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**How Legislative and Electoral Arrangements Effect Public Policy**

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**Who Gets Legislation Passed in a Marginal Legislature, How,  
and What Types of Legislation Is It? A Study of the Honduran Congress**

by

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## **Who Gets Legislation Passed in a Marginal Legislature, How, and What Types of Legislation Is It? A Study of the Honduran Congress**

### **Abstract**

This article begins to answer the questions of who gets legislation passed in a marginal legislature, how, and what types of legislation is it? As defined by Mezey (1979) a marginal legislature is one with modest policy-making power and which has little support from political elites. The common assumption in Latin American politics is that assemblies are marginal and generally serve as rubber-stamps for the policies of the executive. We use the case of the Honduran Congress in the third wave of democracy to begin to empirically test these assumptions. As expected, we find that the executive sponsors most of the bills that get passed into law. However, deputies also sponsor significant numbers of national-level bills and decrees. In addition we find that deputies do not use their position in the legislature to pass particularistic and local-level decrees that could enhance their local patron or caudillo status. We also find some evidence that rules internal to the legislature can impact the chances of a bill being passed into law, and the speed with which decrees are passed.

## **Who Gets Legislation Passed in a Marginal Legislature, How, and What Types of Legislation Is It? A Study of the Honduran Congress**

Legislatures have been divided into five types: active, vulnerable, reactive, marginal, and minimal (Mezey 1979). Studies of who (the executive, individual deputies) initiates the bills that eventually become law have been largely limited to the long established European parliaments which are generally reactive legislatures. Most research regarding procedural rules affecting legislative outputs has focused on legislatures of the active type, as typified by the U.S. Congress. In this article we expand the study of these questions to marginal legislatures, which are legislatures with modest policy-making power and little support from political elites, by examining the behavior of the Honduran Congress (Mezey 1979: 41).

This is an important field of inquiry for a number of reasons. One, though marginal legislatures are not the primary engines of policy making in their political systems, they are still a critical actor. The rules of the game still require that the legislature pass bills for them to become laws, and a quick review of the docket of the Honduran Congress shows that many bills die in commission. Thus, we explore whether there is a pattern to the bills that pass or die in Congress, to add depth to our understanding of executive-legislative relations in systems where the legislature is of the marginal type and the executive is assumed to be dominant at all times. Two, deputies in marginal legislatures are commonly thought to be passive actors in the policy making process, merely deferring to the wishes of the president and possibly attending to the particularistic interests of constituents. However, whether this is really the case is an empirically testable issue, which has yet to be widely investigated. Thus, this article begins to explore how deputies in a marginal legislature view their job by examining the types of bills they propose and pass into law. Three, even in systems where the legislature is presumed to be the junior partner in the policy process, there may be procedural rules available to the assembly's leaders which they can use to facilitate the passage of certain bills and to hinder others. Even in a marginal legislature, holding a leadership position is a way for a presidential aspirant to build a political

image and gain recognition to launch his or her campaign bid. Thus, it is worthwhile exploring whether assembly leaders utilize the procedural rules of the marginal legislature to further their own goals, and if such behavior has a systematic impact on the type of legislation passed.

To begin to study who gets legislation passed in a marginal legislature, how, and what types of legislation, we examine the record of the Honduran Congress from 1990 to 1996. Specifically we look at whether there is a substantive difference between the bills initiated by the executive branch and by deputies and if there appear to be any patterns or strategies to what types of legislation deputies pursue. In addition we examine the impact of the Congress President's ability to assign bills to standing or special commissions on the types of bills that become laws. An analysis of legislation in Honduras's new democracy merits study to provide insight into the activities of this new regime. More importantly, however, though the empirical portion of this work is based on a single case study, the findings have import beyond the Honduran case. This research begins to explore the continuing validity of the expectation that legislatures in Latin America are marginal actors in the political system. In previous waves of democracy in the region, despite the formal separation of powers, legislatures were typically rubber-stamps of presidential policy, or at best junior partners in policy making (Pierson and Gil 1957, 261; Weinbaum 1975; Wesson 1982; Wiarda and Kline 1990, 86-87).<sup>1</sup> This research begins to explore whether the legislative branch is once again merely a rubber-stamp in the policy process, or if the Congress and individual deputies are finding ways to assert themselves, thereby helping to make the legislature an independent branch of government which can really fulfill its role of representing people and checking the executive. It also explores whether even in marginal legislatures procedural rules have an impact on the type of bills that become law, and whether Congress leaders use these rules to promote their own political careers.

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<sup>1</sup> This is one of the reasons Shugart and Carey in their book Presidents and Assemblies (1992: 3) prefer to use the term "assembly" rather than "legislature," because legislature implies a legislating power that has not generally been the case because the executive has dominated policy-making.

## **Overview of the Honduran Political System**

In 1982 a democratic regime was installed in Honduras after ten years of military rule led by three successive generals. Honduran politics has been characterized by frequent regime change, as demonstrated by the current constitution being the country's fourteenth. Still, the two major political parties -- the Liberals (PLH) and Nationals (PNH) -- have provided continuity throughout this century, with one or the other generally governing either directly or indirectly. During the 1970s, however, the military broke with its tradition of governing in league with a party, usually the Nationals (Posas 1989), and the military governments led by Generals López Arellano (1972-75) and Melgar Castro (1975-78) pushed the traditional parties aside. For much of the 1970s the Congress was shut down, or vastly restructured to be more of a corporatist body representing business and labor organizations rather than the elected representatives of the Liberal and National parties (Posas 1992; Salomón 1992a:II). This break in their political power was a major factor contributing to Liberal and National support for a return to democracy in the early 1980s (Posas 1989; Del-Cid 1991). It is also important to our work here because it provides a distinct break between the Honduran Congress that was part of Latin America's "second wave" of democracy and the Congress of the "third wave" (Huntington 1991).

The new democratic regime has now lasted for 14 years -- longer than any previous democratic period in the country's history. Sufficient time has passed for us to presume norms of behavior are being established in the Congress, and other political institutions, such as the differences between the types of bills initiated by deputies versus by the executive, and how the Congress President uses his power to assign bills to commissions.

This democratic period is also distinguished by having had four national elections, in addition to elections to a constituent assembly in 1981, that have included two transfers of power between parties. The system is still dominated by the traditional Liberal and National parties which typically display very little ideological difference and are both centrist to conservative. They are both highly factionalized, and the leaders of the party factions control the political

machines (Taylor 1996; Norsworthy and Barry 1993; Rosenberg 1989). However, two additional parties -- Innovation and National Unity (PINU) and the Christian Democratic Party (PDCH) -- are recognized and have won a few seats in the Congress. Though the PINU is not that ideologically distinct from the traditional parties, it is interested in changing Honduran politics by opening it up to new parties that are not based so completely in clientelism. The PDCH is distinct ideologically, as it espouses Christian Democracy, which places it to the center-left of the Honduran political spectrum.

The other key actors in Honduran politics are the military, international lending agencies, the United States government, the business community, and organized labor and peasants. The military still exercises veto power over policies that touch on its interest (Norsworthy and Barry 1993; Salomón 1992; Posas 1989; Shepherd 1986). Most recently this has been seen as the government is formulating legislation to transfer the police to civilian control. The Congress also has tended to defer to the military when choosing the Head of the Armed Forces, and on military promotions (interviews with deputies; Posas 1989). The U.S. government and international lending agencies have a great deal of influence in the areas of foreign relations and economic policy. The business community expresses its policy preferences through its members' ties to people in government, and through its peak organizations. Organized labor and peasants also articulate their policy concerns, in part because of the political role they acquired during the López Arellano and Melgar Castro military governments, but also because the tradition in Honduras has been to deal with unions and peasant organizations, rather than simply repress them (Shulz and Shulz 1994:208-209; Posas 1989). Because of this, despite the country's low level of economic and educational development, the popular sectors of Honduran society are highly organized, and are thus more capable to articulate their interests (Norsworthy and Barry 1993:9, 83-135; Acker 1988:100-107). Thus, when deciding to initiate and pass legislation, the executive and Congress are faced with not only one another's' preferences, but also the preferences of such actors as the military, international lending agencies, business and popular groups.

## The Honduran Congress

Honduras has a unicameral Congress of 128 deputies who serve 4 year terms.<sup>2</sup> There are no prohibitions on reelection, but only 21% of the deputies have served more than one term. The Congress leadership -- the *Junta Directiva* -- includes a president, at least two vice-presidents, two secretaries, and two prosecretaries who are selected by a majority vote of the Congress (Art.10 of the *Reglamento Interno* of the Congress). Since elections for the president of the republic and the Congress are fused, and the president has always won an outright majority in the elections, the president's party has a majority of the seats in the Congress, generally by quite a wide margin (e.g., in the 1994-97 Congress there are 71 deputies from the president's Liberal party and 57 deputies from the two opposition parties). Thus, the president's party controls the Congress Directorate, though at times it has given a few posts to the major opposition party, ostensibly to promote cooperation. Since the president of the republic is the leader of his party, this co-partisan control of the Congress Directorate may continue the tradition of the president controlling the Congress. One of our goals in this research is to examine whether, or the extent to which, this is the case.

The Congress President serves a four year term, while the rest of the Directorate serves for two years, though they are often reelected (Art.14 of the Congress *Reglamento Interno*). Who holds these top posts is the subject of intense negotiation between faction leaders of the governing party, partly because they are prestigious and provide titles, offices, and secretaries. However, the outcome of the negotiations is also important because these are positions of real power within the Congress and no faction wants to be denied its portion of the spoils.

The President of the Congress determines the number of standing commissions, and assigns deputies to both standing and special commissions (Art. 26.7 of the Congress *Reglamento*

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<sup>2</sup> There are 128 deputies *propietarios* who are the full-time members, plus 128 *suplentes* who serve as substitutes when a *propietario* cannot attend Congress sessions (Art.19 of the Congress *Reglamento Interno*). *Suplentes* have voting rights, can initiate bills, and many engage in constituency service. However, they do not serve on Congress commissions, unless the *propietario* they replace is leaving the Congress for an extended period, such as to be a Minister.

Interno).<sup>3</sup> He also decides which standing commission(s) to assign bills to, or whether to send a bill to a special commission made up of deputies he selects which he can charge with issuing a report on the bill in a set amount of time, with the intent of expediting the legislative process and increasing the expertise of the deputies reporting on the bill. The President, or the Vice-President serving in his stead during a plenary session, has the power to grant the right to speak (*conceder la palabra*) to deputies during debates (Art.26.4 of the Congress Reglamento Interno), and determines when debate should be brought to a close (Arts. 26.15 and 46 of the Congress Reglamento Interno). Thus, the President can prevent anyone who oppose bills he supports from having the opportunity to speak out. The President of the Congress decides whether to call a Minister or manager of a government agency for questioning before the Congress, or if instead they should be asked to answer questions in writing, which is much less embarrassing for the government (Art. 36 of the Congress Reglamento Interno).<sup>4</sup> In the current Congress the President and the Second Vice-President set the daily agenda of the plenary sessions (Arts. 26.11 and 47 of the Congress Reglamento Interno), so they have complete control over what bills have a chance of passage once they are reported out of commission. The Secretary of the Junta Directiva is charged with determining whether there is a quorum, and if a bill passes or is turned down on a voice vote (Arts. 28.1 and 28.6 of the Congress Reglamento Interno). The Secretary also writes up Congress decisions (Art. 28.2 of the Congress Reglamento Interno), which on occasion has been purported to be an opportunity to change the content of decisions after the fact.<sup>5</sup>

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<sup>3</sup> The Reglamento Interno of the Congress creates 14 standing commissions, but this number has been greatly expanded by the last two Congress Presidents (Art. 69). The 1994-97 Congress has 54 standing commissions.

<sup>4</sup> Interestingly, for a body that is commonly considered to be controlled by the executive, the Honduran Congress has exercised its interpolation power several times. For example, in 1995 the Congress used its interpolation powers three times, asking the manager of the Forestry Agency (COHDEFOR), the executive director of the Tourism Institute, and the Minister of Public Health to come answer questions. And in 1994 three agency managers, the Minister of Foreign Relations, and the Public Prosecutor were summoned. However, it is more common for a less conflictual means of resolving a problem to be found, such as asking the Minister to send the Congress President a letter with answers to specific questions.

<sup>5</sup> For example, the president of the Junta Directiva was intended to serve the same two-year term as the rest of the Directorate, but when the Reglamento Interno was published the president's term had become four years



The executive, deputies, the Supreme Court, and the Elections Tribunal all have the authority to initiate legislation. For a bill to become a law it must first be reported on (*dictaminado*) by the commission. The report is then submitted to the plenum, and discussed in three debates and given three votes. However, in cases that are voted to be "urgent" the number of debates and votes can be reduced to two or one (Art. 51 of the Congress *Reglamento Interno*). The commission's report can propose modifications to the original bill, and these modifications are also discussed in the Congress debate. Regardless of whether the commission issues a positive or negative report on a bill, it is discussed by the Congress. Thus, for a commission to "kill a bill in committee" it simply does not write a report on the bill, so the bill will not come up for debate by the whole Congress. If a bill is passed by the Congress it is then sent to the executive to be signed, which generally occurs forthwith. However, on 10 occasions the President has vetoed bills passed by the Congress, and four times the Congress has overridden the President's veto, though neither President Callejas (1990-93) or President Reina (1994-97) used their veto. It is significant to note, though this could not be systematically documented, that Congress commissions are said to rarely meet, and to not take seriously their duty of discussing, researching, and writing reports on bills. Instead reports are said to generally be written by the commission president, one of the Congress' advisors, or the director of the *Secretaria Adjunta*, and then signed by the members of the commission (from interviews with deputies).<sup>6</sup>

The procedural rule that concerns us here is the Congress President's ability to assign a bill to a standing commission or a special commission. All the *Reglamento Interno* says on this subject is that all bills must be reported on by a commission (Art. 51). In practice this has meant that the Congress President can assign the bill to a standing commission, or he can create a special

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(interviews with deputies). Whether this was a typographical error or an intentional change is not known, but it increased the power of the Congress President beyond that of the other members of the Directorate.

<sup>6</sup> *Secretaria Adjunta* translates as the assistant to the Congress Secretary. However, in reality it has wide responsibilities for running the Congress such as maintaining records of bills initiated, Congress debates, and decrees passed, and publishing drafts of bills and the daily agenda of the Congress. In addition, the director of this office, Licda. Adilia Zelaya, is a very respected person in the Congress and is commonly looked upon as the keeper of most institutional knowledge about the Congress.

commission, whose president and members he chooses specifically for that bill. It should be noted that, even though the *Reglamento* does not specify that the Congress President must assign bills to the relevant standing committee, that has been the practice. A review of the bills on the Congress docket from 1990-96 does not, for example, show bills dealing with economic policy being assigned to the Culture and Sports Commission. The importance of special commissions has to do with how quickly a report is issued. When a bill is assigned to a commission, there is no formal procedure by which the Junta Directiva can compel the commission to issue a report on the bill. If a bill is languishing in commission, the bill's sponsor can request that the President move it to another commission, and deputies concerned with a specific piece of legislation can lobby commission members to issue a report on the bill. Nevertheless, if the commission refuses to attend to the bill, and the Junta Directiva does not transfer it, the bill will die in commission. However, though the *Reglamento Interno* does not specify this, the norm is that when the Congress President assigns a bill to a special commission, he can also charge the commission to issue a report in a specified amount of time, possibly as short as a few hours or days.<sup>7</sup> Thus, presumably the President of the Congress utilizes special commissions for bills he considers important, to speed them through the Congress. One of the purposes of this article is to explore the strategy of assigning bills to commissions.

### **Data and Analysis**

In order to expand our knowledge about the behavior of marginal legislatures, specifically who gets legislation passed, how, and what types of legislation, we analyzed all bills initiated in the Honduran Congress from January 1990 through June 1996. This time period gives us the legislative record of two governments, led by two different parties: the PNH government of 1990-93 and the PLH government of 1994-97. This six and a half year period is long enough for us to

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<sup>7</sup> Since the *Reglamento Interno* of the Congress does not detail the rules of commission behavior, this information was obtained from interviews with deputies during 1994 and 1996.

identify patterns in who gets bills passed and what types of legislation, and because two different governments led by different parties are included we can speculate about partisan differences in legislative behavior.

This abbreviated time period of 1990-96 was selected for the analysis, rather than the entire democratic period since 1982, for several important reasons. From a theoretical view point, it is not reasonable to start the analysis with the first years of the Congress because our interest is in norms of behavior in what is believed to be a "marginal legislature" in the "third wave of democracy," and it takes time for an organization to develop behavioral norms. The history of the Honduran transition to democracy makes it unlikely that we could expect norms of Congressional behavior to have developed before 1990. The 1982-86 Congress was involved with setting up the new democratic government and all actors (president, deputies, parties, the military) were adjusting to their roles in the new democracy. In addition, in 1985 a Constitutional crisis was prompted by President Suazo Córdova as he contemplated changing the Constitution to allow for his reelection. This crisis was ultimately resolved by an agreement to hold simultaneous primary and national elections so that the factions in each of the major parties ran a presidential candidate and a slate of deputy candidates in the national election. The candidate with the most votes in the party that received the most votes became president, while PR rules were used to put together the partisan deputy slates. Because the PLH as a party won the most votes, but the top presidential candidate of the PNH won the most votes for president as an individual, this precarious situation was resolved by informal agreements between the PLH and PNH to share power. This situation resulted in a weaker mandate for President Azcona Hoyo than that enjoyed by his predecessor or by the two presidents who succeeded him.<sup>8</sup> Thus, it would not be reasonable to expect the Congress to develop norms of behavior until this extraordinary period had passed. Hence, we begin the analysis with the third Congress. In addition, it is difficult to obtain a complete legislative history of the Congress for the entire democratic period because of

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<sup>8</sup> See Shulz and Shulz (1994) for a detailed description of the 1985 Constitutional crisis and how it was resolved.

gaps in the congressional archives for the early years. Record keeping gaps continue to occur in more recent years (e.g., in 1991 the dates bills were initiated were not regularly recorded), however, they are much less common.

The data set thus includes all bills initiated and decrees passed in the Honduran Congress from January 1990 through the end of June 1996. For the 1990-93 Congress the National Party controlled the Congress Directorate, and the Liberal Party controlled the Directorate during the 1994-97 Congress. See Table 1 for the number of bills and laws per year in the data set.<sup>9</sup>

Table 1  
Data Set of Decrees and Bills

Year	# of Laws Passed Initiated by:			# of Bills Pending Initiated by:		
	Executive	Deputies	Total <sup>†</sup>	Executive	Deputies	Total <sup>†</sup>
1990	130	30	171	38	98	143
1991	133	48	193	40	56	96
1992	182	38	226	19	59	85
1993	218	76	300	53	44	100
1994	139	51	195	21	75	103
1995	133	62	202	44	71	126
1996*	66	24	93	35	42	84

\* Includes decrees and bills through the end of May 1996 when the Congress went into recess.

<sup>†</sup> Bills can also be introduced by the Supreme Court and the Electoral Tribunal, and in some cases it is unknown who initiated a bill. These bills are also included in the data set. In addition,

<sup>9</sup> Bills automatically are archived at the end of a four year Congress session. To be considered after that time a bill must be reintroduced.

housekeeping decrees (i.e., to install the Congress and close sessions, annual reports to Congress from ministries) are not coded. These types of bills and decrees are why the total number of bills and decrees per year listed in Table 1 may exceed the number of executive branch plus deputies' bills (see Table 2 in footnote 24).<sup>10</sup>

### How Bills Were Coded Concerning Level of Aggregation and Effect

To discover whether in a marginal legislature there is a substantive difference between the bills initiated by deputies and those initiated by the executive branch, the nature of bills and decrees was examined in two senses: the level of aggregation of the proposal; and the effect of the project.<sup>11</sup> Both authors independently coded each bill and decree, then we discussed the cases on which there was disagreement. In most such cases we were able to agree to a systematic coding rule. However, where agreement could not be reached, or there appeared to be insufficient information to code a bill we left it as uncoded. Thirty-six decrees were determined to

<sup>10</sup> Table 2 -- Decrees and Bills Initiated by Agents Other than the Congress or the Executive

Year	# of Laws Passed Initiated by:			# of Bills Pending Initiated by:		
	Other	Unknown	Not Counted	Other	Unknown	Not Counted
1990	-	5	6	-	-	7
1991	1	5	6	-	-	-
1992	2	-	4	1	1	5
1993	3	1	2	-	-	3
1994	2	1	2	3	-	4
1995	4	1	2	5	-	6
1996*	1	1	1	2	-	5

<sup>11</sup> The idea of coding bills based on their level of aggregation and the effect comes from Di Palma (1976: 152-53).

be uncodable in terms of effect (2.6% of all 1990-96 decrees) as were 205 pending bills (31.4% of all 1990-95 bills).<sup>12</sup>

Level of aggregation. This variable concerns labeling the immediate subject of a bill or decree. A bill can target the national community, a regional community (one or several departments),<sup>13</sup> a sector of society (e.g., the working class, the banking sector, school teachers, the cooperative sector), a local community (meaning a single town or municipality), or an individual (meaning one or several people or a "legal" individual such as a company or a specific professional organization). (See Appendix for the detailed coding scheme used for the "level" and "effect" variables and illustrative examples of each type of case.)

Effect of the proposal. In his work on the legislative process of the Italian Parliament Di Palma (1976: 152-53) codes this variable based on "whether proposals had beneficial, mixed, or depriving effects on their immediate subjects, and if the proposals had consequences for other than the immediate subjects, whether these, too, were beneficial, mixed, or depriving." We use the same method of coding here. However, we add a category of "neutral" for bills or decrees that have no substantive impact, such as commemorative bills, and bills that simply modified existing contracts, such as a contract to build a road.

## **Analysis**

Who gets legislation passed into law? The first and most simple question to be addressed concerns who gets legislation passed in a marginal legislature. Our expectation is that the vast majority of bills that get passed into law are initiated by the executive branch. This hypothesis is

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<sup>12</sup> The much higher percentage of pending bills for which it was not possible to code the effect is due to the greater difficulty of finding information beyond the title of bills that are not reported out of commission. For decrees that did not have a descriptive title it was usually possible to obtain a copy of the decree as published in *La Gazeta*, to gain more detailed information about the nature of the legislation. In addition, for three decrees and 16 bills it was not possible to code either the level or the effect.

<sup>13</sup> Because the populations of some departments are quite small, while the two major cities (the capital, Tegucigalpa; and the major commercial city, San Pedro Sula) have comparatively large populations, a bill or decree whose immediate subject is one of these two cities is coded in the "regional" category.

consistent with Mezey's definition of a marginal legislature, which is an assembly with only modest policy-making power and which enjoys only tentative elite support. Mezey writes that the "elites create these legislatures and allow them a restricted but perceptible policy-making role" (Mezey 1979: 41). As can be seen in Table 1, this expectation about marginal legislatures is borne out by the experience of the Honduran Congress.<sup>14</sup> At no time are less than 66% of the decrees of executive branch origin, and in 1992 81% of the decrees were initiated by the executive.

This overwhelming percentage of decrees that are sponsored by the executive branch is not because deputies do not initiate bills. Deputies from the governing as well as opposition parties are active in authoring bills. In every year under study deputies initiated at least 30% of all bills (meaning decrees plus pending bills), and in 1994 deputies sponsored 42% of the bills. Thus, though the executive is more legislatively active, deputies do initiate a significant number of bills, though not with the same rates of successful passage as executive-sponsored legislation.

What type of legislation is it? This simple analysis of the numbers in Table 1 does not tell us about the content of the bills sponsored by the executive versus deputies' bills. To relate our second question to Mezey's definition of a marginal legislature, we explore if deputies have a "perceptible policy-making role"? Do deputies in a marginal legislature initiate and successfully pass into law bills of national import, or are their bills and decrees local and individual in nature?

In keeping with the general presumption in the literature that Latin American assemblies are rubber-stamp, marginal legislatures, bills introduced by deputies are expected to be substantively less important than bills introduced by the executive branch. We expect that national-level legislation will generally come from the executive branch, while deputies' bills will be targeted at the local or individual level, or possibly be sectoral or regional. Furthermore, bills sponsored by deputies in marginal legislatures are expected to be uncontroversial, meaning that

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<sup>14</sup> After coding each bill for level and effect, we then counted the number of bills passed or pending and compared them to determine if they were sponsored by the executive or by deputies. From this we ascertained the likelihood of a particular type of bill being passed into law or dying in commission.

they are beneficial to immediate subjects and do not have an impact on a secondary subject, or they are "commemorative" bills. Playing an activist role in legislating national-level policy runs the risk for the deputy of getting involved in politically inconvenient issues, and possibly involving the government in scandals, which does not endear a deputy from the governing party to party leaders, and so it can hurt a deputy's future electoral chances. Also, in keeping with the concept of a marginal legislature, even when deputies want to play a role in major legislation, they and their commissions lack the staff and research facilities to do so.

Despite the impediments deputies in a marginal legislature face in promoting national-level legislative initiatives, we do expect deputies to author bills that focus on local and individual-level subjects. Such activities should enhance the caudillo status of the deputy in his or her local bailiwick, and possibly help deputies in marginal legislatures get reelected. In the Honduran case in particular, though, the incentive structure produced by electoral and party institutions does not make deputies view *general* constituency service as a way of enhancing their reelection chances and advancing their political careers (Taylor 1996). However, attending to the particularistic needs of party militants is part of "paying party debts" to supporters, particularly for the governing party. Therefore, deputies are expected to attend to the particularistic needs of party militants (i.e., activists and supporters) by, among other things, authoring local and individual-level bills (though unfortunately there is no way to know if the individuals who benefit from particularistic bills are party supporters).

While bills sponsored by the executive may be particularistic and uncontroversial as well, the expectation is that legislation with a national or more controversial (mixed or depriving) impact will be initiated by the executive branch. In part this is because the executive can claim to be responding to international pressure such as international lending agency compliance agreements. Also, though presidents are ineligible for reelection, they want their party to win the next election, and a government that does nothing to address national problems and business needs is unlikely to maintain business support or win the popular vote.



As Table 3 shows, again our expectations about behavior patterns in a marginal legislature are largely borne out by the activities of Honduran deputies. The impact of most deputy-sponsored decrees is at the sub-national level, particularly decrees that benefit individuals, such as a decree that creates a pension for an individual or a decree that changes the statute of the College of Agricultural Engineers. The importance of individual-level decrees for the legislative agenda of deputies is underscored when the percentage of this sub-set of all deputy-sponsored decrees is compared to the percentage of decrees sponsored by the executive that are individual-level. For example, in 1990, 43.3% of deputy-sponsored versus 12% of executive-sponsored decrees were individual in impact, with the percentage being similar in 1992 and 1993. In 1991, 1994, and 1995, however, individual-level decrees represent only approximately 25% of deputies' legislative agenda. In addition, as expected, over the entire period under study the vast majority of national-level bills that were successfully passed into law are sponsored by the executive branch. For example, in 1990, 43.8% of executive-sponsored decrees have a national-level impact, while only 23% of deputy-sponsored decrees are at the national level. Even in years when the *percentages* of executive versus deputy-sponsored national-level decrees are similar, such as in 1992, the executive branch still sponsored the vast majority of the national-level decrees (in this case 70 decrees versus 13).

Table 3  
Number of Decrees Passed Per Year -- Sponsor, Level, and Effect

Sponsor:	Deputy from Governing Party								Deputy from Opposition Party								Executive Branch							
	90	91	92	93	94	95	96	90	91	92	93	94	95	96	90	91	92	93	94	95	96			
<i>Individual:</i>																								
Bene.	9	10	14	27	12	14	7	4	2	2	4	1	-	-	16	21	40	43	12	19	6			
Detri.	-	1	-	1	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-			
Neutral	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	7	3	-	1			
N/C	-	-	1	1	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-	-	-			
Mixed	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-			
<i>Local:</i>																								
Bene.	-	3	-	7	15	12	8	1	2	-	4	-	1	-	24	10	33	35	29	16	-			
Detri.	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-			
Neutral	-	-	-	1	-	1	-	-	-	-	1	-	1	-	2	-	-	1	3	-	-			
N/C	-	-	-	1	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-			
Mixed	-	-	1	1	1	2	1	-	-	-	-	-	-	-	-	-	-	-	1	-	-			
<i>Sectoral:</i>																								
Bene.	2	6	2	9	3	6	-	-	1	1	-	1	1	-	16	17	15	24	5	9	2			
Detri.	3	-	1	3	-	-	-	-	-	-	-	-	-	-	3	-	1	-	2	2	-			
Neutral	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-			
N/C	-	1	1	-	1	-	-	-	-	-	-	-	-	-	2	3	3	2	-	-	-			
Mixed	-	1	1	1	2	-	-	-	1	-	-	-	-	-	-	1	3	5	2	-	-			
<i>Regional:</i>																								
Bene.	1	-	-	1	1	6	-	-	-	-	-	-	-	-	8	7	16	20	31	20	2			
Detri.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-			
Neutral	-	-	-	-	-	1	-	-	-	-	-	-	1	-	-	-	-	1	-	1	24			
N/C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-			
Mixed	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	1	-	-	-			
<i>National:</i>																								
Bene.	1	8	8	4	9	12	3	4	1	1	4	-	-	-	52	67	65	71	48	65	28			
Detri.	-	-	1	-	-	1	-	-	1	-	-	1	-	-	-	1	2	2	-	-	-			
Neutral	-	7	1	3	-	1	3	-	-	-	-	-	-	1	-	1	-	1	-	-	-			
N/C	1	1	1	2	1	1	-	-	-	-	1	-	-	-	2	3	1	1	-	-	1			
Mixed	-	1	1	1	2	-	-	-	-	-	-	-	-	-	3	2	2	2	3	1	1			

Our expectations about the different impacts of national-level decrees sponsored by the executive branch versus deputies are also largely correct, though the evidence is less clear than above. As would be expected in a marginal legislature, most national-level decrees that have a neutral impact, such as commemorative decrees, are sponsored by deputies rather than by the executive. For example, in 1991 of the 19 national-level decrees sponsored by deputies 7 had a neutral impact, while only 1 of 74 executive-sponsored national-level decrees was neutral. This supports our expectation that in a marginal legislature the executive branch will be responsible for the substantively important national legislation.

Interestingly, we find that deputies were no less likely than the executive branch to sponsor decrees that had a depriving impact on the primary subject or a secondary subject. In general politicians in Honduras seem to be wary of depriving legislation, as very few bills or decrees have a depriving impact on either a primary or secondary subject. However, of the very small set of decrees that are depriving, many were sponsored by deputies (see Table 3). This contradicts our expectation that when deputies sponsor national-level legislation it will be uncontroversial. At least a partial explanation for this contradiction can be found in which deputies sponsored many of the controversial decrees. The two deputies from the small PINU party were often responsible for these controversial decrees, such as increasing penalties for drug traffickers. It is our assessment that they were able to successfully shepherd these bills to passage into laws because, though they are depriving to their primary subject, they address problems that were recognized to be of national importance. Small parties that do not have a realistic chance of winning the presidency have the luxury of championing difficult issues. In fact, deputies from the small parties explained that to do so was a key part of their role in the Congress because bringing up difficult issues would highlight their party's agenda and increase their national profile.

Lastly, it is notable that opposition deputies are able to pass very few bills into law. In 1990, 36.7% of the decrees sponsored by deputies were initiated by opposition deputies, but that number has fairly steadily decreased such that by 1996 only 4.2% of the deputy-sponsored

decrees were initiated by opposition deputies. This small opposition contribution to the laws of the land is not attributable to opposition party deputies refraining from the policy-making process. As can be seen in Table 1, every year the opposition deputies have almost as many bills pending as government party deputies. Thus, it appears that over time the governing party has become more aware that it should not let opposition deputies "make political hay" out of passing laws, and bills authored by opposition party deputies are rarely reported out of commission. This trend is particularly marked in the 1994-97 Congress led by the Liberal Party in which opposition deputies have yet to succeed in sponsoring more than 6.5% of the deputy bills that were passed into law.

Do deputies in a marginal legislature try to cultivate a "personal vote" or promote their caudillo status? Interestingly, though more deputy-sponsored decrees are at the sub-national than the national level, deputies in the Honduran case do not appear to be using their "perceptible policy-making role" to curry a "personal vote" or to promote their local caudillo status. As can be seen in Table 3, in general when legislation attends to local concerns, it is the executive branch that is responsible, not deputies. For example, in 1990 the executive branch sponsored 27 local-level decrees, while deputies sponsored only one. This is also the case with sectoral-level laws.<sup>15</sup> Again, to use the example of 1990, the executive branch sponsored 16 beneficial sectoral-level decrees compared to only two sponsored by deputies. Typically the executive sponsored at least twice as many local and sectoral-level decrees as did deputies.<sup>16</sup>

Even in a marginal legislature this is surprising. While we would expect the executive to be responsible for more legislation in a marginal legislature (particularly national-level decrees),

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<sup>15</sup> We look for a possible "personal vote" or "caudillo" strategy in the use of sectoral as well as local and individual-level legislation because a deputy could try to build or support a sectorally based constituency. For example, a deputy could legislate and lobby for labor interests or cooperative associations to stake out his territory as a patron of organized labor or cooperatives.

<sup>16</sup> 1995 is the one definite exception. In that year deputies managed to out-legislate the executive on local-level decrees, sponsoring 18 decrees compared to 16 sponsored by the executive branch. This picture appears to be repeating itself in 1996 as in the first half of the year deputies sponsored nine local-level decrees while the executive branch had yet to have any local-level bills be passed into law. Though it is too soon to discern a true change in behavior, this may mean that deputies are starting to use their position to take the lead on promoting local-level interests. However, deputy legislative behavior still shows no evidence of attempting to curry sectoral support.

we would still expect deputies to take charge of individual, local, and possibly sectoral laws because they are supposed to be the government's links to the local population (Loewenberg and Patterson 1979: 45; Blondel 1973: 17). Also, deputies can be imagined to gain personally from such activities. Examination of Table 4 shows that deputies pay somewhat more attention to local and sectoral concerns, if attention is measured in terms of bills initiated rather than just bills successfully passed into law, but still the number of local and sectoral bills they author is small. Particularly for local-level bills, deputies' lack of legislative success sparks of a lack of serious interest in acting as a representative for local interests. Such bills are generally uncontroversial and could thus be expected to receive a favorable commission report and Congress vote if the deputy lobbied the commission to attend to the bill (from interviews with deputies). When examining the functions of deputies in other marginal legislatures, the degree to which local caudillo behavior occurs should also be a part of the study to determine if this is a characteristic or marginal legislatures that has been overlooked in the literature or is just peculiar to the Honduran Congress.

Table 4  
Number of Bills Pending Per Year -- Sponsor, Level, and Effect

Sponsor:	Deputy from Governing Party						Deputy from Opposition Party						Executive Branch					
	90	91	92	93	94	95	90	91	92	93	94	95	90	91	92	93	94	
<i>Individual:</i>																		
Beneficial	1	4	1	1	5	2	1	1	2	-	1	1	4	8	3	8	4	3
Detrimental	1	-	1	-	3	-	3	1	-	-	1	-	1	-	-	-	-	1
Neutral	-	-	-	-	-	-	-	-	1	-	-	-	-	1	-	-	-	-
Uncodable	2	-	-	-	-	-	2	-	-	-	-	-	-	-	-	2	1	-
Mixed	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<i>Local:</i>																		
Beneficial	5	7	6	5	5	3	4	2	1	2	2	5	1	1	-	3	1	1
Detrimental	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Neutral	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-
Uncodable	1	-	-	-	-	-	1	-	-	-	-	-	-	-	1	-	-	-
Mixed	1	1	-	-	-	-	-	-	-	1	-	1	-	-	-	-	-	-
<i>Sectoral:</i>																		
Beneficial	5	3	4	-	2	3	6	1	4	-	2	2	6	1	-	2	1	5
Detrimental	1	1	2	-	-	1	2	1	-	-	1	1	-	-	-	-	-	-
Neutral	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Uncodable	2	3	1	4	3	6	4	4	1	1	3	4	3	2	2	4	-	4
Mixed	2	-	1	-	-	1	-	-	1	1	1	-	-	2	1	1	1	1
<i>Regional:</i>																		
Beneficial	4	2	-	-	1	-	-	-	-	1	2	-	1	1	-	-	-	1
Detrimental	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Neutral	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Uncodable	2	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-
Mixed	-	-	-	-	1	-	-	-	1	-	-	-	-	-	-	-	-	-
<i>National:</i>																		
Beneficial	4	4	3	2	2	5	8	3	4	2	2	5	16	10	6	22	9	11
Detrimental	1	-	1	-	-	1	5	-	-	2	-	3	-	-	-	-	-	-
Neutral	-	-	1	-	-	3	3	1	1	-	-	1	-	-	-	-	-	1
Uncodable	10	7	4	9	10	6	8	7	7	4	12	8	5	11	3	9	3	13
Mixed	3	1	4	-	7	1	2	1	2	4	7	1	1	3	2	1	1	2

Finally, we might suspect that deputies elected by a departmental constituency might focus on regional-level legislation rather than local (recall that we operationalize regional to be one or more departments), and that this might explain the apparent lack of interest in working for local-level laws. However, that does not turn out to be the case, as regional-level bills and decrees are extremely rare, and are also generally sponsored by the executive.

Deputies' apparent lack of interest in creating a personal reputation for legislating to serve the needs of local people may be understandable given the nature of the electoral and party institutions in Honduras (Taylor 1996). Since deputies not only gain their seats through PR elections, but the Congress vote is fused to the presidential election, the electoral link between individual deputies and the people of their department is a very indirect one. It is widely understood by deputies that people cast their vote based on their preference in the presidential race, or their long-term identification with a party, and thus deputies have little reason to expect that their own efforts at constituency service will pay off for themselves at the ballot box. Unlike in the single-member district systems of the United States or Britain, deputies cannot expect a personal vote to insulate them from national swings against their party due to its platform or performance in government (Cain, Ferejohn and Fiorina 1987).

However, even if deputies do not have an electoral incentive for building a personal vote because they do not think it will help their reelection chances, in a traditionally patron-client oriented society such as Honduras we would expect deputies to use their time in Congress to enhance their local status as a patron. One way they could do that is by delivering goods to individuals and communities. Since the need to be able to claim credit for benefits brought to the local community is at least as important to the aspiring local caudillo (big man) as to a candidate seeking a personal vote to aid their reelection (Mayhew 1974), we would expect deputies to use the legislative tool available to them by initiating and getting passed locally and individually beneficial decrees. Alternatively, the patron/deputy might try to enhance his or her caudillo

status by delivering goods to or championing sectoral interests, such as a particular professional organization or segment of the working class.

Of course, legislating in the interest of people and communities in your district or sectoral interests is only one way deputies can pursue a personal vote or try to enhance their local caudillo status, and it may not be the most likely method. Deputies also lobby to get local pork items included in the national budget, and contact ministers and heads of government agencies and companies to attend to constituent's needs. Unfortunately, systematic empirical measures of such activities are not available. Still, if deputies were intent upon building a personal vote for reelection purposes or enhancing their local caudillo status, we would expect them to use all means available to them. Their ability to author and promote the passage into law of locally and individually advantageous legislation is certainly one of those means, and the evidence does not indicate that deputies are pursuing such strategies.<sup>17</sup> Possibly this is because such behavioral norms have yet to develop, or they may be discouraged by the top party caudillos who select the deputy candidates who will fill the electable slots on their party lists (Taylor 1996). However, the latter explanation seems improbable even in a marginal legislature because deputies promoting local or individual interests are unlikely to conflict with the party's national legislative agenda. Instead, any personal electoral or patron-based support individual deputies accrue would be expected to benefit the governing party if it includes those deputies on its list in the next election by helping insulate it against negative electoral swings if popular unrest arises from the government's national policies.<sup>18</sup>

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<sup>17</sup> The small number of local and individual-level bills authored and passed into law by opposition party deputies may be understandable given their opposition status. Their parties do not have the votes to pass decrees and they usually do not control the commissions that must report on bills before they are considered by the Congress. In legislatures where universal pork (in the sense that all deputies are given something they can claim credit for) is not the norm, it is generally difficult for opposition deputies to attend to constituent needs. However, this does not explain the paucity of local and individual-level bills authored or passed into law by deputies from the government party.

<sup>18</sup> The latter is often a problem for the incumbent party when it is forced by international lending agencies to enact economic restructuring policies that at least in the short term impose harsh costs on the poor majority of society.



How does legislation get passed? Here we are interested in whether the Congress' internal rules of order are used to facilitate the passage of certain types of bills. In a general sense we are interested in whether, even in a marginal legislature, procedural rules can be used by the assembly's leaders to facilitate the passage of certain bills and to hinder others, and if this is part of a strategy to promote the assembly leaders' political career. In particular in the Honduran case we are interested in whether it makes a difference in a bill's chances of becoming a law if the Congress President assigns the bill to a special commission rather than a standing commission.

Our expectation is that assigning a bill to a special commission will increase its chances of being passed into law, and also cause the decree to be passed more quickly because the Congress President can dictate to the special commission how quickly it must issue a report on the bill, and he hand picks the members of the commission. This is in distinct contrast to standing commissions which are generally perceived to not function well, can take their time with a bill and, often allow bills to die in commission by never issuing a bill report.

The evidence shows moderate support for our expectations. First, it is quite rare for bills assigned to a special commission to not be passed into law. In every year under study very few bills were left pending in special commissions.<sup>19</sup> Second, decrees that come out of special commissions generally become laws more quickly than decrees coming out of standing commissions.<sup>20</sup> Since the number of decrees sponsored by deputies was generally small it would be difficult to determine a meaningful average concerning the time elapsed for a bill to become a

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<sup>19</sup> Seven bills that were assigned to special commissions in 1990 were still pending at the end of the 1990-93 Congress, and 5 from 1991, 1 from 1992, and 1 from 1993 were also left pending. Though we cannot be certain which bills will ultimately be left pending at the end of the 1994-97 Congress, 4 bills that were assigned to special commissions in 1994 were still pending by mid-1996, as were 22 special commission bills from 1995.

<sup>20</sup> The amount of time it took a bill to be passed into law could not be studied for 1991 because the initiation date of most bills in that year was not noted in the Congress records. It was also not possible to conduct a conclusive analysis of special commission bills in 1992 since most happened to be bills for which we could not determine the initiation date. In addition there were a few decrees that had to be excluded from the analysis for each of the other years due to lack of information about the initiation date of the bill and/or the commission assignment. Lastly, bills that were assigned to special commissions before Mar.1, 1990 in the 1990-93 Congress, and before Feb.22, 1994 in the 1994-97 Congress were excluded from the analysis because those bill assignments were made by the Congress President before he had set up the standing commissions for the new Congresses, and thus he had no choice but to assign the bills to special commissions.

law, hence analysis about the elapsed time focuses on laws sponsored by the executive branch. The findings are particularly interesting for national-level decrees. In 1990 it took on average 54.67 days for a national-level bill assigned to a standing commission to become law, while only one of 10 bills assigned to special commissions took that long. In 1993 the average time needed for a national-level bill assigned to a standing commission to become a law was 74.76 days. However, the three bills assigned to special commissions were passed into laws much more quickly. This pattern continues in the current Congress. In 1994 it took on average 73.6 days for a national-level bill assigned to a standing commission to become law, while the four bills assigned to special commissions became decrees in less than half that time. In 1995 the average for national-level standing commission bills was 108.5 days, and only one of the 10 bills assigned to special commissions took that long. However, in the first half of 1996 special commission assignment does not appear to expedite the passage of laws as much as in the past. In 1996 the average time for passage of national-level bills assigned to standing commissions is 44.78 days. While four of the bills assigned to special commissions became decrees in less time, two took considerably longer, 76 and 86 days respectively.

Unfortunately it is not possible to determine if Congress Presidents use a systematic decision rule for assigning bills to special commissions. In interviews, Congress leaders explained that special commissions are used for two types of bills: bills that are beneficial and of national importance, such as when the immediate subject is the majority of the population; and particularistic bills that are beneficial and have a deadline, such as authorizing a military officer to accept an award from a foreign country in time to attend the ceremony. This class of bills was often found to be assigned to special commissions, but not all, and other types of bills are assigned to special commissions as well. Thus, no clear pattern of assignments is evident.

It is clear, however, that special commissions are used almost exclusively for beneficial projects, as only 11 bills or decrees that are depriving to the primary subject were assigned to

special commissions, and in five cases the bill or decree benefited the secondary subject.<sup>21</sup> This fits our expectation that the Congress President will only use his special commission assignment power for bills that will not be politically inconvenient if they become law. The Congress President is not expected to view facilitating the passage of politically inconvenient bills (i.e., bills that impose an immediate cost on the primary subject, or on a politically influential secondary subject) as serving the interest of his political future. Thus, he should assign them to the appropriate standing commission and be content to let them languish there. Though systematic data to confirm this is not available, in interviews deputies implied that inconvenient bills are sent to a commission without the suggestion that it should act quickly on the bill, and the commission will not be pressured to issue its report on the bill if no action is forthcoming. In addition, we expect the Congress President to only assign bills sponsored by the executive branch or by deputies from the governing party to special commissions. Our reasoning is that the president and the Congress leadership will not want opposition parties and deputies to be able to claim credit for passing legislation that is beneficial to an important political actor or a large part of the population, and they will certainly not want to facilitate the opposition's attempts to get such credit. This expectations is borne out, as only 14 bills sponsored by opposition deputies were assigned to special commissions, as opposed to 84 bills sponsored by deputies from the governing party.

Is there an electoral cycle in the use of special commissions? Finally, we considered whether the Congress President who has presidential aspirations uses his commission assignment powers to further his own political career. Obviously, the conclusions we can reach are limited by the time span of our data, as it only covers one and a half Congresses. Still, we can look for a pattern. We expect that a pattern might exist because both Mr. Irias Navas who was President of the Congress from 1990-93 and Mr. Flores Facusse who is currently Congress President had or

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<sup>21</sup> By comparison 165 decrees coming out of special commissions were coded as having a beneficial impact.

have known presidential aspirations. In fact, Flores Facusse has been chosen as the Liberal Party's nominee for the presidency in the 1997 elections.

The findings on this question are sketchy, however, it does appear that particularly Congress President Flores Facusse has used his commission assignment power to aid passage of the bills he personally sponsors. Flores Facusse has initiated nine bills, all of which he assigned to special commissions, and all but one of which have been passed into law. In addition, of the eight decrees sponsored by Flores Facusse, each took no more than 24 days to become a law. Congress President Irias Navas, on the other hand, did not assign all the bills he sponsored to special commissions. Only nine of his 21 bills were assigned to special commissions, and five of his bills were left pending at the end of his time as Congress President.<sup>22</sup>

### **Conclusions**

This article begins to answer the questions of who gets legislation passed in a marginal legislature, how, and what types of legislation is it? The purpose of our endeavor has been to empirically test the validity of two long and widely held assumptions: that deputies in marginal legislatures do not legislate, and that legislatures in Latin America are basically just rubber-stamps for the policy agenda of the president. Though evidence from one case obviously cannot definitively confirm or disprove the validity of these assumptions, our findings do shed some light on the situation.

First we find, in confirmation of the assumptions about marginal legislatures, that it is the executive that sponsors the vast majority of bills that become decrees, particularly the laws that have a national-level impact. However, contrary to what common assumptions would lead us to expect, deputies do try to legislate -- at least they initiate a large number of bills -- and deputies' bills are not limited to a particularistic or local scope. Contrary to expectations, deputies sponsor

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<sup>22</sup> We cannot compute how long on average it took Congress Pres. Irias to shepherd his bills to passage into law because for eight of the 16 bills that became decrees the initiation date is not known.

a significant number of national decrees. Thus, the Honduran Congress appears to meet the "perceptible policy-making role" aspect of Mezey's definition of a marginal legislature, if we take that to mean that deputies are able to successfully sponsor legislation.

Second, with regard to how bills become laws in a marginal legislature, we found moderate evidence that procedural rules internal to the Congress can affect the *chances* of a bill becoming a law, and also the *speed* with which it becomes law. The rule of interest in the Honduran Congress is the Congress President's power to assign bills to either a standing commission or a special commission whose membership he chooses especially for that bill, and which he can charge to issue a report on the bill in a set amount of time. The limited types of data available to us kept us from determining a precise decision rule used by Congress Presidents for assigning bills to commissions. To really make such a determination we would need information on whether the president was actively supporting a bill, whether interest groups and other key actors in the political system (e.g., the military, international lending agencies) were exerting pressure for action to be taken on an issue, whether bills represented issues of a political/partisan nature or were consensual, etc. However, from simply examining what actor (i.e., governing or opposition party deputy, executive branch) sponsored the bill and its level and effect, we could discern that Congress Presidents are unlikely to assign an opposition deputy's bill or a depriving bill to a special commission. This is understandable because the Congress President has no incentive to help the opposition achieve its policy goals, or to facilitate legislation that will make him political enemies. In addition, particularly for national-level laws sponsored by the executive, assignment to a special commission generally sped up the process of passing a bill into law. Thus, it appears that even in a marginal legislature assembly leaders can use procedural rules to facilitate the passage of some bills and hinder others.

Lastly, our analysis uncovered some interesting patterns to what types of legislation gets passed in a marginal legislature. As expected, most national-level legislation is sponsored by the executive branch. But it is interesting that, even in a political system where the executive exhibits

dominance over the assembly, and the president cannot be reelected, so he should feel free to be independent in making policy, only a small fraction of the decrees passed by the Congress have a depriving impact on their primary subject. In this type of case we would expect the executive to be powerful and independent, and thus able to make policy as he sees fit. However, our analysis does not turn up evidence of a government that uses this power to make what may be hard choices in legislation. Rather than a government that is able and willing to make policy that may incur a popular cost in the short run in order to try to make changes that will have positive pay-offs for the country a bit farther in the future, we find a government that almost exclusively passes laws that are immediately beneficial. Thus, even though the president cannot be reelected, and presumably can count on the cooperation of Congress, it seems the desire to have his party win the next election still limits the president's independence and ability to work toward long-term goals.

The other interesting pattern we find to what types of legislation gets passed in a marginal legislature concerns the legislation sponsored by deputies. In an assembly that is overshadowed by the executive we would expect deputies to not pursue national-level bills, and rather to focus on bills of a particularistic and local nature. Instead, we find that deputies devote a noticeable amount of their legislative time to national-level bills (though this may be at the behest of the executive, and we have no way of checking this). Most interestingly, the bulk of particularistic and local-level legislation is sponsored by the executive. Thus, deputies do not appear to use their legislative powers to develop either a "personal vote" or to build up their status as a patron or local caudillo. Though the lack of interest in pursuing a personal vote can be explained by the nature of the electoral and party institutions in Honduras; why deputies do not make use of their ability to pass individual and local-level decrees to enhance their own status as a local patron is a mystery. This is a surprising finding because such behavior would be expected to be compatible with the limited legislative latitude of deputies in a marginal legislature since such bills would not

conflict with the executive's national-level agenda and the popular support deputies could gain should produce votes for the incumbent party in the next election.

Of course, the patterns of behavior in a marginal legislature uncovered here could be unique to the Honduran Congress. Only through the study of more cases can we build a real understanding of behaviors in marginal legislatures. It is also possible that the Honduran Congress and its deputies are still developing norms of behavior for their institution, since it is just 14 years old, and thus the patterns we found may change in the future. For example, deputies may begin to make greater use of their ability to pass local-level laws to enhance their status as local caudillos. Or Congress Presidents may over time use their commission assignment power more to target certain types of legislation to help their own political futures or to expand the legislative importance of the Congress. The latter may already be the case if the expanded use of special commissions by Congress President Flores Facusse is any indication. However, from examination of this one case we have broadened our knowledge about the behavior of marginal legislatures. We find that they may play a larger part in policy-making than generally expected in countries where the executive appears to run the show, and that rules internal to the Congress can be used by Congress leaders to help or hinder the executive's achievement of its legislative agenda. In this study, we have explored the policy-making functions and behavior patterns in a marginal legislatures. If the patterns we have uncovered in the case of Honduras prove to hold consistently in other cases, then this knowledge will add substantially to the literature on deputy behavior in marginal legislatures. For now, however, we must emphasize the preliminary nature of our findings as they are applicable to other political systems.

In closing, we should consider what these findings portend for the future of this democracy and for cases in the "third wave" of democracy in general. In some respects the findings are heartening. They show that the marginal legislature is not necessarily as much of a rubber-stamp as expected. Deputies do take part in legislating even national-level policy, and Congress leaders can use the legislature's internal rules to pick and choose which of the

executive's bills to aid in their traverse of the legislative process, as well as to promote their own political futures. However, the future is less bright if the primary function of a legislature is to *represent* the people and to *link* local needs to government. If that is the intended function of a legislature, then the behavior of deputies to date does not show them performing that role, at least in their patterns of proposing legislation. Their lack of attention to local issues could be due to the lack of a clear electoral incentive for deputies to do so, but even the more traditional incentive to enhance one's status as a local caudillo does not appear to be inducing these deputies to spend their time addressing local needs through the laws they propose. One would have thought this would be a case where traditional patron-client incentive structures would give deputies a reason to perform the democratic function of local representation. However, at least at this early stage in the development of a "third wave" legislature, that does not appear to be the case, and the lack of attention to local concerns cannot be expected to portend well for democracy.

## **Appendix**

### **Detailed Coding Scheme for "Level" and "Effect" Variables**

The variable "level" labels the immediate subject of a bill or decree. It is broken down into the following categories: national, regional, sectoral, local, and individual. Guideline examples of cases that fall into each category are given below.

National -- removing the fine for late payment of income tax; adding a fourteenth month to all salaries; changing rates for a government provided utility (e.g., electricity, telephone); amending the Constitution to make military service voluntary; moving the police to civilian rather than military control; budgets for national government agencies unless the agency's purview is clearly sectoral (e.g., CODEFOR which is the forestry agency, IHCAFE which is the coffee institute); international or bi-national agreements (e.g., Central American Parliament, economic cooperation; agricultural cooperation; development aid; debt refinancing) unless they are targeted at a specific



region or community in which case they are regional or local; programs to alleviate the country's energy shortage; bills that commemorate a specific person or event, or establish a holiday. Bills and decrees are also coded as "national" if the immediate subject is Honduras' international prestige, such as legislation to fight narco-traffic; or if the immediate subject is the national government.

Regional -- facilitating disaster relief for Hurricane Gert victims; funding road work or potable water projects for the capital; setting up a development corporation for the Department of Olancho; creating a free zone industrial park in the Department of Valle; international agreements with a regional focus such as a grant from Japan to spur agricultural development in the Department of Choluteca.

Sectoral -- regulating money exchange houses; changing the customs procedures for importers; setting new consular fees; changing tax rates on the export of coffee and sugar; increasing salaries for school teachers; bills that effect a specific sub-set of the business community (e.g., fishing) or the working class (e.g., sugar cane workers); international agreements that effect a specific sector of society (e.g., the rights of indigenous peoples); budgets for government agencies whose purview is limited to a specific sector.

Local - establishing a school or a court in a town; financing the repair of a road between two towns or a potable water system or grain storage facility for a town; raising the official status of a town to a municipality.

Individual - creating a pension for an individual, allowing an individual to accept an award from a foreign country; allowing a Honduran citizen to serve as honorary consul for a foreign country in Honduras; selecting a Supreme Court justice, the Comptroller, or the Attorney General.<sup>23</sup> Bills or decrees whose impact is limited to a specific "legal" individual, such as a company, a professional

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<sup>23</sup> These appointments tend to be political and are intended to balance political patronage among factions of the government party. It is clear that the individual who gets the prestigious government job benefits from this patronage, but it is not clear that the political system, or the government institution to which they are appointed benefits. Such high level political patronage appointments are considered to be one of the problems facing the consolidation of Honduran democracy .

organization, or the Red Cross are also coded as "individual." For example: modifying the organic law of the College of Architects, allowing the Red Cross to import fruit free of tax for the holidays, a contract between the national electricity agency and a specific company.<sup>24</sup>

The variable "effect" determines the expected impact of a bill or decree on its immediate subject. The expected impact of a bill or decree, rather than the actual impact is coded because that is what the politicians would have considered at the time the bill was before the Congress. "Effect" is broken down into the following categories: beneficial, depriving, mixed, or neutral. Guideline examples of cases that fall into each category are given below. If a bill or decree had a secondary subject the effect on the secondary subject is coded in the same manner.

Beneficial -- international agreements where the Honduran government is the immediate subject because it is benefiting from being recognized as an international "player;" bills that give an individual a pension; bills that build a new school, road, potable water system, grain storage building, or court in a town; granting a fourteenth month's salary to all workers is beneficial to the immediate subject, which is all workers; bills that increase teachers' salaries; agency and ministry budget bills; bills ratifying foreign loan, grant and aid agreements; bills that write off the debts of a specific cooperative or company; a bill that expands the rights of sugar cane workers.

Depriving -- bills that impose additional regulations on money changing houses because even though in the long term the regulations may make the industry safer, in the short term there is the bureaucratic hassle of complying with the regulations; a bill that grants a fourteenth month's salary is depriving to the secondary subject which is employers; bills that add more regulations to investing in a free zone are depriving to businesses; a bill that moves the police force from military to civilian control is depriving to the military.

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<sup>24</sup> Unless it is clear what a contract is to do and who will benefit from it (e.g., to pave a road between two towns) such bills and decrees are coded as "individual" because it is only clear that the company that gets the contract will benefit. The coding takes into account the problem of corruption in government works.

Mixed -- a bill that declares a watershed protection area is coded as "mixed" because the ecological benefits of this protection cause at least short run costs to local farmers and industry as they must adjust their practices; bills that permit the privatization of a government corporation are coded as "mixed" because they threaten the job security of the corporation's employees, but they help the government comply with international loan agreements;

Neutral -- bills that commemorate a specific person or event, create a new stamp or coin, build a statue, or establish a holiday that does not give people a day off of work; bills that modify an existing contract unless we have specific information about the changes helping or hurting a specific party; bills telling a government agency or ministry to do something that is already in its jurisdiction (i.e., bills that do not expand the agency's sphere of influence)

Note on coding of Secondary subjects -- bills were only coded as having a secondary subject if this subject would quickly be impacted by the bill (e.g., the employers that must pay the fourteenth month salary that benefits all employees). However, if the secondary subject is more abstract or will only be impacted in the distant future, no secondary subject coding was made. For example, any bill that gives a tax break (e.g., temporarily lowering the export tax on sugar, removing tolls on a highway) lowers the revenues of the government, but in such cases a "depriving" effect on the secondary subject was not coded because presumably the financial loss for the government is compensated for by the political goodwill such a measure provides. Also, any building project, such as a new school or road, or salary increase must eventually be paid for, and thus impacts tax payers. However, again such bills are not coded as "depriving" for the secondary subject because the cost of the future tax is presumed to be offset by the benefit of the project, or it is distributed so widely that the marginal impact is negligible.

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