

## Some Arguments for an Institutional Approach to Philippine Politics

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*Abstract: This paper presents some arguments for the usefulness of developing an institutional approach to the study of Philippine politics. It argues that such an approach could address some of the blind sides of the more dominant society-based approaches currently used in making sense of the dynamics of Philippine politics. In addressing these blind sides, the paper argues that the institutional approach fulfills two seemingly contradictory requirements that any new conceptual approach to Philippine politics must fulfill. First of all, it is holistic enough to grasp most of the crucial forces shaping the dynamics of Philippine state and society. At the same time, it is detailed enough to allow for a finer understanding of specific political-institutional issues.*

*Keywords: conceptual approaches, democratic institutions, institutional approach, institutional design, political institutions, society-centered approaches, Philippine state*

This paper is composed of six sections and its structure is as follows: Section 1 provides a working definition of institutions, the institutional approach, and political institutions to be employed by the paper. Section 2 discusses the importance of political institutions as incentives and constraints for state and social actors and as key mediating mechanisms between the state and social actors. Section 3 contrasts the understanding of the Philippine state by the currently dominant society-based approaches with that of the proposed institutional approach. Section 4 explains the strengths of an institutional approach in helping fulfill the seemingly contradictory qualities of being both holistic and detailed that are strongly needed by an alternative conceptual approach to Philippine politics. Section 5 gives a

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brief discussion on some recent institutional approach-inspired works done on Philippine political institutions. Section 6 concludes the paper.

## Institutions, Institutional Approach, and Political Institutions

### *Institutions*

A barebone definition of institutions is to see them as the rules that influence the strategies of state and social actors. This definition fulfills the two essential elements that a definition of institutions must have: (1) rules and (2) the behavior (or strategies) they structure (Carey 2000: 735; Clague 1997: 17; Elster et al. 1998: 294; Goodin 1996:19-20; Graham and Naím 1998: 325-326 and 343-351; Lane and Ersson 2000: 22-37; Nelson et al. 1997: 5; North 1997: 13; 1994: 1-2; 1991: 97; World Bank 2002: 6, 1998: 4).

### *Institutional Approach*

However, what would count as rules would depend on what type of institutional approach is being used. Here, it is useful to highlight the important differences between the institutional approach identified with the economics discipline and with that of the political science discipline. In the economics-inspired approach to institutions of "new institutional economics,"<sup>1</sup> the rules include both formal (the written rules) and informal (the unwritten rules) (North 1997, 1994, 1991). On the other hand, in the political science-inspired institutional approach known either as "new institutionalism" (March and Olsen 1984) or the more generic term "institutional approach (or analysis)" the rules usually tend to be understood as limited to the formal rules (more particularly, the formal political rules as embodied in political institutions) (Carey 2000; Haggard 1997; Haggard and Kaufman 1995; Haggard and McCubbins 2001; Lijphart 1992; Lijphart and Weisman 1996; Linz 1994; Mainwaring and Shugart 1997; March and Olsen 1998; Power and Gasiorowski 1997; Remmer 1997; Shugart and Carey 1992; Shugart and Haggard 2001; Stepan and Skach 1993).<sup>2</sup> In the useful term of a leading political scientist, John Carey (2000: 735), these formal institutions in political science are "parchment institutions" because they "are written down somewhere as laws, regulations, constitutions, treaties, and so forth."

For both new institutional economics and the new institutionalism in political science, the most basic formal rules are found in the constitution (North 1997), especially if it is a democracy (Elster et al. 1998; Linz and Stepan 1996; Mainwaring and Shugart 1997; Przeworski 1991; Stephan and Skach 1993). This fundamental document outlines, among others, the basic rules defining the nature of the state, the state's relationship among other states, the relationship among different state organs, and the relationship between the state and its citizens. Below the constitution are the legislation passed, the policies enacted, and the legal system that seek to regulate aspects of political, economic, or social life. Contracts entered into by economic agents including the state and specific by-laws of social organizations and economic firms are also considered as part of the formal rules structuring social interaction.

For new institutional economics, the informal rules are constituted by values and norms that either promote or constrain the formal rules. These informal rules are the deep-seated beliefs and expectations reflected in the regularized pattern of doing particular life actions such as economic and political activities. There is a high level of institutionalization of formal rules when the informal norms and values are already aligned with the formal rules. If there is a significant gap or an outright conflict between the formal rules and the informal norms then, there is a low level of institutionalization of formal rules (European Bank for Reconstruction and Development 1999; Hodgson 1998; Nelson et al. 1997: 5; North 1997, 1994).

Because this paper is an argument for adopting an approach that seeks to draw attention to the role of political institutions as crucial incentive structures affecting the strategies of social actors and as key mediating mechanisms between the state and social actors, the paper needs to adopt a political science institutional approach and must jettison a new institutional economics approach. The paper cannot employ a new institutional economics approach because of the equal importance shared by informal rules with formal ones in this framework. Although this equal stress on both formal and informal rules suits new institutional economics since this approach points to formal and informal economic and non-economic institutions to explain economic activity, especially transaction costs (Greif 1992, 1989;

Hodgson 1998; North 94; North and Weingast 1989; Spiller and Tommasi 2000), the paper argues that if this equal stress is included in an institutional approach that seeks to concentrate on formal political institutions then loss of conceptual focus may easily result.

As would be argued more fully later in this paper, one of the achievements of the institutional approach (understood in its formal, political science sense) is to challenge society-centered explanations of political life from a more state-centered (or far more accurately: from a more political institutions-centered<sup>3</sup>) vantage point. The institutional approach does this by focusing on the implications of the formal design<sup>4</sup> of political institutions on social processes, including the informal norms that social actors embody.

Following this line, the paper argues that the analytical purpose of the institutional approach in political science is to stress the effects of formal (especially political) rules on political, economic, and social life. While informal rules (embodied in deep-seated norms, values, and practices as the new institutional economics understands them) are important in explaining political, economic, and social life (in the same way that economic processes, classes, elites, social movements, global forces, etc. are important in explaining political, economic, and social life), the informal rules simply cannot be accorded equal weight as accorded by the new institutional economics approach without the political science-inspired institutional approach losing its own analytical purpose.

Further, while the political science-inspired institutional approach would be interested in studying the formal rules' interplay with informal rules (in the same way that it would be interested in studying the formal rules' interplay with economic processes, class, elites, social movements, global forces, etc.), the informal rules cannot be accorded equal weight as accorded by the new institutional economics for the same reason. This may explain why an institutional approach in political science tends to confine its use of institutions to formal rules (March and Olsen 1984; Remmer 1997) and usually relegates informal norms and values to the realm of political culture

or of culture in general (Elkins and Simeon 1979; Inglehart 1988; Laitin and Wildavsky 1988; Lane 1992).

Thus, although sharing with the new institutional economics the definition of institutions as a set of rules, this paper would understand the term institutions as referring only to formal rules and the term institutional approach as referring to the political science-inspired one.

### *Political institutions*

The main focus of this paper would be on political institutions (specifically democratic ones). A working definition that the paper offers for political institutions is that these institutions are concerned with the making, implementing, and adjudicating of policies binding for all members of a given polity (if democratic, then these political institutions would include the access for the contestation of these policies). Thus, this definition of political institutions incorporates the quality of stateness (binding decisions for all), of government (law-making, law-implementing, and law-interpreting organs) and of politics (the struggle on who would have the right to make or to influence binding policies).

These political institutions involve what is commonly understood in political science as the whole ensemble of government from its three branches to its administrative, coercive, and regulatory apparatuses. In the Philippines' presidential democracy, they would point to the executive branch with all its departments and line agencies, the Congress, the Supreme Court and the courts lower it, the local governments, the constitutional bodies, and other government entities.

Political institutions would also include mechanisms for the representation of interests and for the contestation of government policies. Some of them may have a continuous organizational existence such as the party system and committee system in the legislature and consultative bodies within the different executive organs. Some of them may only have a periodic organizational expression such as parts of the electoral system and ad hoc liaison committees (O'Donnell 1994: 57).

## Importance of Political Institutions

Why focus on political institutions as a legitimate explanatory variable of political life?<sup>5</sup> There are many answers to this question<sup>6</sup> but because of space limitations, the paper can only discuss two answers that are the most important for its intentions: (1) political institutions as incentives and constraints for state and social actors; and (2) political institutions as mediating mechanisms between the state and social actors.

### *Political institutions as incentives and constraints for state and social actors*

Embedded in the paper's definition of institutions as rules that influence state and social actors in terms of their strategies is the important role of institutions as a set of incentives and constraints to these actors. When faced by a set of incentives and constraints, actors have a choice whether to comply or subvert the rules. Focusing on political institutions, different political institutions (1) induce different political strategies from the actors and (2) produce different probability distributions of political outcomes for these strategies.<sup>7</sup>

#### *1. Different political strategies*

Political institutions affect the political strategies of actors by, among others, influencing (a) the actors' time horizons and (b) the patterns of representation and contestation open to the actors.

##### *1.a. Different time horizons*

One way of defining time horizon is to think of it as the actors' temporal political cost-benefit calculation (Przeworski 1991:19). Time horizon may be seen as the ability of actors to factor in costs and benefits brought about by following the rules from the vantage point of the future envisioned to be based on the same set of present rules. By implication, this would indicate their willingness to play by the rules of the game: the longer the time horizon, the more willing they are to play by the rules of the game. If the net cost of

losing in their calculation is very high (or there is no or little chance of winning or winning anything), the actors would not play by the rules and would work to undermine them instead.

Regime-level distinctions between dictatorship and democracy dramatically illustrate the effects of time horizon on the actors' strategies. In an authoritarian regime, the time horizon of actors is likely to be shortened since both the present and future costs of losing in political competition (usually not just losing an elective post but in terms of losing one's limb, liberty, or life) are very high. In this non-democratic situation, the rules would have to be changed (usually through liberalization/democratization) and/or be undermined (polarization usually through extra or outright illegal means) if opposition actors have a chance of winning against the authoritarian leaders.

In a democracy, the time horizon of actors is usually lengthened because the costs of losing are lowered (Przeworski 1991:19). This is because if actors lose they do not have to go to jail, die, or wait for an indefinite period for the next elections. They usually still have another chance three, four, or six years to try again under the same set of rules (e.g., in a presidential democracy, the term of the incumbent being fixed by law lengthens the time horizon of the opposition compared to a situation where the opposition is faced by a dictator who intends to stay for life). When rules are seen by actors as fair (i.e., they believe that even if they lose now, if they continue playing by the same rules they would in the future might have another or better chance of winning), they generally comply with the rules.<sup>8</sup>

Differences in institutional features of democracy also have their effects on the actors' time horizon (Spiller and Tommasi 2000). Such effects can be seen in the most basic constitutional difference among democracies which is their form of government. Here, the debate on the relative merits of a parliamentary form of government over a presidential one includes the form of government's different effects on the actors' time horizon.

One claimed superiority of parliamentary forms of government is that they do not suffer from the problem of lame-duck presidents that has plagued presidential forms of government (Cheibub 2002, 1999; Cheibub and

Limongi 2002; Lane and Ersson 2000: 117-142; Lijphart 1992; Linz 1994; Przeworski et al. 1996; Stepan and Skach 1993). For unlike the presidential forms where the presidents, because of the fixed tenure, cannot easily be removed even when they have lost their working relationship with the legislature, prime ministers in parliamentary forms of government have no fixed term and could only rule on the basis of the continued support of the legislature or the majority legislative coalition backing the government. This is said to exempt parliamentary governments from suffering the serious infirmity of presidential forms of government where executive-legislative stalemates have seriously affected the functioning, effectivity, and in some cases the longevity, of democracy. This executive-legislative deadlock may be said to potentially shorten the time horizon of actors in presidential systems relative to those in parliamentary forms of government as the costs of waiting for a change in leadership, especially in crisis situations, become higher in presidential forms of government relative to parliamentary forms of government.

At the other side of this institutional design debate on forms of government is to deny that parliamentary governments are inherently superior in lengthening the time horizon of actors (Haggard 1997; Haggard and Kaufman 1995; Mainwaring and Shugart 1997, 1993; Power and Gasiorowski 1997; Shugart and Carey 1992; Shugart and Haggard 2001; Weaver and Rockman 1993). For example, one argument frequently raised to counter the pro-parliamentary position on this issue is that certain types of parliamentary form of government may actually shorten the time horizon of actors relative to the presidential form. In situations where the parliamentary system rests on a highly fragmented and/or polarized party system, the institutional deadlock affecting the time horizon of actors is not at the level of executive-legislative relations found in presidentialism but at the more basic level of forming and maintaining a government. In such situations of government instability which have led to their own stories of seriously affecting the functioning, effectivity, and longevity of parliamentary democracies not only in the Third World (Mainwaring and Shugart 1997; Power and Gasiorowski 1997) but also in Europe (although in an earlier era) (Shugart and Carey 1992: 38-43), the fixed term found in presidentialism may be seen as potentially stabilizing, if not lengthening, the time horizon of actors.



### *1.b. Different patterns of representation and contestation*

Political institutions also encourage different patterns of representation and contestation. Again, regime-level differences starkly illustrate this arrangement. In a dictatorship, the pressure is usually for underground or extra-legal struggle and a polarization of issues. In a democracy, the pressure is usually for more open political, especially electoral, struggle and a catchall approach to issues.

Similar to their effects on the actors' time horizon, differences in institutional features of democracy also have an important impact on the pattern of contestation and representation across a population of democratic regimes. One example to illustrate this is to discuss one of the central institutions of a democracy that structure representation and contestation and this is a democracy's electoral system. The level of political accountability, transparency, and governability; the kind of executive-legislative relations; the type of party system, internal party coherence, and discipline; and even the inclusiveness of a political system are all intimately related with the type of electoral system a particular democracy has (Carey 2000; Carey and Shugart 1995; Diamond 1999; Haggard 1997; Lane and Ersson 181-206; Lijphart and Waisman 1996; Mainwaring and Shugart 1997; Manin et al. 1999; Moreno et al. 2000; Nohlen 1996; Reynolds and Reilly 1997; Shugart 1995; Shugart and Carey 1992; Shugart and Wattenberg 2001; Shugart et al. 2005; Taagepera and Shugart 1993).

Electoral systems can basically be divided between majoritarian single-member district (SMD) electoral systems and proportional representation (PR) electoral systems (with various types of mixed-member electoral systems straddling the middle). SMD-based electoral systems tend to produce a virtual two-party system, tend to offer more direct accountability between representative and constituents (because the single representative exclusively represents a clear territorially based constituency), tend to offer a clearer line of choice (because the voter can directly choose the candidate), and tend to offer more governability (because less parties are represented in the legislature) than PR-based electoral systems.

PR-based electoral systems tend to move towards a more multiparty system (thus more inclusive of social cleavages), tend to more accurately reflect voters' choice (seats to votes ratio; thus more representative), tend to be less zero-sum (because more parties win seats), and tend to develop more disciplined parties (especially if the party list is closed). The effects of PR-based electoral systems would, in turn, further depend on their more minute institutional features such as threshold level, electoral district size, representation magnitude, and whether the party list is closed or open.

## *2. Different probability distributions of political outcomes*

The second effect is the different probability distributions of political outcomes that political institutions produce (Haggard and Kaufman 1995; Przeworski 1991). In a dictatorship, electoral rules that are biased towards the incumbent and the dismal state of civil liberties make it extremely hard for the opposition to win the top government posts in an electoral contest. In a democracy, there is in the words of Przeworski an "organized uncertainty" in the sense that democratic rules of electoral competition allow that incumbents may lose and the opposition may win. This difference between predetermined and uncertain outcomes is so crucial in the understanding of institutional regimes that from the minimalist, proceduralist, electoral, or Schumpeterian standpoint of democracy, the probability of the opposition winning in an electoral contest for top government posts is what makes a polity a democracy (Diamond 1999; Haggard and Kaufman 1995, 1994; Huntington 1991; Linz and Stepan 1996; Przeworski 1991: 12-13).

Differences within democracies can also affect the probability distributions of political outcomes. The paper illustrates this by tackling the rules on changing the basic rules of the polity, i.e., constitutional change. Different democratic constitutions have different rules for constitutional change (Carey et al. 1997; Lutz 1994). Whether these rules can successfully be used by reformers (or blocked by oppositors) would depend on a combination of factors, some of them conjunctural (e.g., during a democratic transition, a hyperinflationary crisis, or the euphoria of the end of a hyperinflationary crisis), some of them structural (e.g., historical legacies of previous constitutional tinkering, either traumatic or positive), and some of

them purposive (e.g., strategies of specific actors for and against constitutional revisions). In this context, the rules serve as the baseline from which actors mobilize conjunctural and structural factors to exploit the rules and change these rules (with the differences in rules allowing for different strategies), a mobilization affecting but not guaranteeing the desired outcome of constitutional change (Carey 2003; Elster 1997; Jones 1997; Linz and Stepan 1996).

### *Political institutions as mediating mechanisms between the state and social actors*

The second answer to the question on the importance of political institutions is that they serve as key mediating mechanisms within and among at least three types of intersecting arenas: state-society, state-economy, and state-external arenas.<sup>9</sup> As mechanisms for mediation, different political institutions have different absorbing or deflecting rates for social, economic, and political demands (Geddes 1994: 8; Haggard and Kaufman 1992: 27) and external shocks (Przeworski et al. 1995: 107). Institutional mechanisms thus ensure that social demands and interests are not automatically translated into policies (Haggard 1997: 122). Conversely, political institutions also mediate the effects of the state on society through, among others, their impact on state capacity to initiate and sustain coherent state policies and reform programs (Haggard and Kaufman 1995, 1992; Maravall 1994: 23; Przeworski 2003, 1997, 1991; Remmer 1997).

### **Institutional Blindness and Institutional Seeing: Conceptual Approaches to Philippine Politics**

#### *Institutional blindness and society-based conceptual approaches*

The paper argues that the dominant conceptual approaches currently employed to study Philippine politics such as the older Marxist (or more accurately, Maoist) semi-colonial, semi-feudal class-based approach, the newer Migdalian strong society-weak state approach, the more recent Weberian neopatrimonial state approach, and their various hybrids have either significantly downplayed or altogether ignored the importance of the design of the democratic political institutions in affecting the politics of the post-1986 democratic transition Philippines.

The varying effects of the state capacity-promoting and state capacity-demoting features and of the accountability-promoting and accountability-demoting features of the political institutions of the post-EDSA Philippine democratic state such as the rules delineating the nature of executive authority, party systems, electoral competition, civil-military relations, and political bodies on intra-state, state-society, and state-global relations remain either largely untouched or theorized in a terribly haphazard, helter-skelter manner by these differing conceptual approaches.

The paper argues that the institutional blindness of these approaches can largely be explained by a fundamental feature shared by these seemingly disparate frameworks. While these conceptual approaches have important differences among them, the one unifying thread that ties them together is that they are all variants of a society-based approach. The semi-colonial, semi-feudal class approach, Migdalian strong society-weak state approach, Weberian neopatrimonial approach, and different versions of hybrid approaches are all society-based approaches because state policies are explained by the configuration of social forces (whether of class, society, elites, interest groups, social movements, or any other society-based actors). Political institutions, if at all visible, are treated as epiphenomena by these approaches, as standing like passive structures that are shaped and acted upon by autonomous social actors. Political institutions are dismissed as far less important factors than the social actors that act on them and thus studying the nature of these institutions is not considered worthy of sustained critical focus and analysis.

**Diagram 1. The State as the Configuration of Social Forces**

state ↑ class	state ↑ society	state ↑ elites	state ↑ class, society, elites, interest groups, social movements, etc.
Marxist	Migdalian	Weberian	Hybrid

In the Marxist semi-colonial, semi-feudal approach, state policies are basically determined by the class configuration (with the ruling classes always in alliance with external imperialist forces). For this approach, institutional design is an entirely irrelevant factor in class permeation. What particular type of political institutions the state has is not considered since what is important is the class nature of the state. To the extent that they are accorded a glance, these political institutions are seen as insignificant barriers that the dominant classes can easily jump across or tunnel under to pursue their own interests. Jose Ma. Sison considered (and still does) the nature of the Philippine state as determined by the semi-colonial and semi-feudal nature of the mode of production of Philippine society (Sison 1998, 1970).<sup>10</sup> The Philippine state is an instrument of the domestic ruling classes and is a puppet of its neo-colonial master, the US. It did not really matter if it was the "US-Marcos regime" (dictatorship) or the "US-Aquino regime" (democracy) since the basic contradictions of the semi-colonial, semi-feudal mode of production of Philippine society determined the overall direction of the class nature of the state.<sup>11</sup>

In the Migdalian-inspired strong society-weak state approach, state policies are determined by the kind of social actors or the strong men (including elites and elite families or clans) society has (Migdal 1988). Because the overwhelming focus is on the alternative power bases of society challenging state authority and autonomy, the Migdalian formulation glosses over the important differences between authoritarian and democratic regime types and the institutional variations within each regime type that mediate relations between state and social groups<sup>12</sup> — concerns central to an institutional analysis. In Alfred McCoy's application of this approach to Philippine politics, the call is for a new historiography of the elite families to more accurately narrate Philippine political history and to move away from the misguided emphasis on Western-type political institutions such as political parties that are inappropriate to explain Philippine politics (McCoy 1994).

In the Weberian neopatrimonial approach, state policies are determined by elite power over the state or extent of elite or oligarchic predation. While usually classified as a state-centered approach, it is possible to argue that it shares more similarities with the society-centered approach than to an

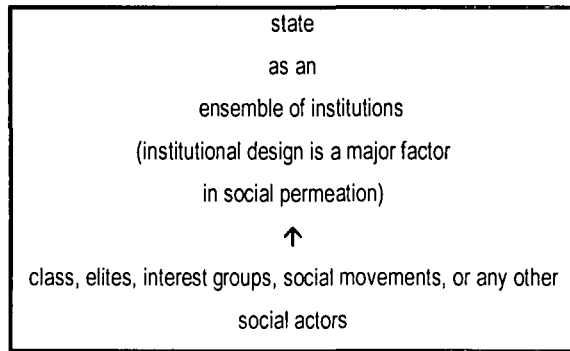
institution-based approach when considering the role of political institutions, especially in a democracy. Similar to a Migdalian approach, it has a strong bias in emphasizing continuities at the expense of discontinuities between political features of the authoritarian and democratic regimes and pays far less attention to the mediating role of different types of democratic institutions than to its far richer categories on different types of oligarchic predation. This emphasis on social actors rather than on political institutions can be seen in Paul Hutchcroft's argument when employing this approach to Philippine politics. Looking at the Philippine state as an actor (rather than as a field made up of mediating political institutions), he recommends that when the state is a dependent actor like the Philippine state, the methodological starting point of any "serious" analysis of the state must begin with social interests acting upon it (Hutchcroft 1989: 424).

In the hybrid approaches, state policies are by-products of any combination of a collage of classes, elites, interest groups, social movements (a.k.a., civil society), external forces (a.k.a., globalization actors), masses, etc. While advancing the analysis of Philippine politics by expanding the actors involved, such approaches actually only enrich the society-based approach (which is nevertheless a considerable achievement) but represent little significant advance in terms of explaining the role of the specific design of political institutions in affecting the dynamics of Philippine politics (e.g., Alegre 1996; Clarke 1998; Kerkvliet 1995; Melegrito and Mendoza 1999; Rocamora 1995; Wui and Lopez 1997).

### *Institutional seeing and an institutional conceptual approach vis-à-vis the state*

What an institutional approach means in relation to the state is to understand that the state may indeed be an instrument of either class or elite interests; or the state may indeed be an arena for the clash of class or elite interests, or for elite predation, or for interest-group or social-movement contestation, etc. but also to understand it as an ensemble of political institutions that acts as powerful incentives and constraints for social actors and as significantly mediating the interaction between the state and these actors. This means that institutional seeing is to see that the design of political institutions as having a major role in social permeation whether they be class, elites, interest groups, social movements, etc.

**Diagram 2. State as an Ensemble of Institutions**



To argue for an institutional approach is to argue that the very power of social forces is also a function of the institutional mechanisms in which they operate. The specific design of a country's form of government, electoral system, party system, legislative structure, and judicial system has an intimate effect on the type and extent of state access that social actors can achieve. There is no denying that state policies are influenced by social demands but they are mediated by the kind of rules the state has. As argued earlier by the paper, these rules influence the kind of political strategies mobilized by social actors. Many rules allow for easy permeation, others allow for harder permeation. In the context of the Philippines, it is clear that the rules allowed for a lot of elite/ruling class permeation: is it then simply because Filipino elites/ruling classes are strong or is it *also* because the rules embedded in political institutions have allowed them to be so?<sup>13</sup>

### Institutional Analysis: Expanding the Vision by Narrowing the Focus

#### *Different research question of an institutional approach*

It can be argued that the central research question in a society-based conceptual approach is: how does class domination/fragmentation or elite predation/strength (or also, civil society exclusion/empowerment) affect the Philippine state's policies? An institutional approach would ask a different although related question. The question would likely be: how does the *design of political institutions* promote or hinder the effects of class domination/

fragmentation, or elite predation/strength, or civil society exclusion/empowerment (or the strategies of state elites)<sup>14</sup> on the Philippine state's policies?<sup>15</sup>

**Table 1. Central Research Question**

Central research question under a society-based approach	Central research question under an institutional analysis approach
How does class domination/fragmentation, or elite predation/strength, or civil society exclusion/empowerment affect the Philippine state's policies?	How does the <i>design of institutions</i> promote or hinder the effects of class domination/fragmentation, or elite predation/strength, or civil society exclusion/empowerment on the Philippine state's policies?

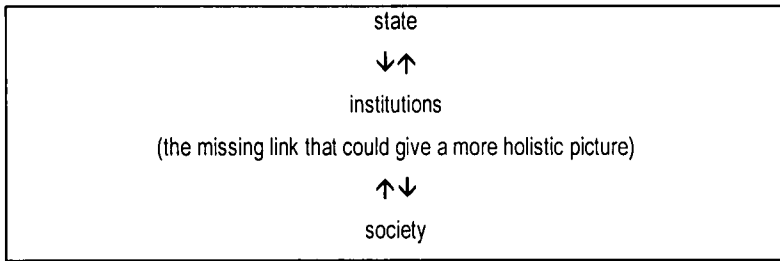
With this different research question, employing an institutional approach would result in a different research focus and different research answers. What is so intellectually exciting in the institutional approach is that the answers to this central research question can be employed to come up with more holistic and at the same time more detailed answers than the competing society-based frameworks presently being employed to explain Philippine politics.

*More holistic: Political institutions may provide the missing link*

The paper argues that an institutional approach can be more holistic because the concept of "political institutions" must now be taken as seriously as the concepts of "state" and "society" (or social actors, however conceived). By seeing political institutions as important mediating mechanisms linking the state on one hand and society on the other, institutions may provide the missing link needed to tie up state and society and create a conceptual framework that is holistic enough to grasp most of the crucial forces shaping the dynamics not only of Philippine politics but also of the broader Philippine state and society.



**Diagram 3. Institutions as Mediating Mechanisms between State and Society**



*More detailed: Attention to institutional details may portray a more holistic picture*

Any proposed institutional approach must also be more detailed. From an institutional approach, the state is neither only a single actor nor only a single institution but an ensemble of political institutions (as well as other types of institutions). In any democratic polity, the range of political and other institutions making it up generates thousands of specific rules that together create multiple political effects (Przeworski et al. 1995: 12-13). At times these rules contradict each other and at times these rules complement each other.<sup>16</sup> Much of this contradictory-complementary relationship would also depend on the intermediation of rules with non-institutional factors including the strategies adopted by social actors to exploit the rules to their advantage.

In the case of the Philippines' post-EDSA democratic government, scholars would have to be more detailed in their understanding and analysis of institutions more than ever if they want to, among others, begin to answer the central research question under an institutional analysis framework mentioned above. At this level of analytical precision, it is no longer enough to speak, for example, that there is elite predation but what is needed is to be able to say how different political institutions facilitate (and possibly at times even hinder) elite predation of the state and the economy. Institutional analysis may offer the key to opening the "black box" (Remmer 1997: 50) of these types of analysis.

Since institutional analysis argues that the functioning of democratic institutions is to an important extent a function of their specific institutional design, then such a conceptual approach must as a first step be able to classify the panoply of democratic institutions the Philippines has (in addition to the usual classification of class structure, elite family structure, NGO formation, social movements, and broader social structure the country has). Further, since the devil of institutional design is in the details, such understanding of democratic institutions must move on to be able to trace how the details of their design had and continue to have significant effects on Philippine politics, including unintended ones.<sup>17</sup>

This stress on details while already challenging becomes doubly so when institutional solutions are sought for the political pathologies of the country. For instance, any proposed institutional reforms to address the institutional pathologies that have facilitated elite rentseeking in state economic policies and/or have blocked access to political representation of the marginalized or pro-reform sectors would demand a more intense focus on institutional details and on how one set of institutional rules affects other rules (in addition to the myriad interaction with non-institutional factors). If the kind of political parties in the Philippines has magnified the political power of elite family-based politicians, what kind of political parties can maximize the political participation of previously excluded social sectors? But having gone down to the level of political party types, this question needs to be pursued at the level of electoral system. How does the Philippines' electoral system encourage the fragmentation and highly personalized nature of the country's political party system and what institutional reforms can address these problems and at the same improve the chances of smaller, programmatic political parties for political representation in an electoral contest? Obviously, such a reform program could not be made up of generalities. If, for example, scholars choose a PR system, then such a choice further opens up a bewildering array of finer-point institutional questions on what kind of PR system is wanted: what kind of party list, what level of threshold and ceiling, what size of the voting district will maximize more expansive political participation goals (but at the same time not sacrifice the equally important value of better governance)? Scholars inclined to an institutional analysis may believe in the efficacy of institutions in helping to structure Philippine political, economic, and social life but only in the context of pinpoint

institutional analysis can they translate what they think they know of the country's institutions into better policy outputs and reform recommendations (Torres 2004, 2003a, 2003b, 2001).

Indeed, by employing an institutional approach, a bigger picture may be arrived at by, ironically, narrowing down on how the details of political institutions interplay with structural factors (e.g., income distribution, interest group formations, historical learning, and external penetration and integration), social interests (e.g., class, elite, and social movement goals), and actor strategies (e.g., moderate-hardline, ally with-compete against, and comply-subvert). It is this attention to institutional details that may help scholars on Philippine politics arrive at a more holistic picture.

### Some Recent Works on Philippine Political Institutions

Arguing for the need for an institutional approach does not mean that no scholar has been doing research work on institutions. Starting in the early 1990s, works with a more or less institutionalist bent have trickled in.

A central impetus for many of these works is the charter change campaign from Ramos in 1992 up to the present De Venecia-Arroyo campaign in 2006 to shift the current presidential system to a parliamentary one. At least three book-length works have been published (Abueva et al. 2002; Konrad Adenauer Foundation and the Local Government Development Foundation 1991; Santos et al. 1997) arguing for the superiority of the parliamentary over presidential systems, with the Abueva and Santos books containing articles systematically employing arguments drawn from the institutional design literature. Answering this pro-parliamentary onslaught are article-length works (e.g., Rüländ 2003; Torres 2004, 2003a, 2003b, 2001) which have also recruited arguments from the same institutional design literature to challenge the claims of Filipino advocates of parliamentarism.

While there is much to be desired with the level of theoretical sophistication of many of the articles in the charter change debate,<sup>18</sup> it has at least successfully produced a rudimentary intellectual discourse on the crucial role of institutional design in affecting key dimensions of politics in the

Philippines from effective policymaking to popular representation and political accountability. Specifically, the pro-parliamentary camp can be credited for thrusting into the local debate the argument of the central importance of the type of the form of government in affecting, among others, executive-legislative and party system dynamics in the Philippines. On the other hand, the camp skeptical of the pro-parliamentary position can claim credit for highlighting the importance of institutional variations within both presidential and parliamentary forms of government and the importance of the overall institutional configuration (i.e., form of government plus other political institutions such as the electoral and party systems) in explaining the performance of a political system.

Another source of recent works on Philippine institutions from an institutional approach is the comparative works that include the Philippines as a country case (see Croissant 2003 and MacIntyre 2003). These works have well-developed institutional approach arguments that filter Philippine political institutions through explicitly institutional analysis categories. What is interesting to note is that these works show that the performance of the country's political institutions when viewed from a comparative perspective and from certain institutional qualities can be assessed more positively (or at least less negatively) than previous scholarship on Philippine political institutions, especially from the pro-parliamentary camp, has assumed.

For example, Croissant compares the Philippine and South Korean president's capacity to manifest the characteristic of delegative democracy (O'Donnell 1994) of riding roughshod over the legislative and judicial branches in policymaking. The comparison is based on the frameworks of Mainwaring and Shugart's (1997: 12-54) "proactive" powers (agenda-setting and decree powers) and "reactive" powers (veto powers) of the presidency and George Tsebelis's (2000, 1999, 1995) number of veto players (number of actors that can block policy change) across the political system. Croissant's conclusion puts a positive spin to what have frequently been condemned by previous scholarship (e.g., Santos et al. 1997) as the pathologies of the Philippine institutional setting as he sees the combination of weak proactive powers of the executive and the panoply of veto players as "secur[ing] a well-functioning separation of powers and effective horizontal accountability of the president in the Philippines" (90), effectively turning

the vices of the high fragmentation of the party system, low party cohesion, and low party discipline of the Philippine Congress as virtues in so far as they relate to the issue of delegative democracy. The case of the Philippine executive is in contrast to the ability of the president of South Korea to at times lead a "hyper-presidential government" (91) where the president clearly dominates the legislature and is made possible through a combination of institutional factors of proactive powers and fewer veto players and the conjunctural factor of the president's disciplined political party being the legislative majority.

Far more expansive not only in length but also in theoretical and empirical scope than Croissant's work is MacIntyre's book-length work on political institutions in Southeast Asia that inserts the Philippines as one of its four country cases. Working on a rigorous institutional line based on a modified institutional veto players framework taken from Tsebelis (although MacIntyre's main argument also echoes closely the "executive concentration" argument well developed in the earlier "dual-transitions" literature that studied the interplay of the simultaneous process of democratization and market reforms in both South and East, see for examples: Balcerowicz 1995; Diamond 1995; Frischtak 1996; Haggard and Kaufman 1995, 1994, 1992; Morales 1996; Naím 1995; Nelson 1994a, 1994b), this work sought to investigate how the number of institutional players tended to centralize or fragment institutionalized decision-making in a polity and its crucial implications to policy stability and change. It studies the "national political architecture" (i.e., "the complex totality of a country's basic political institutions," see 1-16) of Indonesia, Malaysia, Philippines, and Thailand and investigates the capacity of each country's political architecture to successfully initiate policy changes during the two cases of the 1997 Asian financial crisis and the attempt for institutional reform in that crisis' wake. MacIntyre classifies the pre-1997 Constitution Thailand as highly fragmented and the post-1997 Constitution as moderately fragmented; the Philippines as moderately fragmented; Malaysia as highly centralized; and Indonesia under Suharto as "even more highly centralized" and after Suharto as moving towards a highly fragmented architecture.

MacIntyre's central insight is that "[i]nstitutional configurations that severely centralize power are more prone to problems of policy volatility,

whereas configurations that severely fragment power are more prone to problems of policy rigidity" (160). Under this schema, the configuration of Philippine political institutions is assessed as having relatively functioned well. On the policy response to the 1997 financial crisis: "Thailand exhibited a pattern of debilitating policy rigidity, Malaysia and Indonesia exhibited severe problems of policy volatility, and the Philippines exhibited neither extreme syndrome but a satisfactory if messy intermediate pattern" (161). On the attempt for charter change in the Philippines in 1997, it failed "precisely because of fears it would result in the country's political configuration being pulled back in the direction of a dangerous centralization of decision-making power" (161-162).

### Conclusion

The paper argued for the importance of applying an institutional approach in possibly opening up a new understanding of Philippine politics that has not been accessed by the more dominant society-based conceptual approaches. It considered institutions from a political science-inspired approach by limiting institutions to formal rules that influence the strategies of state and social actors. The paper focused on political institutions and argued that political institutions are important because they act as incentives and constraints for state and social actors and as mediating mechanisms within and among at least three types of intersecting arenas: state-society, state-economy, and state-external arenas. Going to the Philippine case, it criticized society-based approaches of the semi-colonial, semi-feudal class approach, Migdalian strong society-weak state approach, Weberian neopatrimonial approach, and different versions of hybrid approaches as being institutionally blind for explaining state policies as a product of the configuration of social forces and dismissing political institutions as epiphenomena of autonomous social actors.

In contrast to these state-centered approaches, the paper argued that an institutional approach sees that the design of political institutions as having a major role in social permeation whether they be class, elites, interest groups, social movements, etc. Applied specifically to Philippine politics, an institutional approach-inspired research question would ask: how does the *design of political institutions* promote or hinder the effects of class

domination/fragmentation, or elite predation/strength, or civil society exclusion/empowerment on the Philippine state's policies? The paper argued that the answers to this central research question can be employed to come up with more holistic answers (in the sense that they can grasp more of the crucial forces shaping the dynamics of Philippine politics from the state to the society to the political institutions in-between) and at the same time more detailed answers (in the sense that they can explain how specific rules of different political institutions magnify or mute the effects of other non-institutional factors) than those of the competing society-based frameworks presently being employed to explain Philippine politics.

It is obvious that this paper was no more than a preliminary exploratory work on a possible institutional approach to Philippine politics and had barely scratched the surface of what needs to be said about the topic. What are needed to move the arguments forward include both more theoretical work on political institutions and institutional design (central to this theoretical task is the understanding of institutional reform) and more empirical work on Philippine political institutions. As mentioned earlier by the paper, the current campaign on charter change may yet be the needed momentum to push scholars on Philippine politics to theorize and research in earnest how institutional design questions impact on, among others, the ambitions of self-interested politicians and the reform programs of programmatic civil society-based political parties and organizations. ❖

## Notes

<sup>1</sup> Although new institutional economics is referred to here as singular, in reality the approach is plural since it is made up of overlapping schools of thought. Christopher Clague (1997: 13-36), for example, raises at least four strands: 1.) transaction cost economics; 2.) economics of imperfect information; 3.) the economics of property rights; and 4.) collective action. For a comprehensive and critical review of the different approaches under new institutional economics, see Hodgson 1998.

The same is true with the political science-inspired institutional approach. Two political scientists (Crawford and Ostrom 1995) list three major approaches in the attempt to define institutions: institutions-as-equilibria, institutions-as-rules, and institutions-as-norms. For yet finer distinctions, see Ostrom 1991.

<sup>2</sup> What political scientists practicing an institutional approach usually do is to tick off what are to count as institutions such as constitutions, the different branches of government, political parties, electoral systems, and economic regulatory institutions and then to study their rule-making, rule-implementing, or rule-adjudicating roles. Even when some scholars include informal rules as rules (e.g., Goodin 1996), it is clear that when they analyze politics what they focus on are overwhelmingly formal political institutions.

Another definitional difference between the new institutional economics and a more political science-inspired institutional approach is the strict distinction made by the former between institutions and organizations. Organizations for North (1994: 2) "are composed of groups of individuals bound by a common purpose to achieve objectives. They include political bodies (political parties, the senate, a city council, a regulatory agency); economic bodies (firms, trade unions, family farms, cooperatives); social bodies (churches, clubs, athletic associations); and educational bodies (schools, colleges, vocational training centers)." This distinction is not as pronounced in the political science-inspired institutional approach which usually considers, for example, political parties, legislative bodies, local government councils, and regulatory agencies as both organizations and institutions. For a discussion that emphasizes the overlap between institutions and organizations, see Graham and Naím (1998: 325-326).

<sup>3</sup> According to some scholars, this emphasis on the political institutions specifically geared for the representation of social interests designates the difference between the institutionalism of the 1970s and the institutionalism of the 1980s and the 1990s.

Made up mainly of studies of the successful authoritarian East Asian NICs (while juxtaposing these cases with their problematic authoritarian counterparts in Africa and Latin America), the earlier institutionalism, labeled as "state-centered institutionalism," focused on the state as an actor (i.e., the extent that state officials form a cohesive group capable of articulating their own policy prescriptions relatively independent of society), zeroed in on the administrative and technocratic policymaking institutions of the state, and had for its central concept "state autonomy."

On the other hand, the more recent "polity-centered institutionalism" which is more representative of studies on the international democratic wave from the early 1980s to the mid-1990s focuses on the political institutions specifically associated with democratic regimes. Here the emphasis is on political institutions that act as intermediary mechanisms between state and social actors such as the legislatures, political parties, and the electoral system.

For the differences between state-centered and polity-centered institutionalism, see Pontusson (1995: 117-147). For a good overview of the rise of a political science-based institutionalism, see Hagopian 2000, March and Olsen 1984, and Remmer 1997.

<sup>4</sup> Institutional design here is understood as the differences in inter- and intra-regime institutional features. Institutional design is based on the key argument that differences in institutional arrangements (the design) make a difference in a nation's politics. This is a central premise of the institutional approach to democracy and democratization (Haggard and Kaufman 1995: 7; March and Olsen 1984: 738; Przeworski 1992: 54; Przeworski et al. 1995: 107).



<sup>5</sup> Political institutions have in the past been reduced as epiphenomena of social structures that the resurgence of institutionalism had works with titles like *Do Institutions Matter?* (e.g., Weaver and Rockman 1993). Whether couched in terms of autonomy or mediation, the thrust of institutionalism is to insist on the opaqueness of institutions which once enacted assume a certain kind of existence irreducible to the intentions of the actors (whether state or social) who drafted them (Baylis 1996; Elster 1997; Linz and Stepan 1996; March and Olsen 1984).

Building on the work of March and Olsen, Scott Mainwaring (1999: 7) gives two cogent rationales for bothering with political institutions: “[I]nstitutionalism rests upon two fundamental claims. First, political institutions must be more than an expression of societal interests or cultural patterns. If political institutions were little more than that, as several theoretical perspectives suggest, then analysis should focus primarily on them and treat institutions as secondary or epiphenomenal. As opposed to perspectives that see politics as determined by economic, social, or cultural factors, institutionalism posits the relative autonomy of politics vis-à-vis such factors. Second, institutions must be major actors in shaping political life—otherwise there would be little point to studying them. If these two claims are correct, institutions provide an excellent lens for studying politics.”

<sup>6</sup> According to O’Donnell (1994: 57-59), “[t]he characteristics of a functioning institutional setting include the following: 1.) Institutions both incorporate and exclude ....2.) Institutions shape the probability distribution of outcomes....3.) Institutions tend to aggregate, and to stabilize the aggregation of, the level of action and organization of agents interacting with them....4.) Institutions induce patterns of representation....5.) Institutions stabilize agents / representatives and their expectations....6.) Institutions lengthen the time horizon of actors” (emphasis in the original).

For a comprehensive book-length review of what institutions do written by political scientists, see Lane and Ersson (2000).

<sup>7</sup> See this coupling of strategy and outcome: “Though the analysis of the social and political consequences of economic performance is the starting point for any political economy, political and policy outcomes cannot be understood as a simple vector of social interests. We do not make the strong claim that institutions affect the underlying preferences of social actors, but they do affect their strategies and capabilities, and thus the likelihood that they will achieve their objectives” (Haggard and Kaufman 1995: 370).

<sup>8</sup> Przeworski (1991) lists fairness (together with effectivity) as an important institutional reward that leads actors to comply with democratic outcomes. Fairness is the incentive factor for winning since it infuses in all the relevant political forces the belief that they have a chance to win from time to time in the competition of interests and values in a democracy.

<sup>9</sup> O’Donnell (1994: 59) provides a good explanation of the role of institutions as crucial intermediary mechanisms: “A way to summarize what I have said is that, in the functioning of contemporary, complex societies, democratic political institutions provide a crucial level of mediation and aggregation between on one side, structural factors and, on the other, not only individuals but also the diverse groupings under which society organizes its multiple interests and identities. This intermediate—i.e., institutional—level has an important impact on the patterns of organization of society, bestowing representation upon some participants in the political process and excluding others.”

<sup>10</sup> To the extent that Sison (1970: 116) speaks of political parties and elections in his classic book, *Philippine Society and Revolution*, it is only to dismiss these political institutions for their class bias: "Through their political parties, the bureaucrat capitalists try to give the masses the false illusion of democratic choice. But these political parties are nothing but the external trappings of comprador-landlord dynasties perpetuating themselves in power."

For a useful discussion of the different readings of Left scholars on the Philippine mode of production, see Rojas (1992). Here one can see that whether the state was seen as an epiphenomenon or as a relatively autonomous entity by Philippine Left scholars, the type of political institutions (e.g., whether presidential or parliamentary or whether single-member district or proportional representation) constituting the state was never problematized.

<sup>11</sup> If at the general level of state theorizing, regime types do not matter, then more so at the more specific level of distinctions in democratic institutions such as the impact on class politics if Philippine democracy would have a parliamentary form of government or a proportional representation electoral system. Thus, the national democrats have yet to produce any serious theoretical work on political institutions even when they have, through Bayan Muna in 2001, started to learn the bitter effects of a flawed marginal party-list institutional design.

It is also important to raise that in the programmatic vision of the CPP-led national democratic movement, the "democracy" in national democracy has no real relation or reference to democratic institutions (least of all to elections that would periodically affirm the consent of those whom the movement supposedly represents) but to the fact that the movement is anti-feudal and anti-fascist. See this quote from Sison: "It is a democratic revolution principally because it seeks to fulfill the peasant struggle for land against domestic feudalism and furthermore it seeks to uphold the democratic rights of the broad masses of the people against fascism" (1970: 129).

<sup>12</sup> Migdal was well aware of the weakness of his theory with respect to regime types. Among the issues he believes needed to be further studied in order to make his theory more complete is "the effect of different types of government (e.g., democracy) on state-society relations, and the opposite: the effects of different types of state-society relations on the type of government" (1988: xvii-xviii). Unfortunately, incarnations of Migdalian theory in Philippine studies have not taken the research and theoretical direction Migdal says is needed to make his theory sounder.

<sup>13</sup> Interestingly, the explanation for the strength of Filipino elite families (as well as the very personalized electoral politics and weak political parties) can very well be absorbed in an institutional framework. In the American period, it is the sequencing of elections where single-member districts were introduced from municipal to national politics that helped to project local elite clans into national politics. The early rise of an electoral elite preceded and ultimately stunted the development of a meritocratic civil service elite as electoral politics served as a platform for elite predation on the bureaucracy, and, hence, on state resources. This analysis is common enough even for those who emphasize a society-based framework such as McCoy and Hutchcroft and would thus point to the many common grounds from which a more conscious institutional-inspired work can start.

<sup>14</sup> Not all permeation comes from social interests; it is a central argument of state-centered theorists that actors within the state also have their own interests as state actors including those of state building, state maintenance, and state survival. For example, in the East Asian context of the Cold-War NICs, the shift of Taiwan and South Korea from an ISI to EOI strategy is seen by some scholars as not being based on social demands because at that time of the shift they still had ISI elites. The move was an independent strategy of state elites because of the threats of their competing communist counterpart states and the dwindling military aid from the US. This means that state actors may and do act in terms of their capacity beyond social demands to formulate their own policies (but again subject to the constraints of, among others, the political institutions that the state has). For a line of analysis on the "East Asian tigers" that highlights the strategies of state elites in those countries, see Haggard (1990: 1-48).

<sup>15</sup> For example, this institutional approach can be compared with that of the elite family approach's dismissal of political parties as mere coalitions of elite families. There is no doubt that political parties are weak and function more as disposable alliances of elite clans but that does not mean that the analytical focus should immediately or could only shift to families as the sole fruitful analytical category that can be explored on this issue since an institutional approach can be applied to analyze the role the design of the electoral system played in making these parties weak and not just the role played by the "strong" elite families. Another way of saying this is that the elite family approach has already inspired outstanding researches like Coronel et al.'s *The Rulemakers* (2004) but what is direly needed now from an institutional approach problematic are works on the "rules" themselves.

<sup>16</sup> This sensitivity to the effects of institutions on each other is what is known in the literature as "institutional configuration" (e.g., how electoral system rules to elect Congress tend to undermine or strengthen presidential powers). This means that institutions must never be analyzed independently from other institutions that may affect their functioning. See Mainwaring and Shugart (1997: 394-437).

<sup>17</sup> For example, few people in 1987 would have thought that the new 1987 Constitution's single-term rule for the president, meant to address the trauma of Marcos's martial law power grab during his second term, would be so problematic and disruptive of Philippine politics less than a decade later. Because of this shortening of time horizon for the incumbent (from the possibility of reelection under the 1935 Constitution to none under the 1987 Constitution), there is a powerful incentive for incumbents to tinker with the constitution in order to allow for a second term, thus introducing a destabilizing force to the constitutional framework itself. For both the latter part of the term of Fidel Ramos and the early part of the abbreviated term of Joseph Estrada, the incentive for another presidential term—although in the guise of shifting to a parliamentary form of government—has helped push for constitutional change and has absorbed the energies of different political actors from opposing camps during the 1996-1997 "cha-cha" campaign and the 1999-2000 "concord" campaign. The case of the 2001-2004 presidency of Gloria Arroyo was different only because she was eligible to run for president in 2004. If there is one stark illustration of the unexpected outcomes of rules (from the intention of stabilizing succession rules to being an incentive to tinkering with succession rules), this is it. For other miscalculations on the design of institutions in new democracies, a good starting read is Elster (1997). For a review of the arguments for and against reelection by the institutional design literature and of the recent experience of some Latin American countries in reintroducing reelection in their presidential succession rules, see Carey 2003.

<sup>18</sup> The crudeness of the arguments of many Filipino parliamentary advocates which often border on a caricature of the presidential system and a valorization of the parliamentary system as forms of government is reviewed by Torres (2003a).

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