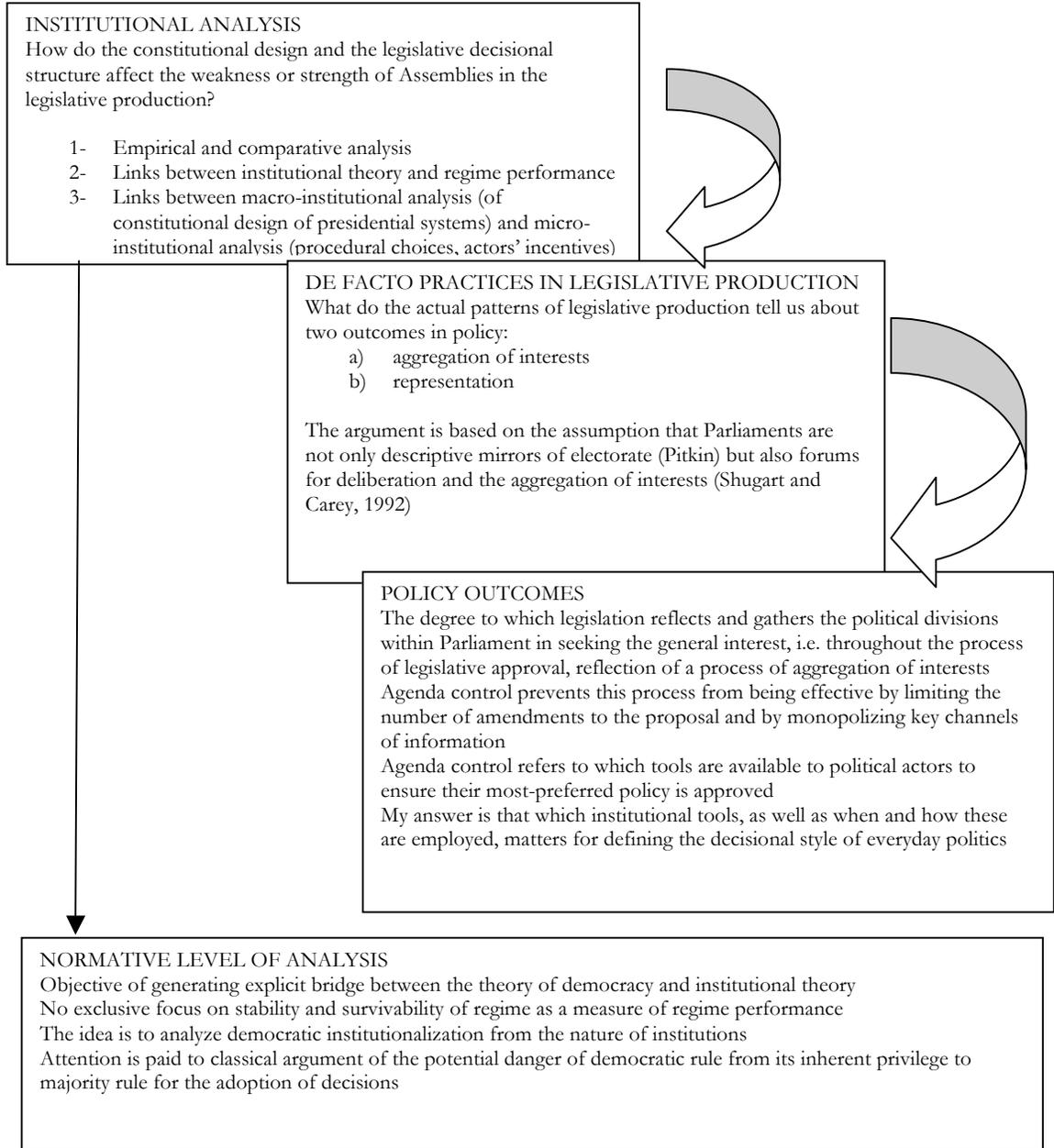
PA: Partido Arnulfista

PRD: Partido de la Revolucion Democratica

Others includes: Solidaridad, Papa Egoro, Morena, Molirena, Renovación Civilista, Libre, Liberal Autentico.

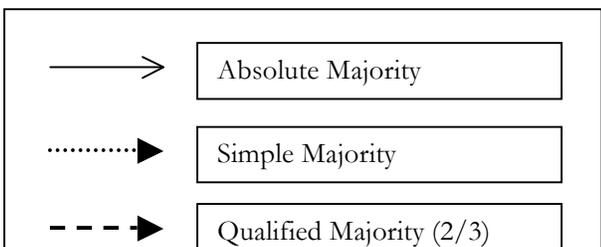
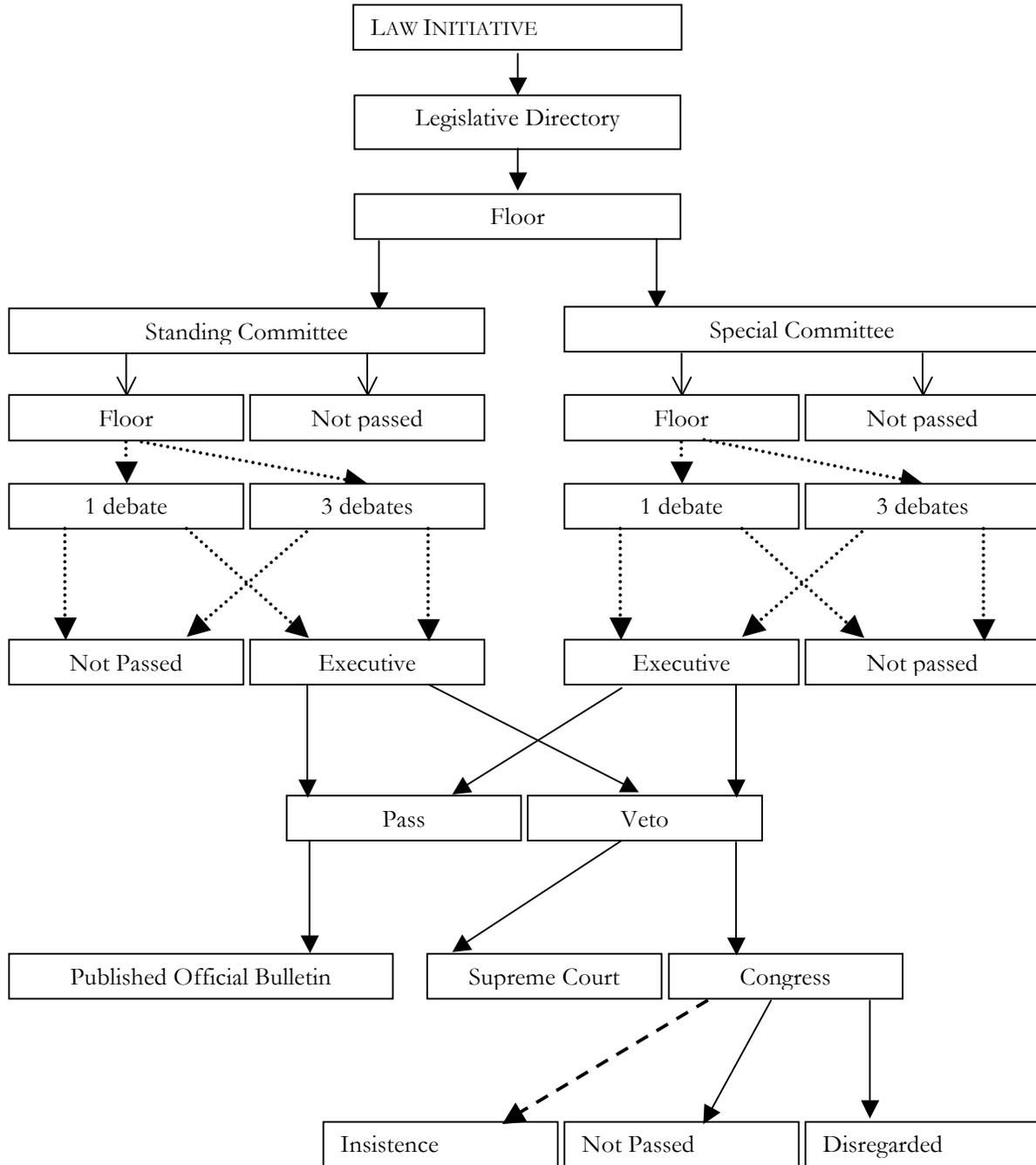
APPENDICES

**APPENDIX 1. CHAPTER 1. VISUAL APPROXIMATION OF THE RESEARCH DESIGN: LEVELS OF ANALYSIS**

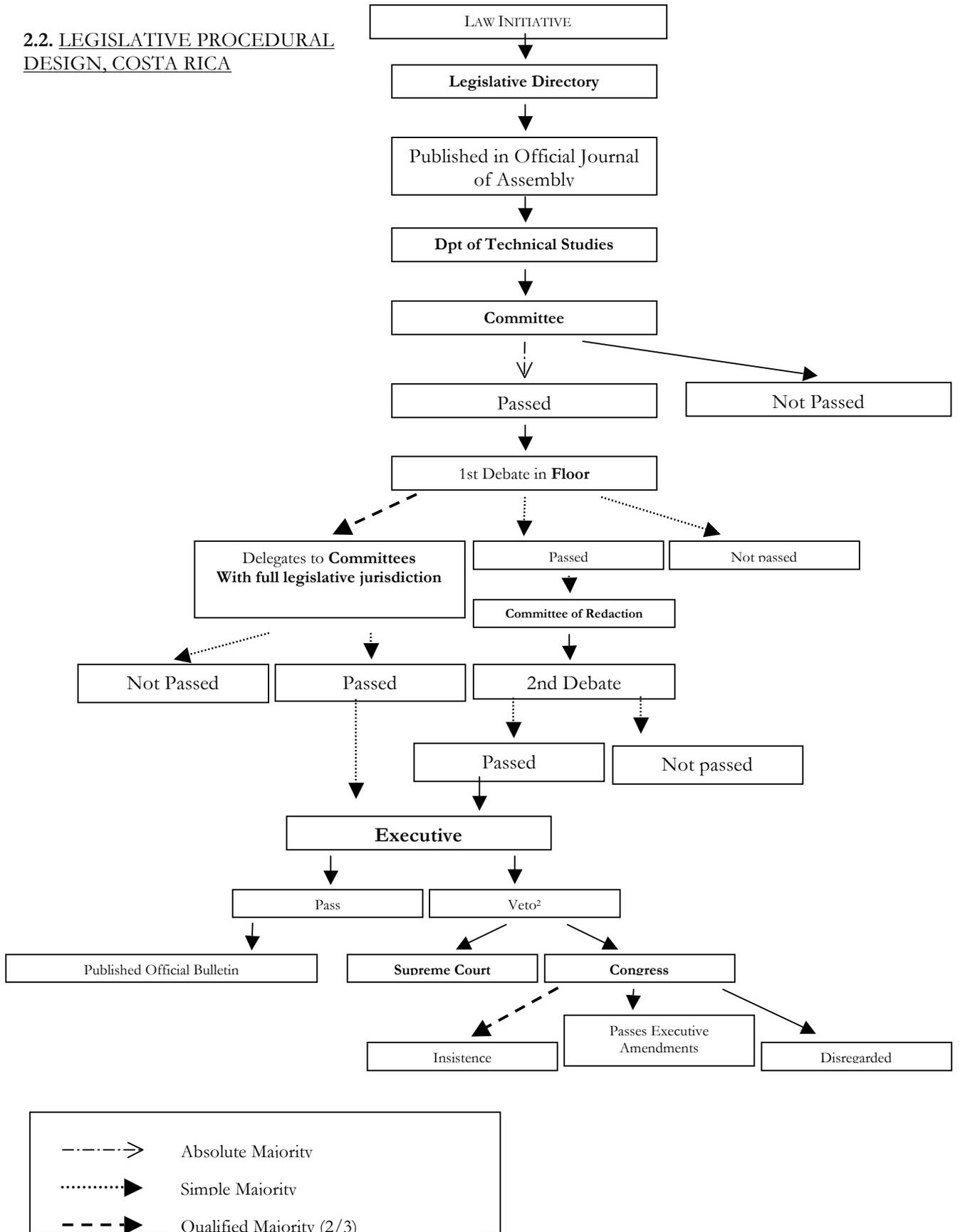


**APPENDIX 2. CHAPTER 2.**

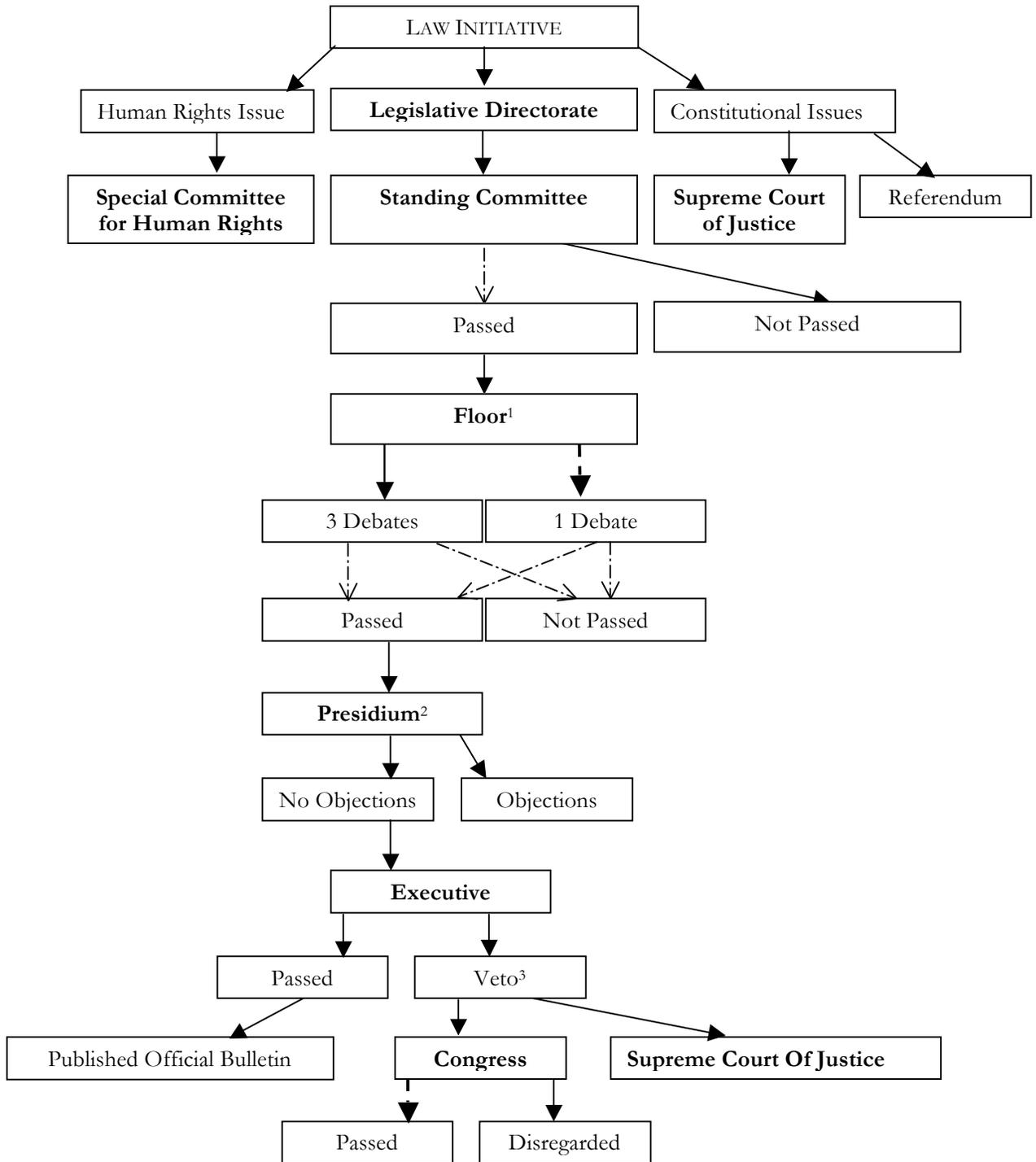
**2.1. LEGISLATIVE PROCEDURAL DESIGN IN HONDURAS**



**2.2. LEGISLATIVE PROCEDURAL DESIGN, COSTA RICA**

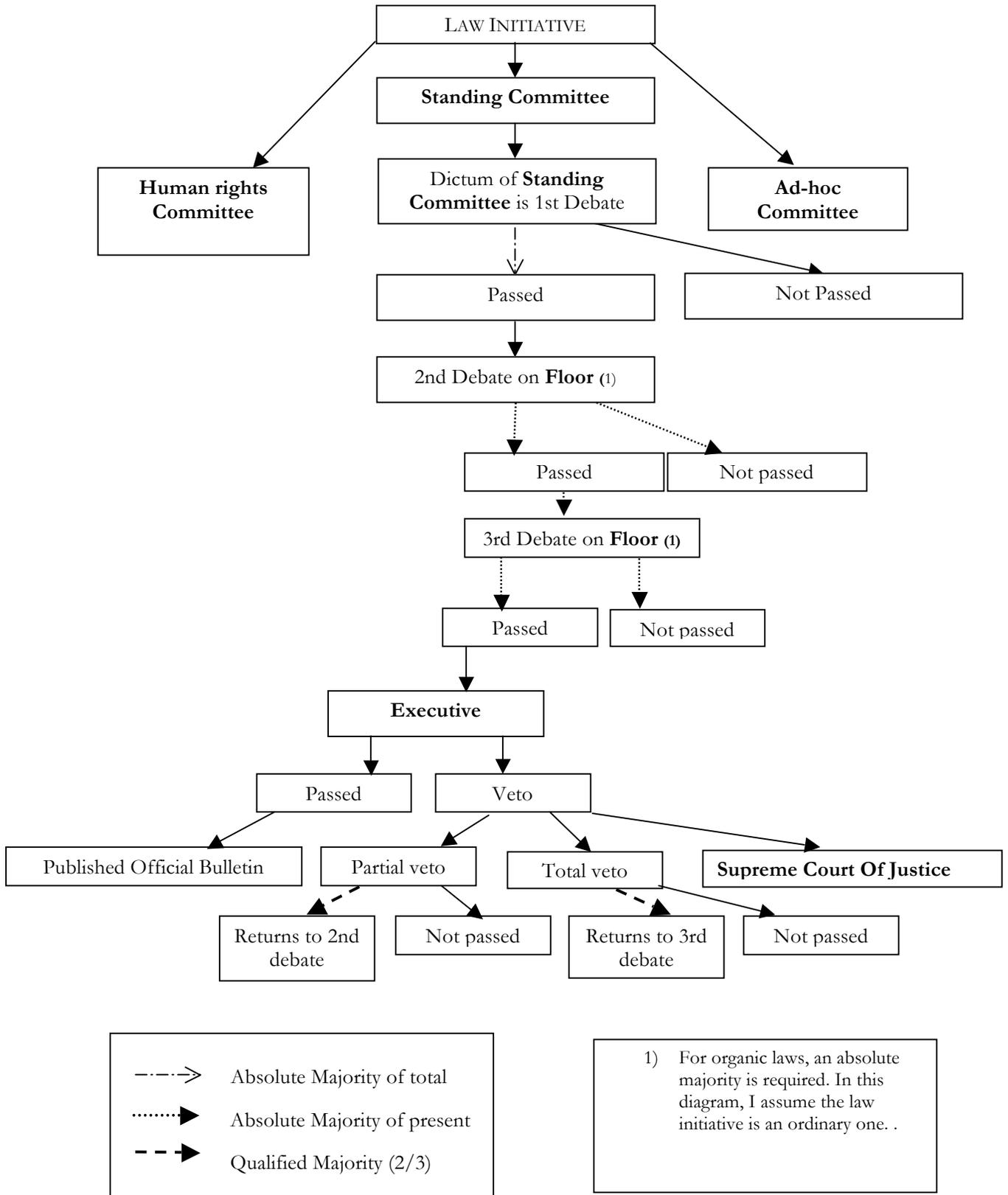


2.3. LEGISLATIVE PROCEDURAL DESIGN IN GUATEMALA



<p>-----&gt; Absolute Majority</p> <p>---&gt; Qualified Majority (2/3)</p>	<p>1) The Floor can send back an initiative to the Standing Committee that emitted the dictum (or another) on simple majority</p> <p>2) The Presidium sends copies to all legislators. If within five days there are no objections, the bill is considered passed.</p> <p>3) Veto is not possible in matters of internal regulation of Congress, Budget, Interpellations and Conferral of Honors.</p>
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2.4 LEGISLATIVE PROCEDURAL DESIGN IN PANAMA



APPENDIX 4. CHAPTER 4.

4.1. INDEXES OF POLARIZATION FOR FOUR CENTRAL AMERICAN CASES

I follow Coppedge (1998: 556-557) to calculate the index of polarization<sup>1</sup>,  
 $|1 - mlrp| * (xr + sr) + |0,5 - mlrp| * (xcr + scr) + |-0,5 - mlrp| * (xcl + scl) + |-1 - mlrp| * (xl + sl)$

where mlrp is MLRP/100, the Mean Left-right position calculated as follows:

$$MLRP = (xr + sr) + 5(xcr + scr) - 5(xcl + scl) - (xl + sl).$$

The idea in calculating the polarization is first to place the competing political parties along the left-right scale, and then to weight them by the percentage of votes or seats won in the elections of interest (or, if over time, a weighted average). Then, I display the percentage of votes of the parties who won a seat in Congress for the legislative periods under study.

Electoral data <sup>2</sup> and polarization	HONDURAS Elections 1997	COSTA RICA Elections 1994	GUATEMALA Elections 1996	PANAMA Elections 1994
Parties and electoral data (in % of vote won)	PLH: 49,5% PNH: 41,3% PINU: 4,1% PDCH: 2,6% PUD: 2,3%	PLN: 44,6% PUSC: 40,4% PUAC: 1,1% PAN: 0,9 PFD: 5,3%	FRG: 20% PAN: 34,3% FDNG: 9,1% UCN,DCG,PSD: 12,8% MLN: 3,4% PUD: 4,5%	PDC: 6,42% PRD: 22.86% MOLIRENA: 11,26% LIBRE: 2,41% UDI: 1,26% MORENA: 6,63% ARNULFISTA: 14,53% SOLIDARIDAD: 6,51% LIBERAL: 3,43% PALA: 2,72% PAPA EGORO: 9,65% RENOV. CIVILISTA: 5,57% PLA: 3%
Mean left-right position	-64	-5,4	44,65	10,17
<b>Index of polarization</b>	<b>29,80</b>	<b>49,40</b>	<b>23,08</b>	<b>64,02</b>
Source: own construction. Figures for the percentage of votes taken from Alcantara (1999), except for Guatemala, taken from [http://www.georgetown.edu/pdba]				

<sup>1</sup> In his formula, Coppedge tries to account for two crosscutting dimensions: Christian versus secular and right versus left. From this, the acronyms XR stand for Christian Right blocs, for instance, and SR for Secular right, and so on. Although here I only classify the parties in the left-right scale, I have kept the formula and the terminology as in the original. (Coppedge, 1998).

<sup>2</sup> I only account for the percentage of votes of the parties who won seats in Congress, given that my interest is to calculate the polarization within Congress for the legislative periods under study in this Chapter, not the overall polarization in the electoral arena.

In order to calculate the mean left-right position, I classified the parties in the ideological scale as follows<sup>3</sup>:

Honduras: Left: empty; Center-left: PINU and PUD; Center-right: PDCH and PLH; Right: PNH.

Costa Rica: Left: PFD; Center left: PLN; Center right: PUSC; Right: PUAC and PAN<sup>4</sup>.

Guatemala: Left: empty; Center-left: FDNG; Center-right: DCG-UCN-PSD, PAN, PUD; Right: FRG.

Panama: Left: PAPA EGORO; Center-left: PRD, LIBRE, SOLIDARIDAD, LIBERAL; Center-right: PALA, PDC, PA,PLA, UDI; Right: MOLIRENA, MORENA, REN.A.V. CIVILISTA.

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<sup>3</sup> The classification is my own construction based on the programmatic manifestos of the parties (where available), in Ajenjo (2001) for Honduras, Garcia Diez and Ajenjo Fresno (2001) for Guatemala, in Garcia Diez (2001), all in Alcantara and Freideberg (eds.) and for Panama, Alcantara (1999).

<sup>4</sup> Both the Partido Union Agricola Cartaginesa (PUAC) and the Partido Agrario Nacional are peasant parties, and only have presence at the provincial level. I found no reference to their ideological placement, probably implying that they have none, and therefore only aim at a small representation in Congress in order to be able to negotiate beneficial policies for the province with the big parties. Thus, I placed them on the right, although their small percentages of votes won makes it almost irrelevant where they are placed.

**4.2. COMPETITIVE MODELS FOR ENDOGENOUS PROCEDURES**

**4.2.1. DEPENDENT VARIABLE COMMITTEE RECEIVING THE BILL, COMPETITIVE MODELS FOR THEORY TESTING**

- MODEL WITH ONLY THOSE VARIABLES ENDOGENOUS TO THE COMMITTEE SYSTEM

Variables	Political → Economic	Political → Infrastructural	Political → Socio-Cultural
Size of committees (number of deputies in each committee)	1.78***	.91**	.84***
Seats of majority party in committees (in %)	1.07***	1.01***	1.02***
Committee efficiency (time each bill passes in committ)	1.00***	1.00***	1.00***
Model Measures			
Sample size	4136		
Pseudo-R square	.12		
Wald chi-square	622.7		
Log (pseudo)Likelihood	-4488.16 (compared to Iteration 0 LL=-5074.8)		
P-value model	.000		
Notes: Model is Multinomial Logit with reference category for calculating probabilities Political Issues Committee receiving the bill. Robust errors estimated; Relative Risk Ratios reported instead of coefficients; Frequency weights of variable country. Columns reveal the transitional probabilities with respect to a bill having been assigned to a Political issues committee (fixed reference category) and the corresponding committee in each column. See Appendix 4.1. for the calculations of the polarization index following Coppedge (1998). *** Significant at 0.01 level of confidence; ** Significant at 0.05 level of confidence.			

- MODEL WITH EXOGENOUS VARIABLE ELECTORAL CYCLE AND INTERACTIVE EXECUTIVE ENACTMENT AND END OF ELECTORAL CYCLE\_(Testing hypothesis on Executive incentives towards end of term for loss of legislative support, hence including as explanatory variable ideological polarization on the floor)

Variables	Political → Economic	Political → Infrastructural	Political → Socio-Cultural
Polarization	.96***	1.00	1.01***
Executive enacts bill	3.3***	.28***	.18***
Dummy electoral cycle (first half versus last half of term)	1.8***	.95	.84
Interactive Executive enactment and dummy electoral cycle	.36***	.83	.96
Model Measures			
Sample size	3997		
Pseudo-R square	.09		
Wald chi-square	742.1		
Log (pseudo)Likelihood	-4477.8 (compared to Iteration 0 LL=-4915.9)		
P-value model	.000		
Notes: Model is Multinomial Logit with reference category for calculating probabilities Political Issues Committee receiving the bill. Robust errors estimated; Relative Risk Ratios reported instead of coefficients; Frequency weights of variable country. Columns reveal the transitional probabilities with respect to a bill having been assigned to a Political issues committee (fixed reference category) and the corresponding committee in each column. See Appendix 4.1. for the calculations of the polarization index following Coppedge (1998). *** Significant at 0.01 level of confidence; ** Significant at 0.05 level of confidence.			

**4.2.2. DEPENDENT VARIABLE SEATS OF MAJORITY PARTY IN COMMITTEES, COMPETITIVE MODELS FOR THEORY TESTING**

- TWO COMPETITIVE MODELS WITH EXOGENOUS VARIABLES PERTAINING TO THE ELECTORAL RULES AND THE FRAGMENTATION OF THE PARTY SYSTEM

Variables	Coefficients	Model Measures
Fragmentation	-21.06**	Sample size= 4629; p-value=.000 LogLikelihood=-17517; Pseudo R <sup>2</sup> =.04
Biasing effect due to electoral system	-3.40***	
Blocks in the legislature	-5.97***	Sample size=4626; p-value=.000 LogLikelihood=-16814; Pseudo R=.08
Size of committees as units (number of deputies per committee)	-1.91***	
Honeymoon effect (dummy for electoral cycle)	-1.1***	
Average district magnitude	-6.87***	
Notes: Tobit model with two-way censoring (upper limit fixed at the maximum value, 100%, and lower limit fixed to minimum value 14% of seats); frequency weights of variable country. *** Significant at the .01 level of confidence; ** Significant at the .05 level of confidence. Biasing effect due to electoral system is the effective number of electoral parties that do not make it into the legislative party system (See Table 3, Chapter 1).		

**4.2.3. DEPENDENT VARIABLE COMMITTEE RECEIVING THE BILL**

Variables	Political → Economic	Political → Infrastructural	Political → Socio-Cultural
Dummy for seats of majority party in committees over 50% (holds majority or not)	-1.34	-.39	1.07
<b>Interactive efficiency of committees in temporal terms and seats of majority party in committees</b>	<b>-.004</b>	<b>-.003</b>	<b>-.002</b>
Seats of majority party in committees	-.093	.06	.023
Committee efficiency (time in emitting dictum)	.025	.02	.018
Ideological polarization	-.06	.02	.042
Interactive ideological polarization and Executive enactment	.020	-.03	-.03
Dummy electoral cycle (first half versus last half of term)	.34	-.34	-.45
Interactive last half of electoral cycle and Executive enactment	-.45	.34	.18

**4.2.4. MODELS FOR INTERACTIVE EFFECTS ON COORDINATION FOR PATRONAGE**

The models are reported in the Appendix because their goodness of fit is very low, given that the imbalance in the original distributional characteristics of the dependent variable is high, and that the positive value is over-determined.

The two models are designed to capture whether the Executive and Legislative actors coordinate in order to pass a certain type of legislation which is micro-sectional and entails spending (following the empirical proxies available for capturing patronage). The first dependent variable is majority party enacts the bill, disregarding whether it is the Executive party or the majority party in the legislature. The variable captures coordination between the branches if and only if the majority party enacts the bill with the attributes of patronage legislation.

The second dependent variable is whether the bill is approved in an extraordinary session or not, which – as we saw from the analysis in Table 8, Chapter 4 – is in all cases an exclusive introduction by the Executive. The idea here, therefore, is to see whether legislative actors behave in a coordinated way when the Executive enacts a micro-sectional bill which entails spending through the extraordinary session procedure.

Dependent variable: Majority party enacts bill

Variables	Odd ratios (Coefficients) and Significance	Model Measures
Bill is urgent	2.64 (.97) ***	Sample size= 3589 Pseudo R <sup>2</sup> = .14 Wald chi sq= 183 p-value model=.000 LL= -768 (LL0=-891) Correctly classified= 93% Positive predictive value= 93% Negative predictive value= 70%
Majority party holds majority in committees or not	.33 (-1.09) ***	
Committee efficiency	1.00 (-.003) *	
Dummy electoral cycle (first half or last half of term)	1.50 (.41) ***	
Interactive bill is assessed by an economic issues committee and the scope is micro-sectional (patronage as defined in text)	2.55 (.94) *	
Bill is micro-sectional	.54 (-.60) ***	
Bill is received by an economic issues committee	4.3 (1.45) ***	
Notes: Model is Logit with Dependent variable majority party versus other parties (including in majority party Executive and Legislative enactment); robust errors estimated; frequency weights of variable country. *** Significant at 0.01 level of confidence; * Significant at 0.10 level of confidence.		

Dependent variable: Call for Extraordinary session

Variables	Odd ratios (Coefficients) and Significance	Model Measures
Bill is urgent	2.48 (.90) ***	Sample size= 1411 Pseudo R <sup>2</sup> = .10 Wald chi sq= 109 p-value model=.000 LL= -569 (LL0=-632) Correctly classified= 83% Positive predictive value= 38% Negative predictive value= 84%
Majority party holds a majority of seats in committee	2.57 (.94) ***	
Committee efficiency in temporal approval of bill	.99 (-.0004)	
Interactive efficiency of committee and seats of majority party in committees	1.00(.00001)	
Dummy electoral cycle (first half-last half of term)	1.71 (.54) ***	
Interactive bill is micro-sectional and entails spending	.46 (-.78) **	
Bill is micro-sectional	1.87 (.63) ***	
Bill entails spending (is received by an economic issues committee or not)	2.14 (.76) ***	
Notes: Model is Logit with Dependent variable Bill approval in Extraordinary session or not. Frequency weights of variable country; robust errors estimated. *** Significant at 0.01 level of confidence; ** Significant at 0.05 level of confidence.		

The results of both models deliver high significance on the explanatory variables but the goodness of fit is poor, since the positive value of the dependent variable (the value of interest) is over-determined in both cases. The relevant pieces of information drawn from the model are that, while it cannot, based on the empirical evidence, be asserted that there is no coordination for patronage as a systematic and significant effect related to procedural choice, there is a sustained positive relationship between the employment of emergency procedures with other procedural choices (bill is urgent is positive and highly significant in both models) and of the bill being assessed for dictum in an economic issues committees. With respect to the rest of the variables, the significance is doubtful for the efficiency of committees, supporting the hypothesis in the Chapter that while political actors possess information on the efficiency value of committees, they cannot make very precise estimations, and hence the size of such a coefficient is limited.

**APPENDIX 5. CHAPTER 5.**  
**DESCRIPTION OF THE DATA**

**5.1. CHARACTERISTICS OF THE DATA: TIME COVERED AND SAMPLE**

Time frame covered in datasets	<b>COSTA RICA</b>	<b>HONDURAS</b>	<b>GUATEMALA</b>	<b>PANAMA</b>
Legislative term of interview and number of respondents	1994-1998: 52	1994-97: 67	1995-99: 79	-
	1998-2002: 49	1997-2001: 71	2000-2004: 63	1999-2004: 64
	2002-2006: 51	2002-06: 102	-	-

NB: Sampling was proportional to the number of seats held by each party had in Parliament at the time of the interview.

**5.1.1. SAMPLING METHOD: PROPORTIONALITY OF INTERVIEWEES BY PARTY TO NUMBER OF SEATS HELD IN CONGRESS**

COUNTRY / PARTY / YEAR	<b>COSTA RICA</b>	<b>HONDURAS</b>	<b>GUATEMALA</b>	<b>PANAMA</b>
EARLY 1990S INTERVIEWS	PUSC= 23 PLN= 25 PFD&RD= 2 PROVINCIAL PARTIES= 2	PLH= 35 PNH= 30 PINU= 2		
LATE 1990S INTERVIEWS	PUSC= 22 PLN= 20 PFD&RD= 3 PROVINCIAL PARTIES= 1 RENOV. COSTARRIC.= 1 OTHER= 1	PLH= 37 PNH= 30 PINU= 2 PDCH= 2	FRG= 8 PAN= 27 LEFT* = 8 DCG= 10 MLN+UCN= 5 MAS+PDC= 2	
2000 INTERVIEWS	PUSC= 17 PLN= 14 PROVINCIAL PARTIES= 14 RENOV. COSTARRIC. = 1 OTHER= 5	PLH= 42 PNH= 48 PUD= 5	FRG= 21 PAN= 17 LEFT* = 7 DCG= 19 MLN+UCN= 7 MAS+PDC= 2	PRD= 30 PA= 20 OTHER= 14

5.1.2. ORIGINAL QUESTIONS OF THE SURVEYS ANALYZED IN EACH OF THE FOUR DIMENSIONS OF IDEOLOGY

DIMENSION	QUESTIONS IN THE SURVEY DEFINING THE DIMENSIONS	ORIGINAL SCALING MEASURES (RESPONDENT OPTIONS)
PARTY COHESION	AGREEMENT OVER IDEOLOGICAL PLACEMENT: CROSS-COMPARISON OF TWO QUESTIONS: - SELF-PLACEMENT OF INTERVIEWEE ON THE LEFT-RIGHT IDEOLOGICAL SCALE - PLACEMENT OF THE INTERVIEWEE'S PARTY ON THE LEFT-RIGHT IDEOLOGICAL SCALE	SCALE FROM 1, LEFT, TO 10, RIGHT
ROLE OF STATE	1.1) POSITION TOWARDS DICHOTOMY STATE-MARKET: "COULD YOU TELL ME IF YOU ARE MORE IN FAVOR OF A MARKET-REGULATED ECONOMY OR A STATE-REGULATED ONE?"	SCALE FROM 1, ONLY STATE-REGULATED ECONOMY, TO 5, ONLY MARKET-REGULATED ECONOMY
	1.2) DEGREE OF STATE INTERVENTION/REGULATION: "I WOULD LIKE TO KNOW YOUR OPINION ABOUT THE ROLE OF THE STATE IN CERTAIN TRADITIONAL FUNCTIONS OF THE STATE. IN GENERAL TERMS, HOW MUCH INTERVENTION DO YOU THINK SHOULD EXIST FOR EACH OF THESE?"	SCALE FROM 1, NO INTERVENTION AT ALL, TO 4, FULL INTERVENTION OF STATE ON FOLLOWING ISSUES: - CONTROL OF PRICES - GUARANTEE PUBLIC PRIMARY AND SECONDARY EDUCATION - PUBLIC FINANCING OF HOUSING - GENERATE EMPLOYMENT OPPORTUNITIES - GUARANTEE A PUBLIC SYSTEM OF PENSIONS - GENERAL PUBLIC HEALTH CARE SERVICES - GUARANTEE PUBLIC UNIVERSITY EDUCATION - GUARANTEE UNEMPLOYMENT BENEFITS - PROTECT ENVIRONMENT - COVER BASIC NEEDS OF POPULATION  RECODED AS TRICHOTOMY: 1 DENOTING MAXIMUM STATE INTERVENTION IN THE ISSUE, 2 MEDIUM STATE INTERVENTION AND 3 MINIMAL STATE INTERVENTION
	1.3) ATTITUDE TOWARDS PUBLIC SPENDING ON SOCIAL SERVICES: "DO YOU THINK THAT A GREATER OR SMALLER AMOUNT OF PUBLIC RESOURCES SHOULD BE SPENT ON THE FOLLOWING SERVICES?"	CATEGORICAL SCALING FROM "SPEND MORE", "SPEND LESS" OR "KEEP LEVEL OF PUBLIC SPENDING AS IT IS", ON: - INFRASTRUCTURE - HEALTH CARE - SAFETY - EDUCATION - DEFENSE AND POLICE - UNEMPLOYMENT BENEFITS - HOUSING - PENSIONS
	1.4) ATTITUDE TOWARDS PRIVATIZATION OF PUBLIC SERVICES: "WHICH OF THE FOLLOWING ASSERTIONS DO YOU AGREE WITH MOST REGARDING YOUR PERSONAL ATTITUDE TOWARDS THE	ONE CHOICE MADE AMONG THE FOLLOWING PHRASES: - ALL PUBLIC SERVICES SHOULD BE PRIVATIZED - PUBLIC SERVICES THAT ARE

	PRIVATIZATION OF PUBLIC SERVICES??"	<p>NOT RENTABLE SHOULD BE PRIVATIZED</p> <ul style="list-style-type: none"> <li>- ALL PUBLIC SERVICES SHOULD BE PRIVATIZED EXCEPT THOSE WITH MAJOR IMPORTANCE FOR THE POPULATION</li> <li>- KEEP THE THINGS AS THEY ARE</li> <li>- NO PUBLIC SERVICES SHOULD BE PRIVATIZED</li> </ul>
VISION OF SOCIETY	2.1) ATTITUDE TOWARDS ABORTION: "WHAT IS YOUR POSITION TOWARDS ABORTION??"	<p>SCALE FROM 1, "STATE MUST PENALIZE ABORTION AS ANY OTHER CRIMINAL ACTION" TO 10, "THE PREGNANT WOMAN IS THE ONLY ONE WITH THE RIGHT TO DECIDE ON THE PRACTICE OF ABORTION"</p> <p>RECODED AS A TRICHOTOMY: 1 IN FAVOR OF INDIVIDUAL DECISION ONLY, 2 KEEP STATUS QUO, 3 AGAINST INDIVIDUAL DECISION (COLLECTIVISM)</p>
	2.2) ATTITUDE TOWARDS DIVORCE: "WHAT IS YOUR POSITION TOWARDS DIVORCE??"	<p>SCALE FROM 1, COMPLETELY AGAINST, TO 10, COMPLETELY IN FAVOR</p> <p>RECODED AS A TRICHOTOMY: 1 IN FAVOR OF INDIVIDUAL DECISION ONLY, 2 KEEP STATUS QUO, 3 AGAINST INDIVIDUAL DECISION (COLLECTIVISM)</p>
VISION OF DEMOCRACY	4.1. EVALUATION OF POTENTIAL ADVANTAGES OF A DEMOCRATIC REGIME "WHAT IS THE MOST IMPORTANT ADVANTAGE OF A DEMOCRATIC REGIME?" (REGIME LEGITIMACY VS. REGIME EFFECTIVENESS)	<p>ONE CHOICE GIVEN AMONG THE FOLLOWING OPTIONS:</p> <ul style="list-style-type: none"> <li>- ECONOMIC GROWTH</li> <li>- PROTECTION OF RIGHTS AND FREEDOM</li> <li>- POSSIBILITY TO ELECT PUBLIC AUTHORITIES</li> <li>- AN INCREASED EQUALITY OF OPPORTUNITIES</li> <li>- THE RESPECT FOR HUMAN AND MINORITY RIGHTS</li> <li>- POSSIBILITY TO PARTICIPATE IN PUBLIC DECISIONS</li> <li>- A BETTER DISTRIBUTION OF INCOME</li> <li>- PEACEFUL RESOLUTION OF CONFLICTS</li> <li>- POSSIBILITY TO PARTICIPATE IN POLITICS THROUGH POLITICAL PARTIES</li> </ul> <p>RECODED AS DICHOTOMY BETWEEN VISION OF DEMOCRACY AS REGIME LEGITIMACY OR REGIME EFFECTIVENESS. REGIME LEGITIMACY INCLUDES RESPONSE CATEGORIES 1,2,4,5,7; REGIME EFFECTIVENESS (I.E. THE VALUATION OF DEMOCRACY FOR OUTCOMES AND NOT AS AN END PER SE) INCLUDES RESPONSE CATEGORIES 3,6,8,9.</p>
	4.2. DEMOCRACY IS PREFERABLE TO ANY OTHER REGIME: "WHICH OF THE FOLLOWING SENTENCES	<p>ONE CHOICE AMONG THE FOLLOWING:</p> <ul style="list-style-type: none"> <li>- DEMOCRACY IS PREFERABLE TO</li> </ul>

	<p>DO YOU AGREE WITH MOST?:” (CONVICTION ON DEMOCRACY)</p>	<p>ANY OTHER REGIME - UNDER TOUGH ECONOMIC CONDITIONS OR POLITICAL INSTABILITY, AN AUTHORITARIAN GOVERNMENT MAY BE PREFERABLE TO DEMOCRACY (THIS VARIABLE WAS A VALENCE ISSUE IN ALL THE CASES AND ALL THE PARTIES – AGREEMENT ON THAT DEMOCRACY IS PREFERABLE TO ANY OTHER REGIME WAS STATED BY ALL INTERVIEWEES – SO THAT IT WAS FINALLY NOT INCLUDED IN ANALYSIS)</p>
	<p>4.3. BELIEF ON PARTITOCRACY: “THERE ARE PEOPLE WHO BELIEVE THAT WITHOUT POLITICAL PARTIES, THERE CANNOT BE DEMOCRACY. TO WHAT EXTENT DO YOU AGREE WITH THAT OPINION?:”</p>	<p>SCALE FROM 1, TOTALLY DISAGREE, TO 4, TOTALLY AGREE</p>
	<p>4.4. BELIEF IN ELECTIONS AS A DEMOCRATIC MEANS: “TO WHAT EXTENT DO YOU AGREE WITH THE ASSERTION THAT ELECTIONS ARE ALWAYS THE BEST MEAN TO EXPRESS POLITICAL PREFERENCES?”</p>	<p>SCALE FROM 1, TOTALLY DISAGREE TO 4, TOTALLY AGREE</p>
	<p>4.5. PREFERENCE FOR MAJORITYTARIAN VS PROPORTIONAL ELECTORAL SYSTEM: “REGARDING THE LEGISLATIVE ELECTIONS, WHICH ELECTORAL SYSTEM DO YOU CONSIDER THE IDEAL ONE FOR YOUR COUNTRY?”</p>	<p>SCALE FROM 1, “PROPORTIONAL ELECTORAL SYSTEM THAT GUARANTEES THE EQUITABLE REPRESENTATION OF ALL POLITICAL FORCES” TO 10, “MAJORITYTARIAN ELECTORAL SYSTEM THAT GUARANTEES A STRONG AND EFFECTIVE GOVERNMENT” RECODED AS TRICHOTOMY: 1, DEFENSE OF PROPORTIONAL FORMULAS; 2, DEFENSE OF PROPORTIONALITY WITH LIMITS (SUCH AS ELECTORAL THRESHOLDS OR SIMILAR, TO ASSURE MAJORITY GOVERNMENTS); 3, DEFENSE OF FPTP.</p>
	<p>4.6. ON THE LEGALIZATION OF POLITICAL PARTIES: “REGARDING THE LEGALIZATION OF POLITICAL PARTIES, WHICH PHRASE BETTER EXPRESSES YOUR ATTITUDE?:”</p>	<p>ONE CHOICE AMONG FOLLOWING ASSERTIONS: - ALL POLITICAL FORCES SHOULD ALWAYS HAVE THE OPPORTUNITY TO BE LEGALIZED - IN PRINCIPLE, ALL PARTIES SHOULD BE LEGALIZED, EXCEPT THOSE WITH AN ANTIDEMOCRATIC IDEOLOGY</p>
<p>ALL NON-RESPONSES (RESPONSES “I DON’T KNOW” OR “I DON’T ANSWER”) WERE DELETED FROM THE ORIGINAL DATASETS. FREQUENCIES OF THESE WERE SO SMALL THAT NO A PARTICULAR TREATMENT FOR MISSING RESPONSES WAS REQUIRED.</p>		

**RECODING OF VARIABLE PARTY:**

The variable ‘party’ demanded some recoding due to the sampling methods of the questionnaire. As noted above, the sampling method was proportionality to the seats of each party in Parliament at the time of the interview. Hence, the original coding contained too many small parties with too few responses (sample problem). I adopted two solutions: (1) placing under the same label parties whose program and members are the same but over the years the name of the party has changed. (2) Placing under the same label the political parties that, although not the same, their electoral programs, their electoral placement and their historical origins are common (such as URNG, EGP, FDNG, ANN and PUR for Guatemala; the MLN and UCN also in Guatemala; the category “provincial parties” in Costa Rica).

5.1.3 CODING OF VARIABLE PARTY

<b>COSTA RICA</b>	<b>HONDURAS</b>	<b>GUATEMALA</b>	<b>PANAMA</b>
-PFD, PRD and RENOVACION DEMOCRATICA same coding -“PROVINCIAL PARTIES” created as a new category including: PUAC, ADA, PAN, PAC -PRC+RENOV. COSTARRICENSE same coding -PALA and MOV. LIBERTARIO under coding “other” (very few respondents)	No recoding of parties: -PLH -PNH -PDCH -PUD -PINU	-FRG -PAN -Left: URNG, FDNG, EGP, PUR and DIA -DCG and PNR same coding -PDCN, MAS, MLN, UCN= same coding (representing the ‘old party system’)	It has been impossible to unpack in detail the data for the small parties. Thus, only the two big traditional parties (PA and PRD) count with a differentiated coding, whereas the rest are grouped under “others”
Note: See Acronyms of parties in the end of the Bibliography.			

**Appendix 5.2. Measures of dispersion of the ideological placement of parties****1 - HONDURAS**

Party	Std Deviations from mean Self-placement of interviewee	Mean	REAL INTERVAL ID PLACEMENT	Std Deviations from mean Placement of own party	Mean	REAL INTERVAL ID PLACEMENT
PLH (n=113)	1.599	5,15	<b>6,749-3,551</b>	1.516	5,42	<b>6,936-3,904</b>
PNH (n=107)	1.752	6,79	<b>8,542-5,038</b>	1,592	7,50	<b>9,092-5,908</b>
PINU (n=4)	0.816	4,00	<b>4,816-3,184</b>	1.292	4,50	<b>5,792-3,208</b>
PDCH (n=2)	3.536	4,50	<b>8,036-0,964</b>	2.828	5,00	<b>7,828-2,172</b>
PUD (n=5)	1.342	2,60	<b>3,942-1,258</b>	1.732	3,00	<b>4,732-1,268</b>

**2 - COSTA RICA**

Party	Std Deviations from mean Self-placement of interviewee	Mean	REAL INTERVAL ID PLACEMENT	Std Deviations from mean Placement of own party	Mean	REAL INTERVAL ID PLACEMENT
PUSC (n=62)	1,536	6,03	<b>7,566-4,494</b>	1,204	6,37	<b>7,574-5,166</b>
PLN (n=57)	1,172	4,55	<b>5,722-3,378</b>	1,240	5,12	<b>6,36-3,88</b>
PFD+Renov. Dem. (n=5)	0,837	3,8	<b>4,637-2,963</b>	0,447	4,2	<b>4,647-3,753</b>
Provincial parties (n=16)	1,289	5,06	<b>6,349-3,771</b>	0,793	5,31	<b>6,103-4,517</b>
PRC (n=2)	0,707	4,5	<b>5,207-3,793</b>	0,707	4,5	<b>5,207-3,793</b>
PALA+M.Lib erta. (n=3)	1,732	6,00	<b>7,732-4,268</b>	1,732	6,00	<b>7,732-4,268</b>

**3 - GUATEMALA**

Party	Std Deviations from mean Self-placement of interviewee	Mean	REAL INTERVAL ID PLACEMENT	Std Deviations from mean Placement of own party	Mean	REAL INTERVAL ID PLACEMENT
FRG	1,414	5,33	<b>6,744-3,916</b>	1,485	5,96	<b>7,445-4,475</b>
PAN	1,743	5,76	<b>7,503-4,017</b>	1,499	6,12	<b>7,619-4,621</b>
Left*	1,813	3,00	<b>4,813-1,187</b>	2,035	3,00	<b>5,035-0,965</b>
DCG	1,350	5,41	<b>6,76-4,06</b>	1,590	6,21	<b>7,8-4,62</b>
MLN+UCN	1,865	5,25	<b>7,115-3,385</b>	2,163	6,70	<b>8,863-4,537</b>
MAS+PDC	1,732	5,50	<b>7,232-3,768</b>	2,630	6,25	<b>8,88-3,62</b>

**4 - PANAMA**

Party	Std Deviations from mean Self-placement of interviewee	Mean	REAL INTERVAL ID PLACEMENT	Std Deviations from mean Placement of own party	Mean	REAL INTERVAL ID PLACEMENT
PA (n=20)	2,137	6,6	<b>8,737-4,463</b>	1,986	7,05	<b>9,036-5,049</b>
PRD (n=30)	1,818	5,73	<b>7,548-3,912</b>	1,561	5,90	<b>7,461-4,339</b>
Other (n=14)	1,301	6,00	<b>7,301-4,699</b>	1,774	7,07	<b>8,844-5,296</b>

**Appendix 5.3. Evolution of party composition of Congress from 1985 to 2001<sup>(5)</sup>, in percentage of seats**

**1) GUATEMALA**

Parties	1985	1990	1994	1995	1999
Democracia Cristiana Guatemalteca (DCG)	51,00	23,28	16,25	3,75	1,77
Unión del Centro Nacional (UCN)	22,00	35,34	8,75	2,50	-
Movimiento de Liberación Nacional (MLN)/Partido Institucional Democrático (PID)	12,00	-	-	-	-
Partido Democrático de Cooperación Nacional (PDCN)/Partido Revolucionario (PR)	11,00	-	-	-	-
Partido Socialista Democrático (PSD)	2,00	-	-	-	-
Central Auténtica Nacionalista (CAN)	1,00	-	-	-	-
Partido Nacional Renovador (PNR)	1,00	-	-	-	-
Movimiento de Acción Solidaria (MAS)	-	15,52	-	-	-
Partido de Avanzada Nacional (PAN)	-	10,34	28,75	53,75	32,74
Frente Republicano Guatemalteco (FRG)/Partido Institucional Democrático (PID)/Frente de Unidad Nacional (FUN)	-	10,34	-	-	-
Movimiento de Liberación Nacional (MLN)	-	2,59	3,75	1,25	-
Movimiento de Liberación Nacional (MLN)/Frente de Avance Nacional (FAN)	-	0,86	-	-	-
Partido Revolucionario (PR)	-	0,86	-	-	-
Partido Socialista Democrático (PSD)/Alianza Popular 5 (AP5)	-	0,86	-	-	-
Frente Republicano Guatemalteco (FRG)	-	-	41,25	26,25	55,75
Unión Democrática (UD) (Con La Organización Verde en 1999)	-	-	1,25	2,50	0,88
Frente Democrático Nueva Guatemala (FDNG)	-	-	-	7,50	-
Unión del Centro Nacional (UCN)/Democracia Cristiana Guatemalteca (DCG)/Partido Socialista Democrático (PSD)	-	-	-	2,50	-
Unidad Revolucionaria Nacional Guatemalteca (URNG)/Desarrollo Integral Auténtico (DIA)	-	-	-	-	7,96
Partido Liberador Progresista (PLP)	-	-	-	-	0,88
Source: own construction					

<sup>5</sup> I have chosen 1985 as the starting point due to the fact that in that year the Honduran and Guatemalan Constitutions were ratified. The Costa Rican Constitution, adopted in 1948, would distort the information gathered for the other three countries. Furthermore, in these last couple of decades the relatively small political parties have gained more representation, as this Appendix illustrates.

## 2) HONDURAS

Parties	1981	1985	1989	1993	1997	2001
<b>PL</b>	<b>53,9</b>	<b>51</b>	<b>44,3</b>	<b>53</b>	<b>49,5</b>	<b>40,8</b>
<b>PN</b>	<b>41,6</b>	<b>45,5</b>	<b>52,3</b>	<b>43</b>	<b>41,5</b>	<b>46,5</b>
<b>PINU</b>	<b>2,5</b>	<b>1,5</b>	<b>1,9</b>	<b>2,8</b>	<b>4,1</b>	<b>0,48</b>
<b>PDCH</b>	<b>1,6</b>	<b>2</b>	<b>1,5</b>	<b>1,2</b>	<b>2,6</b>	<b>0,37</b>
<b>PUD</b>	-	-	-	-	<b>2,3</b>	<b>0,45</b>

Source: [<http://iberoame.usal.es/legislativos/legislativos/Composicion/Hondurascomp.htm>]

## 3) COSTA RICA

Parties	1982	1986	1990	1994	1998	2002
Partido Liberacion Nacional (PLN)	55,2	47,8	41,9	44,6	34,9	27,1
Pueblo Unido (PPU)	6,4	2,7	3,3	-	-	-
Partido Unidad Socuial Cristiana (PUSC)	29,1*	41,4	46,2	40,4	41,3	29,78
Accion Ciudadana (PAC)	-	-	-	-	-	21,96
Partido Union Agraria Cartaginesa (PUAC)	-	1,2	1,1	1,1	-	-
Unión Generaleña	-	-	2,4	1,7	-	-
Agrario Nacional <sup>2</sup>	-	-	-	0,9	-	-
Fuerza Democrática (PFD)	-	-	-	5,3	5,7	1,98
Movimiento Libertario (ML)	-	-	-	-	-	9,34
Renovacion Costarricense (RC)	-	-	-	-	-	3,6
Other	9,3	4,5	5,1	6,0	18,1	6,25

Source: [<http://iberoame.usal.es/legislativos/legislativos/Composicion/CostaRicapcomp.htm>].  
 \* Called Unidad until 1986 when adopts the full PUSC name.

## 4) PANAMA

Partido	1984	1994	1999
<b>PLN</b>	-	<b>3,43</b>	<b>4,2</b>
<b>PR</b>	<b>8,4</b>	-	-
<b>PRD</b>	<b>25,1</b>	<b>22,86</b>	<b>47,9</b>
<b>PPA</b>	<b>20,4</b>	-	-
<b>PALA</b>	<b>12,2</b>	<b>2,72</b>	-
<b>PDC</b>	<b>11,5</b>	<b>6,42</b>	<b>7,0</b>
<b>MOLINERA</b>	<b>8,4</b>	<b>11,26</b>	<b>4,2</b>
<b>PLA</b>	<b>5,9</b>	<b>3</b>	-
<b>ARNULFISTA</b>	-	<b>14,53</b>	<b>25,3</b>
<b>PAPA EGORO</b>	-	<b>9,65</b>	-
<b>LIBRE</b>	-	<b>2,41</b>	-
<b>RENOV.CIVILISTA</b>	-	<b>5,57</b>	-
<b>SOLIDARIDAD</b>	-	<b>6,51</b>	<b>5,6</b>
<b>MORENA</b>	-	<b>6,63</b>	<b>1,4</b>
<b>Otros <sup>1</sup></b>	<b>8,1</b>	-	<b>1,4</b>

Source: [<http://iberoame.usal.es/legislativo/legislativos/Composicion/Panamacomp.htm>]

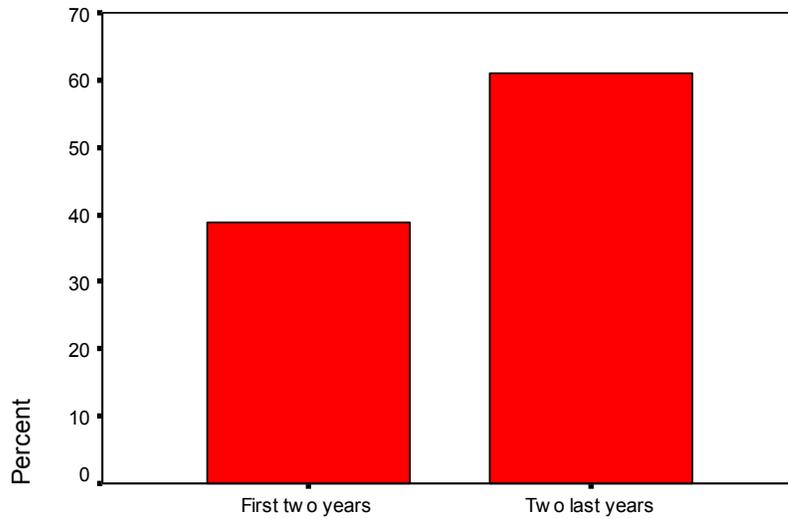
**APPENDIX 6. CHAPTER 6.**

EXPLORING THE DEPENDENT VARIABLES: VISUAL APPROACH TO THE DISTRIBUTIONAL PROPERTIES

**6.1.) BAR CHARTS FOR DEPENDENT VARIABLE ELECTORAL CYCLE**

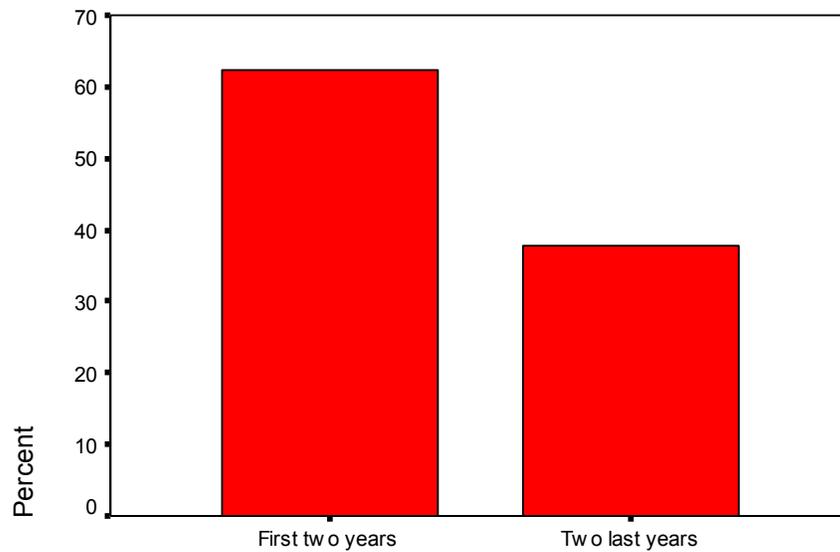
Dummy electoral cycle

Costa Rica



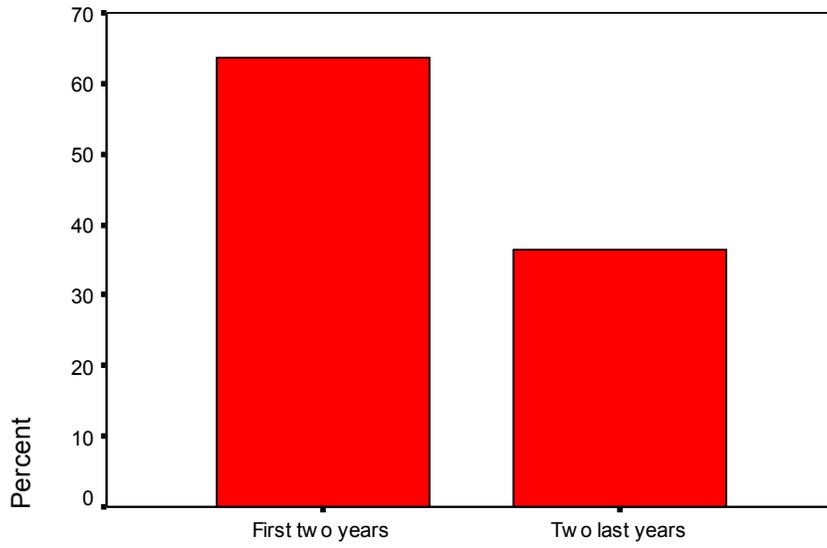
Dummy electoral cycle

Honduras



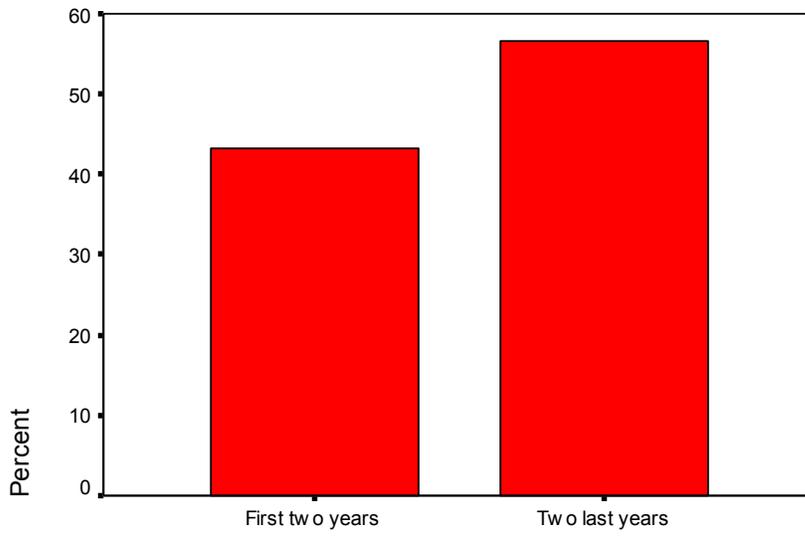
### Dummy electoral cycle

#### Guatemala



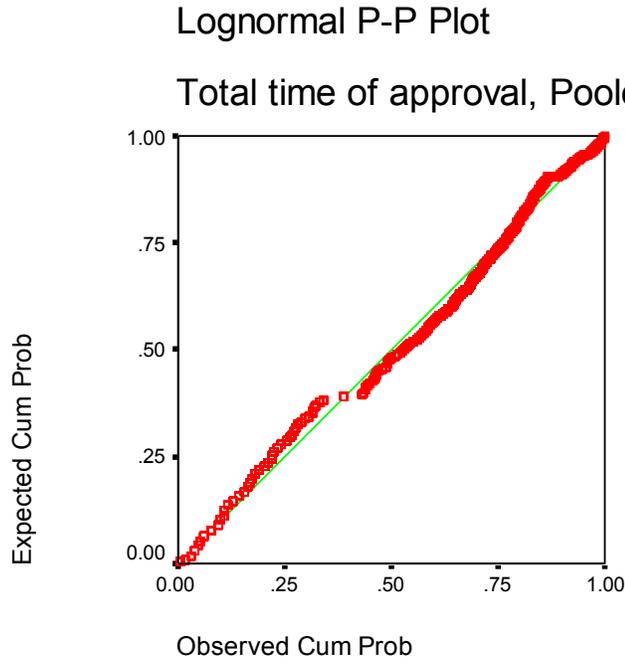
### Dummy electoral cycle

#### Panama

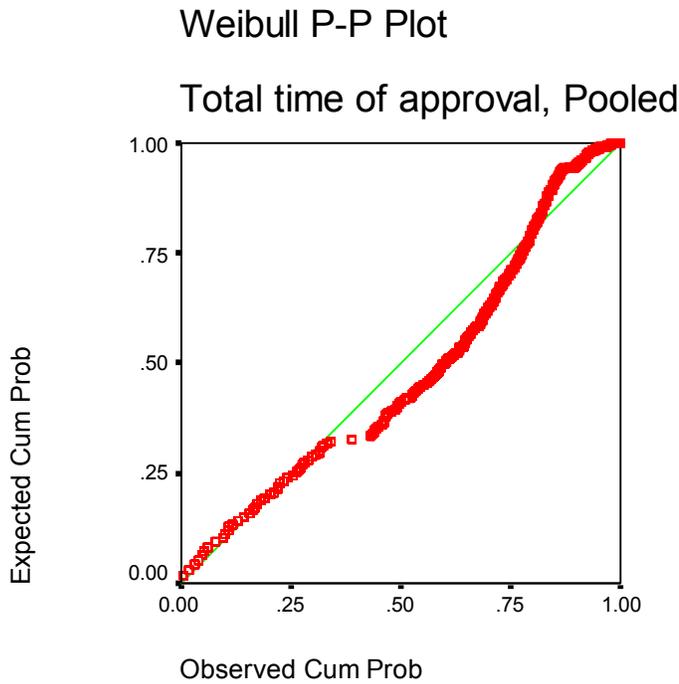


**6.2.) DISTRIBUTIONAL TESTS FOR TOTAL TIME OF APPROVAL, POOLED DATA ONLY**

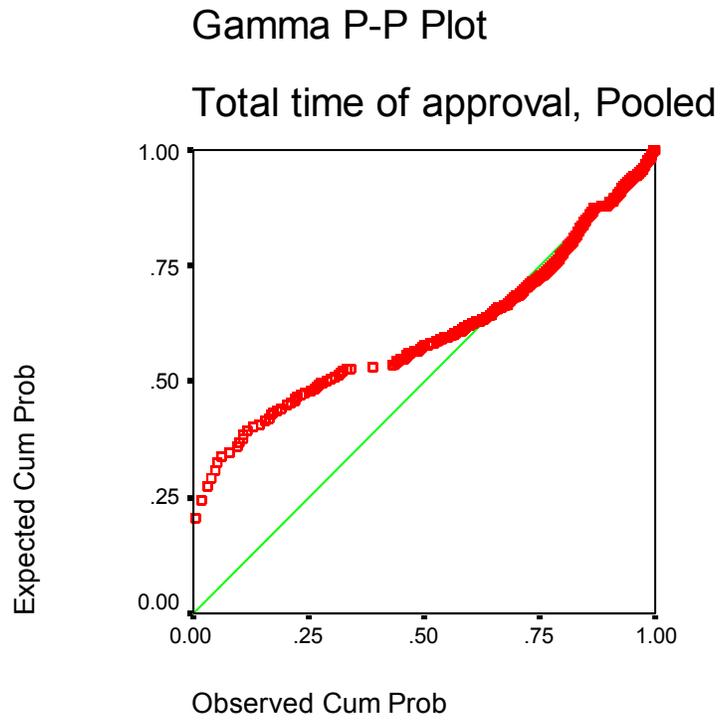
LOGNORMAL DISTRIBUTION, VISUAL GOODNESS OF FIT OF DATA TO ASSUMED DISTRIBUTION



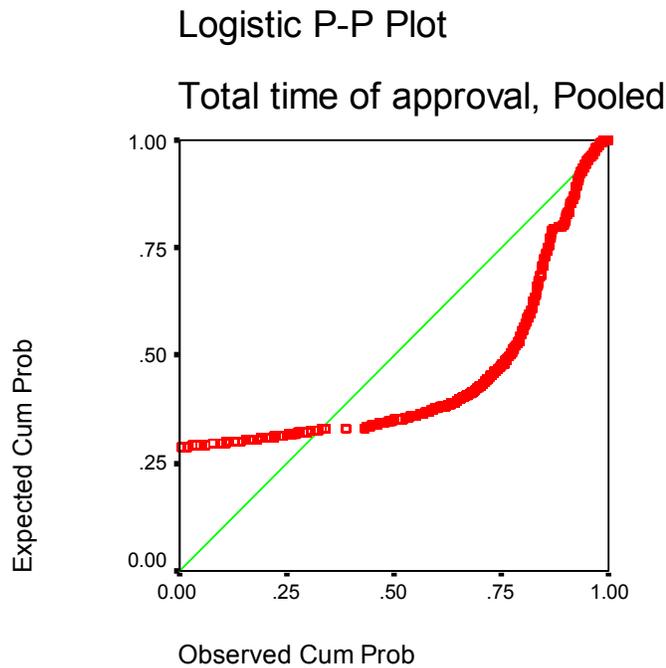
WEIBULL DISTRIBUTION, VISUAL GOODNESS OF FIT OF DATA TO ASSUMED DISTRIBUTION



GAMMA DISTRIBUTION, VISUAL GOODNESS OF FIT OF DATA TO ASSUMED DISTRIBUTION



LOGISTIC DISTRIBUTION, VISUAL GOODNESS OF FIT OF DATA TO ASSUMED DISTRIBUTION



**6.3. LOGIT MODELS FOR DEPENDENT VARIABLE ELECTORAL CYCLE, POOLED DATA**

Logit for dependent variable electoral cycle, Pooled data, Theory testing

Explanatory variables	Model Only endogenous variables	Model Only policy related variables	Model Only exogenous variables	Model only constitutional design
Type of legislative session (ordinary/extraordinary)	1.1***	-	-	-
Seats of majority party in committee	-.31*	-	-	-
Scope of bill (Di Palma)	-	.10***	-	-
Bill is budget bill or not	-	-.14***	-	-
Polarization	-	-	.026***	-
Average age of party system	-	-	-.008***	-
District magnitude	-	-	.10***	-
Executive independence	-	-	-	-.83***
Goodness of fit				
Likelihood ratio ( $\chi^2$ )	188	13.8	188	185
Pseudo-R <sup>2</sup>	.03	.002	.03	.03
Loglikelihood	-3203	-3096	-3203	-3204
Significance (p-value)	.000	.001	.000	.000
Model Specification: Link function logit; cases weighted by frequencies of variable country; coefficients reported. Only significant variables of each model reported.				
** Indicates significant at the 0.01 level of confidence; * Indicates significant at the 0.10 level of confidence.				