

Frozen Democracy?  
Pacting and the Consolidation of Democracy:  
The Spanish and Argentine Democracies in Comparative Perspective.

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Prepared for Delivery at the 2000 Meeting of the Latin American Studies Association,  
Hyatt Regency Miami, March 16-18, 2000.

A “wave” of transitions from authoritarian rule toward democracy began in Portugal in 1974 and was quickly followed by transitions from authoritarian rule in Greece and Spain, and, somewhat later, regime change spread to several countries in Latin America, Asia, Africa and Eastern Europe.<sup>1</sup> Several of these countries have successfully consolidated their democracies; however, they have consolidated different *types of democracy*. Furthermore, these countries did not follow a unitary path from authoritarian rule to democracy. Rather, they experienced various *modes of transition*. In this paper, I will begin to assess the impact of the mode of transition on the type of democracy institutionalized. Does the mode of transition to democracy affect the type of democracy established? More concretely, I will assess the degree to which pacted transitions -- ones in which political elites from the authoritarian regime and the democratic opposition engage in multilateral negotiation and compromise and agree to a transition -- produce democracies in which there are lower levels of elite renovation and lower levels of competition across political parties. A comparative study of the democracies established following the Spanish (1976/77) pacted transition and the Argentine (1982/83) non-pacted transition will be used to assess the potential effects of pacted transitions.

### Transitions to Democracy:

Following the fall of authoritarian regimes beginning in the mid-1970s, a tremendous amount of scholarly interest was focused on the causes of authoritarian decay and democratic transition.<sup>2</sup> Although interest in the causes of democratic transition has not dissipated, there has been a shift toward trying to understand the processes, dangers and facilitating conditions of democratic consolidation.<sup>3</sup> In addition to addressing the process of democratic consolidation, scholars are beginning to discuss the types of democracy that emerge following transitions from authoritarian rule. Terry Karl suggests that scholars studying democracy in Latin America should concentrate on:

- (1) clarifying how the mode of regime transition (itself conditioned by the breakdown of authoritarian rule) sets the context within which strategic interactions can take place;
- (2) examining how these interactions, in turn, help to determine whether political democracy will emerge and survive;
- and (3) analyzing what type of democracy will eventually be institutionalized.<sup>4</sup>

Finally, some scholars have begun to hypothesize about the link between the mode of transition to democracy and the types of democracy institutionalized. Karl and Schmitter hypothesize that the mode of transition may, to a large extent, determine which type of

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<sup>1</sup> See particularly Huntington (1991) for a categorization of transitions to democracy into three historic “waves” of transition to democracy.

<sup>2</sup> A place to start a review of the transitions literature on Southern Europe and Latin America is Guillermo O'Donnell, et al., eds. (1986); Adam Przeworski (1991); Geoffrey Pridham, ed. (1984).

<sup>3</sup> For a discussion of some of the issues involved in democratic consolidation, see Diane Ethier, ed., (1990); Scott Mainwaring, et al, eds. (1992); Richard Gunther, et al, eds. (1995); Joseph Tulchin, ed., (1995).

<sup>4</sup> Karl (1990), p.8.

democracy will emerge.<sup>5</sup> As the historical institutionalist literature argues, decisions made early often create institutional rigidities and patterns of behavior that are difficult to change. It is, therefore, particularly important to study the mode of transition, as it may have a profound impact on the democracies that emerge, and on whom benefits from the new democracy.

*Pacting and Pacted Transitions:*

In my research, I have focused on assessing the effects of pacted transitions -- defined as transitions in which political elites from the authoritarian regime and the democratic opposition engage in multilateral negotiation and compromise and agree to a transition<sup>6</sup> -- as this is the type of transition the literature offers as the most viable path to democracy. O'Donnell and Schmitter argue that pacts move the polity toward democracy by undemocratic means; however, "where they are a feature of the transition, they are desirable - that is, they enhance the probability that the process will lead to a viable political democracy."<sup>7</sup> Along these same lines, Karl and Schmitter argue that durable democracies tend to be produced in those cases with "foundational pacts, that is, explicit (though not always public) agreements between contending elites, which define the rules of governance on the basis of mutual guarantees for the 'vital interests' of those involved."<sup>8</sup>

In addition to possibly providing the most viable path toward democracy, pacting may also influence the type of democracy institutionalized. Karl argues that, because pacts are intended to limit the uncertainty of the transition process, they may also tend to demobilize new social forces, circumscribe the participation of certain actors in the future, and "may hinder future self-transformation of the society, economy, or polity, thereby producing a sort of frozen democracy."<sup>9</sup> Similarly, Przeworski argues that "the danger inherent in such substantive pacts is that they will become cartels of incumbents against contenders, cartels that restrict competition, bar access, and distribute the benefits of political power among the insiders. Democracy would then turn into a private project of leaders of some political parties and corporatist associations, an oligopoly in which leaders of some organizations collude to prevent outsiders from entering."<sup>10</sup> Institutional channels may develop between elites, in government and civil society, that facilitate elite bargaining at the expense of political competition, elite renovation, mass inclusion, and mobilization. On a formal theoretical level, Karl has argued that "pacted transitions are likely to produce corporatist or *consociational* democracies in which party competition is

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<sup>5</sup> Karl and Schmitter (1991), p.269. Karl defines four modes of transition to democracy and hypothesizes that these modes of transition may produce four distinct types of democracy. Karl (1990), p.15.

<sup>6</sup> Karl and Schmitter define a pacted transition as one in which "elites agree upon a multilateral compromise among themselves." (1991), p.275.

<sup>7</sup>O'Donnell and Schmitter (1986), p.39.

<sup>8</sup> Karl and Schmitter (1991), p.281.

<sup>9</sup>Karl (1987), p.88.

<sup>10</sup>Przeworski (1991), pp.90-91. It should be noted that Przeworski distinguishes between institutional pacts and substantive pacts. However, given that pacts are often not made public, it is difficult to assess the degree to which a pact is institutional or substantive.

regulated to varying degrees determined, in part, by the nature of the foundational bargain.”<sup>11</sup>

From the above, it appears that pacted transitions, relative to other modes of transition, may produce democracies in which there are 1) lower levels of access to positions of political leadership, 2) lower levels of political party competition, 3) a greater degree of corporatist state-society relations, and 4) lower levels of societal participation in the political system. In the following pages, I will begin to assess the first two, namely whether pacted transitions produce democracies in which there are lower levels of elite renovation and political party competition.<sup>12</sup>

### Case Selection:

In order to assess the effects of pacted transitions, I will conduct a comparative case study of the Spanish (1976/77) pacted transition to democracy and the Argentine (1982/83) transition which involved no pacting. The transition in Spain was negotiated by a reformist sector of the authoritarian regime, led by President Adolfo Suárez, with representatives of the democratic opposition<sup>13</sup> and with sectors of the authoritarian regime. Neither the Suárez government nor the democratic opposition had the ability to entirely impose the terms of the transition. It should, however, be noted that at no time did the Suárez government lose control of the process to the democratic opposition. I have chosen Spain as it is the prototype of a pacted transition. If pacting produces the effects hypothesized, it should do so in the Spanish case. If pacting does not produce these effects, this would be considered a strong refutation of the above hypotheses, in spite of it being a single case of pacting.

The comparison of the Spanish case with the Argentine case will allow for variation on the mode of transition. For the project at hand, it is crucial that Argentine transition actors did not engage in pacting during the transition. The transition in Argentina was not planned by the military regime, and the democratic opposition did not force a transition to democracy. Rather, the transition resulted from the weakening of the military regime following the Malvinas/Falkland Islands war. Attempts at political pacting by the debilitated military regime failed. This is corroborated by Burton, Gunther and Higley in their study of elite settlement and elite convergence. They argue that Argentina, as of 1991, had not yet experienced an “elite settlement”, similar to the idea of a pact, or elite convergence.<sup>14</sup> It also makes for an interesting comparison due to the fact that, similar to the Spanish case, “no single social actor was strong enough to impose its will.”<sup>15</sup> This is important because, if there is indeed a difference in the type of

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<sup>11</sup> Karl (1990), p.15.

<sup>12</sup> In a larger project, I will conduct an analysis of the four hypothesized effects of pacted transitions. Additionally, the two effects analyzed in the following pages, elite renovation and political party competition, will be evaluated in greater depth.

<sup>13</sup> Amongst which stand out Santiago Carrillo of the *Partido Comunista de España* and Felipe González of the *Partido Socialista Obrero Español*.

<sup>14</sup> Burton, Gunter and Higley (1992), p.325.

<sup>15</sup> Ducantzeiler (1990), p. 243.

democracy established, it is more likely to be due the existence, or not, of a pact, and not the strength of the democratic opposition.

In addition to varying the mode of transition, a comparison of the Spanish and Argentine cases allows us to control for potentially significant variables. First, both countries share important features of their electoral laws, most importantly the d'Hondt method of proportional representation and closed-party electoral lists, which will be important in the analysis of elite renovation. Second, no political party, following the transitions, enjoyed a clear majority in their respective legislatures. This will be crucial to our understanding of the level of political party competition as a degree of compromise across political parties was necessary to pass legislation in both cases.<sup>16</sup>

### Elite Renovation

As mentioned above, one of the possible effects of pacting is that it will produce a democracy in which there are lower levels of elite renovation. In order to assess the degree of elite renovation, I will focus on 1) the *renovation of legislators*, particularly deputies in the lower houses, and 2) the *renovation of candidates* for deputy.<sup>17</sup> In both cases, I will analyze the first 12 years of democratic government. In the Spanish case, I will analyze the period from 1977 until immediately prior to the 1989 parliamentary elections. This period includes the parliamentary elections of 1977, 1979, 1982 and 1986. In Argentina, I will look at a similar period of time, namely the twelve years between 1983 and 1995. During this period there were six Chamber elections held in 1983, 1985, 1987, 1989, 1991 and 1993.<sup>18</sup>

Although both countries have bicameral legislatures, a comparison of the levels of renovation in the lower houses is more interesting politically and more comparable methodologically. First, the Argentine Congress, made up of the Chamber of Deputies and the Senate, is largely symmetric.<sup>19</sup> However, the Spanish Parliament is asymmetric. The Spanish lower house, the Congress of Deputies, is clearly more powerful than the Senate. The Spanish Constitution of 1978 gave the Congress the sole power to elect the prime minister and remove the prime minister from office, as well as the power to override vetoes or amendments placed on legislation by the Senate.<sup>20</sup> Second, the Spanish

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<sup>16</sup> In a larger project, it will also be important that both countries had corporatist state-society relations prior to their transitions to democracy. This will be important for our future analysis of the type of state-society relations established under the new democracy.

<sup>17</sup> In a larger project, I will assess the degree of elite renovation more broadly. Specifically, I will include an analysis of the major elective and appointed offices in the government, political parties, and unions. This will allow me to assess the degree to which there is renovation in the political system as a whole, or whether many leaders remain the same but change positions of political leadership.

<sup>18</sup> Though it does not affect the present analysis, it should be noted that the Constitution of 1994 altered several features of the Argentine political system. Please see Jones (1997) for a review of the institutional changes.

<sup>19</sup> Particularly important for this study is that the sanction of bills by both houses of Congress is necessary to pass legislation.

<sup>20</sup> If the Senate vetoes a bill passed by the Congress, the Congress will debate the Senate veto, and then the initial text of the bill approved by the Congress will be submitted for a vote. The Senate veto will be lifted with the favorable vote of the absolute majority of the members of the Congress. If the initial text does not

and Argentine electoral laws with regard to the election of deputies are very similar. This will allow us to control for the potential effects of these features of the electoral laws.<sup>21</sup> It should be noted that there are no term limits for deputies in either case.

The two measures mentioned above are complementary. *Deputy Renovation* has several advantages. 1) It provides a global assessment of the renovation of those that actually exercise legislative power, 2) it allows us to assess the extent to which the degree of renovation depends on electoral outcomes, and 3) as I will look at renovation independent of political party, it captures deputies that change their political affiliation from one election to the next. It does not, however, allow us to directly assess the degree to which political parties themselves influence the degree of renovation, prior to the actual election of deputies. *Candidate Renovation*, on the other hand, will permit us to assess the roll that political parties play.

### Deputy Renovation:

In the literature on deputy renovation in Spain and Argentina, one commonality stands out: the high level of deputy renovation in both cases.<sup>22</sup> To be more precise, an average of 48% of the Spanish deputies in office between 1979 and 1986 were members of the Congress for the first time.<sup>23</sup> In the Argentine case, Mark P. Jones found that of the Argentine deputies elected between 1983-1991, an average of only 23% returned between 1985 and 1995. Jones also found that this was low compared to countries, such as Brazil and Colombia.<sup>24</sup>

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receive an absolute majority, another vote will be taken two months from the time of the Senate veto. At this time, the veto will be lifted with a simple majority of the vote. If not, the veto will stand. Senate amendments are debated and submitted to a vote in the Congress. Those that receive a simple majority of the vote are incorporated into the text. (1978 Constitution, Art. 90. Congressional Rules.)

<sup>21</sup> Both countries elect their lower houses on the basis of the d'Hondt method of proportional representation and both have a 3% minimum threshold at the district level. Furthermore, both countries adopted a system of closed-party lists. In Spain, the Congress of Deputies has 350 members directly elected from 50 multi-member districts and two single-member districts. Ceuta and Melilla, Spanish territories in northern Africa, elect only one deputy each. The electoral laws also stipulate that each province is guaranteed a minimum of two deputies (this does not include Ceuta and Melilla). Deputies serve four-year terms (or until parliamentary elections are called), and are all renewed at the same time. (Ley para Reforma Política 1/1977, Real Decreto-Ley Sobre Normas Electorales 20/1977, Art. 68-9 of the 1978 Constitution, and the Régimen Electoral General Ley Orgánica 5/1985. This law was later modified by Leyes Orgánicas 1/1987 and 8/1991.)

In Argentina, the Chamber of Deputies has 257 deputies (254 prior to 1991) directly elected from 24 multi-member districts. Similar to the Spanish case, the Argentine electoral laws provide for minimum levels of representation, namely that no district will have fewer than five deputies, and that no district will have fewer deputies than it had during the previous democratic period (1973-76). Deputies serve four-year terms, and half of the Chamber is renewed every two years. It should be noted that all 254 deputies were elected in 1983, half of which served two-year terms and the other half if which served full four-year terms. Jones (1997).

<sup>22</sup> On Spain: Morán (1989), Alda Fernández and López Nieto (1993), and López Nieto (1997). On Argentina: Saiegh (1997), Jones (1997).

<sup>23</sup> Average based on data in Alda Fernández and López Nieto (1993), p.248.

<sup>24</sup> Jones (1997), pp.276-77. Archer and Shugart found that 35-45% of the members of the Colombian lower house were reelected in recent years. Archer and Shugart (1997), p.138.

Given that different methodologies were applied to reach the above results, I will compare deputy renovation rates applying the same model in both cases.<sup>25</sup>

### Deputy Renovation, Congress of Deputies, Spain, 1977-1986

<u>Election</u>	<u>% Deputies for the First Time</u>	<u>% Deputies during Previous Legislative Period</u>	<u>% Deputies in another Legislative Period<sup>26</sup></u>	<u>N=</u>
1977	100%	-	-	350
1979	45%	55%	-	350
1982	59%	40%	1%	350
1986	39%	57%	4%	350

Source: Alda Fernández and López Nieto (1993), p.248.

### Deputy Renovation, Chamber of Deputies, Argentina, 1983-1993

<u>Election</u>	<u>% Deputies for the First Time</u>	<u>% Deputies during Previous Legislative Period<sup>27</sup></u>	<u>% Deputies in another Legislative Period</u>	<u>N=</u>
1983	100%	-	-	254
1985	70%	30%	-	127
1987	76%	24%	-	127
1989	79%	21%	-	127
1991	77%	18%	5%	130
1993	77%	15%	8%	127

Source: Elaborated by the author based on deputy lists provided by the Chamber of Deputies.

The data presented above confirm that the degree of renovation in the Spanish case is substantially lower than in the Argentine case. If we take the average number of Spanish deputies that held a seat in the Congress for the first time between 1979 and 1986, the result is 47.7% or approximately one half of the deputies.<sup>28</sup> In the Argentine case, this average increases to 75.8%. Spain, therefore, has a renovation rate that is 28 percentage points lower than Argentina. The lower renovation rate in the Spanish Congress vis-à-vis the Argentine Chamber holds true regardless of which election we examine. For example, Spain experienced the highest degree of renovation in 1982 (59%) when the entire party system realigned. This election saw the dramatic electoral defeat of the governing *Unión de Centro Democrático* (UCD). Electoral support for the UCD declined more than 28 percentage points. This decline resulted not only in the turn over of government to the opposition *Partido Socialista Obrero Español* (PSOE), but also in the rise of the *Alianza Popular* (AP) as the largest opposition party. The UCD

<sup>25</sup> Based on the model developed by Morán (1989), pp.61-84.

<sup>26</sup> Percent of deputies that had a seat in another legislative period, but not in the previous one.

<sup>27</sup> The Argentine data include deputies elect that held a seat in the previous legislative period regardless of whether or not they were in office at the close of the prior legislative term.

<sup>28</sup> This average excludes the first period as all deputies were first time deputies. It should also be noted that this measure only takes into consideration legislative experience during the democratic period. There were several deputies, in the Spanish case, that had been members of the authoritarian legislature, *Las Cortes Españolas*.

was reduced to 3% of the seats in the Congress of Deputies. The PSOE increased its representation in the Congress from 34.6% to 57.7% of the seats, and AP increased its representation from 2.9% to 30.3%. If we compare this, the highest renovation rate in Spain (59%) to the Argentine deputy renovation rate in 1989 (79%) -- which coincided with the presidential election that resulted in the transfer of presidential power from the *Unión Cívica Radical* (UCR) to the opposition *Partido Justicialista* (PJ) -- we still find that the Spanish renovation rate is 20 points lower than the Argentine rate.

These results remain even when we take out the consecutive nature of the above measure and determine the number of terms that each deputy served.<sup>29</sup>

### Terms in Office, Deputies, Spain (1977-1989) and Argentina (1983-1995)

	<u>1 Term</u>	<u>2 Terms</u>	<u>3 Terms</u>	<u>4 Terms</u>	<sup>30</sup> <u>Entire Period</u>	<sup>31</sup> <u>N=</u>
Spain	558	277	81	46	46	1539
Argentina	706	119	21	1	4	1011

Source: Elaborated by the author based on deputy lists provided by the Chamber of Deputies, Argentina, and the Congress of Deputies, Spain.

Therefore, of all the deputies who held a seat during this period of time, 558 or 36.3% of the Spanish deputies served only one term while the percentage rises to 69.8% of the Argentine deputies.

Though the above empirical data clearly demonstrate the lower level of renovation in the Spanish case, we must still determine why this is so. In both the Spanish and Argentine cases, the following explanations have been cited in the literature: First, it has been argued, for both countries, that party splits and defections may account for a degree of deputy renovation. Second, it has been suggested that deputies may leave their respective chambers for positions in other sectors of the government, e.g. in the national executive, the national Senate, and in regional governments. Third, electoral volatility has been cited as partially accounting for the high degree of renovation. Finally, it has been suggested, in the Argentine case, that internal party rules may account for the high degree of renovation.<sup>32</sup> In the section below, I will focus on the first three explanations, and address the final explanation after evaluating the degree of candidate renovation.

Though the first three explanations convincingly explain a degree of within country renovation, it is not clear that they can explain the difference in renovation levels cross-nationally. First, cross-nationally, party splits and defections should be captured by

<sup>29</sup> Terms may be partial as the analysis includes all deputies elect and substitutes.

<sup>30</sup> In Argentina, those that were deputies during the entire period could have been deputies during four terms (1983/85, 1985/89, 1989/93, 1993/97) or three (1983/87, 1987/91, 1991/95).

<sup>31</sup> Spain: includes deputies elect (1400) and substitutes (139). I found that there were 11 substitutes in the 1977/79 legislative term, 42 during 1979/82, 42 during 1982/86, and 44 during the 1986/89 term. Argentina: includes deputies elect (892) and substitutes (119).

<sup>32</sup> López Nieto (1997); Jones (1997); Saiegh (1997).

the above measures. For example, the *Frente Renovador* (FR), a break-off faction of the Argentine PJ, presented a separate list of candidates for deputy in 1985, however, the 11 deputies elected from the FR list are included in the above results and counted as repeating if they had previously attained a seat on a PJ list. There may be legislators that defect to minor parties, and therefore have less of a chance at reelection; however, this is likely to occur in both cases. This explanation is, therefore, more applicable when trying to explain variation by political party within each case.

Second, the attraction of positions in other sectors of the government may be comparatively significant. Though very little work has been done on the career paths of deputies in either country, we may be able to shed some light on this question. Deputies that later occupy positions in the national government may account for a small degree of the difference in renovation rates. Mark P. Jones mentions that four of President Menem's eight ministers had previously been Chamber deputies.<sup>33</sup> At least at the ministerial level, this factor does not operate in the Spanish system given that deputies can be members of parliament *and* ministers at the same time.<sup>34</sup> Therefore, this factor may account for a small portion of the higher Argentine renovation rate. It, however, remains unclear in both cases the degree to which deputies leave to occupy other positions in the national executive.

However, it is likely that some deputies in both cases abandon their chamber for positions in the national Senate, and, therefore, this probably does not account for the cross-national difference. Though I am unaware of comparative data on the Argentine case, María Luz Morán found that 51 Spanish deputies (1977-1982) later occupied positions in the national Senate (1979-1986), and that 43 senators made the reverse trip.<sup>35</sup> The same is likely true for deputies that abandon their positions as deputies to hold political office at the regional level. Both countries have decentralized systems of government, which may attract national deputies either to hold positions in the regional executive or in the regional legislature. Spain has a decentralized system of government made up of 17 autonomous communities that also function as parliamentary systems with unicameral legislatures that, in turn, elect the "president" of their respective autonomous communities. Argentina has a federal system of government with 23 provinces that directly elect regional legislators and a governor.<sup>36</sup> I found that 17 Spanish deputies (1977-89) later became presidents of autonomous communities.<sup>37</sup> This represents 1.10% of all deputies. Similarly, I found that 1.09%, or 11, of the Argentine deputies (1983-95) were later elected governor.<sup>38</sup> Therefore, it is unlikely that the draw of regional office can explain the difference between the two cases.

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<sup>33</sup> As of January 1995. Jones (1997), p.277.

<sup>34</sup> Art. 70, Constitution of 1978. In fact, 40% of the ministers during the Constituent legislature from 1977/79 were also deputies. In the Socialist governments between 1982 and 1993, 70% of the ministers were deputies. López Nieto (1997), p.197.

<sup>35</sup> Morán (1989), p.84.

<sup>36</sup> 22 before 1990 when Tierra del Fuego became a province.

<sup>37</sup> This includes deputies that served at any point prior to the 1989 parliamentary elections. Calculated by the author based on data provided by the governments of the autonomous communities.

<sup>38</sup> This includes deputies that served at any point prior to the 1995 Chamber elections. This also includes two deputies that were not immediately elected to the office of governor: Eduardo Duhalde was a Chamber

Third, clearly electoral volatility can account for a large degree of within country renovation of deputies in both cases, as my example of the Spanish 1982 elections illustrates, but to what extent can it account for the *difference* in renovation rates between Spain and Argentina? First, let us examine the changes in the percent of the vote attained by the main parties in Spain compared to the main Argentine political parties.

### **% of Vote by Election, Congress of Deputies, Spain**

	<u>1977</u>	<u>1979</u>	<u>1982</u>	<u>1986</u>
<b>UCD</b>	34.6%	35.0%	6.8%	-
<b>PSOE</b>	29.3%	30.5%	48.4%	44.2%
<b>AP<sup>39</sup></b>	8.3%	6.0%	26.5%	26.2%

Source: Anduiza and Méndez (1997), pp.262-5.

### **% of Vote by Election, Chamber of Deputies, Argentina**

	<u>1983</u>	<u>1985</u>	<u>1987</u>	<u>1989</u>	<u>1991</u>	<u>1993</u>
<b>UCR<sup>40</sup></b>	48.0%	43.2%	37.2%	28.8%	29.0%	30.2%
<b>PJ<sup>41</sup></b>	38.5%	24.5%	41.5%	44.8%	40.2%	42.5%

Source: Molinelli, et al, (1999), pp.268-73.

It should be noted that the Argentine electoral results are presented in their most volatile light. That is, no *Peronists* that presented a separate list from the official PJ list are included in the electoral results.<sup>42</sup> The above table shows that the PJ sharply declined in the 1985 election, but later recovered and saw its support remain relatively constant during the rest of the period. However, this sharp decline was largely the result of a faction of the PJ presenting their own list of candidates and not the result of the electorate transferring their votes from *Peronists* to another political formation. In fact, most analysts will include both lists in their calculations for the PJ. Second, we observe the steady decline of the UCR from a high of 48% in 1983 to 30.2% in 1993. The above results illustrate that Argentina has experienced electoral volatility, but it cannot be compared to the virtual disappearance of the UCD and the dramatic rise of AP in Spain.<sup>43</sup>

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deputy between 1987 and 1989, vice-president between 1989 and 1991, and then governor of Buenos Aires beginning in 1995. Ruben Marin was governor of La Pampa from 1983 to 1987, Chamber deputy from 1987 to 1989, national senator from 1989 to 1991, and then governor of La Pampa again beginning in 1991. Calculated by the author based on data provided by the Dirección Nacional Electoral, Ministerio de Interior.

<sup>39</sup> In 1979 presented candidates in coalition as *Coalición Democrática*; in 1986 as *Coalición Popular*.

<sup>40</sup> Does not include the UCR-MPC alliance which attained 2 seats in 1985.

<sup>41</sup> 1985 presented candidates as PJ and in coalition as the *Frente Justicialista de Libertad*; 1989 presented candidates in coalition as *Frente Justicialista Popular*. The *Frente Renovador*, that presented a separate list of candidates in 1985, is not included.

<sup>42</sup> Only official party lists and coalitions are included. The PJ is also known as the Peronist Party.

<sup>43</sup> It should be noted that the decline of the UCR has clearly transformed Argentine politics.

This higher level of electoral volatility is confirmed if we compare the formal levels of electoral volatility, using the Pederson's index.<sup>44</sup> Mainwaring and Scully found that the mean volatility index, based on seats, for the Argentine Chamber elections (1983-1993) was 12.7.<sup>45</sup> The electoral volatility index, based on votes, for Spain (1977-1986) was 20.7.<sup>46</sup> Though there is some difference in the methodology applied, seats v. votes, the 8 point difference clearly demonstrates the higher level of electoral volatility in the Spanish case. If we were to predict the degree of renovation solely on the basis of electoral volatility, i.e. the greater degree of electoral volatility, the greater degree of renovation, we would most certainly predict that Spain would have a *greater* degree of renovation than Argentina.

Overall, it does not appear that the above factors can account for a large degree of the cross-national difference in renovation rates. Next, I will assess the degree to which political parties influence the level of elite renovation. First, I will provide an empirical analysis of the renovation of candidates for deputy in both cases to determine whether the degree of renovation in Spain remains lower than in Argentina. Second, I will explore how internal political party statutes and practices may hinder or facilitate renovation. Finally, I will hypothesize about whether, in the Spanish case, decisions on party rules and regulations were, at least in part, determined by the pacted nature of the Spanish transition to democracy.

### Candidate Renovation

The electoral laws in both countries stipulate that deputies be elected from closed-party lists, which means that the political parties control which candidates appear on the election ballot and the order in which they appear. The voter cannot designate whether her vote goes for a particular candidate, alter the order of the list or cross out any candidates. The voter must vote for the entire list as presented by the party. It is important to note that closed-list systems give parties the greatest degree of control over candidates, and, in turn encourage party discipline.<sup>47</sup> For our purposes, closed-lists, at least potentially, allow parties to control the degree of candidate renovation. For each election studied below, the candidates are presented by electoral district, provinces in both cases, and then within each electoral district by political party or electoral coalition. Each political party presents their candidates and alternates in the order in which the seats should be distributed.

Prior to analyzing the degree of candidate renovation, let me first set out a few methodological issues. First, this analysis was conducted by political party, and, at each

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<sup>44</sup> The Pedersen index of electoral volatility "measures the net change in the seat (or vote) shares of all parties from one election to the next. The index is derived by adding the net change in percentage of seats (or votes) gained or lost by each party from one election to the next, then dividing by two. An index of 15, for example, means that some parties experienced an aggregate gain of 15 percent of the seats from one election to the next while others lost a total of 15 percent." Mainwaring and Scully (1995), p.6.

<sup>45</sup> Mainwaring and Scully (1995), p.8.

<sup>46</sup> Anduiza and Méndez (1997), p.280.

<sup>47</sup> Mainwaring and Shugart (1997), pp.421-29.

point in time, I included the two largest political parties.<sup>48</sup> This is due to the fact that both countries, during the period studied, produced party systems in which two parties dominated. The 1977 parliamentary elections in Spain produced two main political parties, the *Unión de Centro Democrático* (UCD) and the *Partido Socialista Obrero Español* (PSOE), that captured a combined 81% of the seats in Congress. In the 1979 parliamentary elections, these same parties won 82.6% of the seats. Following the 1982 elections, the two largest political parties changed with the *Alianza Popular* (AP) taking the place of the UCD. However, the combined Congressional representation of the two largest parties, PSOE and AP, increased to 88% of the seats. In the 1986 elections, the PSOE and AP continued as the two largest political parties. In Argentina, the two parties remain the same throughout the period studied (1983-1995), namely the *Partido Justicialista* (PJ) and the *Unión Cívica Radical* (UCR), which attained a combined maximum of 94.5% of the seats in the Chamber of Deputies and a minimum of 82.9%.<sup>49</sup>

Second, I have only included those candidates on the list that equal the number of seats available in that district, i.e. alternates are not included. For the parties analyzed, I included the party-list itself or any list presented by a formal electoral coalition in which the party under study took part. Independents that are included on the party-list are also included in the analysis. Third, I was able to collect a complete set of data in the Spanish case, and the results can, therefore, be considered reliable.<sup>50</sup> However, a complete set of candidate lists in the Argentine case was not available.<sup>51</sup> Due to the missing data, only candidate lists from provinces with complete data for the entire period are included in the following measures, and the Argentine results should, therefore, be considered preliminary.<sup>52</sup>

Finally, there is not a directly comparable measure of candidate renovation in both cases. All Spanish deputies are elected when parliamentary elections are called. However, Argentine deputies are elected for a four-year term,<sup>53</sup> and half of the Chamber is renewed every two years. This means that if a candidate is not elected on the list

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<sup>48</sup> In the larger project, I will analyze candidate repetition independent of political party in order to capture candidates that change political parties during the period of time studied.

<sup>49</sup> Jones (1997), p.264.

<sup>50</sup> Candidate lists are published in the government bulletin, *Boletín Oficial del Estado*. 15 June 1977 Elections: Candidate lists were published 20 May 1977, and corrections were published May 23, 24, 25, 26, 27, 28, 30, 31, and June 1, 2, 3, 4, 6, 7, 8, 9, 11, 14, 15, 17, 18, and 20. 1 March 1979 Elections: Candidate lists and corrections were reproduced in Esteban and Lopez-Guerra (1979). 28 October 1982 Elections: Candidate lists were published 2 October 1982, and corrections were published October 9, 14, 16, 27 and 28. 22 June 1986 Elections: Candidate lists were published 21 May 1986, and corrections were published May 27, 28, 29, 30, and June 3, 6, 14, 20 and 21.

<sup>51</sup> Unfortunately, several candidate lists, archived nationally at the Dirección Nacional Electoral of the Interior Ministry, were not available. In the future, I hope to complete the data set with information provided by provincial institutions.

<sup>52</sup> For the UCR, the following candidate lists were unavailable: Buenos Aires (1989), Entre Rios (1991), Jujuy (1985), La Rioja (1989), Rio Negro (1985 and 1989), San Luis (1987 and 1989), Santa Cruz (1989), Santiago del Estero (1993), and Tierra del Fuego (1985 and 1989). For the PJ: Buenos Aires (1989), Catamarca (1989), Entre Rios (1991), Jujuy (1985), La Rioja (1989), Rio Negro (1985 and 1989), San Luis (1989), Santa Cruz (1989 and 1993), Tierra del Fuego (1985 and 1989).

<sup>53</sup> Except in 1983. Half of the Chamber served for 2 years and the other half for 4 years.

presented in 1985, he can be placed on the list again in 1987, and again in 1989. Therefore, we cannot simply compare candidate lists that are four years apart because we would miss those that reappear in between. I have, therefore, compared the percent of Spanish candidates that do not repeat in the following election to the percent of Argentine candidates that do not repeat in *either of the following two elections*. Though this measure is not directly comparable, it represents a more difficult test of whether pacting produces democracies in which there is a lower degree of renovation.

**Candidate Renovation, 1977-1986, Two Largest Parties,  
Congress of Deputies, Spain**  
(% of candidates that do not repeat in the following election)

	<u>1977</u>	<u>1979</u>	<u>1982</u>	
PSOE	66.9%	67.7%	56.0%	
UCD	67.3%	81.1%	-	
AP	-	-	81.1%	
				<b>Systemic</b>
				<b><u>Average</u></b>
<b>Average</b>	<b>67.1%</b>	<b>74.4%</b>	<b>68.6%</b>	<b>70.0%</b>

Source: Elaborated by the author based on party-lists published in the Boletín Oficial del Estado.

**Candidate Renovation, 1983-1995, Two Largest Parties,  
Chamber of Deputies, Argentina<sup>54</sup>**  
(% of candidates that do not repeat in either of the following two elections)

	<u>1983</u>	<u>1985</u>	<u>1987</u>	<u>1989</u>	<u>1991</u>	
UCR	72.9%	81.2%	88.7%	82.6%	90.1%	
PJ	83.8%	82.6%	91.8%	79.7%	94.5%	
						<b>Systemic</b>
						<b><u>Average</u></b>
<b>Average</b>	<b>78.4%</b>	<b>81.9%</b>	<b>90.3%</b>	<b>81.2%</b>	<b>92.3%</b>	<b>84.8%</b>

Source: Elaborated by the author based on party-lists collected from the Departamento de Estadísticas, Dirección Nacional Electoral, Ministerio del Interior, Argentina

Several conclusions can be drawn from the results of our analysis of candidates for deputy . First, the tables demonstrate that the degree of renovation in Spain is lower than in Argentina. If we compare the systemic averages, calculated by averaging the renovation rates of the two largest parties at each point in time, we find that the Spanish level of renovation (70%) is 15 points lower than the Argentine level of renovation (84.8%). Second, it should also be noted that renovation in Spain is over-stated in these results. This measure does not take into account individuals that left one of the main

<sup>54</sup> These results should be considered preliminary as they only include provinces with a complete data set. For the UCR: Capital Federal, Catamarca, Chaco, Chubut, Cordoba, Corrientes, Formosa, La Pampa, Mendoza, Misiones, Neuquen, Salta, San Juan, Santa Fe and Tucuman. For the PJ: Capital Federal, Chaco, Chubut, Cordoba, Corrientes, Formosa, La Pampa, Mendoza, Misiones, Neuquen, Santiago del Estero, Salta, San Juan, Santa Fe and Tucuman.

parties to become candidates in another of the main political parties. For example, the AP absorbed several candidates that had previously appeared on UCD candidate lists. I found that, in 1982, AP incorporated 15 candidates that had been candidates for the UCD in 1979, and in 1986 incorporated 13 candidates from the 1982 UCD lists. Though candidates in Argentina may defect from their political party to join another, they are unlikely to switch from the PJ to the UCR or vice versa given the strong personal and historical connection that many of these deputies have with their party.<sup>55</sup> Therefore, the gap between the two cases is probably even larger than the above results indicate.

### *The Role of Political Parties: Internal Rules and Regulations*

Despite the fact that the parties in both countries have control over their candidate lists, due to their electoral laws that stipulate the use of closed party-lists for the election of deputies, this does not determine the means by which the parties will choose those candidates. The different renovation rates may, in fact, be the result of internal party rules and regulations which are voluntarily adopted by the political parties themselves. In Argentina, the party rules and regulations established by the PJ and the UCR facilitate renovation to a greater extent than those of the Spanish parties. First, party primaries may be used to determine which candidates will be presented in the Chamber elections. This occurs when the political party cannot agree on a common list, either because there is disagreement between the provincial and national party organizations or because the district party organization cannot agree on a single list.<sup>56</sup> Furthermore, sitting UCR deputies, competing in internal primaries, must attain 2/3 of the vote in these internal primaries in order to be, again, presented on the party list.<sup>57</sup> Finally, both the PJ and the UCR incorporate the representation of minority party factions for both party offices and candidacies for public office.<sup>58</sup> These rules clearly facilitate renovation.

The internal party regulations established by the UCD and the PSOE in Spain, on the other hand, do not appear to facilitate renovation to the same extent. During the transition in Spain, the main political parties did not adopt a system of primaries to choose their candidates and factions were explicitly forbidden. Within the PSOE, for example, party-lists were determined by the party hierarchy at both the national and regional level. If there was a disagreement between the national and regional party organizations, the final decision, at least formally, was left to the national party organization.<sup>59</sup> There was no mention in the party statutes of the use of primaries to determine candidates for deputy. Furthermore, no formal hurdles were placed on the re-nomination of sitting deputies. Finally, both the UCD and PSOE statutes explicitly state that the party will not tolerate organized factions.<sup>60</sup>

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<sup>55</sup> Jones (2000), p.17.

<sup>56</sup> Jones (1997), pp.270-5.

<sup>57</sup> Art. 31. Unión Cívica Radical. *Carta Orgánica Nacional*. The list on which the candidate appears must receive 2/3 of the vote in the primary. If the list does not receive the required 2/3, then the sitting deputy is replaced by the next person on the list. I thank Mark P. Jones for his clarification of this matter.

<sup>58</sup> Art. 31. UCR. *Carta Orgánica*. Art. 44. Partido Justicialista. *Carta Orgánica*.

<sup>59</sup> Art. 46, *Estatutos del PSOE*. Passed in the 28 Convention, Madrid, May 1979.

<sup>60</sup> Art. 3, *Estatutos del PSOE*. Art. 12. *Estatutos de la UCD*.

The comparison between Spain and Argentina shows that the decisions parties make are not determined by the electoral laws adopted; rather, political parties can voluntarily adopt internal rules and procedures that may affect how the newly established democracy will work. Furthermore, these internal rules and regulations have had a tendency to last. It has not been until recently that the use of party primaries has been seriously contemplated in Spain.<sup>61</sup> Therefore, the rules that political parties adopt, and why, merit further research.

*Degree of Elite Renovation:*

The above analyses of both *deputy renovation* and *candidate renovation* indicate that there is a lower degree of renovation in the Spanish lower house than in the Argentine lower house, which is consistent with the hypothesis that pacted transitions produce democracies in which there are lower levels of elite renovation. The average number of Spanish deputies, elected in any one parliamentary election, that held a seat in the Congress for the first time is 47.7% compared to 75.8% of the Argentine deputies. Using this indicator, the renovation rate in Spain is 28 percentage points lower. If we look at those deputies, during the twelve years studied, that held a seat during only one term, the renovation rate in Spain is 33.5 percentage points lower. As far as candidate renovation, Spain's renovation rate is approximately 15 points lower than Argentina's.

However, further research needs to be conducted in order to assess the degree to which the lower level of renovation in the Spanish Congress versus the Argentine Chamber of Deputies can be generalized to the political system as a whole. In a larger project, I will expand this analysis to include additional political offices (governmental and non-governmental) in order to assess the degree to which there is renovation in the political system as a whole, or whether many leaders remain the same but change positions of political leadership.

We have also explored the possibility that these differential renovation rates may be accounted for by the manner in which the political parties choose their candidates. However, it remains to be answered whether the internal rules and regulations that parties adopt are conditioned by the mode of transition itself. In the Spanish case, it cannot be discarded that the greater degree of control exercised by the Spanish party hierarchy, determined by their own party statutes, may be partially due to the mode of transition to democracy. First, the democratic opposition in Spain was not able to impose a transition to democracy. Second, after more than forty years without democratic government, the political parties were poorly organized and not deeply rooted in Spanish society. Third, the Suárez government negotiated and exacted political compromises from the leaders of the democratic opposition parties. Forth, those compromises were not equally accepted by all of the members of those parties. In the future, therefore, I will research whether

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<sup>61</sup> The PSOE recently incorporated the use of internal primaries for some party candidates ostensibly to "renew" the party. However, the future of these primaries is unclear as they slipped out of control when put into practice to determine the party candidate for prime minister. Josep Borrell defeated the party hierarchy candidate, Joaquín Almunia, though Borrell later stepped down to be replaced by the loser of the party primary - Almunia. In turn, Almunia, in the parliamentary elections held on March 12, 2000, led the party to its worst electoral result since 1979.

the democratic opposition parties, consciously or not, were conditioned by circumstances to maintain a greater degree of control over those who would represent their political formation.

### Political Party Competition:

Scholars have also hypothesized that pacted transitions will produce democracies in which there are lower levels of political party competition. Terry Lynn Karl has argued that “pacted transitions are likely to produce corporatist or *consociational* democracies in which party competition is regulated to varying degrees determined, in part, by the nature of the foundational bargain.” She hypothesizes that the party system in this type of democracy would be multi-party and collusive.<sup>62</sup> Furthermore, one of the possible pacts made by the political elites is an agreement “to fix basic policy orientations,” that is, to remove certain political issues from competitive party politics.<sup>63</sup> In this initial assessment, therefore, I will focus on the degree of competition (v. consensus) between political parties with respect to the passage of legislation. However, we must keep in mind that the degree of political party competition is inherently difficult to measure, and it is likely that the use of several indicators will be necessary in order to adequately capture the level of party competition in the political system as a whole.<sup>64</sup>

The comparison between Argentina and Spain will control, to a large degree, for the potential effects of governments that did not have the support of an absolute majority of their party members in their respective legislatures. Furthermore, no single party enjoyed an absolute majority of the seats in the respective legislatures. First, this allows us to use the relationship between the executive and the legislature as an indirect indicator of political party competition. The executive, controlled by one political party, must make agreements with other political parties in order to pass its legislation. In this situation, I would expect, *ceteris paribus*, that the government would have a greater degree of success passing its legislation in a political system with a low level of political party competition than in one with a high level of political party competition. Therefore, I will provide a proportional analysis of the bills presented by the government and passed in their respective legislatures. The degree to which the government is able to negotiate the passage of its legislation will provide us with an initial, though incomplete, picture of the degree of party competition. We must keep in mind, however, that many factors influence the success of government bills, including the governing party’s ability to maintain discipline within its own party.

Second, I will assess the margin of support that all legislation receives within the respective legislatures. Since no one political party has an absolute majority of the seats in the respective legislatures, any political formation that hopes to pass its legislation must seek out allies -- allies that either actively support the legislation by voting in favor,

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<sup>62</sup> Karl (1990), p.15.

<sup>63</sup> Przeworski (1991), p.90. He defines political pacts as “agreements among leaders of political parties (or proto-parties) to (1) divide government offices among themselves independent of elections results, (2) fix basic policy orientations, and (3) exclude and, if need be, repress outsiders.”

<sup>64</sup> In a larger project, I will use multiple indicators to measure the level of party competition.

or passively support the legislation by abstaining. Though this is true in both cases, we can still assess the degree to which legislation is supported by super-majorities. How much additional support, beyond that necessary to simply pass the legislation, does the legislation receive? In a situation in which no single party enjoys an absolute majority, I would expect, *ceteris paribus*, that political systems with a low level of political party competition would be more likely to pass legislation based on the consensus decision of several political parties than those with a high level of political party competition. I will assess both the level of competition in the respective chambers as a whole, and, more concretely, between the two principle political parties. The combination of these two measures, the *success of government bills* and the degree of *support for legislation*, should provide us with a good preliminary indication of the level of party competition, particularly with respect to the passage of legislation.

In both countries, I will focus on the period immediately following the respective transitions to democracy, approximately the first five and a half years of democratic government. In Spain, this corresponds with the first two parliamentary terms, that is, between June 1977 until immediately prior to the third parliamentary elections in October 1982. In Argentina, I will focus on the years corresponding with the presidency of Raul Alfonsín, of the *Unión Cívica Radical* (UCR), between December 1983 and July 1989.

Partisan Distribution of Power:

**Composition of the Congress of Deputies, Spain, 1977-1982**

	1977-79		1979-82	
	<u># of Seats</u>	<u>% of Seats</u>	<u># of Seats</u>	<u>% of Seats</u>
<b>UCD</b>	166	47.4%	168	48.0%
<b>PSOE</b>	118	33.7%	121	34.6%
<b>PCE</b>	20	5.7%	23	6.6%
<b>AP/CD</b>	16	4.6%	9	2.6%
<b>PDC/CIU</b>	11	3.1%	8	2.3%
<b>PNV</b>	8	2.3%	7	2.0%
<b>Others</b>	11	3.1%	14	4.0%
<b>Total</b>	350	100%	350	100%

UCD (Unión de Centro Democrático); PSOE (Partido Socialista Obrero Español); AP/CD (Alianza Popular/Coalición Democrática-1979); PCE (Partido Comunista de España); PDC/CIU (Pacte Democràtic per Catalunya/Convergència i Unió-1979); PNV (Partido Nacionalista Vasco).

Source: Anduiza and Méndez (1997), pp.262-56.

In Spain, the first parliamentary elections were won by the center-right UCD that coalesced around the leadership of President Adolfo Suárez, the last president of the authoritarian regime. However, the UCD did not attain an absolute majority of the seats in the parliament. In the Congress of Deputies, the UCD received 47.4% of the seats, ten

seats shy of an absolute majority. The UCD was followed by the PSOE with 33.7% of the seats.<sup>65</sup>

The partisan distribution of power between the two dominant political parties, the UCD and the PSOE, remained relatively constant from the first parliamentary elections in 1977 until the parliamentary elections of 1979. Both parties slightly increased their representation in the Congress, but the UCD once again fell short of an absolute majority in the Congress of Deputies. This period will be considered as a whole, despite the fact that it encompasses two parliamentary periods, for two reasons. First, Spain was governed by the *Unión de Centro Democrático* (UCD) during the entire period. There were two UCD prime ministers during this period, Adolfo Suárez from 1977 until 1981, and Leopoldo Calvo-Sotelo Bustelo from 1981 until 1982. Second, the distribution of power between the UCD and the PSOE largely remained the same with an approximate 13 point difference between the two parties in both elections.

In the Spanish parliamentary system, the fact that no political party achieved an absolute majority of the seats in the Congress of Deputies meant, not only that any political party wanting to pass its legislation would have to seek out extra-party support, but also, that any party hoping to govern had to seek out extra-party support for its candidate to be elected prime minister. In the Spanish parliamentary system, the candidate for prime minister, proposed by the King after consultation with the various parliamentary groups, is presented to the chamber at which time the candidate sets out his government program. For the candidate to be elected in the first round, the candidate must achieve an absolute majority of the vote (176 out of 350). If the candidate does not receive the absolute majority in this first round, another vote will be held forty-eight hours later when it is only necessary to receive a simple majority (more yes votes than no votes). If this does not occur, successive candidates present their programs until one receives the simple majority of the vote. If, after two months from the first vote, no candidate has received a simple majority, new elections will be called. Therefore, during the period under study, the prime minister could not be elected without the active or passive support of other political parties. In 1979, for example, Suárez was able to attain the support of other political parties and did not have to go beyond the first round. He received the votes of his own party (168 seats), the Partido Socialista de Andalucía (5 seats), and Coalición Democrática (9 seats).<sup>66</sup>

In Argentina, President Alfonsín was indirectly elected by an electoral college. Alfonsín received 51.8% of the popular vote and was elected with 57% of the electoral college votes, whereas the PJ candidate received 40.2% of the popular vote and 42% of

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<sup>65</sup> As mentioned above, the Spanish Congress of Deputies is far more powerful than the Senate. Therefore, the analysis below will only include the Congress of Deputies.

<sup>66</sup> Leopoldo Calvo-Sotelo, however, did not achieve an absolute majority of the vote in the first round. He received 169 positive votes (165 votes from his own party, three from CD, and one from the Mixed Group), and 158 negative votes. It was expected that Calvo-Sotelo would be elected prime minister in the second round with the same distribution of the vote and due to the lower hurdle of a simple majority. However, the day that the second round of voting was supposed to occur, the plenary session was interrupted by an attempted coup. After the government put down the coup attempt, Calvo-Sotelo was elected prime minister with 186 votes in his favor, ten votes over an absolute majority. Montabes (1997), pp.176-79.

the electoral college vote.<sup>67</sup> Though the president is not responsible to the Congress for his election, he must still count on the approval of both houses of Congress to pass government legislation. Similar to the Spanish case, Alfonsín could not pass his legislation without the support of other political parties.

The UCR did not enjoy an absolute majority in both houses at any point during the Alfonsín presidency.

### Composition of the Chamber of Deputies, Argentina, 1983-1989

	1983-85		1985-87		1987-89	
	<u># of Seats</u>	<u>% of Seats</u>	<u># of Seats</u>	<u>% of Seats</u>	<u># of Seats</u>	<u>% of Seats</u>
<b>UCR</b>	129	50.8%	129	50.8%	113	44.5%
<b>PJ<sup>68</sup></b>	111	43.7%	101	39.8%	103	40.6%
<b>Others</b>	14	5.5%	24	9.4%	38	15.0%
<b>Total</b>	254	100%	254	100%	254	100%

UCR (Unión Cívica Radical); PJ (Partido Justicialista).

Source: Goretti and Mustapic (1993), p. 40.

### Composition of the Senate, Argentina, 1983-1989

	1983-86		1986-89	
	<u># of Seats</u>	<u>% of Seats</u>	<u># of Seats</u>	<u>% of Seats</u>
<b>UCR</b>	18	39%	18	39%
<b>PJ<sup>69</sup></b>	22	48%	22	48%
<b>Others</b>	6	13%	6	13%
<b>Total</b>	46	100%	46	100%

Source: Goretti and Mustapic (1993), p. 40.

The UCR did have a slight majority in the Chamber of Deputies between 1983 and 1987, but lost that majority following the 1987 Chamber elections. Despite losing its absolute majority in 1987, the UCR remained the largest party in the Chamber. This was not the case in the Senate where the UCR was never the largest party.

### Success of Government Bills:

Prior to analyzing the success of government bills, it is important to note that though neither governing party enjoyed a clear majority in their respective legislatures, and therefore had to seek out extra-party support, the degree of additional support required varied. If we assume that the governing parties are able to maintain party discipline and that an absolute majority of the votes in their respective legislatures would

<sup>67</sup> Molinelli, et al (1999), pp.564, 573.

<sup>68</sup> Includes PJ splinter parties.

<sup>69</sup> Includes two senators from parties allied with the PJ.

assure the passage of legislation, Alfonsín may have been in a more difficult situation than Suárez or Calvo-Sotelo. Using an absolute majority as a comparative benchmark, Alfonsín would have had to receive 128 votes in the Chamber of Deputies and 24 votes in the Senate. In Spain, the UCD prime ministers would have had to receive 176 votes.<sup>70</sup>

During the period between 1983 and 1987, the UCR would have had to seek the support of an additional 6 senators (13% of the Senate) to assure the passage of its legislation. In essence, this meant that Alfonsín had to receive the support of all of the various minor parties, the support of its main rival, the PJ, or some combination of the two groups. This situation worsened following the elections of 1987 when the UCR lost its slim majority in the Chamber. Following the 1987 elections, the UCR would have had to seek out the support of an additional 15 deputies (5.9% of the Chamber) as well as six senators to obtain an absolute majority.

In Spain, the UCD government would have had to seek the support of an additional 10 deputies (2.9% of the chamber) during the 1977/79 parliamentary period, or of an additional 8 from 1979 to 1982 (2.3%) to attain an absolute majority and assure the passage of its legislation. However, the UCD had several potential partners, and could have sought out strategic compromises with different political formations depending on the content of the legislation. During the 1977/79 period, for example, the UCD had the option of negotiating with the right-wing AP to attain 182 votes. The UCD could also have opted to negotiate with the center-right Catalan regional party (PDC/CIU) and attain 177 votes, or with both center-right regional parties (PDC/CIU and PNV) and receive 185 votes. This is in addition to the potential for negotiation with various smaller parties, the PCE, and its main rival, the PSOE. Though these examples are just illustrative, they nonetheless demonstrate that President Alfonsín may have faced a more difficult situation than the Spanish prime ministers.

As mentioned above, we would expect, *ceteris paribus*, that a government, without a majority of its party in the legislature, would have a greater degree of success passing its legislation in a political system with a low level of political party competition than in one with a high level of political party competition. However, the average percentage of government bills passed in Spain (71.5%) is similar to the percentage of government bills passed in Argentina (67.3%).

**% of Government Bills Passed, Spain, 1977-1982**

	<u>% Law Governing Party</u>	
<b>1977-79</b>	71%	UCD
<b>1979-82</b>	72%	UCD
<b>Average</b>	71.5%	

Source: Lourdes López Nieto (1997), p. 202.

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<sup>70</sup> In this section, I use the seats that each party held at the beginning of the legislative period. It does not include changes that may have occurred following the election, e.g. deputies or senators that abandoned their seats or changed political party.

### % of Government Bills Passed, Argentina, 1983-1989

	<u>% Law</u>	<u>Governing Party</u>
1983	79%	UCR
1984	78%	UCR
1985	80%	UCR
1986	49%	UCR
1987	62%	UCR
1988	65%	UCR
1989	56%	UCR/PJ <sup>71</sup>
Average	67.3%	

Source: Molinelli, et al. (1999), p.434.

The degree of government success is even more similar if we compare the Spanish average to the 1983-1987 period in Argentina, before the UCR lost its slight majority in the Chamber (69.6%). Therefore, the results demonstrate that both governments were equally able to negotiate the passage of their legislation.<sup>72</sup>

These results appear to contradict the hypothesis that pacted transitions produce democracies in which there is a lower level of political party competition. However, no single measure is likely to capture the true level of political party competition. Before coming to any conclusions on the effects of pacted transitions, we should consider the degree of support that each piece of legislation received.

#### Support for Legislation:

The success of government bills alone does not adequately measure political party competition. However, the above combined with an analysis of the support that legislation received in the respective legislatures may begin to clarify inter-party levels of competition. As mentioned above, we would expect, *ceteris paribus*, that political systems with a low level of political party competition would be more likely to pass legislation based on the consensus decision of several political parties than those with a high level of political party competition.

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<sup>71</sup> Alfonsín shared this year with Menem as Alfonsín stepped down prior to the end of his constitutional mandate.

<sup>72</sup> However, if we include in our analysis the first socialist government of Felipe González (1982-86) in Spain, and the first presidency of the PJ's Carlos Menem (1989-95) in Argentina, the results begin to differ. The Spanish government was able to pass 91% of its legislation. (López Nieto 1997, p. 202) This is not surprising given that the PSOE had a comfortable majority in the Congress of Deputies, 57.7% of the seats. (Anduiza and Méndez 1997, pp.262-56) However, Menem had a lower success rate (59.9%) than Alfonsín despite the fact that he governed with a greater number of his party members in both chambers than did Alfonsín. (based on Molinelli, et al. 1999, p.434) The PJ had a comfortable majority in the Senate, 54.4% from 1989 to 1992 and 62.5% from 1992 to 1995. Furthermore, PJ enjoyed approximately 50% of the seats in the Chamber of Deputies. (Jones 1997, p.265)

## Spain:

In this section, I will assess the degree to which laws are passed on the basis of consensus or agreement between the various parties making up the Congress of Deputies. Furthermore, I will evaluate the relationship between the two principle political parties. To do so, I have conducted an analysis of floor votes in the Congress of Deputies. The analysis includes the votes on all of the laws passed between the first democratic elections in 1977 through 1982. Because I have analyzed those bills that were later passed, it should be noted that this will overestimate the degree of consensus. Second, I have only included the votes for the first consideration of the bill by the lower house. I did not include any Senate votes or votes in the Congress on amendments from the Senate. This should, therefore, not be considered a complete picture of voting behavior in the Spanish Parliament.

In the Congress, bills may be voted on in their entirety or may be broken down and voted on by article, partial article, and so forth. Therefore, the number of votes on any one law can range from one to hundreds. Deputies can cast various types of votes: in favor, against, and abstain. Furthermore, votes can be declared null, generally due to problems that the deputies have with the electronic voting system. The results of each vote are recorded in the congressional record, the *Diario de Sesiones*. However, the results are presented globally, i.e. votes in favor, votes against, abstentions, and null, and do not indicate the names of the deputies voting or the political parties.<sup>73</sup>

For each individual bill, I have averaged all of the votes on the content of the bill presented for a vote on the floor. Votes on amendments are not included in this analysis.<sup>74</sup> After calculating the average for each bill, I developed a yearly measure which averages the support received by all of the individual laws passed during that year. The categories that result are for laws passed 1977/78, 1979, 1980, 1981, 1982. I have done this on a yearly basis except for 1977/78 given that 1977 was only a partial year.<sup>75</sup>

As can be seen below, the average level of support received by laws passed between 1977 and 1982 was 89.4%. When one considers that the largest party during this period was the UCD with 47.3% of the seats between 1977 and 1979 and then 48% of the seats from 1979 until 1982, these results most certainly demonstrate that the Spanish Congress acts with a tremendous degree of consensus when it comes to the passage of ordinary

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<sup>73</sup> Roll call votes do occasionally occur, though there were very few during the period studied. Until February 1982, a roll call vote, aside from those required by the parliamentary rules, was taken when requested by two parliamentary groups or 50 deputies. Following the new parliamentary rules, passed on February 10, 1982, this requirement changed to two groups or a fifth of the deputies. See the Provisional Parliamentary Regulations for the Congress of Deputies passed October 13, 1977 (*Boletín Oficial del Estado*, N.256, October 26, 1977), and the Parliamentary Regulations for the Congress of Deputies passed February 10, 1982 (*Boletín Oficial de las Cortes*. Congreso, Serie H, N.33, February 24, 1982).

<sup>74</sup> These votes will be included in a future analysis. As the party that proposes the amendment is indicated in the congressional record, I will be able to provide a more direct analysis of the dynamics of competition across political parties.

<sup>75</sup> Elections were held on June 15, 1977 and the first session of parliament was on July 13, 1977.

laws.<sup>76</sup> Furthermore, the percentage of deputies that oppose the legislation, a mere 5.3%, demonstrates that neither of the main parties, PSOE (with an average of 34.2% of the seats during this period) or the UCD (with an average of 47.7% of the seats), was actively objecting to the passage of this legislation.<sup>77</sup>

**Support for Bills Passed, *Ordinary Laws*,<sup>78</sup>  
Congress of Deputies, Spain, 1977-1982**

<u>Year</u>	<u>% For</u>	<u>% Against</u>	<u>% Abstain</u>	<u>% Null</u>
1977/78	92.1%	3.5%	4.3%	0.0%
1979	90.8%	3.8%	5.4%	0.0%
1980	90.2%	5.7%	4.1%	0.0%
1981	86.9%	7.3%	5.8%	0.0%
1982	86.9%	6.2%	6.9%	0.0%
<b>Average</b>	<b>89.4%</b>	<b>5.3%</b>	<b>5.3%</b>	<b>0.0%</b>

Source: Elaborated by the author based on voting results published in the *Diario de Sesiones*, Congreso de los Diputados, Spain.

These results clearly establish that the Spanish Congress operates with a great deal of consensus as opposed to competition. Furthermore, these results are consistent with the hypothesis regarding the relationship between pacted transitions to democracy and low levels of political party competition. However, the degree of political party competition in the Argentine Congress remains to be assessed.

*Argentina:*

Unfortunately, there are very few floor votes registered in the Argentine congressional record, the *Diario de Sesiones*. This makes it very difficult to find a comparable measure in both cases. There are some roll call votes that are published in the *Diario de Sesiones*; however, these roll call votes were taken infrequently during the Alfonsín presidency, 39 in the Chamber of Deputies.<sup>79</sup> However, signatures on committee reports have been used by congressional experts to analyze voting behavior in the Argentine Congress.<sup>80</sup>

<sup>76</sup> These results should be considered very reliable as they confirm the high level of consensus found by Jordi Capo (1990, 1994) despite the fact that he followed a different methodology.

<sup>77</sup> This high level of consensus remains even when we consider *leyes orgánicas* or organic laws. Organic laws are those that legislate the development of fundamental rights and liberties, those that approve the regional statutes of autonomy, the electoral laws, and many other laws that regulate the institutions of the state. They require the support of the absolute majority of the members of the Congress and a final vote on the entire bill. (Constitution 1978, Art.81.) I found that the averages between 1979 and 1982 were as follows: For (91.7%); Against (5.1%); Abstain (3.1%); Null (0.1%).

<sup>78</sup> Ordinary laws require a plurality of the vote to be passed.

<sup>79</sup> Jones (2000), p.4.

<sup>80</sup> Unless otherwise indicated, the information provided in this section is taken from Mustapic and Goretti (1991) and Goretti and Mustapic (1993). The reader should refer to those publications for a more detailed explanation of their study.

The parliamentary committees are responsible for presenting the text that will be debated (and voted) on the floor of the respective chambers.<sup>81</sup> All committee reports are signed by the committee members and printed in the *Diario de Sesiones*. The committee members have several ways of expressing agreement or disagreement. In the case of agreement, one Committee Report is issued and the committee members sign the report. But, if a portion of the committee disagrees with the report supported by the majority of the members, then it is possible to issue a Majority Report and a Minority Report, and the committee members would then sign the appropriate report. Furthermore, it is possible to show disagreement with the Committee Report short of writing a Minority Report. This can be done by signing the Committee Report *in dissent, in partial dissent* and *total dissent*.

Though committee reports cannot be considered directly comparable to votes on legislation, they are nonetheless the best proxy for actual votes. It should also be noted that the committees are composed of members roughly in proportion to their representation in the chamber. The table below demonstrates, for the legislative term between 1983 and 1985, that the UCR was slightly over-represented and the PJ slightly under-represented on the Chamber committees.<sup>82</sup>

**Partisan Composition of Committees, UCR and PJ, Chamber of Deputies, Argentina, 1983-1985**

	UCR	PJ
<b>% of Committee Positions</b>	53.9%	41.0%
<b>% of Seats in Chamber</b>	50.8%	43.7%
<b>Difference</b>	3.1%	-2.7%

Source: Elaborated by the author based on committee assignments provided by the Chamber of Deputies, Argentina.

Furthermore, the smaller parties may be underrepresented on some individual committees. This is due to the small number of deputies that represent these minor parties.<sup>83</sup>

Mustapic and Goretti conducted a study of the votes on 1062 committee reports corresponding to the laws passed during the Alfonsín presidency. They found that there was a great degree of consensus, in the legislature as a whole, and between the two principle political parties. First, they concluded that 74.1% of the laws passed received the unanimous agreement of the members of the parliamentary committees, and that only a small proportion of the laws were passed with any opposition at all (14.4%).<sup>84</sup>

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<sup>81</sup> The requirement of a committee report can be by passed with a 2/3 vote on the floor. For a detailed explanation of the chamber rules for the Chamber of Deputies, please see Schinelli (1996).

<sup>82</sup> This was calculated based on committee assignments made following the 1983 elections, and does not include changes that occurred in the composition of those committees.

<sup>83</sup> Mustapic and Goretti (1991), p.6.

<sup>84</sup> The authors consider the law to be passed unanimously when, during the legislative process, there was only one Committee Report and no dissent. They consider the law to have faced opposition when, during

## Support for Legislation, Chamber of Deputies and Senate, Argentina, 1983-1989

	<b>%</b>
<b>Unanimous</b>	74.1%
<b>Opposition</b>	14.4%
<b>No Committee Report</b>	11.5%

Source: Mustapic and Goretti (1991), p.13.

Second, they found that the overwhelming majority of committee reports were passed with the cooperation of the two main political parties. To come to this conclusion, they placed each committee report into several categories: *Cooperation*: The UCR and PJ support the only committee report or the majority report. *Active Opposition*: The PJ and UCR support different reports or one of the parties dissents on the report supported by the other. *Passive Opposition*: One of the two parties abstains from voting, in support or dissent, on the committee report. *Mixed*: One or both parties are divided (internally) in their support of the report.

## Support for Committee Reports, UCR and PJ, Argentina, 1983-89

	<b>%</b>
<b>Cooperation</b>	89.2%
<b>Active Opposition</b>	4.8%
<b>Passive Opposition</b>	3.9%
<b>Mixed</b>	2.1%

Source: Mustapic and Goretti (1991), p.9.

As can be seen from the above results, the UCR and the PJ agreed on 89% of the committee reports, and they actively disagreed on only 5%.

Despite the fact that distinct methodologies were used to assess the degree of support for legislation, the results indicate that there was a high degree of consensus in both countries. Using this as an indicator of party competition, it appears that both political systems experienced a low degree of political party competition, at least during the period immediately following their respective transitions to democracy. However, this conclusion must be considered preliminary as votes on committee reports are not directly equivalent to floor votes.

### *Degree of Political Party Competition:*

In this section, we have found that the Spanish and Argentine governments were equally able to pass their legislation, 71.5% and 67.3% respectively, during the period immediately following their respective transitions. Furthermore, we have found, in both cases, that the degree of support for the laws passed during the period studied was very

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the legislative process, the law received more than one Committee Report or dissent. It should be noted that "opposition" to the legislation is registered even when only one committee member signs the Committee Report *in dissent*. Mustapic and Goretti (1991), p.13.

high. In Spain, the laws passed between 1977 and 1982 were sanctioned with an average of 89.4% of the votes in favor of the legislation. Moreover, only 5.3% of the votes were registered against the legislation, which is far below the potential for opposition by either of the two largest political parties in the Congress. In Argentina, 74.1% of the laws passed received the unanimous agreement of the members of the parliamentary committees. Furthermore, 89.2% of all committee reports received the combined support of the UCR and the PJ. Though it would be premature to discard the hypothesis that pacted transitions produce democracies in which there is a lower level of political party competition, the combination of these two measures begins to cast some doubt on the hypothesis.

In order to adequately test whether pacted transitions produce democracies in which there is a lower level of political party competition, we, first, need to continue the analysis of the above variables during a longer period of time. The period of time studied in this paper was the very initial period of democracy at which time the legislatures were not considered institutionalized. It is possible that the dynamics of party competition had not yet settled down into consistent patterns of behavior. It is also possible that the initial period favored cooperation in both countries independent of the type of transition, but that following legislative institutionalization there are significant differences varying with the type of transition.

Second, a comparative and qualitative study of the legislative process is required to assess if there is indeed an effect of the type of measure used, and to assess the degree to which the parties compromised their initial positions, that is keeping in mind the end point with respect to each party's point of departure. This should help us determine whether the degree of party competition is the result of 1) the true policy distance between the two political parties, 2) the mode of transition, and if so the extent to which the political parties have purposefully altered their positions in order to keep the degree of competition within bounds, or 3) due to some other factor.

Third, the analysis needs to move beyond the legislative arena in order to determine the extent to which the behavior found in this arena can be generalized to encompass the political system as a whole.

### Conclusion:

In this paper, we have begun to assess whether pacted transitions produce democracies in which there are lower levels of elite renovation and political party competition. A comparative study of the Spanish (1976/77) pacted transition and the Argentine (1982/83) non-pacted transition was used to assess these potential effects of pacted transitions. The results have been mixed. The study of the level of elite renovation, using the renovation of deputies and candidates for deputy as indicators, has concluded that though both cases have a high degree of deputy renovation, the degree of renovation has been lower in Spain than in Argentina. This is consistent with the hypothesis that pacted transitions produce democracies with lower levels of elite renovation. Additionally, we have found that the level of political party competition,

using the success of government bills and the degree of support for legislation, is very low in Spain. Though this is consistent with the hypothesis that pacted transitions produce democracies with lower levels of party competition, we have found that the level of party competition in Argentina is very low as well. Given these mixed results and the partial nature of the above study, further research needs to be conducted before coming to any definitive conclusions on the effects of pacted transitions to democracy.

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