Constitutionalism In Latin America: The Politics Of Constituent Assemblies

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I. Introduction

The way a constitution distributes power to the various branches of government greatly influences how the political process will happen in a given country. Therefore, the people in charge of a constitutional convention ultimately have a great deal of authority as they will be creating a system of government that a country’s citizens will have for a very long time. While many Latin American countries have adopted new constitutions in the past few decades, the way the writers of these constitutions have decided to distribute power has varied greatly. My research examines how the political circumstances at the time of a constitutional convention in Latin America affect the amount of budgetary powers the writers of the constitution give to the executive branch of government. By understanding what factors influence the decisions people make during a constitutional convention, I should be able to better understand the reasons why the government in a given country is designed a certain way.

Despite the vast amount of literature concerning constitutional issues in Latin America, scholars have not agreed on one comprehensive theory that fully explains all of the factors that likely affect the way people determine how powers should be distributed between the executive, legislative, and judicial branches. In his article, "Constitutional Rewrites in Latin America, 1987-2009," Javier Corrales discusses some of the reasons why different writers of constitutions allocate powers to the various branches of government in different ways. One claim that he offers is that political ideology does not seem to play an important role in determining the amount of power a constitution gives to the different branches of government. He supports this theory by providing a few examples of cases that seem to show that the overall size of the executive branch of government is not dependent on the political ideology of the actors at the time of a constitutional convention. Corrales measures political ideology by determining the party affiliations of the leaders of the executive branch at the time of a constitutional convention.
He then labels these actors as being more conservative or more liberal based upon their party affiliation and the policies and programs they support. Corrales notes the creation of new constitutions in Latin America generally occurs through constitutional rewrites when there is already a governmental administration in office (Corrales 2013). Therefore, some of the main actors involved in a constitutional reform are often political bodies that already exist such as the president and the legislature.

Maxwell Cameron argues that many countries in Latin America have experienced increases in executive power, which has raised concerns about the region's ability to utilize an effective system of checks and balances. According to Cameron, one likely explanation for this increase in executive authority is that the citizens in countries with a history of state violence are concerned about their security, which causes them to give more power to the executive branch (Cameron 2002). My research will expand upon his claim that violence does seem to play a role in determining the strength of the different branches of government. Determining the levels of political violence that have occurred before proposed constitutional changes, I will be able to see what effect, if any, these events have on the way the proposed changes would influence a country's budgetary process. By examining constitutions specifically with respect to budgetary issues, I will provide information not only relating to Cameron’s argument that concerns about security likely affect the distribution of powers but will also provide some important insight into how political violence affects one particular function of the government: the budget.

Because constitutions are generally very powerful, there are many important benefits to be gained by understanding the logic that goes into their creation. By examining some of the factors that influence a constitution’s content, I hope to better understand why governments in Latin America are structured in certain ways and why political institutions in different countries
have different levels of power. Knowing why a constitution designs institutional rules in a certain way can allow people to have a better understanding of the issues that a country faces. For example, understanding the reasons for separating powers in a certain way can help explain why some countries struggle with poor executive-legislative relations or an ineffective judiciary. My research will help show how the political circumstances at the time of constitutional convention can impact a country for generations to come. Learning more about the system of checks and balances that countries in Latin America have and why they differ across the region will help people be able to better evaluate the prospects for quality democracy in Latin America’s future.

There are many similarities that constitutions in Latin America tend to have. For example, scholars note that constitutions in Latin America tend to be heavily influenced by the United States Constitution (Aleman and Tseblis, 2005). For example, one scholar claims that the Paraguayan Constitution adopted in 1940 is not only similar to the United States Constitution regarding general content but even contains similarities in specific phrases that are used (Fitzgibbon, 1960). The influence of the United States Constitution has led most Latin American countries to have systems of government that emphasize federalism, presidential democracies, and separation of powers (Aleman and Tsebelis, 2005). Despite these similarities, Latin American constitutions have tended to lack the stability that the United States has seen. This constitutional instability has caused countries in the region to dramatically change existing constitutions and even adopt new ones. As a matter of fact, there have been over 250 constitutions established in the region with the Dominican Republic, Haiti, and Venezuela each having created more than twenty (Rosenn 1990). As countries in the region are affected by changing circumstances and ideologies, the constitutions that the countries create respond to
these changing issues. For example, researchers have noted that many of the constitutions in Latin America that were created in the twentieth century tended to emphasize values such as social justice more heavily than the nineteenth century ones (Klein, 1966). The important historical and political contexts in which the constitutions in different Latin American countries were adopted have caused them to have important differences not only with respect to the United States constitution but with each other as well. My research will focus on the differences that Latin American constitutions have with one another regarding the separation of powers.

The goal of my research is to determine the factors that influence the way people decide to distribute budgetary power across the different branches of government. Understanding the relationships between these different factors will allow me to determine how the timing of a constitutional reform impacts the outcome of that reform. I have created a study in order to examine how executive popularity and political violence influence the outcomes of constitutional reforms. The results of my research indicate that political violence, especially when it occurs immediately prior to a constitutional reform, does likely increase the amount of budgetary power given to the executive branch. However, the amount of executive popularity that exists at the time of a constitutional reform does not seem to have a major effect.

This paper proceeds as follows. Section two presents information about the logic I have used in approaching the topic and selecting my variables. This section will allow the reader to understand the logical basis behind my hypotheses. In the third section, I discuss the organization of my study as well as the way I gather data. Finally, the fourth section summarizes the findings of my study. I discuss what conclusions can be drawn from my research and what implications they have for constitutionalism. I also discuss the limitations of my research and ways in which
future research could continue to provide important information about the creation of constitutions and constitutional amendments.
II. Theory
A. The Constitutional Process

Altering a country’s constitutional framework is often viewed by the country’s citizens as a way of addressing various issues such as economic crises, political violence, and political instability (Corrales 2013). The purpose of this paper is to determine the specific factors that motivate people to give the executive branch more or less power to address budgetary issues. In order to answer this question, one must have an understanding of the process of altering a country’s constitutional framework. While a country’s constitutional process may allow citizens to change the constitution without the approval of the president, the support and encouragement of the executive leader in calling for constitutional reform is often critical for change to occur. If the executive leader wants to completely change a country’s governmental foundation, he or she can encourage efforts to rewrite the country’s constitution. New constitutions are usually written by bodies such as constituent assemblies that have been approved by the people through mechanisms such as referendums. Once the new constitution is written, it generally must be approved by a majority of the public through a referendum. A president is likely to support the creation of a new constitution when he or she believes it will redistribute power in a way that benefits the executive branch.

Alternatively, the executive leader can try to alter the existing constitution using the amendment procedures that a particular constitution has. Amendments to existing constitutions are often written by the executive leader in combination with the legislature. Once the text of a proposed constitutional amendment is determined, the proposed amendment must then be approved. This approval generally comes from some combination of the executive leader and the legislature or from the people themselves through a referendum. Whether rewriting or amending the constitution, the specific procedures for changing a country’s constitution tend to allow the
citizens of the country to have an important role. Therefore, the ability of the executive leader to obtain the outcome of a constitutional reform that he or she wants typically depends upon the level of support that the outcome would have from the country’s citizens. Therefore, if a country’s president understands the factors that motivate citizens to increase executive authority, he or she can use this knowledge to promote constitutional reform at the time when it will be most beneficial to the executive branch.

Constitutional Change Decision Rules in Latin America

<table>
<thead>
<tr>
<th>Common Drafting Processes</th>
<th>Constitutional Rewrites</th>
<th>Constitutional Amendments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Constituent Assembly</td>
<td>• Executive and Legislative Involvement • Constituent Assembly</td>
</tr>
<tr>
<td>Common Approval Mechanisms</td>
<td>• Referendum</td>
<td>• Executive and Legislative Approval • Referendum</td>
</tr>
</tbody>
</table>
B. Relevant Factors

One factor that the president might be able to take advantage during constitutional reforms is his or her own popularity. An interesting aspect of my research will be to see how people react to the desire to give more power to the current executive leader without the knowledge of who future leaders who would also benefit from this increase in power will be. It seems natural to think people would be more comfortable giving high levels of power to the executive leader and the branch of government he or she oversees if they approve of the leader's performance. However, the fact that a group of individuals support the current president and his or her policies clearly does not guarantee their support for future presidents and their policies. Therefore, people may be hesitant to give the executive branch more power simply because they support the current leader. If executive popularity does affect the distribution of powers, then the amount of popularity that an executive leader has at a critical time in the constitutional history of a country could have a dramatic impact on the amount of power that future executive leaders maintain.

Another important factor that might influence people's willingness to give the executive branch more authority is their concerns about security. The executive branch is the branch of government most closely associated with enforcing the law and ensuring the state's security. Therefore, people might be influenced to give the executive branch greater power when issues such as political violence, which has plagued much of the region in recent years, are present and cause security concerns among citizens. Support for this idea can be found in Maxwell Cameron's article, "Democracy and the Separation of Powers: Threats, Dilemmas, and Opportunities in Latin America." Cameron argues that many Latin American countries have recently seen an increase in executive power at the expense of separation of powers, which has
had negative effects for democracy in the region. He argues that one of the main reasons a country might decide to give more power to the executive branch of government is because of concerns about security (Cameron 2002).

Cameron recognizes that people will generally be more concerned about security when they have experienced great deals of violence. He compares levels of violence that different Latin American countries have experienced by examining countries that have undergone large-scale violent conflicts as well as countries that have been more peaceful. This examination allows him to determine that there does appear to be a correlation between a country undergoing large-scale violent conflicts and having the country's constitution give greater authority to the executive branch. For example, Guatemala and Peru have both experienced high levels of state violence and have some of the strongest executive branches in the region. Meanwhile, countries such as Costa Rica and Uruguay, which have not experienced the same levels of violent conflict, have some of the strongest constraints on executive authority in the region (Cameron 2002). Therefore, Cameron concludes that the concerns citizens have about security does impact how much power they are willing to give the executive branch (Cameron 2002).
C. Initial Hypothesis

My initial hypothesis is that both executive popularity and political violence will ultimately have some impact on the way people decide to distribute power across the various branches of government. When there are high levels of executive popularity and political violence, I believe that there will be a tendency to give the executive branch greater power. However, when there are low levels of these two variables, I believe that two important reasons for giving the executive branch more power will not be present. Therefore, I predict that the people will be more concerned about checks and balances and therefore favor a more balanced approach regarding the distribution of powers. I believe that the combination of executive popularity and political violence will impact the way people in Latin America decide the amount of budgetary authority that the different branches of government should have.
III. Application
A. Data Collection

My research is concerned with determining the reasons why people differ in the amount of budgetary power they support giving the various branches of government. In order to answer this question, I will examine the political circumstances, constitutional conventions, and constitutional reforms in various Latin American countries. One way I can determine the involvement of the executive branch is simply by reading the constitutions and seeing how much influence they allow the executive branch to have in the budget-making process. In addition, I will read the opinions of scholars concerning different constitutional conventions. Having the opinions of scholars will be important because the information will allow me to gain some knowledge and insight that the scholars have obtained from in-depth studies of the particular countries. This knowledge will allow me to better understand both the political circumstances surrounding the reforms as well as the types of governments the participants created. I should then be able to test my hypothesis by comparing the particular cases that I choose to examine.

While there are many different powers that a constitution typically grants to the various branches of government, I have decided to limit my focus to the powers granted with respect to budgetary matters. The ability of any area of government to be able to carry out successful policies and programs ultimately depends upon receiving adequate funding. This necessity makes the actors involved in determining budgets very powerful. There has been a great deal of research examining the budgetary issues that Latin American countries face. These studies often examine the reasons why politicians in Latin American countries make certain budgetary decisions and the different economic consequences these decisions have (Hallerberg and Marier 2004). Much of this research focuses on the individual politicians and political parties affecting support for certain policies. While these factors are important, the institutional rules by which
these politicians and parties are bound also have a significant impact on the budgetary decisions that are made. Knowing why constitutions across Latin America differ in their approach to budgetary issues should help me provide a greater understanding of the context in which these issues must be resolved.

I will have to be very careful in selecting the cases I choose to analyze. I would prefer to examine cases that have occurred recently. Having cases that have occurred recently will give me the advantage of having greater access to public opinion data concerning the countries' governments and political situations. This greater access to public opinion data will be useful in measuring the amount of executive popularity at the time of a constitutional convention. In addition, I will need to choose countries that vary in terms of the variables I am examining. For example, because one of the independent variables I am examining is executive popularity, I will need to make sure I choose countries that differ in the popularity of the executive branch at the time of the approval or rejection of a proposed constitutional reform. The careful selection of cases will be critical in my ability to properly draw conclusions concerning the relationship between my variables.

I will examine the most recent constitutional conventions in Latin America using this data from Latinóbarometro. Because the public opinion data available concerning executive popularity is limited, Latinóbarometro only has relevant data from 1995 through 2014. The countries in the region that saw the creation of new constitutions during this time period are Venezuela, Bolivia, and Ecuador. In order to have a larger selection of cases, I will also examine cases during this time period in which attempted constitutional reforms occurred even if they did not result in completely new constitutions. For example, one case that I will examine is the Chilean constitutional reforms that occurred in 2005. Even though these reforms did not result in
a new constitution, they still affected the way the country's budgetary power was divided. I need to examine enough cases in order to have an adequate amount of diversity with respect to each of my variables while still being able to examine each case in detail. The final list of cases as well as well as the raw data from my research can be found in the following table:

<table>
<thead>
<tr>
<th>Case</th>
<th>Political Violence within Past 8 Years</th>
<th>Political Violence within Past 4 Years</th>
<th>Executive Popularity</th>
<th>Distribution of Powers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Venezuela-1999</td>
<td>High</td>
<td>Low</td>
<td>36.8%</td>
<td>Balanced</td>
</tr>
<tr>
<td>Bolivia-2009</td>
<td>High</td>
<td>High</td>
<td>57.2%</td>
<td>Executive</td>
</tr>
<tr>
<td>Ecuador-2008</td>
<td>High</td>
<td>High</td>
<td>65.9%</td>
<td>Executive</td>
</tr>
<tr>
<td>Peru-1993</td>
<td>High</td>
<td>High</td>
<td>No Data Available</td>
<td>Executive</td>
</tr>
<tr>
<td>Brazil-1988</td>
<td>Low</td>
<td>Low</td>
<td>No Data Available</td>
<td>Balanced</td>
</tr>
<tr>
<td>Chile-1980</td>
<td>High</td>
<td>High</td>
<td>No Data Available</td>
<td>Executive</td>
</tr>
<tr>
<td>Venezuela-2007</td>
<td>High</td>
<td>Low</td>
<td>60%</td>
<td>Balanced</td>
</tr>
<tr>
<td>Chile-2005</td>
<td>Low</td>
<td>Low</td>
<td>67.5%</td>
<td>Balanced</td>
</tr>
<tr>
<td>Ecuador-1998</td>
<td>Low</td>
<td>Low</td>
<td>35.2%</td>
<td>Executive</td>
</tr>
</tbody>
</table>
B. Research Design

I have gathered public opinion data from the Latinóbarometro database, which has public opinion data available for a variety of countries in Latin America. I have considered a particular case to be “high” in executive popularity when the majority of people polled indicate that they approve of the performance of the executive leader. However, when the approval of the executive leader is 50% or lower, then I have considered the case to be “low” in executive popularity. For political violence, I have classified each of my cases as having “high” or “low” levels of political violence based upon the occurrence of politically violent events within the particular time frame being examined. A more detailed description of the way I classified each of my independent variables can be found in the operational codebook located in Appendix A.

An important consideration regarding the influential nature of political violence on the constitutional process is how enduring the effects of political violence are over time. If the presence of political violence truly does influence the way constitutions assign powers to the different branches of government, then one would expect that political violence that occurs immediately preceding the writing and approval of a constitutional reform would influence that process. However, some research suggests that political violence might also have effects that last for a much longer period of time. For example, in his article, Determinants of "Coup d'état Events 1970-90: The Role of Property Rights Protections,” Rollin Tusalem claims that coup events often lead to prolonged periods of instability and can even lead to democratic breakdowns (Tusalem 2010). Factors such as these suggest that politically violent events may in fact not only have short-term influences on the way constitutions and constitutional amendments are written but long-term influences as well. I have decided to measure levels of political violence four years as well as eight years prior to the approval or rejection of a constitutional reform. By examining
political violence in the four years and eight years preceding the approval or rejection of a constitutional reform, I will be able to understand the effects of political violence over two different periods of time while still being able to maintain diversity in outcomes for both ways of measurement. In addition, I will better understand not only the effects of political violence on a country’s budgetary process but also how enduring those influences are over time.

For the dependent variable, I have labeled each of my cases as being more “executive” dominated or more “balanced” in the way the people decide to distribute the budgetary powers across the different branches of government. This determination comes from a close textual analysis of the proposed constitutions and constitutional amendments themselves. When the people approve a constitutional reform that increases the executive branch’s control over the budgetary process, then I have considered the case to be executive-dominated. However, when the people approve a constitutional reform that includes language that allows the legislative branch to have more control over the budgetary process, then I have considered the case to be more balanced in the distribution of budgetary power. A more detailed description of the way I classified my dependent variable for each of my cases can be found in the operational codebook located in Appendix A.

While the majority of my cases are constitutional conventions and the creation of new constitutions, some of my cases include major reforms that have altered existing constitutions without establishing completely new ones. Although these reforms do not typically directly mention the budget, some of the changes that are made certainly influence each branch's budgetary authority. An example is the constitutional reforms that occurred in Chile in 2005. One researcher, John Carey, noted before the reforms happened that Chile's constitution gives the president a great deal of power in determining the country's budget. He recognized that one
The major reason the president had such considerable influence over the budget was because of his numerous agenda-setting powers (Baldez and Carey, 1999). However, the constitutional reforms that occurred in 2005 provided a great shift in power from the executive branch to the legislative branch. One of the most significant ways the reforms caused this shift in power was by giving the Congress more control over its agenda. For example, before the 2005 reforms happened, the congressional agenda was divided into two sessions: the ordinary session and the extraordinary session (Haas 2010). During the ordinary session, members of Congress were able to introduce and debate bills as long as they had already discussed all of the bills that the president had considered to be among his priorities. However, for a bill to be discussed during the extraordinary session, the bill had to be either an executive bill or sponsored by the executive branch. The constitutional reforms of 2005 changed these rules by allowing congressional bills to be discussed throughout the entire year regardless of whether or not they were supported by the executive branch (Haas 2010). While the executive branch still has other ways to try to influence the congressional agenda, these changes in the legislative calendar clearly strengthen the power of the legislative branch. Because the Chilean constitutional reforms of 2005 reduced the executive branch's ability to control the legislative agenda, the reforms also reduced the branch's ability to control the budget.
C. Analysis

While I have chosen to limit my independent variables to political violence within the past four years, political violence within the past eight years, and executive popularity, it is very likely that other factors also influence the amount of power the actors at constitutional conventions decide to give the executive branch in terms of budgetary matters. For example, in his article, "Constitutional Rewrites in Latin America, 1987-2009," Corrales claims that levels of power symmetry at a time of a constitutional convention have a significant impact on the way a constitution is written. Corrales considers power symmetry to be the difference in power that incumbent and opposition forces have during a constitutional convention. The incumbent forcers are those who control the executive branch while the opposition forces are those that do not control the executive branch but often control at least one of the other branches. He provides some cases that show that this factor does seem to play a role in determining the distribution of powers to the various branches of government (Corrales 2013). Clearly, different actors at a constitutional convention are in different situations and have different preferences concerning the details that a constitution should have. These differences will inevitably affect the way the constitution is ultimately written.

Another scholar, Russell Fitzgibbon, argues in his article, “The Process of Constitution Making in Latin America,” that the content of constitutions can also be influenced by specific circumstances that are particular to a given country (Fitzgibbon 1960). In order to support his argument, Fitzgibbon provides some examples such as the fact that political parties are referred to in fourteen articles in one version of the constitution in Uruguay, where political parties have an unusually high amount of influence in public life (Fitzgibbon 1960). Because it simply would not be possible for me to examine every variable that could influence the way a constitution is
written, I have decided to limit my independent variables to the ones that I believe are the most important. However, it is important to keep in mind that there are many other variables that also could influence the outcomes of constitutional conventions. In reality, the way a constitution is written is most likely determined by a combination of different factors rather than one single variable. This point should be recognized when considering the results of my research.

I have performed a chi-squared analysis for each of my independent variables in order to examine whether there is a relationship between each of these variables and the dependent variable. Rejecting the null hypothesis indicates that there likely is a relationship while failing to reject the null hypothesis indicates that there likely is not a relationship between the independent variables and the dependent variable. I performed the chi-squared analysis using the data from the set of contingency tables. I created these tables by examining the relationship between each of the independent variables and the dependent variable. Ideally, I would have had at least five cases for each of the possible options given in the contingency tables. Because of my small sample size, the results of the chi-squared analysis should be viewed cautiously. After performing the chi-squared analysis, I failed to reject the null hypothesis when examining executive popularity and political violence within the past 8 years. However, I did reject the null hypothesis when examining political violence within the past 4 years. These results suggest that political violence but not executive popularity seems to be influencing the way the people decide to distribute powers between the different branches of government. However, the data also suggests that the political violence needs to occur more recently than eight years prior to the approval or rejection of the constitutional reform in order for the violence to still have a noticeable influence.
Contingency Tables

<table>
<thead>
<tr>
<th></th>
<th>Balanced</th>
<th>Executive</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low Political Violence</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>within Past 8 Years</td>
<td>2</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>High Political Violence</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>within Past 8 Years</td>
<td>2</td>
<td>4</td>
<td>6</td>
</tr>
<tr>
<td>Total</td>
<td>4</td>
<td>5</td>
<td>9</td>
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<table>
<thead>
<tr>
<th></th>
<th>Balanced</th>
<th>Executive</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td>Low Political Violence</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>within Past 4 Years</td>
<td>4</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>High Political Violence</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>within Past 4 Years</td>
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<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Total</td>
<td>4</td>
<td>5</td>
<td>9</td>
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<tr>
<th></th>
<th>Balanced</th>
<th>Executive</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td>Low Executive Popularity</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>High Executive Popularity</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Total</td>
<td>3</td>
<td>3</td>
<td>6</td>
</tr>
</tbody>
</table>

Another way that I have measured the results of my data is by using a lambda statistic in order to see how helpful each of my independent variables is in allowing me to know the value of the dependent variable.\(^1\) The use of a lambda statistic has provided me with a way to measure how strongly each of my independent variables correlates to the dependent variable. Because of my small sample size, the results provided by the calculations using the lambda statistic should be viewed as tentative rather than absolute. For executive popularity, the lambda statistic I calculated was 0, which indicates no correlation between executive popularity and the

\(^1\) The lambda statistic can be calculated using the formula \((b-a)/b\), where \(b\) equals the number of errors without knowing the independent variable and \(a\) equals the number of errors with knowing the independent variable.
distribution of powers with respect to the cases that I examined. In addition, the lambda statistic I used found a .25 relationship between political violence within the past 8 years and the distribution of powers. This calculation suggests that a moderately strong relationship exists between political violence within the past 8 years and the distribution of powers. Finally, I calculated a .75 lambda statistic for political violence within the past 4 years and the distribution of powers. This result indicates that there was an extremely strongly correlation between the level of political violence within four years prior to a constitutional reform and the result of that reform for the cases I examined. While my data is limited, the results of the analysis using the lambda statistics also suggests that political violence does seem to be influencing the way constitutions and constitutional reforms distribute powers with respect to budgetary issues while executive popularity does not seem to be making an influence.

I have also analyzed my results using the comparative method. One of the main benefits of using this method for my analysis is that it allows me to help control for other variables that could be potentially influencing the distribution of powers. Therefore, using the comparative method should make me more confident that differences in the dependent variable are influenced by the independent variables rather than extraneous ones. For example, one of my cases was the approval of the Venezuelan Constitution in 1999 while another one of my cases was the rejection of the proposed constitutional reform in Venezuela in 2007. Because both of these cases take place in Venezuela, I am more confident that any differences in the ways the people would want to distribute powers across the different branches of government are more likely influenced by my independent variables rather than certain other variables such as a country’s culture or size. Because the way the people ultimately chose to distribute powers across the two cases remained the same, I should have the same measurement for my independent variables as well for both of
the two cases. Therefore, I can eliminate executive popularity as the cause of the distribution of powers.

Venezuela 1999 and 2007

<table>
<thead>
<tr>
<th>Case</th>
<th>Political Violence within Past 8 Years</th>
<th>Executive Popularity</th>
<th>Distribution of Powers</th>
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<tbody>
<tr>
<td>Venezuela-1999</td>
<td>High</td>
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<td>Balanced</td>
</tr>
<tr>
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<td>High</td>
<td>High</td>
<td>Balanced</td>
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<td>Venezuela-1999</td>
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</tr>
<tr>
<td>Venezuela-2007</td>
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<td>High</td>
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The cases of Bolivia in 2009, Ecuador in 2008, and Venezuela in 2007 also provide insight into which independent variables may be influencing the dependent variable. These cases are all similar not only because approval or rejection of the different proposals occurred within a two-year time span but also because Bolivia, Ecuador, and Venezuela are similar to one another in a variety of ways including size. In addition, each of these countries was governed by a left-wing president at the time of its respective reform attempts. My data shows that Bolivia and Ecuador both had outcomes favoring the executive branch while Venezuela had one favoring a more balanced approached. Because the level of executive popularity remained the same for the three cases, this variable does not explain the differences in the constitutional outcomes. In addition, when political violence is measured within the past eight years, this variable also fails to account for the differences. However, when I measures political violence within a four-year time period, the independent variable and the dependent variable matched for all three cases.
When using the comparative method and examining cases that are similar to each other in a variety of ways, I found that political violence when measured using a time span of four years seems to be the most influential of my independent variables in determining the way most citizens would like to see power distributed.

**Bolivia 2009, Ecuador 2008, and Venezuela 2007**

<table>
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<th>Case</th>
<th>Political Violence within Past 8 Years</th>
<th>Executive Popularity</th>
<th>Distribution of Powers</th>
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</table>
IV. Conclusion

Because of the role of constitutionalism in binding the government to higher law, the task of drafting and approving constitutions and constitutional amendments is of great importance. The content included in a constitution or constitutional amendment can have far-reaching consequences for the way a country's government operates. The purpose of this paper is to identify the motivating factors that impact how much budgetary power citizens decide to give the executive branch at the time of a constitutional reform. The way people distribute powers across the different branches of government through constitutions and constitutional reforms has a very significant impact on the governability of a country. The fact that many Latin American countries give the executive branch of government a great deal of power has raised concerns about the way different branches of government can hold each other accountable through a strong system of checks and balances (Cameron 2002). Understanding why people choose to distribute governmental powers the way they do can provide insight into why countries differ so significantly in the way their governments function.

My research has focused on two particular variables, political violence and executive popularity, and the relationship that these variables have on the way citizens in Latin American countries ultimately decide to distribute budgetary power across the different branches of government. The use of a chi-squared analysis and the lambda statistic has given me mathematical data for which to analyze this relationship. In addition, the use of the comparative method has allowed me to examine the relationship between my independent variables and my dependent variable while controlling for other factors such as political ideology and country size. While my results should be viewed as tentative because of my small sample size, the fact that all three methods of analysis produced such similar results makes me more confident in my findings. In general, political violence occurring within four year prior to a constitutional reform
does seem to greatly affect the outcome of that reform by causing people to give more authority to the executive branch. However, the amount of executive popularity does not seem to make a significant difference regarding the distribution of budgetary power. Interestingly, the data suggests that executive branch may actually benefit more from constitutional reforms during times of high political violence than times of high executive popularity.

Relying on a small sample size is an important limitation of my research. While the results for both of my independent variables should be viewed as tentative because of the small sample size, this limitation is particularly problematic for the examination of the effects of executive popularity. Unfortunately, the public opinion data available for Latin America is limited and only extends back approximately twenty years. However, countries in Latin America will almost certainly continue to alter their constitutions. As new constitutional changes are made, further research could be done using new public opinion data to continue to measure the relationship between executive popularity and the distribution of budgetary power. In addition, future studies could also look at the relationship between the independent variables and the dependent variable across different historical and geographical periods in order to see how the relationships between these variables apply to other cultures.

Future research could also be instrumental in learning more about the nature of the relationship between political violence and the distribution of budgetary power. While my research provides some insight into the time frame in which political violence must occur in order for it to influence to constitutional process, future research could examine the relationship between political violence and the constitutional process using even greater variation of the time frame. This research would allow for a better understanding of the typical time frame in which the political violence needs to occur in order for it to benefit the executive branch during the
drafting and approval phases of the constitutional process. Furthermore, research could be performed to determine whether certain acts of political violence, such as coup d'états, have a greater impact than others on the way citizens decide to distribute power across the different branches of government.

One other important area that future research could address would be variation of the dependent variable. Limiting my dependent variable to the distribution of powers with respect to the budgetary process has allowed me to have a better understanding of the reasons why different constitutions give the executive and legislative branches of government different amounts of power concerning the very important role of determining a country's budget. However, future research could alter the dependent variable to examine how the distribution of powers is affected in other areas such as military decisions. In addition, future researchers could look at the distribution of powers in general rather than limiting the focus to one particular governmental function. These changes would allow researchers to determine whether my conclusions apply broadly to all governmental functions or are unique to budgetary procedures. These types of alterations concerning the way the dependent variable is measured would allow even more knowledge to be obtained concerning the variety of ways factors such as political violence potentially influence the constitutional process.
References


Appendix A

The public opinion data that I have gathered for my cases was obtained from the Latinóbarometro database. The database contains two questions in particular that really help to provide insight into the way that the citizens of a country feel about their current president. The first question asks respondents to rank the level of trust that they have in the president. Respondents can indicate that they have much trust, some trust, little trust, or no trust in the president. Alternatively, they can indicate that they do not know how much trust they have in the current leader or can simply provide no answer. An additional question asks whether the people approve or disapprove of the management of the area of government headed by the president. This question also provides a reliable indicator of executive popularity because it allows me to determine to what the extent the people approve of the executive leader's performance. I have classified people who have at least some trust in the president as approving of him or her while those who have little or no trust in the president as disapproving of him or her. Thus, when the first question is present, my obtained percentages represent the percentage of respondents who indicated that they had some or much trust in the president. When the first question is not present, then my percentages simply reflect the percentage of respondents who indicated that they approved of the management of government headed by the president. After obtaining the percentages, I considered every case that had greater than 50% support for the president to be "high" in executive popularity and cases that did not go above 50% to be "low" in executive popularity.

While not all of my cases contain responses for both of these questions, each case does contain information for at least one of the two questions. It should be noted that the second question is actually collecting opinions about the management of government rather than actual
feelings toward the president. However, the question does specifically state it is the area of
government headed by the president. Because a president gets elected to serve as the head of
government, I believe it is reasonable to assume that the popularity of a president is based upon
his or her actual performance in the job he or she was elected to do. However, because the first
question measures opinions and attitudes that directly relate to the president rather than the
management of a particular aspect of government, I have obtained my percentages from the first
question when responses for both questions are present. The fact that I have to rely on two
different questions instead of using the same question consistently to measure executive
popularity is an important limitation of my research. However, because a citizen's confidence in
the president tends to be so strongly related to the president's performance, I believe that the
answers respondents give for the two different questions will be very similar. The information
from the cases that I am examining for which responses for both questions are available does
provide support for my belief. For example, 60% of respondents in Venezuela in 2007 indicated
that they had at least some trust in the president while 60.8% indicated that they approved of the
management of government headed by the president. In addition, 67.5% of respondents in Chile
in 2005 indicated that they had at least some trust in the president while 65.5% indicated that
they approved of the management of the government headed by the president. The fact that there
is only a .8% difference in the measurements for the first case and a 2% difference in the
measurements for the Chilean case strongly supports my belief that the two different ways of
obtaining measurements for executive popularity are very similar.

With respect to political violence, I have classified each of my cases as having either a
“high” or “low” level of political violence. When a politically violent event has occurred within
the given time period time before the approval of a new constitution or constitutional
amendment, I have labeled that particular case as being "high" in political violence. Politically violent events include events such as civil wars and attempted coups. In addition, when there is substantial evidence that a particular government is using violence and repression in order to achieve political goals, I have also considered that case to have a “high” level of violence. When these indicators of political violence were not present in the period of time being considered, then I labeled the case as having a “low” level of political violence. In order to learn more about whether any potential effects of political violence on the approval of constitutions and constitutional amendments last for a long time or are relatively short-lived, I have separated my measurements of political violence into two categories. One category measures political violence by going back eight years before the approval or rejection of proposed constitutional reforms while the other category only includes political violence that has occurred within four years preceding the approval or rejection of proposed constitutional reforms.

I have classified the amount of power that a constitution or constitutional reform gives concerning budgetary power based upon a careful textual analysis of the constitutions and the reforms. The amount of budgetary power a branch has is based upon the branch's ability to influence the decisions that are made regarding the way the country handles issues relating to the budget. A case in which a new constitution has been written will be considered to be executive-dominated when that constitution's budgetary process is designed in a way that strongly empowers the executive branch. One of the most significant ways a constitution gives the executive branch such a high amount of power in the budgetary process is by allowing the president's proposed budget to take effect shortly after he or she proposes it in instances in which the Congress fails to pass a version of the president's budget. While some of the constitutions do give the president significant power, others take a much more balanced approach to the
budgetary process. When the ability of the executive branch to have a significantly dominant influence over the country's budgetary process is absent, the case will be considered to have a more balanced system. Cases in which constitutions have been reformed without being completely replaced will be considered to be executive-dominated when these reforms include language that increases the amount of power that the executive branch has in a way that will give the branch more power over decisions regarding the country's budget. I will consider language that increases the executive branch's power to be any language that gives the executive branch additional powers relating either directly or indirectly to the country's budgetary process that the executive branch had not previously enjoyed. However, if a constitutional reform reduces the ability of the executive branch or increases the ability of the legislative branch to control the country's budget, then that case will be considered to be more balanced. While the vast majority of my cases focus on the approval of constitutions and constitutional reforms, information regarding political violence and executive popularity should also help me understand why proposed constitutional reforms might get rejected by voters. Therefore, any case that contains a rejection of a constitutional reform will be considered executive-dominated if the reform would have decreased the executive branch’s budgetary power and balanced if it would have increased the executive branch’s budgetary power. The same textual analysis will be used to determine how the proposed reform would have influenced the executive branch’s budgetary power.