

Constraining a Shadowy Future: Enacting APAs in Parliamentary Systems

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Abstract

Single-party parliamentary governments often have no institutional checks on their authority. Such governments can pass and implement policies constrained only by the need to maintain party loyalty and win elections. Literature on delegation suggests that such governments would never adopt reforms such as Administrative Procedures Acts (APAs) that are designed to constrain this freedom. Nevertheless, such governments do pass APAs: Greece, Portugal, Romania, Spain, and Sweden have all done so in the past thirty years. We argue that the possibility of losing power motivates parliamentary governments, both single-party and coalition, to trade current policy loss for future gain with APAs.

Single-party governments in parliamentary systems often have no domestic institutional checks on their authority. Such governments can pass and implement policies constrained only by the need to maintain party loyalty and win elections. Why then would such a government ever adopt administrative reforms such as Administrative Procedure Acts (APAs) that limit their ability to do so?¹ Both presidential and parliamentary systems have implemented APAs that constrain the ability of bureaucrats to implement public policy. These laws establish procedural floors that must be met across policy areas and thus reduce the ease and pace of policy implementation. As previous work on APAs has argued (McCubbins, Noll and Weingast, 1987; Moe, 1989; Ginsburg, 2002; Baum, 2007; Jensen and McGrath, 2011), these laws also constrain the content of policy. By stipulating rules that govern the quasi-legislative (rulemaking) or quasi-judicial (adjudication) behavior of bureaucrats, APAs limit the discretion of administrative actors.² They can act as mechanisms through which politicians establish structures and guidelines for administrative behavior and the extant literature has done a comprehensive job cataloguing the incentives that exist for parties to pass APAs in separation of powers systems. Because APAs affect the content of public policy, explaining their adoption is not only theoretically important, but also practically significant.

Relying on existing research on delegation and oversight, one would expect that single-party governments (especially single-party *majority* governments) would never implement omnibus administrative reforms. APA passage would only serve to constrain the dominant party's ability to implement its preferred policies. Even if such a party did pass an APA, subsequent single-party governments could amend, repeal or ignore it. Nevertheless, single-party governments *do* sometimes pass APAs—single-party governments in Greece, Portugal, Romania, Spain and Sweden have all done so in the past thirty years. In this paper, we identify systematic factors that have led to these previously puzzling adoptions of omnibus administrative reform. We seek to explain not only the adoption of APAs, but also the *timing* of these adoptions. In addition, we also examine why other systems where single-party governments are the norm (e.g., the United Kingdom) have not yet passed such a

broadly applicable administrative law.

Our theory builds on and amends de Figueiredo Jr.'s (2002) argument about the adoption of constraints in presidential systems. We argue that the possibility of losing power in the near future motivates single-party parliamentary governments to pass APAs. We contend that this intuition can shed light on the above mentioned cases. We then extend the argument to parliamentary governments more generally (including coalition governments) and find that seat share losses in subsequent elections are statistically significantly associated with the probability of parliamentary governments enacting an APA. Contrary to the prevailing view, we demonstrate that governments in parliamentary systems have similar incentives to insulate policy making with APAs as their counterparts in separation of powers systems.

Examining the initiation of APAs in parliamentary countries is interesting as a replication and generalization of existing research from the United States. It is also intrinsically important to understanding the evolution of parliamentary governance. Much of the research on governance in parliamentary democracies examines institutional constraints on the dominance of cabinet ministers over their corresponding policy portfolios (Thies, 2001; Martin and Vanberg, 2004, 2005; Kim and Loewenberg, 2005; Lipsmeyer and Pierce, 2011; Jensen and McGrath, 2011; Greene and Jensen, 2015, Forthcoming). We contribute to this growing research agenda by adding APAs to the discussion of institutional constraints on cabinet governance in parliamentary systems.

The remainder of this paper is presented in sections. In the first section, we discuss our research question in the context of the existing research on APAs and administrative politics. We then translate expectations from studies of APA adoption in separation-of-powers systems to the parliamentary context, beginning with single-party governments. Next, we discuss the face-validity of these expectations in the context of the aforementioned APAs from Greece, Portugal, Romania, Spain, and Sweden as well as discuss APA passage by a coalition government in Japan. In the fourth section we extend our argument by conducting an empirical analysis of APA enactment in parliamentary governments generally.

Finally, we discuss the implications of our findings for the study of administrative politics in parliamentary democracies.

APAs, Electoral Uncertainty, and Policy Insulation

Scholars of delegation have focused on the relationships between politicians—usually legislators—and bureaucrats. The most prominent such work focuses on the United States (e.g., Weingast and Moran, 1983; McCubbins and Schwartz, 1984; McCubbins, Noll and Weingast, 1987, 1989; Bawn, 1995, 1997; Epstein and O’Halloran, 1999; de Figueiredo Jr., 2002).³ However, the logic of inter-branch delegation should also apply to a chief executive delegating to her bureaucratic agents, whether in a presidential or parliamentary system (Ramseyer and Rosenbluth, 1993; Katz and Mair, 1995; Thies, 2001; Strøm, Müller and Bergman, 2010; Huber and Shipan, 2002; Kitschelt and Wilkinson, 2007; Baum, 2007, 2011). Existing work on the effects of partisan and institutional veto players on policy making (see especially Tsebelis (1995) and Tsebelis (2002)) shows that majorities in parliamentary systems often face the same incentives to delegate and insulate policy as their separation of powers counterparts. We find that this logic applies to single-party and coalition parliamentary governments, especially when the question of future policy is taken into account.

In a recent review article, Terry Moe (2012) recognizes the strategic incentives for politicians to “control” unelected bureaucrats by way of procedures—that is, the “politics of structural choice” (Moe, 1990). However, Moe (2012) laments the absence of truly forward-thinking actors in theories of political control. He notes that “. . . rational actors in a position to design bureaucratic agencies have incentives to look ahead and take . . . political uncertainty into account” (pg. 1175). Nevertheless, this “knowledge of the field,” is rarely incorporated into models of delegation and control in general, or with regard to APA adoption specifically.

A notable exception is de Figueiredo Jr.’s (2002) argument concerning the relationship

between uncertainty and political insulation. Here, the author posits that actors in systems with few veto points (single-party governments, for example) are often able to “cooperate” (i.e., not insulate policy making) under conditions of uncertainty. As the number of veto points increases, however, de Figueiredo Jr. (2002) argues that political uncertainty induces weak actors to insulate policy making from future, opposing, actors. Seeing an APA as akin to such insulation, de Figueiredo Jr. and Vanden Bergh (2004) lay out a logic for the enactment of state level APAs (SLAPAs) in the United States. They argue that policy conflict between state legislatures and governors conditioned the probability with which states adopted an APA in a given time period. They incorporate de Figueiredo Jr.’s (2002) insight regarding the relative weakness, or perceived temporariness, of partisan control of state legislatures and argue that temporarily dominant legislative parties should have the most incentive to use an APA to “lock in” (McCubbins, Noll and Weingast, 1999) their preferred policies against coalitional drift (Horn and Shepsle, 1989; Shepsle, 1992).

To be sure, APA passage entails costs, which may indeed be significant. For instance, APAs are subject to fixed legislative costs in terms of time, bargaining, political capital expenditures, and the like. In addition, passing an APA entails policy costs, as its existence limits the range of potential actions for the current legislature with respect to policy implementation. However, just as APAs limit the policy benefits of current majorities, they increase benefits to future political minorities by ensuring that future majorities are precluded from unfettered power over administrative levers. At minimum, then, APAs decrease the negative consequences of losing an election for fragile governments. Our theoretical approach sees APA passage as occurring only when these future benefits outweigh the current costs. This is most likely to be the case when a current government is near certain of its own demise.

Although there is a growing body of research on cross-national comparisons of APAs, this logic of uncertainty and insulation has not yet been used to explain the adoption of APAs as insulation mechanisms across parliamentary systems. This research highlights the extent

to which actors in parliamentary systems (or, East Asian presidential democracies (Baum, 2007, 2011), or Mexico (Baum and Ríos-Cázares, 2009)) might have similar incentives to delegate and constrain bureaucratic policy making as do actors in separation-of-powers presidential systems (see e.g., Ginsburg (2002) and Jensen and McGrath (2011)). These works have addressed only the varying content of APAs and have not examined their initial adoption (or lack of adoption) and diffusion across parliamentary democracies. This comparative research has shown, for example, that APAs in presidential (separation-of-powers) systems constrain both rulemaking and adjudicative behavior, but parliamentary APAs constrain only adjudicative actions (Jensen and McGrath, 2011). Exploring these variations in content sheds light on how existing institutions help shape the “politics of structural choice.” Previous work has, nevertheless, altogether avoided questions of whether and *when* a parliamentary government would want to pass an APA in the first place. Just as presidents in pure presidential systems care not only about policy today but also about policy under their successors, politicians in parliamentary systems might also be concerned about policy in the long-term. The leaders of a parliamentary government may be uncertain regarding the likely outcome of future elections, and hence his party’s likelihood of retaining power. Indeed, as Moe (2012) expresses, legislative constraints on administrative action should only occur when the shadow of future governmental policy loss looms for a single-party government, or in the presence of significant institutional veto players (i.e., coalition governments). Our primary hypotheses parallel these expectations. The first is the heart of our “shadow of the future” argument and applies to single-party and coalition governments alike.

Hypothesis 1: *Electoral insecurity, operationalized by the extent of a government’s seat share loss in its subsequent election, should positively affect the probability of APA adoption.*

In addition to protecting against potential future “coalitional” drift (Horn and Shepsle, 1989; Shepsle, 1992; Moe, 2012), parties in coalition governments also have the incentive to avoid bureaucratic drift directed by their own coalition partners (McCubbins, Noll and Weingast, 1987; Thies, 2001; Martin and Vanberg, 2005). Unlike single-party governments,

coalition governments are never certain of the mapping of their policy preferences onto bureaucratic implementation. That coalition parties share ministerial portfolios amongst themselves virtually guarantees bureaucratic drift from the perspective of each individual party. Yet, research shows that coalition partners use myriad means to control such drift and do not simply accept policy loss in areas outside of their ministerial jurisdictions (Thies, 2001; Martin and Vanberg, 2005). In fact, coalition governments can be seen to mirror separation of powers systems with respect to the incentives that exist to counter bureaucratic drift (Huber and Shipan, 2002; Tsebelis, 2002). Research on separation of powers systems finds that when power is divided among the branches (i.e., during “divided government”), there exist strong incentives to limit delegation and bureaucratic discretion (Epstein and O’Halloran, 1999; Huber and Shipan, 2002). Along with previous research (e.g., Jensen and McGrath, 2011), we see APA passage as a particularly broad and long-lasting limitation on bureaucratic discretion. We expect this logic to play out in parliamentary governments as well, especially with respect to coalition governments. Clearly, the more ideologically heterogeneous a coalition is, the more incentive each party has to limit bureaucratic drift caused by its own partner(s). Therefore,

Hypothesis 2: *For coalition governments, the size of the ideological range of the coalition (indicating intra-governmental heterogeneity) should positively affect the probability of APA adoption.*

Although we direct this hypothesis specifically to coalition governments, we also note that, although it is more difficult to operationalize, the incentive to limit bureaucratic drift can also exist in single-party governments afflicted with high degrees of factionalism (as we will see in the discussion of the Japan case below).

These first two hypotheses draw from what we know about how governmental parties act to combat (future) coalitional and (present) bureaucratic drift. Yet, there are potential additional factors that might positively affect the adoption of APAs. We control for a number of these potential complementary explanations in the empirical analyses below, but one de-

serves special attention here. We have argued that parliamentary governments should pass APAs when they see the future benefits of doing so to outweigh the current costs. Here, we argue further that APAs are generally less costly to moderate governments than they are to more extreme ones. This is true because APAs naturally moderate policy by granting policy making influence (through, e.g., notice and comment procedures) to previously disenfranchised groups. This “expansion of the scope of conflict” (Schattschneider, 1960) should make it less likely that narrow and extreme policy positions prevail wholesale across policies. Since moderate political parties systematically prefer such expansion of conflict more than do extreme parties, they might be less averse to pass APAs when in power.

Hypothesis 3: *Ideologically moderate governments should be more likely to adopt APAs than more ideologically extreme governments.*

Having developed these theoretical expectations, we now turn to assessing them empirically. First, we briefly review the aforementioned cases of APA adoption by single-party governments. Again, the literature sees single-party parliamentary governments as least likely to adopt omnibus administrative reform. We present these vignettes to illustrate our theoretical logic. After describing these cases and arguing that they are not in fact anomalous, we assess APA adoption among OECD countries, by both single-party and coalition governments, more systematically.

Cases of APA Adoption by Single-Party Governments

There have been several instances of single-party parliamentary governments enacting APAs: Greece, Portugal, Romania, Spain and Sweden. In Greece, Portugal, Romania and Sweden, the enacting government was facing a period of electoral insecurity after a period of electoral dominance—exactly the situation where we would most expect a single-party government to tie its own hands policy-wise. In each of these cases, the shadow of an uncertain and insecure electoral future appears to have motivated these governments to

enact APAs to constrain future administrative practices. We discuss each in turn, beginning with Spain.

In Spain, the Partido Socialista Obrero Español (PSOE) government that enacted the APA subsequently increased its vote share, inconsistent with Hypothesis 1. However, the PSOE is a centrist party, in line with the argument proposed in Hypothesis 3— that moderate governments may have less initial policy loss than their more extreme counterparts under an APA. APAs essentially expand the scope of political conflict and make it less likely for intense but narrow ideological interests to dominate policy making and tend to move policy toward the ideological center. Seen this way, moderate parties—like the PSOE in Spain—do not stand to lose much from a policy perspective when they pass APAs. Although the PSOE did not have much to gain against an electorally propitious future, their relative ideological location meant that APA passage would not constrain their ability to control policy as much as it would have had they been more extreme. Nevertheless, this is the one case that is not consistent with our first hypothesis.

The Panhellenic Socialist Movement (PASOK) dominated Greek politics from 1981 until 2004. Yet, Andreas Papandreou's retirement in January 1996, followed by his death in June of the same year, had complicated the political scene. Papandreou was a dominant figure in PASOK but he was also plagued by allegations of corruption and "lacked accountability within the party he had created" (Featherstone, 1990, p. 102). Enactment of the Greek APA was precipitated by the transition of power within PASOK after Papandreou's departure and the party's decline as the dominant force in Greek politics. In 1996, Kostas Simitis took over the Prime Ministership and, eventually, the leadership of PASOK. Simitis led PASOK to a narrow electoral victory in 1996 in which their vote share declined by more than five percentage points. In this atmosphere of internal party flux and electoral decline, Simitis formed a new PASOK government. This second Simitis government enacted the Greek APA on March 9, 1999. Simitis's government barely won reelection in March, 2000 by a margin of 1.1%. PASOK was finally defeated outright in 2004 by margin of 4.8%.

In 1991, Portugal's Partido Social Democrata (PSD) had retained at least a share of every government since October, 1979 and had governed alone since October 1985. Prime Minister Silva had led a single-party PSD government through electoral victories in 1985, 1987 and 1991. The 1991 election saw the PSD win a majority by a margin of less than 1%. Silva's PSD government enacted an APA on November 15, 1991, just one month after what would prove to be the party's final electoral victory for over a decade. In 1995, the PSD stood for reelection again and suffered a massive 16.5 percentage point drop in vote share. The 1995 defeat remains the largest decline in vote share by an incumbent Portuguese government on record.

Romania's passage of an APA represents perhaps the most striking support of our first hypothesis. Adrian Nastase's second and final PSD government passed an APA on December 2nd, 2004. This was just four days after an election in which their seat share dropped from 44.9% to just 34%. Nastase remained in power until the new coalition government was formed on December 29th. Nastase surely knew the extent of his party's political defeat and enacted an APA just as his government went out the door. PSD did not return to government until 2008, when it was included as the junior member of a two party coalition, and it did not regain the prime ministry until May of 2012.

The Social Democratic Workers' Party (SAP) has long dominated Swedish politics, holding the prime ministership from 1945 until 1976. The SAP returned to power again in 1982, despite a decline in their share of the vote, under the leadership of Olof Palme. However, Palme was assassinated on February 28, 1986. His successor enacted the Swedish APA on May 7, 1986. The SAP had seen its vote share decline in 1982 and again in 1985. Furthermore, the SAP had just seen the assassination of the man who had led the party since 1969. As with Simitis and PASOK, the new leader of the SAP, Ingvar Carlsson, faced a combination of internal party change and declining electoral fortunes generally. The SAP was clearly in its least secure position of the latter half of the 20th century.

Thus far, the cases we have discussed have established a correlation between electoral

fragility and APA adoption, but have not firmly established our theoretical mechanism at the exclusion of other possible determinants of APA adoption. Upon leaving office as the Swedish Secretary of Planning in the Ministry of Public Administration, Lennart Gustafsson wrote an article titled “Renewal of the Public Sector in Sweden,” where he argued that his government saw the preservation of the goals and achievements of the SAP welfare state as a central priority in the mid-1980s. Speaking of the APA, Gustafsson (1987) admits to the lock-in motive behind passage and implies that such measures were unnecessary during the SAP’s heyday, when they could guarantee their preferred policies via electoral dominance. Regarding the APA, he states “The basic values were emphasized: the objectives of the welfare state are to hold fast; the reappraisal [of administrative reform] was concerned with the means of achieving those ends” (Gustafsson, 1987, p. 191), thus indicating that the SAP saw an APA necessary to constrain the ability of future governments to overturn these social welfare policies. This is exactly the sort of consideration that we expect fragile majorities to make when weighing their options regarding large scale administrative reforms.

We now turn to Japan, where a coalition government originally passed the APA. The Liberal Democratic Party (LDP) has dominated Japan’s post-war political system, with a brief loss of power in 1993-94 when it alternated power with a seven-party coalition of center-left parties. In the summer of 1993, in a change very few had foreseen even a year earlier, the LDP lost its majority in the Diet for the first time in thirty-eight years. It was replaced by a coalition government that promised a series of social, political, and economic reforms. Excluding the Japanese Communist Party (JCP), the coalition was backed by all of the former opposition parties, including the newly formed Japan New Party (JNP),⁴ the Japan Renewal Party (JRP), the Democratic Socialist Party (DSP), the Social Democratic Federation (SDF), the Social Democratic Party (SDP), Komeito (Clean Government Party), and the New Party Harbinger (NPH).⁵ Morihiro Hosokawa (JNP), one of the major voices in forming the coalition, became the new Prime Minister. The Hosokawa coalition passed the Administrative Procedure Law (APL, Act No. 88) in August 1993, about a month after

the LDP lost power. While this was not a single-party government, elements of this case are nonetheless consistent with the underlying logic of our argument. No less than seven different parties formed the enacting coalition, including the second most left-leaning party in the Diet, the SDP, and two of the most right-leaning parties, the Japan Renewal Party (JRP) and the JNP. This government was likely to be unstable and indeed, the SDP and NPH defected from the coalition in April of 1994. This supports our general argument that uncertainty motivates passage of APAs.

Interestingly, the LDP amended the 1993 APL in June 2005, two months before Prime Minister Koizumi called lower house elections. The amendment strengthened the APL by adding public notice and comment procedural requirements (Articles 38-45). This amendment is consistent with our prediction that single-party governments enact, or in this case make significant amendments to, APAs just as they are about to face uncertain elections. Koizumi led a surplus majority government in which the LDP controlled 241 out of 480 seats on its own but included the small New Komeito party to provide a cushion for potential LDP defections. Such defections led to the defeat of an important Postal Service reform bill in August of 2005, just before Koizumi called for snap elections. Adding further to Koizumi's insecurity, New Komeito's leader had expressed willingness to form a coalition with the Democratic Party of Japan (DPJ) as well (*New Komeito Hints at Coalition if DPJ Wins*, 2005). Furthermore LDP rules required Koizumi to step down when his term as party leader expired a year after the election regardless of its outcome. Koizumi might thus have feared that his successor would be either from the DPJ or a rival faction within his own party (*Japanese PM Koizumi Resigns*, 2006). In this environment of electoral uncertainty, the LDP adopted more procedures designed to give them access to bureaucratic decision making in the event they lost power.

Empirical Analysis

The previous case sketches have demonstrated the plausibility of our the proposed theoretical mechanism, with direct evidence of a lock-in motive described in the Swedish case. We now turn to a more systematic testing across the range of parliamentary systems. First, we operationalize the key theoretical variables. We then show that the adoption of APAs by single-party governments is largely influenced by conditions of electoral insecurity. We further demonstrate that this relationship holds when we consider APA adoption across parliamentary systems. Importantly, these analyses constitute the only existing large-scale looks at the determinants of this important administrative reform across parliamentary democracies.

First, we need to make sure that we have a reasonable way to identify the passage of omnibus administrative reform across countries. We define APAs as broadly applicable laws that constrain some combination of the adjudicative, rulemaking, or implementation behaviors of administrative agents across policy areas. We identified APAs by searching legislative archives and by using the Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union (http://www.juradmin.eu/en/eurtour/eurtour_en.lasso). This website provides links to all the EU member states and identifies the important administrative legislation in each country. For each country, the source provides a record of the history and main dates of the development of administrative law. These records often provide links to legislative archives and when they do not, legislation is indicated by title, date or case numbers assigned by the legislature. APAs are often easily identified by their titles. For example, the Hungarian “Act CXL of 2004 on the General Rules of Administrative Proceedings and Services” gives a clear indication of its content and intent. In the Estonian, Latvian, and Slovenian cases, the words “Administrative Procedures Act” are used in the title of the respective laws (see Appendix A for the list of parliamentary governments that have adopted APAs). Because these laws may in fact be very different from each other,

we examined the English text of each and confirmed that in all cases except for the Czech Republic, these APAs served to constrain only adjudicative decision making by agencies. The Czech “Code of Administrative Procedure” constrains both adjudicative and rulemaking activity (Jensen and McGrath, 2011). However, our results hold whether or not we omit the Czech Republic from the analyses for this reason.

These sources led us to the individual laws, but we also needed to verify the initial date of passage and ensure that we were not observing amendments to original legislation. In this, common practice assisted us. The laws provide dates of initial passage and subsequent amendments, often in their titles, in the opening recitals of the bills, or in a footnotes on the first page or two of the laws. Since we are primarily interested in the timing of the initial passage, we need only to identify the oldest date reported and use that as the date of passage for a given country’s APA.

The empirical dependent variable of interest is of course the adoption (or non adoption) of an APA by a particular government at a particular time. Therefore, the fundamental unit of analysis is the country-government, with unique cabinets identified via the ParlGov database (Döring and Manow, 2012). The universe of cases includes all parliamentary democracies from 1946 until present, or from the time of democratic transition, when applicable. As is common for empirical models of policy adoption across governments (see Berry and Berry (2007), Karch (2007), Boehmke and Skinner (2012), and Shipan and Volden (2012) for some recent reviews of adoption and diffusion across the U.S. states), we use an event history analysis (EHA) approach to modeling the determinants of APA adoption. This is similar to the approach taken in de Figueiredo Jr. and Vanden Bergh’s (2004) study of the adoption and timing of state-level APAs in the United States. The dependent variable contains crucial information regarding the duration of time that countries go without passing an APA after the first “event” (here, the June 11, 1946 adoption of the U.S. federal APA—the first omnibus law of this kind). We can then assess the effects of the covariates specified below based on their statistical impact on this duration before adoption (Beck, Katz and Tucker, 1998;

Box-Steffensmeier and Jones, 2004).

Hypothesis 1 from above is the heart of our “shadow of the future” argument. To operationalize electoral (in)security, we rely on the idea that parties in government can predict with some non-negligible degree of certainty their electoral fortunes (Enos and Hersh, 2015, Forthcoming). Surely, parties have the consistent motivation to keep apprised of where they stand with their electorates. We further assume that they have the means to more or less accurately predict their future electoral fates by consulting public opinion, whether it be measured formally in campaign polling or national election studies, or more informally through the perceptions of localized party leadership. Supporting this assumption, Enos and Hersh (2015, Forthcoming) show, using data from U.S. elections and campaigns’ subjective perceptions, that political staff are quite good at projecting future election results, especially for incumbents, which is especially relevant for our purpose to measure the current perceptions of incumbent governmental parties.⁶

Since we do not have measures of a government’s subjective expectations of survival, we follow common practice (e.g., Huber, 1999; Strøm, 1984)⁷ and assume that this subjective assessment should bear a strong relationship to the objective outcome of the subsequent election. We thus create a variable called *Seatshare Change in Next Election*, which is equal to the difference between the seat share for the governmental party (*parties* for coalition governments) in the current time period and their seat share in the subsequent period. Gains in seat share take on positive values and losses are negative (Mean: -0.014, SD: 0.155, Range: -0.815 to 0.835).⁸ This is, of course, a proxy for electoral (in)security in that we expect party leaders to have largely accurate contemporaneous expectations regarding their fates in the next election. Ideally, we would use government standing in proximate public opinion polls to measure this uncertainty, but these data do not exist for each country across the time period of study. Instead, we use Eurobarometer data to help justify our preferred objective, but *ex post*, measure of *Seatshare Change in Next Election*. In particular, we turn to the Mannheim Trend File for 1970-2002 (Schmitt and Scholz, 2005) and show that at least

for the western European states in our data, there is a strong relationship between public opinion and party seat share, thus justifying our assumption that parties can use public opinion to foresee their success or demise.⁹

The Mannheim Trend File contains individual responses to myriad survey items, including an individual's vote intention.¹⁰ These data come from European Community Surveys (1970-1973) and Eurobarometers (1974-2002) and are convenient for our purposes in that the authors standardize the vote intention data and provide detailed country-specific response information. We first identified the prime minister's party for each country-year, then used the trend file data to calculate the proportion of respondents who intended to vote for that party for each biannual survey. We then merged these vote intention data with information on how the prime minister's party actually fared (in terms of seat share) in the next election.

Unsurprisingly, there is a strong relationship between aggregate vote intention measured from Eurobarometer surveys and election outcomes (correlation coefficient of .49). Indeed, there are a number of reasons to expect this to be a underestimate of the relationship. First, this aggregate measure ignores the fact that different electoral systems map votes to seats differently. Thus, when we estimate a linear regression of party seat share on party vote intention share with country fixed effects, the coefficient reaches .58 (with a standard error of .19). Furthermore, the vote intention surveys are conducted variably close to elections that determine party seat share. There is reason to expect that surveys administered closer to elections are more accurate predictors of outcomes. To assess this, we split the data based on how close the survey was to the next election in each country. For lags less than 30 days, the correlation coefficient is .52. This drops to .49 when we look at only those country observations where the election is 30-60 days after the survey instrument, but then spikes to .75 when there are between 60 and 90 days between the survey data and election date. Presumably, the signal to noise ratio is higher when elections are further from survey dates; although the relationship weakens precipitously when the election is further than 90 days from survey measurement (correlation of .29). This pattern is mirrored when we estimate a

regression model (again with country fixed effects) where we include a multiplicative interaction term of party vote intention share and the number of days between the survey and the next election.¹¹ Eurobarometer surveys are administered every six months and are likely supplemented by parties' own efforts to gauge their popularity; thus, we see these results as empirically establishing the plausibility that governments have accurate enough information about their own prospects. All told, the exercise of relating Eurobarometer data to party seat shares from subsequent elections has bolstered our confidence in the assumption underlying our primary indicator for electoral (in)security.

Hypothesis 2 focuses on the role of potential bureaucratic drift in affecting the probability of APA adoption. We have mentioned that for single-party governments, intra-party heterogeneity—or, factionalism—can be incentive enough for one faction to protect itself from contemporaneous policy loss at the hands of a competing faction. The Japan case indicated that there is a tradeoff between the high legislative costs of party factionalism and the incentives that such factionalism introduces to check the power of competing factions to control policy. At first, a coalition government passed an APA that reduced the probability that a future LDP government would nullify the laws. In fact this is what happened. For the next eleven years, the LDP did not amend the APA. When, in 2005, the LDP lost internal party cohesion and faced an opposition party gaining electoral representation in the Diet, they amended and strengthened the APL.

Unfortunately, there is no standard way to measure intra-party factionalism for single-party governments across countries and time. We can, however, measure inter-party (and intra-governmental) heterogeneity by calculating the ideological *Range* of governmental parties. Ideological range between parties is a standard measure of veto players (Tsebelis, 2002). Tsebelis demonstrates that important legislation is less frequent, slower to pass, and involves more incremental changes as the ideological range between veto players increases. The logic that ideological differences within governments increases legislative costs and bureaucratic drift has been corroborated in a number of important policy contexts (e.g., Bawn, 1999; Ha,

2008). Again, the ParlGov database provides information on governmental parties and we calculated the range by subtracting the leftmost party’s left-right score from the rightmost party’s (Döring and Manow, 2012).¹²

Tables 1 and 2 present coefficients for closely related models—all of which are theoretically driven by the above framework of APA adoption across governments (de Figueiredo Jr., 2002; de Figueiredo Jr. and Vanden Bergh, 2004; Huber and Lupia, 2001). The data are time-series cross-sectional in nature and include time-varying and time-invariant covariates. The dependent variable (Y_{it}) is an indicator for whether government i adopts an APA in time t . Once a country adopts an APA, they are no longer “at risk” for adopting it again in the future and drop out of the analysis. Beck, Katz and Tucker (1998) describe this data structure as binary dependent variable time-series cross-sectional (BTSCS) and suggest that this is best thought of as being analogous to discrete time duration data (Box-Steffensmeier and Jones, 2004). The simplest and most familiar way to model the effects of covariates on this type of dependent variable is with a binary response model such as logit or probit. We thus employ logistic regression, but the results are substantively identical under probit specifications.

Table 1 goes here.

Table 1 first focuses only on those governments controlled by a single party, mirroring the vignettes presented in the previous section. The leftmost column of Table 1 presents results from a baseline model including but a simple assessment of Hypothesis 1 and a variable indicating whether a government led a country that was either a member of the European Union or would be within two years. Such a supranational organization is likely to serve as a conduit for policy information, thereby reducing the costs of writing an APA for member states. In addition, previous research (e.g., Jensen and McGrath, 2011) has suggested that governments in prospective member states may adopt APAs to signal their intent to comply with the EU’s requirements.¹³ We see here strong evidence in support of

Hypothesis 1. The negative and significant coefficient on *Seatshare Change in Next Election* means that governments are statistically more likely to adopt an APA as they lose seats in the subsequent election. As we have argued above, parties in power should be able to sense when they are about to lose power and, facing such a future, are relatively likely to pass an APA to “lock in” their preferred policies (McCubbins, Noll and Weingast, 1999). This simple model also suggests that the European Union helps to facilitate APA diffusion. Although the Japan case highlights the roles that intra-party heterogeneity and enactment costs play in APA adoption, data limitations preclude us from assessing Hypothesis 2 with respect to the subset of the data consisting of single-party governments. We thus test this prediction more systematically below when we look at the full data.

The second column of Table 1 presents results of the basic model with an additional variable meant to assess Hypothesis 3. As noted above, Spain’s APA was enacted by a moderate party heading into an *increase* in vote share in the subsequent election. We suggested that moderate parties might be especially amenable to passing APAs, regardless of their expectations about the future. The ParlGov database includes information on the left-right ideological position of each governmental party in our data.¹⁴ We have taken the mean of this variable across (governmental) parties for each government in the data.¹⁵ Since these ideology scores are centered around 5, we scale them to capture the moderateness or extremity of each government by taking the absolute difference of the government’s ideology from 5. Therefore, *Ideological Extremity* ranges from near zero (0.003) for the closest government to 5 (most moderate) to 3.95 for the most extreme government ideology (Mean: 1.22, SD: 0.87). This covariate’s effect on the probability of adoption is rarely discernible from zero (the exception being column 3 of Table 1). Hence, the data appear only to support this prediction with respect to single-party governments. We suspect that there are simply too few instances of truly moderate governing coalitions in the data for us to see statistically significant effects in Table 2. The third column of this first table replicates this specification controlling for duration dependence—the possibility that governments may be more

or less likely to adopt APAs as a function of time. Following the procedure recommended by Beck, Katz and Tucker (1998) and Box-Steffensmeier and Jones (2004), we model potential duration dependence in myriad ways. Specifically, we have alternatively modeled time exponentially (by not including any time variables), linearly (by including a time counter (in days)), logarithmically (by including the natural log of the time counter), quadratically (by including the time counter and a separate variable for time squared), and by smoothing time using a lowess function and with cubic splines. All six of these specifications yielded consistent results regarding the effects of the substantive covariates, thus we tested for optimal model fit using likelihood ratio tests. We found that the quadratic and cubic spline specifications fit the data the best, and present the quadratic model in column 3 of Table 1, as its coefficients are more conservative than for the model with cubic splines. The results show that APA adoption indeed becomes more likely over time (without diminishing effects), but that accounting for this does not affect the results of either the electoral competition or EU membership variables.

Table 2 replicates these results when we include all governments (single-party and coalition) in the analysis. We expect that the “shadow of the future” should affect the strategic calculation of coalition governments as well as their single-party brethren. In addition to including the same set of variables from Table 1, we introduce the coalition-specific concept of governmental ideological *Range* as a potential determinant of APA adoption. Consistent with Hypothesis 2, this measure of intra-coalitional heterogeneity increases the probability of APA adoption. This suggests that parties may seek to limit administrative discretion to combat contemporaneous bureaucratic drift as well as to protect against future coalitional drift. In the case of Japan, parties in a coalition government passed an APA that imposed a set of constraints on each other but also reduced the probability that a future LDP government would nullify the law. The models in Table 2 suggest that a similar mechanism may be driving APA adoptions by coalition governments. These governments presumably do not see passing APAs as tying their own hands so much as they see it as constraining their coalition

partners' capacities to affect administrative policymaking.

Table 2 goes here.

The remainder of the results in Table 2 mirror those from Table 1. As in Table 1, we present results from a quadratic model of duration dependence in column 3, as this, along with a lowess specification, fits the data best according to likelihood ratio tests. Most importantly, the primary independent variable (*Seatshare Change in Next Election*) consistently supports Hypothesis 1. That this is robust to differing specifications and across single-party and coalition governments represents strong evidence in favor of our argument.

In order to get a sense of the magnitudes of the substantive effects, we transform the logit coefficients into probabilities of adoption, holding all other variables constant at their means or modes. Figure 1 displays how changes in *Seatshare Change in Next Election* affect the probability of APA adoption across the full range of governments. Here, we can get a tangible sense of how governmental parties, sensing that they might lose power in the near future, might turn to APA adoption for policy reasons. The figure shows that the probability of adoption decreases by 25 percentage points from 0.3 to 0.05 as governments vary from most to least certain of maintaining control from one election to the next. Conversely, when governments are highly secure, they almost never pass APAs.

Figure 1 goes here.

Conclusion

In this paper, we have recognized and tried to rectify a significant gap in the literature on administrative procedures as a mechanism of the “politics of structural choice” (Moe, 1990). Despite long recognizing the importance of omnibus administrative reforms (such as APAs or similar, but differently named, laws) in the United States, the literature has mostly ignored the role of APAs outside of the U.S. case. This is problematic, as administrative procedures

can have profound effects on policy making in democratic systems. To illustrate, the 1946 United States APA governs the procedures by which all federal agencies must make decisions—be they decisions about new rules and regulations or adjudicative decisions about the status of individual persons and their relationships before these rules and regulations. The act therefore structures the entirety of American administrative law. Legal theorists lionize the APA as a guarantor of administrative due process, maintaining the expertise benefits of agency-made policy, while “coping with the ‘evils notoriously present’ among administrative tribunals” (Gellhorn, 1986, p. 219). Political scientists have been less sanguine about the normative benefits of the APA, but still recognize that the act has been hugely consequential for policy making (McCubbins and Schwartz, 1984; McCubbins, Noll and Weingast, 1987, 1989; Moe, 1989). To these scholars, procedures are not policy-neutral and may be manipulated by astute legislative principals to induce certain kinds of agency policy. For example, McCubbins, Noll and Weingast (1999) argue that the U.S. federal APA was passed by Democrats in 1946 to insulate and “lock-in” New Deal policy by making it difficult for future legislative majorities to dismantle the status quo. The point is that APAs are hugely consequential for the structure and outcomes of policy making in democratic societies.

As we have reviewed, students of democratic systems outside of the United States are beginning to recognize the importance of administrative procedures. Driven by the growing number of democracies adopting omnibus administrative reforms,¹⁶ scholars have begun to study APAs comparatively (Ginsburg, 2002; Baum, 2007, 2011; Jensen and McGrath, 2011). Indeed, these studies have shown that APAs are just as consequential for policy processes and outcomes outside of the United States (see, especially, Baum, 2011). Despite this growing attention, no previous work has identified factors that generally lead governments to adopt APAs as a mechanism of administrative reform and a tool of “structural choice.”

We do exactly this. Given the consequential effects of APAs, this is an important endeavor from a policy perspective, but it is also important from a theoretical perspective. In particular, existing theory on delegation and control suggests that single-party governments

in parliamentary systems would never pass APAs. If single-party governments have unilateral control over policy making, as the literature commonly assumes, why would they ever constrain their own ability to make policy by enacting onerous omnibus procedures? The existing literature on APAs and delegation implies that, theoretically, they never should. Yet, we have identified five single-party governments that have passed such laws. We have developed a theoretical account for when such governments do, in fact, have incentives to censor their own policy making power. We thus provide a mechanism for the least likely case of APA adoption. This implies that even the most powerful governments can have incentives to tie their own hands when faced with the shadows of uncertain electoral futures.

In particular, we examine primary and secondary sources and confirm that the single party governments that enacted APAs in Greece, Portugal, Romania, and Sweden all did so when facing a period of electoral insecurity after having enjoyed a period of electoral dominance. We argue that these single-party governments were motivated to insulate—or to “lock in”—the policy gains that they achieved while in power. They were, like the U.S. Democratic Party in 1946, willing to trade temporary policy losses for gains that they could count on when no longer in sole control of the government. We have consistently termed such a strategic situation as one of uncertainty (Moe, 2012); but, as Vanden Bergh and de Figueiredo, Jr (2003) point out, the determinative concept might be more correctly called (electoral) insecurity. In fact, although we do not scrutinize such subjective beliefs herein, an implication of our argument is that as a ruling single-party government becomes *more* certain of their demise, they should be more willing to pay the costs of insulation. This argument about how survival strategies of political parties affect administrative reform has some interesting parallels, as the same sorts of calculations have been shown also to apply to insulation through merit protection of civil servants in the American context (Ruhil and Camões, 2003; Ting et al., Forthcoming).

We extend these important insights into the politics of structural choice by showing that they hold in parliamentary systems of government as well as in the United States or in

similar separation of powers systems. Once we establish that single-party governments—as a least likely case—behave consistently with the strategic logic of insulation, we extend the purview of the argument to include *all* democratic parliamentary systems. In so doing, we are able to provide the first large-scale empirical assessment of the adoption and diffusion of APAs across states. This effort in some ways parallels the work of de Figueiredo Jr. and Vanden Bergh (2004) at the level of the U.S. states and reaches analogous conclusions. APA adoption does not appear to be random or a teleological inevitability with the passage of time. Countries with tenuous parliamentary governments, be they single-party or coalition, tend to experience APA passage at systematically higher rates than do countries where there is more continuity of governments.

Our theoretical approach and findings assume a stable democracy. An interesting venue for future research would be to explore how our understanding of APA adoption might differ in developing democracies. To the extent that a given new democracy has experienced consecutive free and fair elections, we would generally expect the logic of APA adoption as an insulation mechanism to be the same as posited in this paper. Nevertheless, we would expect external factors, such as the role of international organizations or pressure from the international business community, to condition APA adoption more significantly than we have found to be the case in the developed democracies analyzed here. A final intriguing path of future research might well be how APA adoption relates to and interacts with other types of administrative reform driven by the “politics of structural choice.” That is, do political majorities use, say, administrative procedures and merit systems of bureaucratic staffing (e.g., Ruhil and Camões, 2003; Ting et al., Forthcoming) as strategic substitutes or complements? Future work on strategic insulation of the type identified here might fruitfully be able to answer such questions.

Notes

¹It is worth noting here that there are many mechanisms that impose ex ante constraints on the implementation of laws. These constraints include specialized administrative courts, legal precedent, and individual provisions in individual laws. The focus of this article is on one extraordinary type of such constraint, the APA.

²We do not here consider such differences in APA content. While this content varies in theoretically and substantively important ways (see Jensen and McGrath (2011)), we follow the consensus of past research in contending that *all* APAs are constraining in some way (relative to not having an APA) and can thus be treated as a single category of laws. Indeed, while Jensen and McGrath (2011) distinguish between adjudicative and rulemaking content, arguing that rulemaking procedures are more broadly constraining than those applied to adjudication, they show that both categories constrain lawmakers. Theoretically, however, APAs *could* be designed to loosen bureaucratic discretion as well. The specific provisions chosen by politicians depends upon their goals and time horizons, which may entail the desire to entrench new policies by prioritizing speed and flexibility. Yet, as we will discuss more fully below, there is little variation in content across the parliamentary APAs we study in this paper, and since APA adoption seems to fit our theory quite well, we see these laws as primarily discretion-limiting on balance.

³Exceptions to this near exclusive U.S. focus include Moe and Caldwell (1994) and Huber and Lupia (2001).

⁴The JNP existed briefly from 1992 to 1994. The party, considered liberal, was founded by Morihiro Hosokawa, a former Diet member and Kumamoto Prefecture governor, who left the LDP to protest corruption scandals. In 1992, the party elected four members to the House of Councilors, including Hosokawa. Although this was a disappointing result for them, in 1993 they were able to capitalize on voter dissatisfaction with the LDP, electing a total of 35 members (including 3 who joined after the election).

⁵This centrist party broke away from the LDP on June 22, 1993. It was created by Masayoshi Takemura, who was willing to join a coalition with any party that supported political reform (Reed, 2003, p. 15). In 1994, New Party Sakigake took part in the government of Murayama Tomiichi, a coalition of the LDP and the Japan Socialist Party, which replaced the liberal coalition headed the previous year by the Japan Renewal Party.

⁶In addition, Enos and Hersh (2015, Forthcoming) demonstrate that campaigns are more overconfident than they are conservative in their expectational biases, which, if this pattern held in parliamentary democracies, would bias against the findings we present below that governments adopt APAs out of fear of future

loss.

⁷Huber (1999) examines the varied willingness of opposition parties in France to negotiate with a minority government over the passage of a budget. In the course of his examination, Huber argues that opposition parties factor in expected electoral losses in upcoming elections into their decisions about how flexible to be in these negotiations. Similarly, Strøm (1984) argues that parties decide whether or not to join coalition governments based, in part, on their anticipated electoral losses in the hypothetical event that they joined the coalition.

⁸We collected this information, as well as that needed for all of the included covariates, from Döring and Manow's (2012) Parliament and Government Composition Database (ParlGov).

⁹Additionally, previous research has shown that the health of each country's domestic economy significantly drives the electoral success of incumbent governmental parties as well as governmental duration (Paldam, 1981; Lewis-Beck, 1988; Warwick, 1994). As an alternative to our *Seatshare Change in Next Election* measure, we have additionally used economic indicators (specifically, unemployment rates, inflation rates, and growth rates in gross domestic product) to proxy the electoral expectations of governing parties. Substantive results for models with these indicators largely mirror what we find below, but the extent and nature of missing economic data keep us from having much confidence in this as a robustness check.

¹⁰For our purposes, these data include vote intentions for Austria, 1995-2000; Belgium, 1971, 1975-2000 (excluding 1998); Denmark, 1973, 1975-2000 (excluding 1998); Finland 1993-2000 (excluding 1998); France 1970-2000 (excluding 1972 and 1998); Germany 1970-2000 (excluding 1972 and 1998); Greece 1980-2000 (excluding 1998); Ireland 1973-2000 (excluding 1998); Italy 1970-2000 (excluding 1972 and 1998); Luxembourg 1973-2000 (excluding 1998); Netherlands 1970-2000 (excluding 1972 and 1998); Norway 1990-2000 (excluding 1998); Portugal 1986-2000 (excluding 1998); Spain 1985-2000 (excluding 1998); Sweden 1995-2000 (excluding 1998); and the United Kingdom 1973-2000 (excluding 1998).

¹¹Of particular note, this simple specification tells us that the relationship between party vote intention share and seat share in the next election is statistically significant, even at the maximum of days between survey and election.

¹²This range is necessarily zero for single-party governments.

¹³The Copenhagen Criteria of 1993 provided a quasi-binding set of rules for applicant states to join the European Union. These included an expectation that applicant states would have the administrative institutions necessary to implement EU laws. This expectation is now included in Articles 49 and 6(1) of the Treaty of European Union. The EU has long interpreted this to require sufficient administrative reforms to implement EU regulatory laws. This has resulted in a series of administrative reforms throughout the EU,

especially among the newer member states (Grabbe, 2006; Dimitrova and Toshkov, 2007; Toshkov, 2008). It is possible, therefore, that EU membership has a positive effect on the probability of a government adopting an APA.

¹⁴From the ParlGov codebook, this variable is a: "0-10 scale mean value in left/right dimension with data from Castles/Mair 1983, Huber/Inglehart 1995, Benoit/Laver 2006 and CHES 2010."

¹⁵For single-party governments, this of course is equal to the sole governmental party's ideology.

¹⁶See Jensen and McGrath (2011) and the Appendix to this article for evidence of the prevalence of APAs in industrial democracies.

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Table 1: Logit Models of APA Adoption by Single-Party Parliamentary Governments (S.E. clustered by country)

Independent Variables	(1)	(2)	(3)
Seatshare Change in Next Election	-5.845** (2.623)	-5.526** (2.784)	-7.427*** (2.192)
EU Member (lagged 2 years)	2.522* (1.316)	2.680** (1.179)	2.731** (1.345)
Ideological Extremity	—	-0.575 (0.388)	-0.726** (0.289)
Time	—	—	0.0154* (0.00836)
Time ²	—	—	-2.32e-07 1.25e-07
Constant	-5.426*** (1.167)	-3.283* (1.828)	-257.7* (140.5)
Observations	247	247	247
Log-likelihood	-17.27	-16.26	-11.26
df	2	3	5

Standard errors, clustered by country, in parentheses.

* p<0.10, ** p<0.05, *** p<0.01.

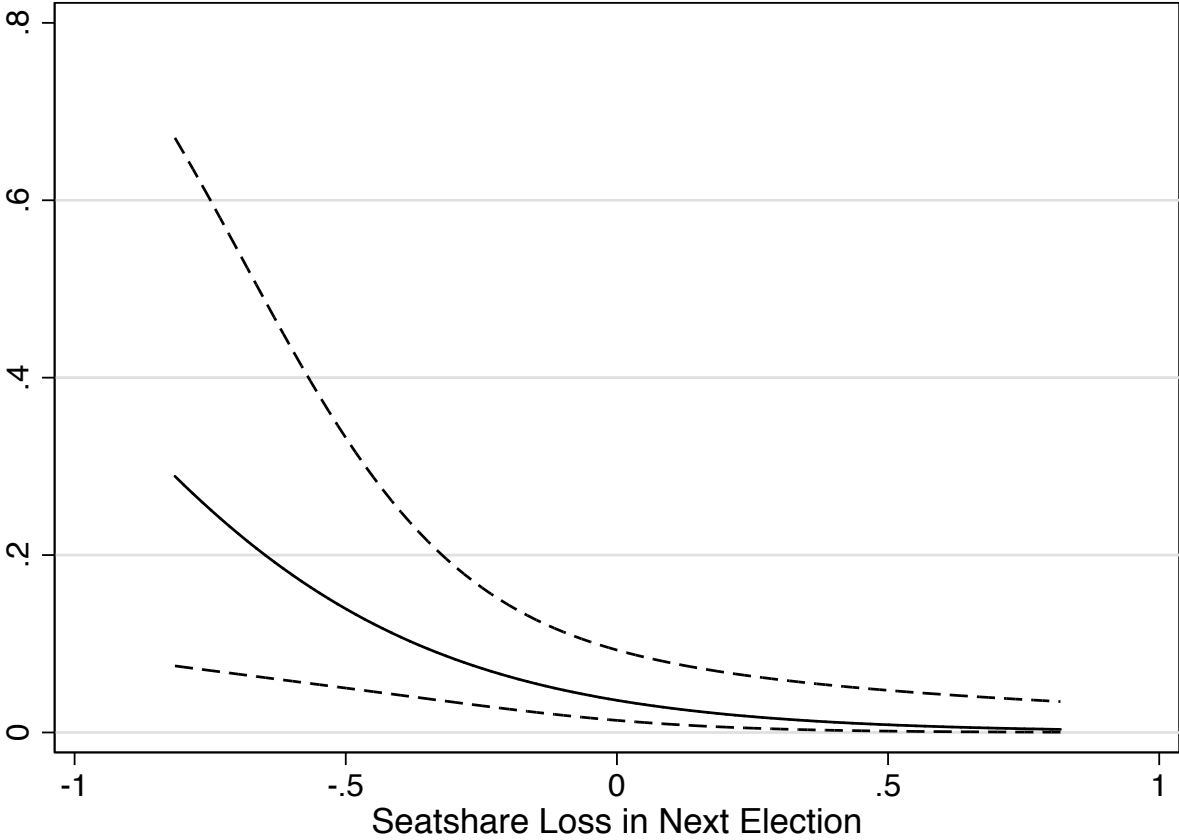
Table 2: Logit Models of APA Adoption by Parliamentary Governments (S.E. clustered by country)

Independent Variables	(4)	(5)	(6)
Seatshare Change in Next Election	-2.390*** (0.759)	-1.692** (0.802)	-2.537** (1.116)
EU Member (lagged 2 years)	0.952** (0.482)	0.908* (0.469)	0.941* (0.551)
Ideological Extremity	—	-0.252 (0.176)	-0.169 (0.169)
Ideological Range	—	0.268* (0.137)	0.286** (0.143)
Time	—	—	0.00218* (0.00119)
Time ²	—	—	-3.28e-08* (1.80e-08)
Constant	-3.943*** (0.312)	-3.318*** (0.910)	-39.20** (19.49)
Observations	616	616	616
Log-likelihood	-81.59	-78.37	-69.21
df	2	4	5

Standard errors, clustered by country, in parentheses.

* p<0.10, ** p<0.05, *** p<0.01.

Figure 1: Predicted Probabilities of APA Adoption



Appendix A- Parliamentary Governments Enacting APAs

Country	Enacting Govt	Party Composition	Date	Title of APA (in English)
Austria	Vranitzky III	SPO, OVP	1/31/1991	General Administrative Procedures Act of 1991
Bulgaria	Stanishev	KzB, NDSV, DPS	11/4/2006	Administrative Procedures Code (SG No 30/11.4.2006)
Czech Republic	Spidla	CSSD, KDU/CSL, US/DEU	6/24/2004	500/2004 Sb. Code of Administrative Procedure
Denmark	Schluter II	KF, V, CD, KrF	12/19/1985	The Danish Public Administration Act; Act No. 571, 19 Dec 1985
Estonia	Laar II	I, Ere, M	6/1/2001	Administrative Procedures Act of 6 June 2001
Finland	Sorsa V	SSDP, KESK, SKDL, RKP-SFP	9/6/1982	Administrative Procedure Act (Act No. 598 of 6 Aug 1982)
Germany (FRG)	Schmidt I	SPD, FDP	5/25/1976	Administrative Procedure Act (May 25 1976)
Greece	Simitis II	PASOK	3/9/1999	Administrative Procedure Code (Law 2690; 9 March 1999)
Hungary	Medgyessy	MSZP, SzDSz	?/?/2004	Act CXL of 2004: on the General Rules of Administrative Proceedings and Services
Iceland	Oddsson I	SJ, A	?/?/1993	Administrative Procedures Act No. 37/1993
Italy	Andreotti VI	DC, PSI, PRI, PSDI, PLI	8/7/1990	Law 241/90 on Administrative Procedures and Access to Administrative Documents
Japan	Hosokawa	JSP, JRP, K, JNP, DSP, NP, SDF, DRP	11/12/1993	Administrative Procedure Law
Latvia	Repse	JL, ZZS, LPP, TB/LNNK	2/1/2004	Administrative Procedures Law
Netherlands	Lubbers III	CDA, PvdA	1/1/1994	General Administrative Law Act
Norway	Borten I	H, SP, V, KrF	2/10/1967	Public Administration Act of 10 February 1967
Poland	Olesky	SLD, PSL	5/11/1995	Code of Administrative Procedure ; Journal of Laws 1960, No. 30, item 168
Portugal	Silva III	PSD	11/15/1991	Codigo Do Procedimento Administrativo; Decreto 442/91, 15 Novembro
Romania	Nastase II	PSD	12/2/2004	Law 554 of 2 December 2004 on Administrative Litigations
Slovenia	Drnovsek V	LDS, SLS, DeSUS	?/?/1999	General Administrative Procedure Act; Law No. 80/99
Spain	Gonzalez III	PSOE	11/27/1992	Title 4 On the Activity of Public Administrations. Ley 26/11/1992 Num 30/1992
Sweden	Carlsson I	SAP	5/7/1986	1986 Administrative Procedure Act