

## **Title: Deadlocks in the Dominican Republic**

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### **Abstract**

This case study discusses whether institutions have created deadlocks in the Dominican Republic in the period 1978-2002. Four institutional hypotheses arguing that certain institutional designs create deadlocks are tested and compared. Deadlocks or gridlocks are widely held to be a pernicious element in (presidential) democracies, but the extent to which certain institutional designs create actual deadlocks in Latin America has so far never been properly tested. The institutional theories predict that the outcome of deadlocks is either democratic breakdown or increased presidential dominance. The paper finds support for the institutional hypotheses: Deadlocks occur as predicted by the four hypotheses, and institutions are found to be a necessary cause for the occurrence of deadlocks in the Dominican Republic. Furthermore, presidential dominance is found to increase during and as a result of deadlocks. The paper also argues that in order to find the sufficient causes for the occurrence of deadlocks, one must also look beyond political institutions.

*Keywords: Executive-legislative relations; Dominican Republic; deadlocks; institutions*

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## Introduction

Since Linz's (1990; 1994) seminal articles in the early nineties, there has been a long debate on institutions' effect on democracy especially in Latin America.<sup>1</sup> This paper deals with the effect of political institutions on deadlocks and the effects of deadlocks within one presidential regime in Latin America, the Dominican Republic.

Generally in the Latin American debate, all argue that institutions *affect* democracy, but the contributors to the debate disagree on *which type* of institutions or institutional combination that can explain the variation with respect to democratic survival.<sup>2</sup> The contributors also, in general, agree on *how* institutions affect democracy. Most would argue that regimes with institutional arrangements that create deadlocks/gridlocks, are more prone to democratic breakdown or excessive presidential dominance, than other regimes. A deadlock is an executive-legislative conflicts in which the president vetoes legislation stemming from congress and congress does not pass legislative initiatives initiated by the president. This means that the effect of institutions on democracy works through the variable executive-legislative relations. The main problem with this literature, however, has been that few, if any, have really tested whether the institutional independent variables have affected democracy through the intervening variable of executive-legislative relations. Stepan & Skach (1994) tested Linz's claim that parliamentarism is the better regime type with respect to democracy, Mainwaring (1993) and Cheibub (2002) tested whether the number of parties within presidentialism affected democratic survival, Shugart & Carey (1992) looked at the effect of party strength and presidents' legislative power within presidential regimes to explain democratic success, but none of the above studied whether these different institutional arrangements affected democracy negatively through the occurrence of deadlocks. This indirect effect of institutions on democracy was, however, assumed, but never tested.

This case study of the Dominican Republic investigates to which degree different institutional arrangements within a presidential regime have created deadlocks and what

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<sup>1</sup> For an overview of the debate, see Elgie (2005) and Munck (2004).

<sup>2</sup> In addition to Linz (1990; 1994), see e.g. Shugart & Carey (1992), Mainwaring (1993), Jones (1995), Shugart & Mainwaring (1997), and Cheibub (2002).

the effects of these deadlocks are. In this sense our case-study uses process tracing to test more general theories by identifying causal mechanisms and intervening causal processes (George & Bennett, 2005: 205-207; Van Evera, 1997: 64-67). We are looking into the “black box” called deadlock, which has been left out in medium to large-N studies of institutions and democracy in Latin America. Our research questions are: What creates deadlocks? When or under what circumstances do they occur? And; what are the effects of deadlocks?

This case study of the Dominican Republic tests four central institutional theories or hypotheses with respect to deadlocks. The Dominican Republic democratised in 1978 as the first country in Latin America during the third wave, thus the case offers a long time period for investigating our research questions. Our case study aims to remedy the problem of a non-existing operationalisation of deadlocks, and thereby offer a full test of the institutional hypotheses within one case. Furthermore, we use the advantages of a case study to analyse thoroughly the political processes that surrounds deadlocks. And finally we investigate whether deadlocks lead to an increased presidential dominance. We use legislative and budgetary data between 1978 and 2002 to study the occurrence of deadlocks and to investigate whether deadlocks have lead to an increased presidential dominance. Furthermore, several interviews of central political actors have been performed in order to offer a thick analysis of the case (Coppedge, 1999). Our findings are that deadlocks occur when they are predicted by the hypotheses we test. However, we do not find a clear linear relation between the independent and dependent variables. The findings support more the notion that a type of institutional arrangement is a necessary condition for the occurrence of deadlocks, but that other factors work as triggering effects or sufficient factors for the occurrence of deadlocks (Pierson, 2003; Ragin, 2000). Furthermore, we find that based on our budgetary data, deadlocks do indeed lead to an increased presidential dominance.

### **Institutional theories**

The theoretical paradigm within which this paper is set, are the theories on institutions and democracy in Latin America. The underlying assumption for all these theories is that

institutions matter for (the survival of) democracy. The theories treat institutions as autonomous factors in political systems and not just as results of social or economic forces (March & Olsen, 1984). Our focus is more specifically on four hypotheses within this literature that discuss how different institutional arrangements within presidentialism affect democracy through the intervening variable executive-legislative relations: Linz's hypothesis: Minority governments in presidential systems experience more deadlocks than majority governments; Cheibub's veto hypothesis: Presidential regimes experience deadlocks more frequently when a minority president's veto cannot be overruled by congress; Mainwaring's hypothesis: In a presidential regime deadlocks increase with the number of parties in a country; and Cheibub's instability hypothesis: Deadlocks occur more frequently when there are three more or less equally sized parties in congress and any two of the three parties can form a majority.

Linz (1990; 1994) argues that presidentialism as a regime type affects democracy negatively when compared to parliamentary democracies because deadlocks occur more often in presidential regimes than in parliamentary regimes, and when they first occur they cannot be "solved" democratically because of presidentialism's rigidity and dual democratic legitimacy. The results of the deadlocks are, according to Linz, a higher probability of a democratic breakdown or an increased presidential dominance.<sup>3</sup> These arguments provide the foundation for the other theories that focus on institutions and democracy in Latin America. Linz's main hypothesis, however, will not be tested here, since this is a case study of a presidential regime. But, Linz argued that the above-mentioned problems of presidentialism were especially acute during periods of minority presidents or divided government. This is because in case of a conflict between the opposition majority and the minority president, presidentialism does not offer procedures of solving these conflicts, such as the vote of no-confidence or the call for early elections. Furthermore, Linz argued that because of a president's central and pivotal role in a regime and because of the fixed terms, coalition building is more difficult and coalitions

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<sup>3</sup> See also, O'Donnell (1994).

tend to be more unstable in presidential regimes than in parliamentary regimes.<sup>4</sup> Therefore deadlocks occur more frequently and are more damaging for democracy within presidentialism than within parliamentarism. In this case-study we test Linz's claim deadlocks occur more often during minority governments than majority governments.

Cheibub's (2002) veto hypothesis is a specification of Linz majority/minority hypothesis because it specifies that one would not expect a deadlock under all types of minority governments in presidential regimes.<sup>5</sup> Deadlocks, he argued, also depends on the institutional rules for presidential veto and congressional veto override. Only in the situations in which the opposition in congress is not strong enough to override a presidential veto, but strong enough to block legislation, are deadlocks pervasive. In presidential regimes this situation normally occurs when the opposition enjoys a majority that is lower than two-thirds in Congress. Cheibub's point is that when an opposition is a minority the government rules, and when the opposition enjoys a veto-override majority, the opposition rules.

Mainwaring (1993) on the other hand argued that the occurrence of deadlocks and the survival of democracy depend on the number of parties in the presidential regime. The higher the number of effective parties, the more deadlock prone and unstable democracy because this increases polarisation, frequency of minority governments and the problems of coalition building. There is thus a linear relationship between the number of parties and occurrence of deadlocks.

Cheibub's other hypothesis in his 2002 article also relates to the number of parties in a presidential system, and is a specification of Mainwaring's hypothesis above. But, the occurrence of deadlocks do not increase with the number of parties, they occur more often in party systems that have three more or less equally sized parties. In these systems, any combination of two parties can form a majority and unless there exists strong

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<sup>4</sup> More recent research however, has shown that coalitions occur more frequently than previously expected in presidential regimes, see Cheibub, Przeworski and Saiegh (2004), and Neto (1998).

<sup>5</sup> For statistical analysis of this hypothesis, with diverging results from that of Cheibub (2002), see Alvarez (1998).

programmatic parties or ideological polarisation in the system, and this situation creates an environment of unstable coalitions. The problem is that compromises between parties become difficult because any agreement between two parties can be outbid by the third party.

Other theories and hypotheses could have been chosen and tested in this case study, but the above-mentioned theories are chosen because they provide for variation on the independent variables within the case during the time period studied. Other theories that focus more on the electoral system (Jones, 1995), party strength and power relations between congress and presidents (Shugart & Carey, 1992; Shugart & Mainwaring, 1997) or the number of veto players (Tsebelis, 1995) are excluded because they do not easily open up for within case comparison as for cross-case comparisons.<sup>6</sup>

### **The case of the Dominican Republic**

The Dominican Republic was the first Latin American country to democratise in the third wave. In 1978, the opposition led by the social-democratic PRD (Partido Revolucionario Dominicano) won a disputed presidential election. In the twelve years preceding the transition to democracy, Joaquín Balaguer, founder and life-time leader of the christian-democratic PRSC (Partido Reformista Social Cristiano), ruled the country in an authoritarian fashion. Even though the 1966 constitution was formally democratic and regular elections were held between 1966 and 1978, there were widespread violations of civil rights and political liberties and no effective contestation and, and the regime was clearly not democratic before the 1978 election (R. Espinal, 1994; Hartlyn, 1998).

Since 1978 the country has been a fairly stable democracy, with several peaceful shifts of power following quite often flawed, but generally democratic elections. Only the 1994 election in which the incumbent Balaguer and PRSC won the presidential election, has

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<sup>6</sup> But see Marsteintredet (2004) where Shugart & Carey's variables were modified in order to be studied in a case study. Their hypotheses, however, were not supported in the analysis. Linz and Cheibub's hypotheses on veto and veto override both use Tsebelis's (1995) notion of veto players and build on much of the same logic as his theories. Tsebelis's variables of cohesion and congruence of veto players however, are variables that not often vary within a case. For a test of Tsebelis's theory with similar data as I use here, see Tsebelis (1999).

been clearly fraudulent (Díaz Santana, 1996; Hartlyn, 1994). The PRD held power between 1978 and 1986, before Balaguer and PRSC returned and ruled until 1996. But necessary reforms to further democratise the political system were prevented by a political deal surrounding the 1978 election that gave Balaguer and the PRSC control of the Senate and veto power over any democratising reforms. Therefore it was not until 1996 that necessary electoral and judicial reforms to depoliticise the electoral administration and legal system was possible when the formerly Marxist-Leninist, now modern pro-business, party PLD (Partido de la Liberación Dominicana) won the election.

The period since 1978 has been dominated by minority governments, but both the PRD government from 1982-1986 and 2000-2002 enjoyed a majority in both chambers, and almost all governments have enjoyed a majority in the Senate. There have not been any coalition governments in the period, the ruling parties have preferred to govern alone, but voting-alliances in congress have existed from time to time between the parties. The perk for the opposition in these alliances have been to obtain the presidency of the Lower Chamber of congress and the leadership of the Municipal League (Liga Municipal Dominicana, LMD).<sup>7</sup> These improved the relationship between government and congress and provided governability during periods of minority governments. But, they have also proven to be unstable alliances, which when broken caused deadlocks.

The three parties, PLD, PRD, PRSC, have since 1990 formed a three party system in the country, until 1990 only PRD and PRSC had any electoral importance, and totally dominated the political life in absence of any strong state institutions (except for the presidency) and civil society. Even though historically, the three parties were programmatic and ideological parties, today there are not many ideological differences left, and the political struggle is more about positions than politics (Pérez, 2002). Because of their strong (one-man) leadership, the parties are considered to be quite strong, even in

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<sup>7</sup> The LMD is the administrative link between the municipalities and the central government. All transfers of money from the central government to the municipalities go through the LMD. The Secretary General is elected by representatives (“regidores”) from the municipalities. It is an important institution because vast amount of economic resources flow through the institution. According to the law 17/97, 4% of the total of budget spending automatically goes via the LMD. The LMD also gives contracts to firms of public works in the municipalities. The leadership of the LMD is therefore politically important, and has often been used as bait in coalition agreements between political parties

the Latin American context (Shugart & Carey, 1992), but their internal organisation and institutionalisation has always been very weak and even an obstacle to democratisation (Jiménez Polanco, 1999). Their weak internal institutionalisation is a result of the personalistic nature of the parties, very much in control by their life-long leaders.<sup>8</sup>

The Dominican Republic is as all other Latin American countries, a pure presidential regime.<sup>9</sup> The president has strong formal and informal powers, and must be considered a very strong president when compared to other presidencies in the region (Hartlyn, 1998; Marsteintredet, 2004).<sup>10</sup> Until 1994 legislative and presidential elections were concurrent, but after a 1994 post-electoral constitutional reform, the legislative and presidential elections became non-concurrent with midterm congressional and local elections. The Dominican Congress consists of two chambers with almost equal powers and functions.<sup>11</sup> The Chamber of Representatives is elected by proportional elections (D'Hondt) in mid-size districts and the Senate elected by SMDP. The different electoral systems for the two chambers, common in Latin America, has created the problem of different majorities in the two chambers, and increased the potential for deadlock conflicts. Congress has generally been a weak institution with low professionalisation and feeble internal organisation. One example of this is the committee structure in the Senate where each Senator on average is member of 9.86 permanent committees, the highest average in all of Latin America (Montero & Sánchez López, 2002: 29).

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<sup>8</sup> Joaquín Balaguer founded the PRSC (formerly PR) in 1962 and led the party (and from time to time the country) as his personal tool until his death (at the age of 95) in 2001. Juan Bosch, former leader of the PRD and Dominican president 1962-63, founded the PLD in 1973 as a splinter from PRD and was in total control of the party and the party's presidential candidate until 1994, when Leonél Fernández, Bosch's protégé, took over. In 1994 Bosch was 85 years old. PRD, founded in 1937, has been marred by internal disputes over their leadership throughout its history, but was in the nineties ruled by José Peña Gómez until his death in 1998.

<sup>9</sup> My definition of presidentialism follows Shugart & Carey (1992: 18-22) and focus on the independent origin and survival of the legislative and executive.

<sup>10</sup> Shugart & Carey (1992: 155) argue that the Dominican president has weak legislative powers. I have elsewhere argued that this view must be moderated even when just considering Shugart & Carey's own indicators for presidential powers. See Marsteintredet (2004: ch. 4).

<sup>11</sup> There are some important exceptions: Until 1994 the Senate elected the Supreme Court Judges; the Senate still elects the members of the Central Electoral Board (Junta Central Electoral, JCE) and the leadership of the Auditor General (la Cámara de Cuentas, CdC).

## Method

This case study uses process tracing and the congruence procedure to investigate the causes behind the occurrence of deadlocks.<sup>12</sup> The point of departure is institutional theories that all assume that certain institutional situations create deadlocks in presidential regimes, but the same theories have never tested these hypotheses. Since we test whether the institutional theories can explain the occurrence of deadlocks in one case, this study is also a theory testing case study. By searching for covariance between expected values of the independent variables and dependent variables, we seek to test our theory; this constitutes the congruence procedure of our case-study. Since we establish a chain of events (from institutional independent variables, to the occurrence of deadlocks and then the effect of deadlocks when they occurred), as it is developed in our theories, we actually “unwrap” the connection between the independent variables and outcomes into smaller steps. This procedure represents the process tracing element of our case study.

In order to test our theories we have to develop an operationalisation of the variable executive-legislative relations, and thus the value “deadlock” on that variable. As discussed above, this is a variable very often discussed, but not studied or operationalised. The key element of the concept of deadlocks as used in institutional theories is that they occur if there is a conflict between congress and president that paralyse the legislation. This can occur in presidential regimes if the president vetoes legislation and/or the congress does not pass any laws. Therefore, if a deadlock occurs we might expect a drop in the number of laws passed during a legislative period. Thus this case study uses legislative activity and the number of laws passed in order to measure the executive-legislative relations. Using legislation to measure executive-legislative relations (and deadlocks) is a rather narrow definition, but it provides for a clear, numerical (and thus objective) measure of the variable which facilitates testing of the theories.<sup>13</sup> Furthermore our measure of deadlocks focuses on the behaviour and

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<sup>12</sup> The distinction between process tracing and congruence procedures is, in my view, somewhat blurry, but see Van Evera (1997) and George and Benett (2005) for a discussion.

<sup>13</sup> For similar operationalisations of deadlocks, see Coppedge (1994) and Tsebelis (1999). Cheibub, Przeworski and Saiegh (2004) use legislative activity to measure legislative efficiency across regime types. For a much wider definition of deadlocks, see Ames (2001). For a different, but still narrow, definition of

relationship between institutions and is therefore adequate to test our institutional theories.

There are at least two ways to measure the executive-legislative variable with legislative activity. Either we could use the variable as a count variable and look at the number of laws passed per legislature and thereby create a continuous measure,<sup>14</sup> or we could create a dichotomous variable (deadlock/no-deadlock) with a threshold on the number of laws passed per legislature. If the number of laws passed is lower than the threshold, a deadlock exists. In this paper we use both operationalisations. Thus we could expect a lower production of laws per legislature or a higher occurrence of deadlocks during minority governments (Linz), or during periods when a majority opposition cannot override a presidential veto (Cheibub), or with an increased number of parties (Mainwaring), or when any two out three parties can form majority in congress (Cheibub).

The expected effects of deadlocks are democratic breakdown or increased presidential dominance. In the Dominican Republic, there has not been a clear democratic breakdown, even though the 1994 electoral crisis could be considered one. Furthermore, for the Latin American region during the Third Wave, even though there have been many interrupted presidencies (Hochstetler, 2006; Valenzuela, 2004), these are not democratic breakdowns (Marsteintredet & Berntzen, 2006), and democracy has been surviving. Therefore we test whether deadlocks have created the other expected effect: increased presidential dominance. In order to tap into the variable of presidential dominance we use budgetary data from the Dominican Republic and look at the presidents' share of the total budget expenses. If this share increases, we interpret it as an indication of an increased presidential dominance in the political system. Thus, whenever a deadlock occurs, we

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deadlocks, see Jones (1995) who provides the only serious test of whether institutions by themselves create deadlocks. Sadly in his book only five pages address the issue.

<sup>14</sup> Generally the congressional periods in Latin America are divided into two sessions per year, in the Dominican Republic they are called "legislaturas" (legislatures). The first ordinary legislature begins on february 27 and lasts for 90 days. The second ordinary legislature begins on August 16 and also lasts for 90 days. The ordinary legislatures might be prolonged for a maximum of 60 days each, and the president might convene congress in extraordinary legislatures. All laws must pass in both houses of Congress with a majority vote and be signed by the president in order to turn into effect.

expect an increased presidential dominance. In addition to these data sources, newspaper archives were studied and interviews performed during a 6 month research stay in the country in 2002-2003.

### **Explaining the central tendencies of the executive-legislative relations**

First we look at the variable as continuous, measured by the number of laws per legislature, and the measures of central tendencies, before we look at the variable as dichotomous and actual periods of deadlocks.

Table 1 shows the means and the standard deviations of laws produced per legislature in the Dominican Republic in the 1978-2002 period. The period measured consists of 49 legislatures. The bottom row (in grey) shows that the mean production of laws per legislature over the whole period (N=49) was 31.2 and the standard deviation over the whole period was 26.9. The table also shows the means and standard deviations according to the four theories discussed above broken into periods when deadlocks are expected (in bold in the table) and when deadlocks are not expected by the theories.

<table 1 about here>

As we can see from the table, all periods when deadlocks are predicted (in bold in the table above) produce at an average less laws per legislature than when the various hypotheses do not predict a deadlock and less than the overall mean for the whole period. During minority governments (37 legislatures) the mean production per legislature is 29.3 compared to 37.2 during majority governments, and compared to the overall mean of 31.2 laws per legislature. For Cheibub's veto hypothesis the mean production was 24.4 when deadlocks are expected (29 legislatures) compared to 41.2 when deadlocks were not expected, and for Cheibub's instability hypothesis the figures are 25.6 compared to 37.2, respectively. We also see that the production of laws is negatively correlated (-0.337) to the effective number of parties in the Lower Chamber as expected by the Mainwaring hypothesis. Therefore, there is some (minor) support for (all) the hypotheses: When the theories predict deadlocks and potential democratic breakdown, there is a lower

production of laws. We also find that, with exception of Cheibub's veto hypothesis, the standard deviation in the production of laws when deadlocks are predicted is just slightly higher than compared to any other period, and higher than the standard deviation for the whole period, which indicates a somewhat higher volatility of production during these periods. The differences of means (and standard deviations) are, however, not as high as one would expect when we take into consideration for instance Linz's insistence on the pervasiveness of deadlocks in presidential regimes. Therefore, it seems that our institutional variables do not affect the production of laws in the Dominican Republic in a significant way. There are two explanations for this.

### ***The Government's persuasive power***

It is, if not normal, a regular known fact that the Dominican government give personal economic contributions, or bribe, representatives in Congress in order to get out the votes in Congress.<sup>15</sup> Fernández Mirabal, vice-president 1996-2000, PLD, admitted that their administration bribed representatives in order to get support in Congress for their agenda,<sup>16</sup> and Botello Fernández, PLD's Lower Chamber president 1990-1994, argued that Balaguer often got his legislative majorities buying votes from the opposition (Botello Fernández, 2003). In 2002, the PRD administration convinced many PRD representatives to support a constitutional reform opening for presidential re-election. Throughout its party history, the PRD has been staunchly against re-election (see e.g. Peña Gómez, 2002). There are clear indications, and personal testimonies that the government pressured fiercely and bribed PRD lower chamber representatives in order to pass the reform.<sup>17</sup> This activity is more normal in the Lower Chamber than in the Senate because the government has been able to hold a majority in the Senate for all years except the

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<sup>15</sup> In Latin America world, this does not only occur in the Dominican Republic, see e.g. Ames (2001).

<sup>16</sup> He argued that this was not entirely the administration's fault. Bribing representatives had been practice for a long time, and the representatives often mobilised a hard opposition to government proposals in order to get monetary rewards for changing their views (Fernández Mirabal, 2003). Díaz Santana (2003b) confirmed that this practice was normal. A Dominican political scientist witnessed direct payments to representatives from the government to buy political support (personal conversation with researcher).

<sup>17</sup> See Díaz S. in Hoy 03/05-2003 (Díaz Santana, 2003a). For other examples of government bribing of congressional representatives, see e.g. Listín Diario 15/08-2003, 28/08-2003, 15/12-1998, 23-24/12-1998.

1994-2000 period.<sup>18</sup> The representatives' inclination towards accepting bribes in order to support a legislative proposal can certainly improve governability and help avoid deadlocks. This is easier the fewer representatives the government has to convince.<sup>19</sup> We can only presume that the lower the support in Congress, the more difficult it is to win sufficient votes by this practice. Nevertheless, it is important to add that this is only a plausible explanation. It is impossible to find systematic evidence for this practice. Furthermore, a government cannot base the governability on corrupt practices. The Senators are not easily convinced by such practices, and there are also salient political issues where such behaviour is not possible. These factors help explain why there has been various deadlock legislatures in the Dominican Republic, which we return to below.

### *Creating alliances to improve executive-legislative relations*

Since 1990, Dominican governments have tried to create alliances with the opposition.<sup>20</sup> The alliance tactics have stabilised the executive-legislative relations, and can partly explain why the hypotheses do not predict the production of laws in Congress. Maybe not incidentally, the alliances started at the same time as the Dominican party system went from a two-party system to a three-party system, i.e. when ingovernability was to be expected.

There have been two ways of creating inter-party alliances in the Dominican Republic. One is by negotiating the presidency of the Lower Chamber, and the other is by negotiating the position of Secretary General of the Municipal League (LMD). The Lower Chamber presidency is important to control the agenda in the Lower Chamber, and the leadership of the Lower Chamber and the Municipal League are both sources for patronage and resources for the parties holding these positions. In 1990, Botello

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<sup>18</sup> Another reason is the size of the Senate. Any attempt of buying off a Senator is more easily discovered, and frowned upon in the Senate. The Senators within a party are more cohesive and have a stronger party discipline (Díaz Santana, 2003b).

<sup>19</sup> The 12 year representative and former president of the Lower Chamber (1990-1994) Norge Botello Fernández argued that because Balaguer lacked so few representatives to win majority during the 1986-1990 period, he was always able to find a majority through this practice (Botello Fernández, 2003).

<sup>20</sup> I reserve the term of coalitions to government coalitions and use alliance as the term for the voting alliances in Congress negotiated through the presidency of the Lower Chamber and the Municipal League (LMD).

Fernández (PLD) became the first opposition president of the Lower Chamber. This was an attempt to improve the relations between the PRSC and the PLD, which were not good after the 1990 election.<sup>21</sup> Later the opposition has obtained the Lower Chamber presidency with the PLD during the 1994-1996 Balaguer (PRSC) administration, with PRD's Peguero Méndez during the 1996-2000 PLD administration, and with the PRSC, 1999-2003, during the PLD and the PRD administrations.<sup>22</sup> From 1990 till 2003, an opposition party has always held the Lower Chamber presidency.

The Lower Chamber president normally has a group of affiliates that is politically under his/her control, and can help a government reach the necessary majority in Congress. For instance Peguero Méndez, the PRD Lower Chamber president could move about 10 votes in favour of the PLD administration when it was needed, enough to secure the PLD administration a majority together with the PRSC votes in the Lower Chamber in 1998-1999. Again, the fewer representatives the government needs for a majority, the better. The president of the Lower Chamber can also work as a channel of communication between the government and Congress (Norge Botello, interview). Since the President of the Lower Chamber has almost total control of the legislative agenda, he/she can either stop or "fast-track", e.g. the national budget, legislation in the interest of the government or its partners.<sup>23</sup>

The Municipal League has also been a source for alliances although less used than the presidency of the Lower Chamber. The League's Secretary General is elected every four years by an assembly of representatives from the municipalities. These representatives

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<sup>21</sup> The PLD with leader Juan Bosch accused the PRSC and Balaguer of electoral fraud in the 1990 presidential and congressional elections.

<sup>22</sup> The conflicts created by the election of the presidency of the Lower Chamber indicate the importance of this position. The conflicts created party expulsions in 1998 in PRD. The 2003 election created strong quarrels between the two candidates' groups. One of these groups even fired shots in Congress to defend their position (Listín Diario 17/08-2003)! The process ended in national and international embarrassment for the Congress and the country. Santo Domingo was seat for the Pan-American Games (PANAM) at the time, and the conflicts were presented all over the world in international media such as The New York Times, El País and CNN.

<sup>23</sup> For instance, Peguero Méndez, Lower Chamber president 1996-1999, denied putting a resolution proposal on the agenda that urged the judiciary to investigate former PRSC civil servants for corruption.

are elected by the majority of the “regidores” in each municipality.<sup>24</sup> In 1998, the incumbent PLD and the PRSC joined forces and won the position from the PRD in the January 1999 LMD election by promoting a PRSC Senator, Amable Aristy Castro. In 2003, incumbent PRD joined the PRSC to re-elect Aristy Castro. Both elections of Aristy Castro were parts of the governments’ alliance tactics. By dividing the spoils with the PRSC, the governing parties PLD and later the PRD, could enjoy a stronger support both by representatives in Congress, but also by regidores in the municipalities and their “clientelas”.

The Lower Chamber and the LMD alliances have without doubt improved governability and stabilised the production of laws in Congress. However, they have not been able to prevent deadlocks altogether. Most deadlock legislatures have taken place after these alliances became customary, but probably did the alliances prevent even longer and more serious deadlock crises. One problem of the alliances has been that the Lower Chamber president often has initiated a very close relationship with the government. Consequently, the presidents in the Lower Chamber have lost support and become unpopular within their own party. This happened with Norge Botello Fernández (PLD) and Peguero Méndez (PRD) alike, however only Peguero Méndez got evicted from his party, the PRD.

### **Explaining the occurrence of deadlocks**

The figure below presents the production of laws in the period from 1978 till the first legislature of 2003.<sup>25</sup> We see that there are big variations both within the presidencies and across the different administrations. There are three peaks of production of laws: The end of the Guzmán (PRD) presidency in 1982 shows a peak (119 laws) in legislation; the two later peaks came with the reform eager presidency of Fernández (PLD) (1996: 83 laws; 1998; 112 laws), and are results of Fernández’s politics to reform a political system that

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<sup>24</sup> “Regidor” is the name of the elected representatives in the local assemblies in the municipalities.

<sup>25</sup> All laws produced are included in this statistics. Similar statistics have been made for a selection of laws, excluding all pensions to private persons, all trivial laws as e.g. the naming of streets etc, and for the full legislative activity including all laws and resolutions. All of the different ways of operationalising this variable give similar results with respect to the general activity of congress and identifying deadlocks. For further details and all legislative data, see Marsteintredet (2004: Appendix).

had not seen any institutional changes since the passing of the current constitution of 1966.

<figure 1 about here>

If we look at each presidency, we see that the Guzmán presidency (PRD, 1978-1982) have a relatively high activity compared to the Jorge Blanco presidency (PRD, 1982-1986), with a mean production of laws per legislature of 45.8 and 27.5, respectively. Both of these presidencies have been described as deadlocked (F. D. Espinal, 2001; Hartlyn, 1998; Jiménez Polanco, 1999), Guzmán's presidency because the PRSC had control of the Senate and Jorge Blanco's (majority) presidency because of a formal split of the ruling party, the PRD. Nevertheless, when compared to the Balaguer period of 1986-1996, generally regarded as a forceful president, which had a mean production of laws per legislature of 16.1, both the preceding PRD presidencies seem relatively active. Even though the PRD presidencies of 1978-1986 experienced tremendous problems of implementing their political agenda,<sup>26</sup> my data indicate that the PRD administrations were not as deadlocked as previously expected. Even, when compared to the reform eager presidency of Fernández (PLD, 1996-2000), with a mean production of laws per legislature of 47.3, the PRD presidencies do not stand out for the low production of laws.

### ***Identifying deadlocks***

We argued above that there are two ways of studying deadlocks based on the legislative activity. We suggested a threshold of 1/3 of the mean production per legislature in order to identify a deadlock for the dichotomised variable (deadlocks/no deadlocks). With a mean production for the whole period of 31.1, this gives a threshold of 10 laws per legislature. With this threshold we find three clear periods of deadlocks, and one period (fall 2002) which needs an additional justification in order to be considered a deadlock. The first deadlock period runs from the 2<sup>nd</sup> legislature of 1989 to the 2<sup>nd</sup> legislature of 1991 with only 25 laws passed over a two-year period. The second period stretches from the 1<sup>st</sup> legislature of 1994 to the 2<sup>nd</sup> of 1996 with only 23 laws passed over five

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<sup>26</sup> For a full discussion on this discrepancy between my data and the literature on the PRD presidencies, see Marsteintredet (2004: ch 5).

legislatures. A third period occurs in the 2<sup>nd</sup> legislature in 1998 with three laws passed. The fourth deadlock occurred during the 2<sup>nd</sup> legislature of 2002, but the figure shows 18 laws passed, thus above the threshold defined above. This legislature is considered a deadlock because first of all, only two laws were passed in the ordinary (and prolonged) legislature, the remaining 16 were passed in an extraordinary legislature in January 2003, six of which were private pensions.<sup>27</sup> Second of all, the opposition majority (PLD and PRSC) retired from the Lower House for a full month during the legislature in protest of the PRD government's naming of the judges of the Central Electoral Board (JCE). Since the PRSC held the presidency of the Lower Chamber and the two parties together enjoyed a majority of the chamber, no legislative session could be convened. The media coverage of the crisis was also enormous, and there is no doubt that based on the legislative data and additional evidence, the 2<sup>nd</sup> legislature of 2002 constitutes a deadlock.<sup>28</sup> Thus, we identify eleven deadlocked legislatures over four distinct periods in the years 1978-2002.

<table 2 about here>

Table 2 shows when the deadlock legislatures occurred and whether they occurred when our theories predicted them to occur (in bold). The table shows that all eleven deadlock legislatures occurred during minority governments, i.e. when Linz predicted deadlocks to occur, and they constitute about 30% of the legislatures with minority governments. Ten out of the eleven deadlock legislatures occurred when Cheibub's veto hypothesis and instability hypotheses expected deadlocks. This is a very interesting finding and a strong support for the institutional theories. These deadlock legislatures represent about 30% of all non-majority governments, 34.5 % of the time Cheibub's veto hypothesis expected deadlocks, and 40% of the time when Cheibub's instability hypothesis expected deadlocks. Only one deadlock legislature occurred when neither of Cheibub's hypotheses

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<sup>27</sup> In the Dominican Republic all pensions must be written as a law. It is a quite regular activity for Congress to grant pensions to private persons.

<sup>28</sup> At the time, I was in the Dominican Republic doing research, and performed several interviews with central political actors. The level of political and social tension was extremely high, and probably as high as under the previous periods of deadlocks in 1998 and 1994.

expected a deadlock. This was the fall of 1998, when the two opposition parties enjoyed more than 2/3 of the seats in both chambers of congress (constituting a situation of opposition rules because the super-majority was big enough to overrule a presidential veto),<sup>29</sup> furthermore PRD, at the time, alone enjoyed a majority of both chambers of congress, and thus there was no expectation of an instability of alliances or deadlocks. Table 2 also shows that the deadlocks occur when there is a somewhat higher mean of effective number of parties in the Lower Chamber than the overall mean, 2.62 and 2.43, respectively. For the Senate the numbers are 2.04 and 1.92, respectively. The three electoral periods 1986-1994 have had the highest effective number of parties between 1978 and 2002, and nine out of the eleven “Actual Deadlock” legislatures. Although it seems that a higher number of parties is conducive to deadlocks, the data material is too small to draw any conclusions.

We can conclude that the deadlocks occur when predicted. Nevertheless, the deadlock legislatures only constitute between 30%-40% of the hypothesised potential deadlock legislatures. This leads us to the conclusion that a potential deadlock situation, i.e. when the theories predict deadlocks, is *a necessary, but not sufficient* cause for a deadlock conflict.<sup>30</sup> Furthermore, when compared to the statistics on the central tendencies of legislative activity above, we believe that deadlock is a concept best measured dichotomously.

On the basis of our data material it is difficult to evaluate which of the hypotheses is the more correct one. This is due to the similarity of the various theories, especially Linz minority thesis and Cheibub’s veto hypothesis, and that the independent variables of the various theories have a correlation between 0.51 and 0.69. In order to distinguish which is more correct, a broader cross national study with a similar approach would be required.<sup>31</sup>

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<sup>29</sup> The governing PLD only had 32.9% of the seats in the Lower Chamber and 13.3% of the seats in the Senate.

<sup>30</sup> For an elaboration of necessary and sufficient causation in the social sciences, see e.g. Ragin (2000), Goertz and Starr (2003), and Goertz (2006)

<sup>31</sup> Marsteintredet (2004) indicated that the various scholars all found support for their theories based on different definitions and operationalisations of democracy. These different definitions and operationalisations might actually be the true causes for their disagreement, not the disagreement on what causes deadlocks and democratic breakdowns.

What is clear, however, is that during a period in which we expect a deadlock, there is definitely a potential for the opposition to gridlock the government. Furthermore, as the discussion below shows, deadlocks in the Dominican Republic has not been around the issue of presidential veto and veto override, as Cheibub (2002) stipulated.<sup>32</sup> However, Cheibub also argued that it is the distribution of strength between the three biggest parties that creates deadlocks: when any two of three parties can form a majority, any coalition becomes unstable because the two party coalitions can “...*be undermined by counteroffers by the third one*” (Cheibub, 2002: 300). This was the triggering factor for the deadlocks in 1998 and 2002.

### ***Conflicts outside Congress causing “Actual Deadlocks”***

The 1989-1991 and the 1994-1996 deadlocks were the result of conflicts with origins outside of Congress. The 1989-1991 deadlock coincided or was caused by a tremendous economic crisis and an electoral conflict. In 1988 inflation was at almost 60%, and in 1990 it rose to 100% (Moya Pons, 2000, pp. 575, 588), the highest inflation for the whole 1978-2002 period. The economic crisis during the Balaguer administration created a congressional deadlock as well as social protests. Balaguer sought a PLD president for the Lower Chamber after the disputed 1990 election to improve executive-legislative relations. This took time, but proved to bear fruits when the PLD after the 1994 election did not support PRD’s claims of fraud, and cut a constitutional deal with Balaguer.<sup>33</sup> After a year of close collaboration with parts of the PLD and aided later by the 1992 formal split in the PLD, Balaguer was able to stabilise and improve the relations with the Lower Chamber (Hartlyn, 1998: 209-211). This led the way out of the deadlock and the PLD split gave Balaguer more leeway in finding support for his legislative agenda.

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<sup>32</sup> Only during the 2<sup>nd</sup> legislature of 1998 has the presidential veto been part of an actual deadlock crisis. This was a period of “Opposition Rules”, but the opposition was split, and the PLD administration’s veto was supported by the PRSC. Therefore, the veto could not be overridden and aggravated the actual deadlock. The case was that President Fernández (PLD) vetoed the PRD initiated law assigning the name of the recently deceased Dr. José Fransisco Peña Gómez to the International Airport in Santo Domingo. This law and veto of seemingly minor importance aggravated an already existing crisis. The airport finally got the PRD leader’s name when the PRD entered government in 2000.

<sup>33</sup> This can also be seen as a payback for the PRD’s quick acceptance of the 1990 election, and their denial to support the social protests to get rid of Balaguer.

The 1989-1991 deadlock was a joint reaction from the majority opposition in Congress against the incumbent Balaguer, elected president for the sixth time in 1990, and an attempt to shorten his presidency.<sup>34</sup> The fixed terms of presidentialism thus prolonged the deadlock. In addition, the government lacked quite many representatives to create a majority. In the period 1986-1990, Balaguer had been able to exploit the increasing factionalisation within the PRD, use the presidency's "persuasive" powers and seek support within the conservative Majluta faction of the PRD, to secure a governing majority.

The 1994-1996 deadlock was a direct reaction to the electoral crisis in 1994. This deadlock also confirms the limitations of coalition/alliance building in presidential regimes. The deadlock lasted two and a half years even though the PRSC administration had "given" the presidency of the Lower Chamber to the PLD. This move did not prevent the deadlock. The initiation of the deadlock is caused by the 1994 electoral campaign. A large portion of the representatives in Congress were occupied with the campaign and did not work actively in Congress. However, the continuation of the deadlock after the May 1994 election was a reaction to the electoral fraud. In 1994 post-electoral pacting created an institutional solution to the electoral crisis by shortening the presidential term by two years. The deadlock prevailed throughout the 1994-96 period since the PRSC did not have a majority in any of the congressional chambers. This further complicated the possibilities for creating coalitions. The PRSC could not cooperate with the PRD, the primary victim of the 1994 fraud, and the PLD only guaranteed the PRSC a majority in the Lower Chamber. The Senate remained at a 50-50 split. The PRD could then use deadlock as a political weapon to force Balaguer to not seek another constitutional reform and re-election in 1996. There are no hard evidences to support the speculations that Balaguer would seek re-election, but the deadlock effectively prevented him from doing so.<sup>35</sup>

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<sup>34</sup> Balaguer even pronounced a plan for an early retirement and the calling of new elections in 1992 (Moya Pons, 2000: 587). But, since this was not an institutionalised way out of the crisis, as a vote of no confidence could have offered in a parliamentary regime, a solution ultimately depended on the Balaguer's word. His word was never kept.

<sup>35</sup> Hartlyn (1998: 258-259) also speculates along these lines.

### *Unstable majorities causing deadlocks*

The literature's focus of explaining deadlocks is on the instability of coalitions (Mainwaring, 1993; Linz 1994: 34-35, Cheibub 2002: 299-300). The instability of coalitions can create deadlocks due to a general weak party system in presidential regimes (Linz 1994). However, I believe as Cheibub (2002) and Mainwaring (1993), and my data suggest, that the instability of coalitions is more likely to occur when there exist more than one possible majority constellation.

The 1998 and the 2002 deadlocks were caused by the problems of unstable alliances. The PRSC began the 1996-2000 electoral period as an ally to the PLD administration, nonetheless, the PRD controlled the Lower Chamber presidency from the 2<sup>nd</sup> legislature 1996. However, when such alliances are based on patronage positions, and not on ideology or politics, they are easily broken when the coalition partner in Congress has obtained what they bargained for. When the PRD in the 1998 congressional election obtained a majority in both chambers of Congress, the PLD-PRSC alliance lost their majority.<sup>36</sup> This made the PLD administration fight desperately to take control over important political institutions (The Supreme Court, The Municipal League, the Lower Chamber and the Auditor General (CdC)), under the pretext of balancing the power between the institutions and parties. The PLD immediately began working to win over the Lower Chamber president, PRD's Peguero Méndez,<sup>37</sup> and to take control over the LMD with an alliance with the PRSC. Moreover, in early August 1998, after the May 1998 elections, but just before the PLD-PRSC coalition lost its majority with the inauguration of the new Congress, President Fernández took advantage of the President's power to call for an extraordinary legislature. Two cases were on the agenda: One was to remove the lifetime tenure for the Supreme Court judges; the other was to elect a

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<sup>36</sup> Actually, the PLD and the PRSC only had 50% of the seats in the Senate until 1998, but Hartlyn (1998a: 213, 253) argues that the coalition won over one PRD allied Senator, and obtained a de facto majority in the Senate.

<sup>37</sup> Peguero Méndez was the leader of an organisation originally allied to and part of the PRD, the Bloque Independiente Peñagomista (BIP) and became Lower Chamber president in 1996. BIP changed sides from running on a PRD ticket in the elections on May 16 1998, to supporting the PLD administration from July 1998. The PRD expressed in July 1998 that they wanted to remove Peguero Méndez as President of the Lower Chamber because of Peguero Méndez's close relations with the PLD government.

government friendly Auditor General. The PRD however, retaliated with its strong majority in the Senate and created a deadlock.

On August 5, 1998, Congress passed a law that removed the lifetime tenure of the Supreme Court judges. This reversed the 1994 constitutional reform, and reintroduced the old system of electing the Supreme Court judges every four years. The potential negative consequences for the judicial sector were avoided when the Supreme Court itself in October 1998, ruled the law unconstitutional. The PRD protested fiercely when Congress passed the law. And PRD's vengeance came just after the inauguration of the new Congress on August 16, 1998. Even though the PRD lost its majority in the Lower Chamber when Peguero Méndez (and 9 other Peguero Méndez followers) allied with the PLD administration, the PRD still held a majority in the Senate. The PRD decided to distance itself from the 1994 inter-party "gentleman's agreement" of electing apolitical judges to the Central Electoral Board (JCE), and use the Senate's institutional powers to elect PRD friendly Central Electoral Board judges. Thus, the PRD also avenged the previous PLD and PRSC orchestrated re-election of Peguero Méndez as Lower Chamber president. President Fernández (PLD) answered the PRD by vetoing the law that named the International Airport of Santo Domingo after the extinct PRD leader Peña Gómez, and freezing the monthly budgetary transfers to the newly elected Central Electoral Board.<sup>38</sup> This crisis worsened throughout the rest of 1998 and culminated in the election of Amable Aristy Castro (PRSC) as Secretary General of the Municipal League in January 1999. The election of Aristy Castro was against the wishes of the PRD and broke another inter-party "gentleman's agreement": Whichever party had the majority of mayors ("síndicos") in the country should get the Secretariat of the Municipal League.<sup>39</sup>

The 1998 deadlock demonstrates how shifting alliances create unstable situations, polarise the political parties, and push the institutions into gridlock as occurred when

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<sup>38</sup> After long legal hassles, the court ruled in late October 1998 that the government had to transfer the money to the JCE.

<sup>39</sup> In the turmoil surrounding this election the conflicts had risen to such a level that the Police and the army took control over vital areas and institutions in the capital, military helicopters flew over Congress, the police surrounded the JCE, and during the PRD led protests, the police shot and wounded one Senator and three journalists.

Peguero Méndez and his followers left the PRD to support the PLD administration. However, these deadlocks, intentional or not, are only possible if there exists a potential in the institutional arrangement for a deadlock situation. This potential can be exploited by political parties to punish unwanted government behaviour. The PRD majority in the Senate gave the PRD reactive powers to create a deadlock and proactive powers to elect the electoral board.<sup>40</sup> These powers were used to punish the PLD administration. But, the PRD was punished by its lack of control over its own elected representatives in the municipalities who elect the secretariat for the Municipal League. The PRD's municipal representatives were "persuaded" to support the PLD-PRSC candidate for the Municipal League Secretary General.<sup>41</sup> And, after the election of Aristy Castro as Secretary General to the Municipal League, the PRSC distanced itself from the PLD administration because the PRD had been successful in the 1998 election and was strong in the polls for the 2000 presidential election.

The 2<sup>nd</sup> legislature in 2002 also brought a deadlock. The PRSC, allied with the PRD since the 2000 presidential election, suddenly changed sides and allied with the PLD to gridlock the PRD administration after a disputed re-election in the PRD dominated Senate of the judges to the Central Electoral board.<sup>42</sup> After this election, the PRSC and the PLD quickly announced their withdrawal from Congress. The PRSC switched sides from PRD to the PLD to revenge the election of the electoral judges and to win a higher prize in allying with the popular PLD. This prize could be some representatives on the Central Electoral Board if their deadlock was effective. The PRD administration was met by the use of the potential deadlock powers in the hand of a joint opposition, searching to strike a blow at the government. The opposition's source of power was the control over the Lower Chamber presidency and the joint majority in the Lower Chamber. This was enough to stop convening sessions in the Chamber, a prerogative for the Chamber President, and impede quorum (50% of the representatives). The opposition successfully retired, remained firm, and pressed the PRD administration to open up for dialogues on

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<sup>40</sup> For an elaboration of the difference between proactive powers and reactive powers, see Shugart & Mainwaring (1997: 41-52).

<sup>41</sup> Rumours of corruption among PRD regidores surrounded this election.

<sup>42</sup> In 2002 the PRD re-elected the same judges as they elected in 1998 (see above). As in 1998 this created huge tension between the political parties.

the Central Electoral Board issue. This deadlock could not have been possible had it not been for the situation described by the Cheibub as an unstable coalition situation, with any combination of two parties creating a majority in Congress.

To solve the crisis, the PRD administration created a law proposal on the Central Electoral Board issue and sent it to the Lower Chamber. The Senate with more than a 90% PRD majority, was offended by the process and expressed that their constitutional right of electing the electoral judges had been violated. Even after the Lower Chamber had passed the new electoral legislation, there were doubts of whether the Senate would pass it or not. In this case as in each process of legislation, the Senate had veto power. The senate's veto power would surely have been used had it not been for the country's ongoing economic crisis.

The PRD controlled Senate had earlier passed legislation which opened for 600 million USD of international loans to alleviate the ongoing economic crisis. However, the loans would have to pass in the PLD-PRSC dominated Lower Chamber. Subsequently, the Lower Chamber had veto power vis-à-vis the Senate. The opposition threatened not to pass any loans or the budget, and to withdraw from Congress if the electoral law was not passed unaltered in the Senate. This started a game resembling the Chicken game. The threat of not passing the budget would by itself not be sufficiently severe to the PRD Senate and administration since the previous year's budget then would be repeated unaltered. But, with the economic crisis, denying the administration a loan of tremendous proportions was severe enough for the Senate to yield. The dispute lasted for another month and a half, and ended when the Senate approved the Central Electoral Board legislation, without alterations, on the last day of 2002. Two days later, the Lower Chamber approved the 600 million USD loan. This happened only after there had been various attempts by the Senate to fool the Lower Chamber by sudden postponements of their treatment of the electoral legislation so that the Lower Chamber first would approve the loans. The Senate finally elected the two new Central Electoral Board members on February 14, 2003, which marked the end of a 6 months long conflict.

It is possible to extract a pattern from the 1998 and 2002 deadlocks: When the next election gets closer, alliances become unstable. Calculations of which party stands the best chances to win the next presidential election take place after the parties receive “updated” information on their popularity in the midterm congressional election.<sup>43</sup> In the autumn of 2002 a large part of the PRSC distanced itself from the unpopular PRD. The PRSC did the same with the unpopular PLD after the 1998 deadlock when the PRD scored high on the polls for the 2000 election.

### **Effects of deadlocks on presidential dominance**

Table 3 (below) shows a clear connection between the institutional situation and the presidential dominance. The presidential dominance is higher when the hypotheses predict it (in bold), than in all other situations. The presidential dominance is also consistently higher when predicted by the hypotheses, between 39-48%, than the mean for the whole period, 34%. During the deadlocks, presidential dominance was 48.7%. To evaluate Mainwaring’s hypothesis, we correlated the effective number of parties with the level of presidential dominance. The correlation was 0.75. I.e. there is an increasing tendency of presidential dominance when the effective number of parties increases.

<table 3 about here>

We can conclude that there is a strong tendency of an increased presidential dominance both when our theories predict the occurrence of deadlocks and when deadlocks actually occur, and that presidents seek other methods than decrees to bypass congress.<sup>44</sup> A probable explanation for this presidential behaviour is that while issuing presidential decrees is a relatively public procedure,<sup>45</sup> the government and the president’s handling of the budget is quite discrete.

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<sup>43</sup> Midterm congressional elections were introduced in 1998 as a part of the constitutional pact made in 1994.

<sup>44</sup> The number of presidential decrees actually turned out to be negatively correlated with the production of laws and the observed deadlocks. This is not necessarily unexpected as a large bulk of decrees in the DR as in many of the other Latin American countries only deal with minor administrative matters. See Marsteintredet (2004) and Carey & Shugart (1998).

<sup>45</sup> Presidential decrees are published in the *Gaceta Oficial*, and (today) the president’s webpages. They are also normally well covered in the press. With the media and political attention on decrees, the president chooses a less public way of centralising powers in his hands. Transferring money from one budget post to another is not a very public affair. Even afterwards it is difficult to obtain the information regarding these transfers. The budgets are easily found in public libraries, but finding the publications of the executed

Crisis management in the Dominican Republic has taken the form of a stronger presidential control over the state's economy. This could be either to implement the president's policies that otherwise might have been blocked in Congress, or to use patronage in order to satisfy the president's clientele during economic downturns. Politics in so-called neopatrimonial regimes is dominated by patronage and clientelism (Bratton & Van de Walle, 1997). It is therefore no surprise that an opposition would block government initiatives in Congress because these could be beneficial for the president politically, and for his close friends economically, especially since Congress has no control over the President's use of resources.<sup>46</sup> A president might try to please a majority opposition by toning down elements in the budget that are typical spoils and patronage projects such as construction, and allocations of public contracts. This however, does not mean that the president tries to tone down these practices. It can mean that a president tries to hide them from public scrutiny and congressional oversight. When enjoying a majority in congress a president would not need to hide these elements in the budget, and the budget would consequently be easier to uphold.

To explain the tendency of presidential dominance in the Dominican Republic, the literature has focused on the President Balaguer's personal style and the country's neopatrimonial culture (e.g. Hartlyn, 1998). Furthermore, Balaguer's administrations from 1986-1996 were minority governments, hence the connection between the independent variables and presidential share of budget could be spurious. The pattern of presidential dominance might be better explained by President Balaguer's personal and "semiauthoritarian" style. Balaguer had a much higher personal control of the budget than any other president in the post 1978-period, but when we compare Balaguer's majority rule from 1966-1978 with his minority rule (1986-1996), we find that institutional situation still has predictive value. The mean of the presidential dominance of Balaguer's majority governments from 1966 to 1978 was 35.0% and during Balaguer's minority

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budget is not easy. It is even more difficult to find the annual CdC reports on the execution of the budget. No public library in the capital has these documents. Only the CdC could present them, but many years were missing.

<sup>46</sup> See e.g. De la Cruz Alvarado (1999, pp.75-80).

governments, 1986-1996 it was 50.6%. With a 15 point difference in presidential dominance between his first and second period as president, we hold that institutions do explain variation of presidential dominance.

Our results clearly imply that the institutional variables strongly affect the presidential behaviour and confirm what all the new institutionalists claim: Deadlocks lead to increased presidential dominance.

## **Conclusions**

In this paper we have used institutional theories that argue that institution affect democracy through the variable of executive-legislative relations, but that had not tested their assumed chain of causality. By using legislative data and the method of process tracing in a case study, we tested whether institutions affected the executive-legislative relations in one case over a period of 24 years. We found that institutions matter with respect to the legislative activity in the Dominican Congress and that the deadlocks experienced in the Dominican Republic after its transition to democracy in 1978 occurred when predicted by our theories. Our quantitative data were congruent with our expectations and our qualitative analysis further substantiated our finding and our test of the theories.

With respect to the legislative activity, which we suggested as one measure of executive-legislative relations, we found that the production of laws in congress on average decreased when our theories expected a deadlock. Furthermore, these same periods showed a higher standard deviation of production of laws, which indicated that these periods were more unstable than other periods with respect to the production of laws. This supported all our theories. We were, however, not able to indicate on the basis of our quantitative material which of the theories that had the most predictive power since the independent variables of the various theories were highly correlated. Even though these results supported our theories, the quantitative difference of production of laws was not high when comparing periods when deadlocks were expected to any other period. This was through a qualitative analysis explained by the Dominican presidency's persuasive

powers (vote buying) and the alliance building between the presidency and the opposition through the use of the presidency of the Lower Chamber and the Municipal League.

With respect to our dichotomised measure of deadlocks, we found 11 legislatures marked by deadlocks, all or almost all (10 out of 11) occurred when predicted, and constituted about 1/3 of all periods when deadlocks were predicted by our theories. We found this to be a strong support for our theories and the notion that institutional arrangements are important for explaining the occurrence of deadlocks in presidential regimes.

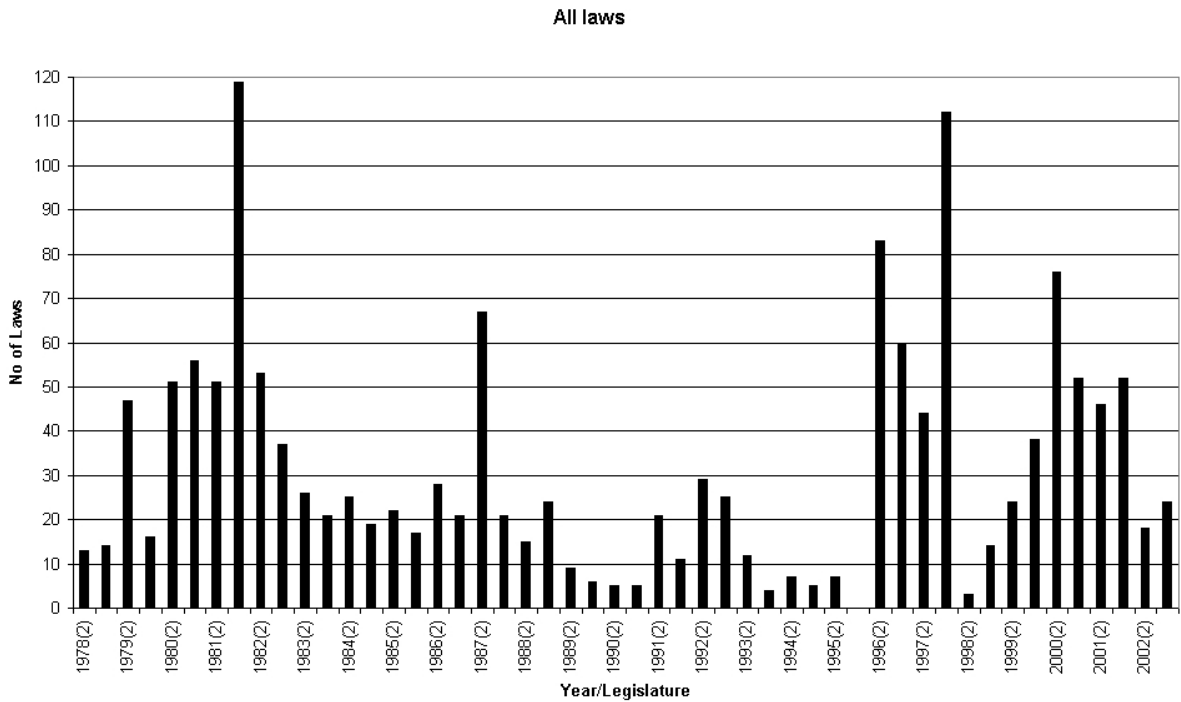
Furthermore, our figures indicate that institutions function as a necessary, but not sufficient explanatory factor for the occurrence of deadlocks. We argued that sufficient factors could come from outside the institutions as economic crisis as the deadlock in 1989-1991 and electoral crisis as the deadlock in 1994-1996. We also found an additional support for Cheibub's instability hypothesis since the deadlocks in 1998 and 2002 were caused by instability and changing alliances between the government and opposition.

With respect to the effects of deadlocks we found that deadlocks in the Dominican Republic had led to an increased presidential dominance measured as the presidency's share of the total budget expenses. The president's share of the total budget expenses were between five and fifteen points higher during periods when deadlocks were expected than periods when they were not expected, and that in years with deadlock legislatures the presidency's share of the total budget expenses were fifteen points higher than in years when no deadlocks occurred.

We conclude that in the Dominican Republic institutions have mattered with respect to the occurrence of deadlocks and the level of presidential dominance, and institutions have had the expected effect.

Tables and figures:

**Figure 1: Law production 1978-2003**



Notes: Data on laws based on Gaceta Oficial 1978-2002 (no. 9464-10172). Coding: The law is codified in year and legislature depending on dates of promulgation in congress. If a law was approved in one chamber in one legislature and in the other in the next legislature, it is counted as belonging to the legislature where it last was approved. Full statistics on legislative activity available upon contact with the author.

**Table 1: Institutions' effect on general production of laws**

Hypotheses	Hypotheses' status & expectations:	Number of legislatures	Mean production of laws per legislature	Standard deviation
Linz Majority/Minority hypothesis	Majority: Higher production	12	37.2	18.5
	<b>Minority: Lower production</b>	<b>37</b>	<b>29.3</b>	<b>29.1</b>
Cheibub's veto hypothesis	Veto override or no veto: Higher production	20	41.2	26.8
	<b>Veto (and no veto override): Lower production</b>	<b>29</b>	<b>24.4</b>	<b>25.2</b>
Cheibub's instability hypothesis	Stability: Relatively higher production of laws	24	37.2	25.3
	<b>Instability: Relatively lower production of laws</b>	<b>25</b>	<b>25.6</b>	<b>27.7</b>
Mainwaring's party system hypothesis	<b>Negative correlation effective number of parties and law production</b>	<b>Pearson's R</b>		
		<b>-.349*</b>		
<b>Mean production of laws per legislature 1978-2002</b>		<b>49</b>	31.2	26.9

Notes: When lower production is expected, text in bold. The period begins here with the first legislature of the Guzmán presidency (2<sup>nd</sup> legislature 1978) and ends with the 2<sup>nd</sup> legislature of 2002. Linz: Majority government: Majority in both houses; Minority government: Minority in at least one chamber. Cheibub's veto hypothesis: Veto override or no veto: Government support in Congress > 1/3 in both chamber or Majority government; Veto (or no veto override): Government support in Congress between 33.3% and 49.9%. Cheibub's instability hypothesis: Stability: Only two parties or Majority government; Instability: Any two of three parties can form a majority. Calculations of effective number of parties based on the Laakso/Taagepera index.

\* Correlation is significant at a .05 level (2-tailed). The independent variables are all based on data from the Dominican constitution and elections. The Dominican constitution and electoral results are available through the Junta Central Electoral's webpages (<http://www.jce.do>), see <http://www.jce.do/Infoelecciones2004/Compendio/ConstitucionLeyElectoral.pdf> and <http://www.jce.do/elecciones.asp>, respectively.

**Table 2: Institutions's effect on occurrence of actual deadlocks**

Hypotheses	Hypothes expectation and status	Deadlock legislatures	Percentage
Linz Majority/Minority	No deadlock, Majority government	0	0
	<b>Deadlock: Minority government</b>	<b>11</b>	<b>29.8%</b>
Cheibub's veto hypothesis	No deadlock: Veto override or no veto	1	5%
	<b>Deadlock: Veto (and no veto override)</b>	<b>10</b>	<b>34.5%</b>
Cheibub's instability hypothesis	No deadlock: Stability	1	4.2%
	<b>Deadlock: Instability</b>	<b>10</b>	<b>40%</b>
<b>Total number of deadlock legislatures 1978-2002</b>		<b>11</b>	<b>22.4%</b>
<b>Mainwaring, effective number of parties Lower Chamber (Senate)</b>	<b>Mean whole period</b>		<b>Mean deadlock legislatures</b>
	<b>2.43 (1.92)</b>		<b>2.62 (2.04)</b>

Notes: When deadlocks are expected, text in bold. For definitions of various potential deadlock situations, see table 1. The far right column is the percentage of deadlock legislatures to number of legislatures when the corresponding value of the independent variable is held constant. Sources, see note to table 1.

**Table 3: Institutions' effect on presidential dominance**

Hypotheses	Hypotheses & independent variables	Mean presidential dominance
Linz Majority/Minority hypothesis	Majority government	17.8%
	<b>Minority governments</b>	<b>38.6%</b>
Cheibub's veto hypothesis	Veto override or no veto	21.6%
	<b>Veto and no veto override</b>	<b>42.0%</b>
Cheibub's instability hypothesis	Low presidential dominance: Stability	18.0%
	<b>High presidential dominance: Instability</b>	<b>48.7%</b>
Dichotomised deadlock variable	Mean years with no deadlock	29.8%
	<b>Mean years with deadlock</b>	<b>48.3%</b>
	<b>Mean whole period 78-01</b>	<b>33.7%</b>

Notes: When higher dominance expected, text in bold. Figures in percentage. Mean presidential dominance is the mean percentage of the presidential share of the executed budget expenses. Legislative years and budget years do not correspond. Therefore it is impossible to be correct in the estimation of each president's share of the annual budget. A president elected at midyear is in my calculations responsible for the effectuation of the budget that whole year. I.e. the budgets from 1978 including 1981 correspond to the electoral period 1978-1982. My calculations show that there are no substantial differences if I lag the budget year and started with e.g. 1979 for the period 1978-1982. Sources: See table 1, and ONAPRES, National budgets 1978-2001. Full background statistics on budget available upon contact with the author.

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