

# 1 | *Introduction*

## 1.1 A Tale of Two Legislatures

On August 14, 2001 Kenya's president, Daniel arap Moi, walked into *Bunge* (parliament) as an ordinary representative for Baringo Central constituency with the express purpose of casting a crucial vote. This was a first in Kenya's history, and highlighted the president's desperation in lobbying recalcitrant Members of Parliament (MPs). Moi needed the legislators to pass a constitutional amendment establishing an anticorruption authority as a precondition for the release of over 25 billion Kenya Shillings (approximately US\$300 million at the time) in promised donor funds. But, the MPs had other plans, and handed the president a narrow loss by 15 votes.<sup>1</sup>

Moi's loss on this particular Tuesday afternoon was not an isolated incident. Since the reintroduction of multiparty politics in 1991 he had faced an increasingly hostile legislature. For the first 14 of his 24 years in office (1978–1991), 89.14 percent of executive bills introduced in parliament got passed. During this period Kenya was a single-party state under the Kenya African National Union (KANU). However, following the transition to multiparty politics (1992–2002), only 57.22 percent of executive bills got passed in the legislature. This dramatic change in Moi's legislative success rate is particularly noteworthy since during this period KANU and allied parties commanded majorities in the legislature. KANU alone held 56 percent and 51 percent of seats in the seventh and eighth parliaments, respectively.

Why did the Kenyan legislature pass a smaller proportion of executive bills after 1991 despite the fact that KANU held a majority in the legislature? Under standard assumptions of rationality, Moi ought to have exercised his legislative proposal powers strategically, only introducing bills that were likely to pass in the legislature. Therefore,

<sup>1</sup> Republic of Kenya, *Kenya National Assembly Official Record*, August 14, 2001, Cols. 2248–2249.

the significant drop in the share of executive bills passed signaled a precipitous decline in Moi's ability either to accurately predict Kenyan legislators' policy preferences, or to convince them to vote for his legislative agenda. In other words, the transition to multiparty politics occasioned a shift in the executive-legislative balance of power in favor of the Kenyan parliament. And as a result Moi's ability to orchestrate legislative outcomes that were consistent with his preferences was significantly curtailed.

But, elsewhere in Africa the end of single-party rule was not a sufficient condition for a decline in the share of executive bills passed. For example, over the same period in Zambia (1992–2001), and following the transition to multiparty electoral democracy, the National Assembly passed 90.12 percent of executive bills introduced. This rate of passage of executive bills was not dissimilar to what obtained under single-party rule (1964–1991) when parliament passed 91.04 percent of executive bills. Measured by the proportion of executive bills passed, Zambia's democratic transition scarcely altered the executive-legislative balance of power.<sup>2</sup>

Clearly, the end of single-party rule empowered legislators to a greater extent in Kenya than in Zambia. This differential effect of regime transition on executive-legislative relations in Kenya and Zambia manifested itself beyond the proportion of executive bills passed. It was also evident in other standard measures of legislative strength and institutionalization, including the control over legislative budgets and calendars, the size of legislative staff, oversight of public finances, control over discretionary development funds, and the political autonomy of individual legislators.

This is a puzzling outcome. Conventional wisdom holds that competitive elections strengthen political institutions, including representative legislative institutions.<sup>3</sup> Yet, in the present examples of Kenya

<sup>2</sup> Note that for much of the period covered in this book nearly all bills introduced in the Kenyan and Zambian legislatures originated from the executive branch. In addition, the offices of the Attorneys General in both countries monopolized the legislative drafting process. Bills at variance with presidents' preferences often died a slow death in the chambers of the respective Attorneys General in both countries.

<sup>3</sup> The key assumption here is that the reelection motive incentivizes political elites to invest in strengthening institutions with a view of making them better able to cater to voters' interests and to protect their political careers (Barro, 1973; Mayhew, 1974; Ferejohn, 1986; Besley, 2006).

and Zambia, the introduction of competitive multiparty electoral institutions appears to have strengthened the legislature in one case and not the other. This outcome is even more intriguing because Zambia's 1991 election ended Kenneth Kaunda's 27 years in power at the helm of the United National Independence Party (UNIP), ostensibly putting the the country on the path toward greater democratic consolidation. This raises the question, what explains the divergent trajectories of the Kenyan and Zambian legislatures?

This book engages this question by examining both postcolonial legislative development in Africa under autocracy and the conditions under which strong and effective democratic legislatures can emerge from their autocratic foundations. Motivated by the idea that legislatures are critical for democratic consolidation and the realization of limited government, it seeks to answer two specific and empirically tractable questions: (i) What explains the observed variation in the strength and level of institutionalization of autocratic legislatures? and (ii) Under what conditions do transitions to competitive electoral democracy result in the strengthening of legislative institutions?

Given the considerable attention that social scientists have given to the study of institutions and the process of democratization over the last three decades, one might expect existing works to have ready answers to these questions. Yet, very little research exists to explain divergent outcomes in levels of legislative strength and institutionalization in low-income emerging democracies.<sup>4</sup> Indeed, much of our knowledge of the evolution and development of legislatures is informed by research on the high-income established democracies of Western Europe and North America, despite significant differences in the development of contemporary postcolonial legislatures.<sup>5</sup>

In Europe and North America, legislatures emerged out of the political economies of the late medieval or early modern periods to reflect the existing balance of power between chief executives

<sup>4</sup> A notable exception is Joel D. Barkan's pioneering research on legislative development in Africa. See, for example, Barkan (1976, 1979); Barkan and Okumu (1980); Barkan et al. (1984); Barkan (2009*b*), and Barkan and Mattes (2014).

<sup>5</sup> For canonical works on legislative development in Western Europe and North America see Thompson (1953), Cox (1987), North and Weingast (1989), Stasavage (2003), Maddicott (2010), and Squire (2012).

(monarchs or presidents) and fellow elites (wealthy aristocrats and/or property owners). Importantly, chief executives became accountable to legislatures due to the former's dependence on the latter for material resources (the origins of the legislative *the power of the purse*). Furthermore, the restriction of political participation to an exclusive club of wealthy males ensured that those best able to wield both economic and political power were granted the institutional means of providing checks and balances vis-à-vis chief executives. Broadly speaking, legislative institutional forms and practices mirrored the de facto distribution of power among elites.

Take the the stylized account of the origins of the English parliament. King John conceded powers to a proto-legislature in Runnymede in order to stave off a baronial rebellion and to secure material support for his war effort. The *Magna Carta*, in a sense, merely codified the existing intra-elite balance of power in thirteenth-century England. At the time the English King was in a position of weakness vis-à-vis fellow elites acting collectively as a proto-legislature. And, perhaps most importantly, the *Magna Carta* was enforceable. Clause 61 expressly granted the king's barons the right to elect 25 of their number to wage war against King John if he violated the charter. The Provisions of Oxford (in 1258) were backed by the implicit threat of force from barons who commanded armies, and the weight of established custom and religion.<sup>6</sup>

This conventional depiction of legislative development – characterized by chief executives making concessions to powerful elites around the founding moment of legislatures – does not accurately portray the history of legislatures in the postcolonial states that emerged after World War II.<sup>7</sup> In these states, imported legislatures were grafted onto incongruous social and political terrains. Departing European colonialists left “overdeveloped” executive branches

<sup>6</sup> In one account, King John's “opponents [rebellious barons] asked a plain acceptance of their plainly expressed demands. Before nightfall, John, overawed by their firmness and by the numbers of the armed force behind them, was constrained to surrender, and signified his acceptance of the barons' demands” (McKechnie, 1914, p. 38). See also Holt (1992) and Maddicott (1994) on the baronial efforts to constrain the English monarchy.

<sup>7</sup> By “legislative development” I mean the process through which legislatures become internally differentiated, develop greater organizational capacity, and acquire operational and political autonomy from chief executives.

(relative to legislatures and judiciaries) that held considerable autocratic power.<sup>8</sup> As Ojwang (1980) observes, “the dominant feature of colonial government ... was invariably the executive” (p. 298). Legislative institutions in these colonies did not coevolve with the consolidation of executive power. Unlike in Europe, legislative development under colonialism did little to engender the emergence of strong legislatures rooted in local political economies and capable of effectively balancing chief executives. Postcolonial African chief executives inherited nearly all of autocratic colonial governors’ powers – that fused executive, legislative, and judicial functions (Mamdani, 1996). This reality doomed postcolonial African legislatures to evolve in the shadow of much stronger chief executives.

These specific distinctions between North Atlantic and postcolonial legislatures are important. To understand the evolution of postcolonial legislatures is to understand that separation of powers and legislative strength is endogenous to the prevailing intra-elite balance of power. Legislative independence and strength necessarily implies constrained executive powers. Assuming that chief executives desire to maximize their power while in office, it follows that they have strong incentives to limit legislative independence and strength. Therefore, legislative development in contexts where elites are weak relative to the chief executive is fundamentally different from contexts where elites possessed both material and coercive capacities to constrain the chief executive.

The histories of the Kenyan and Zambian legislatures demonstrate these facts. Both countries’ legislatures (Legislative Councils) were founded under British colonial rule with the sole objective of balancing immigrant European interests against those of the crown in London. Their basic Westminster orientation notwithstanding, institutional engineering guaranteed the dominance of colonial governors over the

<sup>8</sup> By the term “overdeveloped” I mean an executive branch whose coercive and bureaucratic powers are exogenously imposed and not the result of gradual coevolution with other branches of government and related sociocultural and economic institutions within a given polity. The idea of “overdeveloped” executive branches resulting from the colonial experience has long been a staple of postcolonial studies. For example, Alavi (1972) provides an exposition of the idea with application to Pakistan and Bangladesh. See also Leys (1976) for a critical review of this idea. As used in this book, executive overdevelopment signifies the relative interbranch power differential, and the resulting inability of legislators to check and balance chief executives.

Legislative Councils (LegCos) in the two colonies. At independence, Kenya and Zambia inherited this lopsided pattern of executive-legislative relations intact, with presidential powers akin to those of colonial governors. This imbalanced executive-legislative distribution of power enabled chief executives to actively limit the emergence of politically independent legislatures in the two countries in the first three decades of independence.

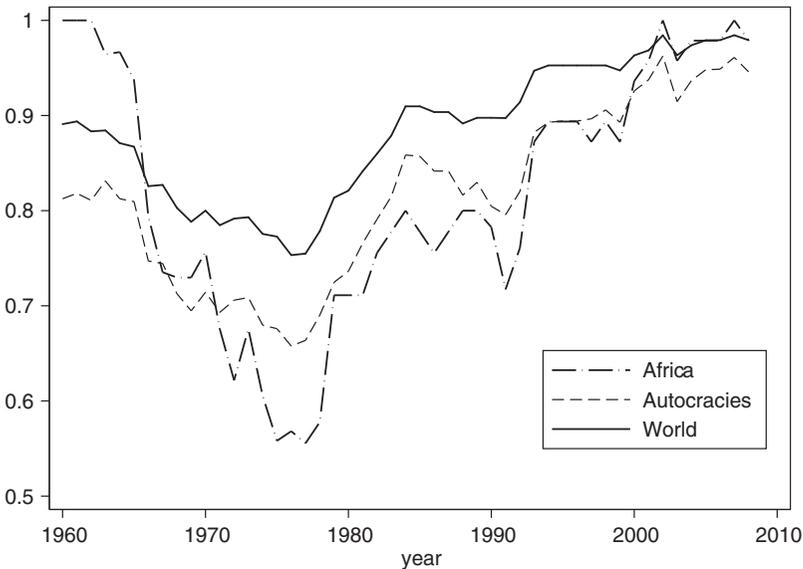
Despite their common origin, the Kenyan and Zambian legislatures differed in important respects. In Kenya, the contingencies of decolonization resulted in a strong administrative apparatus and a relatively weak ruling party. A strong administrative structure enabled Kenya's founding president to cede a modicum of independence to fellow elites in the legislature without fear of losing his own power and influence. The weakness of the ruling party reinforced this relationship, permitting the legislature to function as the focal arena of intra-elite bargaining over public policy and allocating access to public resources for private benefit. Things were different in Zambia. There, the decolonization process resulted in a relatively strong ruling party and a ruling class committed to the dismantling of the colonial administrative apparatus. After independence, the ruling party, and not the legislature, emerged as the locus of intra-elite bargaining. In addition, a weakened administrative structure limited the Zambian founding president's willingness to cede any powers to fellow elites in the legislature. Unsure of his ability to effectively control and regulate elite political activity in the institution, the Zambian president chose to curtail legislative independence.

The dynamics of intra-elite politics influenced the localization of inherited colonial legislative institutional forms and practices. In Kenya, relative legislative autonomy as a result of the chief executive's subjective sense of security of tenure enabled the emergence of an organizationally strong institution with a tradition of open debate and political relevance. On a number of occasions, the Kenyan legislature went as far as passing resolutions opposed by the president (Hakes, 1970; Gertzel, 1970; Opalo, 2014). In Zambia, the president's subjective insecurity and the subordination of the legislature to the ruling party stunted its organizational development (Tordoff, 1977a; Alderfer, 1997). And, so while both legislatures were weak relative to chief executives, their underlying organizational capacities

differed – a fact that became evident after the end of single-party rule. In the early 1990s, the Kenyan legislature was organizationally strong enough to take advantage of its new-found political freedom under multiparty politics. The same was not true of Zambian legislature, which remained largely subordinate to the executive branch despite the regime change.

### 1.2 The Challenge of Governing with Legislatures

Political contestation over the adaptation of inherited colonial legislative institutional forms and practices to local political economies was not limited to Kenya and Zambia. Across Africa, autocratic postcolonial presidents fought to subordinate legislative institutions to their will. Due to their colonial inheritance of “overdeveloped” powers, many succeeded, thereby stunting legislative development in their respective states. But, as I show in Figure 1.1, in a number of cases



**Figure 1.1** The decline and rise of postcolonial legislatures  
*Notes:* Graph indicates the share of extant states with open legislatures. Note the rapid decline in the share of African states with open legislatures in the first two decades of independence (1960–1980). Graph based on author’s calculations using data from Cheibub, Gandhi, and Vreeland (2010).

these contestations resulted in a complete breakdown of intra-elite relations and the closure of legislatures. Beginning in the early 1960s, there was a precipitous decline in the share of African countries with open legislatures due to elite political instability. African presidents that could not control legislatures simply disbanded them. It was not until the late 1970s that this trend was reversed, as African elites learned to structure stable forms of intra-elite relations on the back of legislative institutions.

But, why did African chief executives seek to adapt colonial legislatures to their respective local political contexts? The answer is twofold. First, at the end of the colonial era the Montesquieuan ideal of three branches of government (Legislative, Judicial, and Executive) had become widely accepted across the globe as a means of organizing legitimate political action among elites. Thus, many postcolonial states either inherited colonial legislatures (with expanded non-European membership) or saw the creation of these institutions right before independence. The lack of economic, social, or political bases for strong legislatures did not hinder this process. The need to be accepted as fully-fledged independent and legitimate states both domestically and internationally drove these countries in the direction of institutional isomorphic mimicry, and to the establishment of legislative institutions that, for the most part, were incongruous with local political economies, social structures, and intra-elite balance of power.<sup>9</sup>

Second, and perhaps more importantly, legislatures provided chief executives in the newly independent states with a mechanism for credible intra-elite commitment and cooperation in the sharing of political power and governance rents.<sup>10</sup> In order to be able to preside over stable political environments in the immediate postindependence period, chief executives needed the cooperation of fellow elites. To this end legislatures provided a ready mechanism for organizing credible intra-elite coordination over policy, allocation of political power, and

<sup>9</sup> See DiMaggio and Powell (1983) for a discussion of “institutional isomorphic mimicry” – the idea that organizations adopt specific forms in order to gain legitimacy in their external environment and not necessarily to improve internal coherence and effectiveness. In the specific case of postcolonial states, the colonial inheritance of three branches had a strong influence on common knowledge ideas and assumptions of *how politics works*.

<sup>10</sup> For a discussion of the functional importance of autocratic legislatures, see Gandhi (2008) and Myerson (2008).

the distribution of governance rents. In addition, legislatures enabled postcolonial regimes to institutionalize ascriptive representation at the center (whether ethnic, religious, or geographic) and recruitment of new members into the governing class. It is therefore not surprising that throughout the period under study the majority of countries in Africa (and the world) had open legislatures in any given year (see Figure 1.1).

It is worth noting that from the perspective of postcolonial African chief executives, legislatures came with significant risks. By bringing elites together, they served the crucial function of coordinating intra-elite collective action, thereby raising the cost of renegeing on intra-elite pacts. But, while this might have been beneficial in situations where pivotal legislators' preferences coincided with those of chief executives, it was also a threat whenever intractable intra-elite differences arose. In theory, coordinated action among elites serving in a legislature could result in the ouster of unwitting chief executives.

Herein lay the strategic dilemma facing chief executives. As outlined above, legislatures were critical for the maintenance of political stability. However, to secure their tenure in office, chief executives also needed to ensure that the same institutions never became too strong to control. The resultant balancing act, typified by diurnal political contestations over the political autonomy and organizational independence of legislatures, determined the developmental trajectories of postcolonial legislatures. As I show above, chief executives did not always succeed in negotiating this balancing act, and in some cases went as far as abolishing legislatures altogether and ruling by decree.

The fact that only a minority of countries went off the equilibrium path and experienced the abolition of legislatures underscores the importance of this book. The choice for most postcolonial chief executives was seldom whether or not to abolish legislatures. Rather, chief executives sought to control these institutions while also delegating power to them. This historical fact calls for a study of how relatively powerful postcolonial chief executives managed intra-elite politics within legislatures, and how this in turn led to a variation in the observable levels of legislative strength and institutionalization.

Chief executives' strategies of elite control determined the institutional independence and powers of postcolonial legislatures, and their development *over time*. Invariably, chief executives protected their hold on power by only tolerating legislative outcomes that were

consistent with their preferences. They did this by exploiting both constitutional and extra-constitutional powers. Through the strategic use of their proposal powers they could limit the feasible set of statutory legislative outcomes. Constitutions also allowed them to formally veto any adverse legislative outcomes. Lastly, they could influence the composition of legislatures by calling for fresh elections, or manipulating the membership of ruling parties that acted as gatekeepers to legislatures. When all failed, some simply abolished legislatures altogether.

### 1.3 Distinguishing between Means and Ends

To explain the institutional evolution of African legislatures in the shadow of preponderant chief executives, this book distinguishes between legislative *means* and *ends*. My point of departure is that due to the significant power and resource differentials between post-colonial chief executives and legislatures, most African legislatures lacked the ability to compel chief executives to action through statutes. Invariably, these legislatures lacked *ends independence* – the ability to arrive at any legislative outcome that could garner majority support. Stated differently, the feasible set of possible statutory outcomes was predetermined by chief executives.

However, not all postcolonial chief executives were created equal. Specifically, differences in the nature of postcolonial autocratic rule and strategies of legislative control generated variance in the processes through which legislatures produced outcomes that were consistent with the preferences of chief executives. In some countries, legislatures had *means independence* – the ability of legislative majorities to choose specific intra-legislative bargaining arrangements through which to achieve statutory outcomes prescribed by chief executives. Under these conditions, postcolonial legislatures served as focal arenas for intra-elite bargaining, where legislators sought to manage intra-legislative conflicts that ineluctably arose from attempts to negotiate and ultimately aggregate varied interests.

Importantly, means independence incentivized individual legislators to invest in the requisite legislative organizational capacity – rules and procedures and organizational structures – for resolving intra-elite conflicts. From a strategic standpoint, collective bargaining with the chief executive promised to produce commitments that were more credible than individual arrangements. Therefore, individual legislators sought to lower the cost of collective action within

legislatures. The result was internal differentiation of legislatures, marked by the development of mechanisms to facilitate and manage intertemporal bargaining in the process of enacting statutes. The reverse was true in contexts where legislatures lacked means independence. In these states chief executives routinely inserted themselves into intra-legislature bargaining processes in attempts to engineer specific statutory outcomes. This constant meddling obviated the need for elites to come up with institutional mechanisms of handling intra-legislative bargaining processes (e.g., enforceable logrolling) and, by extension, to invest in the organizational development of legislatures.

Notice that the statutory outputs from legislatures with means independence and those without were observationally equivalent: they were invariably consistent with the preferences of chief executives (on account of the shared lack of ends independence). But, the process of achieving these outcomes differed. Means independence made legislatures *the main political game in town* among elites, and in turn incentivized elite investment in their organizational and institutional development. Such investments included demanding for more financial resources, increasing the number of legislative sessions, hiring more staff, and the adoption of universalistic parliamentary rules – many of which were inherited from the colonial period. These efforts fostered the evolution of a corporate identity among legislators, and facilitated the process of legislative internal differentiation.

The lack of means independence reduced the political stature of legislatures, and incentivized elites to focus on other loci of power – be they the executive branch, the military, or ruling parties – at the expense of legislatures. Legislatures lacking means independence were organizationally stunted and functioned as constitutional rubber-stamps for extra-legislative bargains. The fact that these legislatures effectively functioned as mere extensions of the executive branch created strong disincentives for elite investment in their organizational development.

Legislative development in postcolonial Kenya and Zambia mirrored these dynamics.<sup>11</sup> For much of their history, both countries'

<sup>11</sup> See Gertzel (1970), Mueller (1984), Widner (1992), and Opalo (2014) on legislative development in Kenya; and Scott (1976), Bates (1971), Tordoff (1977a), Bratton (1980), and Alderfer (1997) for the case of Zambia.

legislatures lacked ends independence. But, they differed on the dimension of means independence. In Kenya, the decolonization process – marked by the need to counter a war of independence and the proliferation of fractious ethnic parties – resulted in a strong administrative state and a weak independence party. These factors predisposed Kenya's founding president to regulate elite political activity through the administrative structure (and not the party) and to grant the legislature a fair amount of means independence. As such, for much of the first 15 years of independence the Kenyan legislature functioned as an arena for open intra-elite debates over public policy. During this period outcomes of specific parliamentary debates were not necessarily binding on the president. But, they served to structure the bargaining relationship between the legislature and the president. More importantly, having means independence allowed legislators to invest in the organizational capacity of the legislature.

Things were different in Zambia. The decolonization process – marked by racial tension and an intransigent settler population – produced a strong mass party that strengthened Kaunda's ability to not only regulate entry into the legislature, but also to substitute the legislature with the ruling party. As such, much of the lawmaking process occurred within the higher echelons of the ruling party, with the legislature merely existing as a rubber-stamp institution. The ruling party, as opposed to the legislature, was the main game in town. The party served as a focal point for intra-elite bargaining and distribution of rents, and strictly regulated entry into the legislature. Incumbent legislators had therefore very little incentive to invest in the organizational development of the institution.

Across Africa, the general lack of ends independence among post-colonial legislatures led many scholars to dismiss these institutions as uniformly weak and inconsequential to the policymaking process. This conclusion resulted in the scholarly abandonment of legislative studies in Africa for the following four decades. The contention of this book is that while African legislatures shared a general lack of ends independence, they differed on the dimension of means independence. Variations in means independence, and the concomitant variation in legislative organizational development, became apparent following the regime changes that occurred in the region in the early 1990s. The advent of multiparty politics provided legislatures with outside options

and reduced chief executives' ability to dictate the political careers of legislators.

The degree to which postautocratic legislatures took advantage of this new-found freedom varied. In countries with a history of legislative means independence, these institutions were able to take full advantage of the political opening and become even stronger and better able to constrain chief executives. Legislatures that lacked means independence before transition lagged in this regard, on account of their organizational underdevelopment. Simply put, organizationally strong autocratic legislatures begat strong democratic legislatures.

#### **1.4 Measuring Legislative Strength**

A core claim in this book is that in order to understand the dynamics that drive legislative development in young democracies, we must first understand their development under autocracy as well as the persistent institutional forms and functions that survive democratic transitions. In other words, that historical institutional development matters and regime changes seldom produce the far-reaching institutional discontinuities that most scholars currently assume.

But, studying a slow-moving variable like "institutional development" over time comes with unique challenges. Chief among them is the absence of cross-national panel data on legislative strength. And, even when these data are available, it is often difficult to ascertain the validity of cross-country measures of legislative strength. For example, the existence of *de jure* separation of powers or legislative control over the budget is often not a guarantee of *de facto* legislative empowerment. History and political culture typically intervene to produce the realized executive-legislative distribution of power.

In this book I provide a partial solution to this problem by collecting detailed longitudinal data on the Kenyan and Zambian legislatures covering 50 years. I complement these data with different cross-national measures of legislative strength in Africa. At the same time, whenever possible, I disaggregate the available cross-national indices in order to examine specific component measures of legislative strength across different African states.

My dependent variable is the level of legislative strength. My primary independent variable is means independence, as determined by the set of specific strategies that chief executives employ to

control and regulate the actions of legislators and legislative outcomes. To identify the effects of means independence on legislative strength in Kenya and Zambia, I rely on two critical junctures precipitated by two main quasi-exogenous factors. These are (i) the decolonization process resulting from the “winds of change” that ended European colonization after World War II; and (ii) the spread of multiparty politics in Africa in the early 1990s that was, in part, driven by domestic protests, the collapse of the Soviet Union and a push for political liberalization by Western donors.

In operationalizing my dependent variable, I focus on both organizational and political measures of legislative strength and institutionalization. In the specific cases of Kenya and Zambia, I collected comparable data on these measures. I measure and quantify legislative strength as (i) the share of executive bills that get passed in the legislature; (ii) the levels and proportions of annual budgetary allocations for the legislature – that includes allocations toward capital investments, staff, research, and remuneration of legislators; (iii) the number of legislative sittings (daily sessions) in a given calendar year – that is an indicator of the amount of plenary time available for parliamentary debates over legislation and other oversight inquiries; (iv) the political independence of individual legislators and their ability to win reelection; and (v) the incidence of presidential rule-making under delegated powers – that is an indicator of the ability of the legislature to regulate unilateral executive action. In addition to these measures, I also compiled cross-national measures of legislative strength from various sources that quantify legislatures’ ability to constrain chief executives – including via regulation of the public finance system, calendar autonomy, levels of direct influence on the executive, and overall institutional capacity. In my analyses I use these cross-national data to demonstrate the external validity of the conclusions I derive from the country case studies of Kenya and Zambia.

These micro-level measures map onto broader measures of legislative institutionalization identified by Polsby (1968). These include: (i) *relative boundedness* – the degree of differentiation from the external environment, internal control over budgets and calendars, and barriers to entry (incumbency advantage); (ii) *organizational complexity* – the degree of internal differentiation and division of labor into committees and other organizational organs such as parliamentary budget offices; and (iii) *adherence to internal rules and a universalistic criteria* – the

degree to which internal decision-making and procedures are rule-bound and specific parliamentary procedures predictable. I document legislative powers over legislative calendars and budgets, legislators' ability to win reelection, the functional forms of committee systems, and the extent to which Standing Orders and established norms govern the behavior of legislators in Kenya and Zambia.<sup>12</sup>

Using these quantifiable indicators of legislative development and a number of statistical identification strategies, I show how different tactics of autocratic domination influenced legislative development in Africa in general, and Kenya and Zambia in particular. The longitudinal data on legislative development in Kenya and Zambia allow me to examine how predemocratic dynamics of institutional development in turn influenced the posttransition trajectories of the two countries' legislatures. Throughout the book I augment the various statistical analyses with careful qualitative accounts of how differing strategies of presidential domination over fellow elites in Africa structured the conduct of everyday politics in the region. Specifically, I show how elite political behavior in reaction to autocratic presidents influenced legislative development in the region during and after the end of the autocratic period following independence.

This book is therefore also about political development in Africa. The analytical narratives herein illuminate the conditions under which the conduct of everyday intra-elite politics can alter the executive-legislative balance of power in favor of legislatures, despite deliberate attempts by relatively more powerful chief executives to limit legislative development. It is an account of *legislative agency in tight corners* – characterized by constant political contestation to define and redefine the functions and political significance of African legislatures

<sup>12</sup> Although this book discusses the logics governing the internal organization of African legislatures, it is not about legislative structure and organization. Nor is it about the specific rules that govern legislative processes. This is not to say that interrogating the industrial organization of African legislatures is not a worthwhile academic exercise (future research should definitely focus on these topics). Rather, this book is about a more elementary aspect of legislatures as institutions: the contested relationship between legislators and chief executives and how these contestations structure legislative institutional development over time. Unlike other students of legislative politics, my analytical approach does not assume the existence of de facto separation of powers. Instead, I endogenize separation of powers in order to explain the emergence of strong and institutionalized legislatures in low-income emerging democracies under the shadow of preponderant chief executives.

over the last 50 years. Beyond the region, the mix of quantitative and detailed qualitative analyses in this book serve to illuminate the nuances of contemporary legislative development in low-income democracies that emerged at the end of European colonization in the mid-twentieth century.

Kenya and Zambia are ideal comparative cases for this study. The two countries have a shared history as British settler colonies with significant Westminster influence on their respective legislatures. Following independence, both countries experienced autocratic single-party rule between the early 1970s and the early 1990s. The two countries are also among a small group of African states that enjoyed relative elite political stability characterized by regular and competitive legislative elections throughout the postcolonial period. Yet, despite these commonalities, the two countries' trajectories of observable levels of legislative development diverged in the early 1990s following the end of single-party rule. The goal of this book is to make sense of this divergence.

## 1.5 Literature Review

### 1.5.1 *Bringing African Legislatures Back In*

The study of legislatures is particularly pertinent in sub-Saharan Africa. While scholars of early postcolonial African politics realized the important role of these institutions (Proctor, 1965; Tordoff, 1965; Stultz, 1968; Hakes, 1970; Helgerson, 1970; Hakes and Helgerson, 1973; Tordoff, 1977a), the spread of autocratic rule in the region after the mid-1960s led a shift away from legislatures and an almost exclusive scholastic focus on presidential politics. As a result, much of the African politics literature portrays African presidents as omnipotent centers of power and patronage presiding over personalist neopatrimonial regimes devoid of any institutional checks and balances. Africa's political institutions, and the dynamics of their development, received little attention.<sup>13</sup>

<sup>13</sup> As indicated above, the notable exception is the work of Joel D. Barkan and his collaborators. There is a vast literature on personal rule in Africa and the inherent weakness of the region's institutions. See for example Ake (1966); Bretton (1966); Jackson and Rosberg (1982); Callaghy (1984) and Chabal and Daloz (1999).

Yet, as I show in Figure 1.1, even at the height of autocracy in the late 1970s, more than half of African states had functional legislatures in any given year. In other words, African presidents sought to make these inherited legislative institutional forms and practices work in local contexts. In examining legislative development in Africa, this book contributes to the small but growing literature on institutions and the institutionalization of politics in Africa (Posner, 2005; Salih, 2005; Posner and Young, 2007; Barkan, 2009*b*; Opalo, 2012, 2014, 2019).

More broadly, this book uses material evidence from Africa to make two major contributions. First, within the field of Legislative Studies, I expand the scope of analysis of executive-legislative relations to include low-income emerging democracies. In the process, I go beyond current studies that mainly focus on high-income established democracies and explore the motivations behind the industrial organization of legislatures.<sup>14</sup> My account of legislative development in Africa primarily focuses on conceptual issues concerning the nature of interbranch relations and how they structure contemporary legislative development in low-income emerging democracies. Unlike many of these existing works, I do not take separation of powers for granted. Instead, I endogenize legislative independence and examine the conditions under which politically and functionally independent legislatures can emerge out of contested interbranch relations, over time. My approach is informed by the empirical reality that in many emerging democracies the realized nature of interbranch relations does not always mirror formal constitutional separation of powers.

Second, the cases from Africa in this book allow me to synthesize two strands of literature in Comparative Politics that seldom overlap – studies of autocratic institutions on the one hand (Gandhi, 2008; Wright, 2008; Blaydes, 2011; Svobik, 2012); and works on institutional development following transitions to democracy on the other hand (North and Weingast, 1989; O'Donnell, 1998; Acemoglu and Robinson, 2006; Cox, 2012). Consistent with the autocratic institutions literature, I show that autocratic African legislatures were not epiphenomenal. However, my analysis goes

<sup>14</sup> See, for example, Mayhew (1974); Weingast and Marshall (1988); Krehbiel (1991); Sin (2015).

further and examines the sources of variation in the strength of autocratic legislatures in Africa. As a contribution to the literature on democratic transition, I show how pretransition patterns of institutional development impacted the posttransition trajectories of continued legislative strengthening and institutionalization in Africa. In other words, that the transition moment is seldom as discontinuous as is currently portrayed in much of the literature on political development.

### 1.5.2 Contextualizing Legislative Development in History

Another important contribution of this book is to situate legislative development in Africa (and other postcolonial contexts) in historical perspective. Existing works on legislative development overwhelmingly use cases from early modern Western Europe. As such, despite their insightful contribution to our understanding of institutional development in the *longue durée*, they are limited in the extent to which they can explain contemporary legislative development in the new states that emerged out of the decolonization process at the end of World War II.

A brief historicization of legislative development and the associated academic literature is useful in illustrating the need for studies focusing on postcolonial legislatures. Early Modern European parliaments (be they *cortes*, *diets*, *estates*, *sejms*, *rikstags*, or *bundestags*) emerged out of the political economy of the Middle Ages (Thompson, 1953; Holt, 1992; Maddicott, 2010). The stylized narrative of European parliamentary development is one of kings conceding powers to fellow landowning elites (in proto legislatures) in exchange for their financial and military cooperation. The adoption and development of these legislatures was therefore gradual, organic, and reflected existing balance of power between the monarch and the nobility within the realm. Importantly, the demands of the “fiscal-military state” of the early modern period exposed chief executives to checks and balances from fellow elites who controlled material resources, including those serving in the newly empowered legislatures (Edling, 2003). Mass politics (through the extension of suffrage) followed after centuries in which the object of legislatures (intra-elite political and fiscal accountability) was consistent with the actual distribution of political power (only

property owners had the vote).<sup>15</sup> In other words, the development and maturation of intra-elite accountability through legislatures preceded the spread of mass politics under universal suffrage.

This was not the case in postcolonial states, many of which inherited overdeveloped executive branches of government largely modeled on the United States presidency, but without the strong powers of the United States Congress (Loewenstein, 1949; Ojwang, 1980; Mezey, 2013). The political economies of these countries also worked against the emergence of strong legislatures. Whereas in an earlier time in Europe the monarch needed fellow elites for revenue, in the new postcolonial states the chief executives controlled the flow of patronage to fellow elites (Joseph, 1987; Arriola, 2009). To compound matters, the early adoption of mass politics meant that chief executives could circumvent any checks from fellow elites by engaging in direct vote-buying while at the same time limiting the ability of the same elites to establish independent bases of political power.<sup>16</sup> Without relying on chief executives, few legislators could meet the demands of clientelistic politics that characterized postcolonial Africa (Barkan, 1979).<sup>17</sup>

<sup>15</sup> In a comparative review of the rise of legislatures, van Zanden, Buringh, and Bosker (2012) note the importance of fragmented sovereignty in shaping the evolution of European parliaments. In particular, they show how control over revenue empowered these institutions. Even in these formative stages, rulers with independent access to resources – such as Spain after 1500 (riches from the Americas), France after 1439 (local taxes), and Denmark after 1497 (proceeds from the Sound toll) – tended to severely limit legislative powers or simply abolish parliaments relative to their less fiscally-autonomous counterparts.

<sup>16</sup> Huntington (1968) was the first to highlight the dangers of mass political mobilization in a context of weak institutions. The same dangers obtain in the case of legislative politics. Under certain conditions mass-based politics can serve to weaken rather than strengthen legislative institutions.

<sup>17</sup> In this regard Japan's domestication of European legislative institutional forms and functions is instructive. According to Fraser, Mason, and Mitchell (1995), part of the reason the young legislature (established in 1890) was able to effectively check the executive branch was because early Japanese parliaments were a "genuine culmination of Japanese as well as Western experience" (pp. 5–8). In other words, in Japan, and unlike in African colonies, European institutional forms and practices were grafted on top of entrenched Japanese ideas of dynastic sovereignty and social hierarchies. For example, under Japan's founding legislature 60 percent of government revenue came from land taxes; and property qualifications meant that at least half of elected legislators were landlords. This situation meant that those with the most economic power also had the political means to keep the Japanese prime minister in check (p. 31).

These differences in intra-branch relationships between Early Modern Europe and the postcolonial era call for a different model of legislative development in low-income emerging democracies. Building on existing works, this book historicizes legislative development in postcolonial states, while at the same time shedding new light on the dynamics of legislative evolution under mass politics in the shadow of fiscally autonomous and structurally “overdeveloped” executive branches.

Finally, this book emphasizes the importance of understanding the time dimension of legislative development. Following the introduction of new institutions, it takes time for important actors to internalize the rules and develop the organizational and political culture needed to make them work (Pierson, 2004). And, even when institutional discontinuities occur at critical junctures, continued legislative development builds on existing cognitive models and political habits developed prior to discontinuities. Established fundamental principles of *how politics works* are seldom suspended even amidst tumultuous periods of rapid change. New institutional forms and functions are often layered onto or in parallel to the old (Thelen, 2004, p. 217).<sup>18</sup>

### 1.5.3 *Legislative Development under Autocracy and Democracy*

This book also contributes to the literature on autocratic institutions. Partly in response to the (over)emphasis of mass-based electoral democracy as a precondition for legislative institutional development, the last decade saw the emergence of a sizable literature on autocratic institutions. The emerging consensus is that autocratic institutions are not mere window dressing, but matter for a variety of reasons. Autocratic institutions serve as arenas for policy negotiation (Lust-Okar, 2005; Gandhi, 2008), help enhance regime durability and the control of elites (Geddes, 1999; Sassoon, 2012), provide opportunities for the

<sup>18</sup> For instance, the much-celebrated ascent of the English parliament following the “Glorious Revolution” of 1688 had deep historical antecedents spanning centuries of baronial efforts to constrain the English monarchy – including by men like Simon de Montfort and Oliver Cromwell who went as far as waging war against the monarchy (Maddicott, 1994; Pincus, 2009). Indeed, the consolidation of the revolution’s achievements went on for decades well after 1688. In the African context, Barkan (2009a) observes that “the legislature rarely matters as an institution until after the second or third multiparty election, and thus after the transition from authoritarian to democratic rule has been underway for an extended period” (p. 2).

sharing of power and governance rents (Blaydes, 2011), and are ready mechanisms for enhancing intra-elite collective action and general credible commitment in nondemocracies (Magaloni, 2006; Myerson, 2008; Svobik, 2009). The importance of autocratic institutions is borne out in the data. Dictatorships that have legislatures engage in relatively lower levels of rent-seeking (Boix, 2003); face a lower risk of regime collapse (Brownlee, 2007; Gandhi and Przeworski, 2007; Svobik, 2012; Boix and Svobik, 2013); and exhibit higher rates of private investment and economic growth (Wright, 2008; Gehlbach and Keefer, 2012). This strand of research has increased our knowledge of why some autocrats govern with institutions while others do not.

Building upon this important body of work, this book examines both the causes of variation in the strength of autocratic institutions and the conditions under which strong democratic institutions can emerge from their autocratic foundations. As Figure 1.1 shows, for most autocrats the question is whether or not to govern with an institution (such as a legislature). Rather, most autocrats have had to decide how much influence to grant to these institutions in everyday affairs of state. Put differently, *institutionalized autocracy is a continuous, not dichotomous, variable*. Why do some autocrats tolerate legislative organizational development – by allowing for means independence – while others do not? And, how does legislative development under autocracy impact posttransition trajectories of these institutions? The answers to these questions provide an important bridge across the current analytical gap between scholars of autocratic and democratic institutions.

Consider the example of the Chilean legislature. In the decade after transition to democracy “authoritarian enclaves” persisted and “the president [was] the most important legislative actor, and perhaps the most important legislator” (Siavelis, 2002, p. 84). After Augusto Pinochet seized power in a coup in 1973 he set about consolidating his hold onto power and normalizing his rule through the establishment of institutions. For example, between 1973 and 1987 the share of civilians in his cabinet rose from 13% to 71% (Remmer, 1989, p. 158). In 1980, Pinochet inaugurated a new constitution whose effects would last beyond his dictatorship. Designed to keep the legislature weak, the 1980 constitution protected presidential prerogatives. For instance, presidential monopoly on the origination of money bills kept the

Chilean legislatures “starved for staff and infrastructure” (Londregan, 2000, p. 66).

In addition, various articles of the Organic Law of Congress granted the president significant powers in the lawmaking process. The president could amend laws once passed. He could also apply a deadline to force a vote on presidential initiatives in the legislature. This robbed the institution of the option of allowing unfavorable legislation to die in committee, a strategy common in most legislatures.<sup>19</sup> Pinochet’s more democratic successors in the *Concertación por la Democracia* found these robust presidential powers irresistible, and used them to effect greater coordination between the executive and the legislature (Fuentes, 2015). It is only in 2005 that significant constitutional reforms of the post-Pinochet institutional dispensation became possible.

The Chilean experience shows that in order to understand the underlying dynamics behind legislative institutional development, one needs to go beyond the transition moment. The developmental trajectory of the post-1989 Chilean legislature had deep roots going back to both the democratic (1925–1973) and autocratic (1973–1989) periods (Zucco, 2007).<sup>20</sup> Even after the end of autocracy, Chile maintained its “exaggerated presidential system” – albeit tempered by moderate postauthoritarian presidents – due to developments in the preceding authoritarian period (Siavelis, 2002). It is also worth reiterating that the reform process leading up to 2005 took place largely within the institutional framework established by Pinochet. Chile’s democratic legislature had deep autocratic roots.

The example of Chile reinforces one of the central claims of this book: that in order to understand legislative development in emerging democracies, we need to interrogate their autocratic foundations. Therefore, while the empirical evidence and analytical narratives

<sup>19</sup> For example between 1990 and 1993, 70.2 percent of presidential initiatives were completed by the legislature compared to only 13 percent of initiatives originating from Congress. A total of 63.4 percent of presidential initiatives became law, compared to just 6.8 percent of Congressional initiatives (Siavelis, 2002, pp. 85–86).

<sup>20</sup> Internal rules of the Chilean legislature grant the president substantial influence over specific issue areas like salaries, taxes, budgets; as well as ability to set the legislative agenda both directly and indirectly via expansive urgency provisions and veto-amendment powers (Londregan, 2000).

in this book primarily come from postcolonial African states, the model of legislative development herein has external validity in other contexts outside the region. In the next section I summarize the argument that motivates the empirical project in this book.

## 1.6 The Argument

### 1.6.1 *A Two-Way Intra-Elite Balance of Power*

Organizationally strong and politically independent legislatures necessarily limit the discretionary powers of chief executives. In presidential systems, chief executives' interest in maximizing their discretionary authority (regardless of regime type) creates incentives for limiting legislative organizational strength and political autonomy. This means that for horizontal accountability to obtain, legislatures must be in a position to resist attempts by chief executives to limit legislative strength and political autonomy. The realized degree of constitutional separation of powers relies on the enforceability of legislative political autonomy from the executive branch.

This reality creates two basic problems for chief executives. First, it is costly to govern without legislatures. This (as argued above) is primarily due to the established *Montesquieuian* norm of separation of powers along functional lines, and the need for credible intra-elite commitment in order to elicit cooperation from fellow elites. Second, by governing with legislatures – and thereby giving an institutional expression to intra-elite cooperation – chief executives expose themselves to the risk of ouster by fellow elites. This is because legislatures effectively lower the cost of intra-elite collective action, a fact that makes it easier for elites to plot against chief executives that renege on their promises. In summary, while chief executives need legislatures to govern, they also have strong incentives to limit the power and influence of these institutions. The quotidian politics that underly this contested intra-elite relationship conditions the realized interbranch balance of power and the nature of executive-legislative relations.

Elites serving as legislators have strong incentives to stay in office and to strengthen their collective bargaining power. While in office, they get direct remuneration, potential preferential access to public resources for private gain, and general psychic benefits of being a

representative of their respective constituencies. These specific benefits make it such that there is a nontrivial opportunity cost to not being in office. Thus, once in office elites make the requisite investments among the electorate (i.e., perform constituency service) with a view to retaining their seats in the legislature. The dual goals of working to retain membership in the legislature and bargaining for access to shared governance rents create incentives for incumbent legislators to invest in the organizational strength and political independence of legislatures. This is for the simple reason that outcomes of collective bargaining with the chief executive are more credible than bilateral deals. Chief executives stand to incur greater costs for reneging on the former deals relative to the latter.

Investing in legislative organizational strength and political independence entails ensuring that the institutions have adequate material resources for remuneration of legislators and constituency service, the financing of legislative activities such as drafting of bills, committee sittings, and research, and the hiring of well-trained staff. Legislative political independence encompasses calendar autonomy (time is a valuable resource in the legislative process), internally determined parliamentary rules governing intertemporal bargains, selection of the legislative leadership, and general intra-legislative agenda control. Organizational strength and political independence provide elites with the requisite resources to balance chief executives and strengthen the credibility of the established bargains governing intra-elite and interbranch relations.

Given these competing incentives, executive-legislative relations are inherently conflictual. Two key logics drive this outcome. First, individual legislators and chief executives have separate mandates. In states with presidential systems of government and low legislative district magnitudes, the modal legislator is typically elected from a localized constituency. Chief executives on the other hand are elected by the entire national electorate. By construction, the preferences of the pivotal voters at the constituency and national levels seldom coincide. And, as a corollary, the policy preferences of chief executives and individual legislators do not always converge. Second, the system of horizontal accountability that underpins interbranch relations is inherently zero sum. Strong legislatures necessarily limit the discretionary authority of chief executives. The reverse is also true. Executive preponderance invariably comes at the expense of legislative

influence on public policy and on the distribution of governance rents between the chief executive and fellow elites.

At the same time, chief executives enjoy immense structural advantages over legislatures. Their control over large bureaucracies results in significant informational and expertise asymmetries relative to legislatures. Their stature as heads of state grants them agenda-setting powers in the eyes of the electorate. And, in the case of most low-income countries, weak institutional checks on public finance systems mean that chief executives typically have unfettered control over state budgets. These structural advantages mean that enforcement of horizontal accountability is often met with resistance by chief executives from a position of relative strength. And, so while the electoral imperative incentivizes individual legislators to invest in legislative organizational empowerment and political autonomy, the need to maximize executive discretion incentivizes chief executives to limit legislative empowerment and political autonomy. The outcome of this contestation determines the realized interbranch separation of powers and, by extension, legislative independence and strength.

From the foregoing discussion it is obvious why legislative strength hinges on the relative balance of power between elites (particularly those serving as legislators) and chief executives. It is also obvious why legislatures founded under the shadow of strong chief executives may have a harder time acquiring the organizational capacity and political independence that is required in order to be able to enforce intra-elite horizontal accountability. In other words, the institutional development of legislatures mirrors prevailing patterns of intra-elite balance of power.

Time and timing also matter. Organizational development and general institutionalization take time. Older legislatures are more likely to enjoy significant powers vis-à-vis chief executives relative to their younger counterparts – in part due to the constraining effects of established processes and political culture. In addition, due to institutional path dependence, the prevailing intra-elite balance of power around founding moments of legislatures matters. Legislatures founded in periods when power is sufficiently dispersed among elites (like in medieval England) are likely to evolve into institutions capable of enforcing horizontal accountability, despite the structural informational and agenda-setting imbalances outlined above. Those founded in periods of executive branch ascendancy (like in most post-

colonial states) face the challenge of having to play catch-up against chief executives that control the very resources (material resources and political autonomy) that they need to achieve interbranch political parity.

### 1.6.2 *Means Independence and Institutional Development*

Chief executives' strategies of managing the threat posed by elites in legislatures determine the trajectories of their development under relatively "overdeveloped" executive branches. Some predominantly focus on engineering incentive-compatible outcomes *within the legislature* – for instance, by inserting themselves in internal legislative processes or directly influencing the composition of legislatures by manipulating elections. By treating legislatures as extensions of the executive branch, such chief executives deny legislatures means independence. This is in contrast to chief executives that predominantly use *extra-legislative* strategies of monitoring and regulating legislators – such as vetoes or promises of development projects. Legislatures facing such chief executives operate under relative internal autonomy. Importantly, the lack of direct executive interference enables legislative means independence and incentivizes individual legislators to invest in the development of legislative organizational capacity.

The outcomes of both strategies are observationally equivalent. Under conditions of executive preponderance, legislatures in both scenarios lack ends independence and legislative outcomes invariably mirror the preferences of chief executives. Yet, their respective effects on legislative institutional development are different. In the former case, routinized executive interference produces organizationally stunted legislatures. Under these conditions, legislators see now value in investing in issue expertise in committees, institutional memory, predictable internal rules and mechanisms for aggregating policy preferences, or legislative careers. In short, the lack of means independence militates against legislative institutionalization.

Means independence and the lack of direct executive interference incentivizes individual legislators to invest in internal organizational mechanisms for handling intra-elite debates, coalition politics, and intertemporal bargaining arrangements. Operational autonomy – even without ends independence – allows legislatures to develop a corporate identity distinct from the executive branch. And, over time, legislatures

with means independence become the main arenas of intra-elite bargaining, acquire greater political significance, and hence see improvements in institutional strength. Individual elites have incentives to increase their collective institutional authority for the simple reason that it is costlier for chief executives to abrogate agreements with the legislature than with individual legislators.

Chief executives' ability to effectively monitor, regulate, and balance fellow elites acting collectively in legislatures (executive power), determines their willingness to grant legislatures means independence. Moderately independent legislatures come with significant risks. Empowered elites acting collectively in the legislature may vote to reduce the power of chief executives, redistribute governance rents, override their vetoes, or remove them from office. Thus, only politically secure chief executives – confident in their ability to win any open conflicts with legislators – are able to take the risk of granting legislatures means independence. For this reason, legislative means independence is positively correlated with levels of executive power. Factors that may enhance executive power and bolster chief executives' political security include established political culture, regime legitimacy, or effective administrative means of elite monitoring and regulation as well as coup-proofing.

Critical junctures, such as when countries transition from autocracy to democracy, may reveal these underlying organizational differences among autocratic legislatures. In theory, democratic politics facilitates legislative strengthening by reducing the power of chief executives. Under democracy, executive-legislative relations are typically governed by the dictates of persuasion rather than coercion. However, the historical organizational strength of legislatures conditions the impact of democratic transitions on legislative strength and independence. Legislatures with a history of means independence under autocracy are more likely to exhibit greater strength and independence following transition to democracy. This is for the simple reason that it takes time to develop the requisite organizational and operational capacity and intra-elite political culture needed to elevate the stature and influence of legislatures. Established notions of *how legislatures work* often survive democratic transitions. And, it is for these reasons that strong autocratic legislatures often beget strong democratic legislatures.

### 1.6.3 *Empirical Implications*

This analytically straightforward conceptualization of legislative development, over time, has important advantages. First, it coherently explains legislative development under both autocracy and democracy. Second, it models legislative development in postcolonial contexts under fiscally autonomous and “overdeveloped” chief executives. Finally, it synthesizes the literatures on autocratic institutions and democratic transitions. This increases our understanding of the important role of legislatures as institutional anchors of democratic consolidation.

A number of empirically testable implications emerge from this conceptualization of legislative development. Autocratic chief executives capable of effectively regulating extra-legislative elite political activity and credibly vetoing legislative outcomes should be more likely to preside over relatively autonomous legislatures (with means independence). These legislatures should also have relatively higher levels of organizational development – including higher budgets and remuneration of legislators, relatively more sessions per year, and bigger staff. In addition, we should observe lower rates of passage of executive bills in such legislatures. This is because the process of intra-legislative debates and bargains may reveal new or unanticipated information on the demerits of executive bills, leading to their abandonment. In this manner means independence reduces chief executives’ ability to perfectly predict the outcomes of intra-legislative bargains. Finally, chief executives who are confident enough to grant legislatures means independence should also be less likely to interfere in legislative elections or engage in unilateral executive actions through rule-making.

Following transition from autocracy to electoral democracy, we should observe a greater likelihood of legislatures that enjoyed means independence under autocracy to emerge relatively stronger and independent. Relatively high levels of organizational capacity and autonomy at the moment of transition ought to increase the likelihood of legislatures taking advantage of the greater political freedoms available under electoral democracy. In other words, we should observe a faster shift toward the deepening of means independence and attainment of ends independence among these legislatures relative to their counterparts that lacked means independence under autocracy.

Throughout this book I empirically evaluate these claims as well as other ancillary observable implications with cross-country data from Africa as well as detailed qualitative and quantitative examinations of the Kenyan and Zambian legislatures.

## **1.7 The Plan of the Book**

The rest of this book expands on the questions and arguments presented in this chapter. In Chapter 2, I document the variation in legislative institutionalization and strength in Africa and interrogate the historical and political causes of this variation. In Chapter 3 I outline a model of legislative development under autocracy and democracy, specifying the logics of executive-legislative relations, the associated incentive schemes, and how everyday intra-elite politics impacts legislative development.

Building on the insights in Chapter 2 and the theoretical grounding of Chapter 3, the next three chapters focus on the empirical evidence and specific causal mechanisms driving observed differences in legislative strength and institutionalization in Kenya and Zambia. The analytical narratives in Chapter 4 provide a detailed comparative study of the colonial origins of the Kenyan and Zambian legislatures. The chapter also examines the specific ways in which political developments in the late colonial period put the two countries' legislatures on different trajectories of institutional development. Chapter 5 focuses on postcolonial legislative development in Kenya and Zambia and documents how presidents' ability to monitor, regulate, and balance fellow elites' political activity impacted their willingness to tolerate legislative means independence. To this end I analyze the effectiveness of ruling parties and provincial administrative apparatuses – two important institutions used by presidents in both countries to propagate their power and balance fellow elites.

In Chapter 6 I present original data on legislative characteristics and outputs in Kenya and Zambia. These include the number of legislative sittings, the number of bills introduced to the legislature and the share passed, the remuneration of legislators, budget allocations for legislative functions, and the exercise of delegated executive rule-making authority. These data highlight two important facts. First, the Kenyan legislature enjoyed means independence under autocracy and was relatively more autonomous compared to its Zambian counterpart. As

such, it enjoyed a higher level of organizational development on the eve of transition to democracy. Second, significant structural breaks occurred around the time of transition to democracy in both countries. However, the postautocratic transition toward a more institutionalized democratic legislature was faster in Kenya than in Zambia. I attribute this to the difference in levels of organizational capacity between the two legislatures on the eve of transition to multiparty electoral politics.

Chapter 7 examines the electoral origins of legislative strength. Being the primary means of gaining membership in legislatures, elections are an important pillar of legislative strength. Politically independent legislators are more likely to use legislative institutional authority to check executive power. In this chapter I examine how changes in executive-legislative relations in the early 1990s impacted Kenyan and Zambian incumbents' ability to cultivate independence bases of political support (i.e., a personal vote), and to win reelection. To do so I employ a regression discontinuity design to estimate the electoral advantage accrued by incumbents on account of being in office (incumbency advantage), relative to comparable challengers. I find that the transition to multiparty electoral politics enabled some legislators to cultivate a personal vote independent of presidents in both countries, thereby entrenching the political independence of the two legislatures.

In Chapter 8 I conclude with discussions of both the scholastic and practical implications of the findings in this book. I begin by providing a framework through which social scientists ought to study contemporary legislative institutional development in postcolonial states. I then discuss practical implications of this book for democracy promotion programs focused on legislative strengthening, and emphasize the need to invest in both the organizational (capacity) and political bases of legislative institutionalization and strength.