Why do Authoritarian Regimes Adopt Bicameralism?

Cooptation, Control, and Masking Controversial Reforms

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Introduction

Why do non-democratic regimes that previously had unicameral legislatures introduce bicameralism? From 1945-2016 there have been over fifty instances of the adoption of second chambers in countries that are categorized as non-democratic and that already had single-house legislatures for some time prior to the change. The list of adopters includes such different regimes as those in Paraguay in 1968, Egypt in 1980, Senegal in 1999 or Belarus in 1996. Furthermore, while the percentage of bicameral democracies has halved from around 80 to 40 per cent from 1945 to 2016, in dictatorships, where bicameralism has also been on a downward slope, there was however a significant turnaround after 1990 with the percentage of bicameral dictatorships increasing from 22 to 52 per cent between 1990 and 2016. Also, even though the overall number of dictatorships has declined since the end of the Cold war, the number of bicameral dictatorships has increased.

The standard argument for the existence of bicameralism is that it is designed to improve representation in geographically larger and societally diverse countries.[1] Given the fact that dictatorships have not become dramatically more diverse or larger in terms of their territory, what explains the creation of second chambers in such regimes? In brief, while we account for several possible reasons such as that bicameralism may serve as a means cooptation and that of control over the lower chamber, we are especially puzzled by the observation that personalist regimes are the most likely to adopt second chambers. This is despite the fact that such regimes are generally regarded as the least institutionalized among dictatorships.[2] We propose a novel explanation centered on the distinct institutional settings of personal and non-personal dictatorships and the need to legitimate and obfuscate constitutional changes required for personal dictators to remain in power. Our argument is that the adoption of bicameralism often serves to 'mask' broader constitutional change regarding presidential term limits. In short, the adoption of bicameralism helps to provide a legitimate 'mask' to broader, more controversial changes. Clearly, personal dictatorships may adopt bicameralism for reasons other than constitutional 'masking' of this sort. For example, in different political circumstances second chambers are also adopted as a means of controlling the legislature and for the purposes of post-conflict reconciliation.

[1] See Heller and Branduse, "The Politics of Bicameralism" and Massicotte, "Legislative Unicameralism".

[2] Escriba-Folch and Wright, *Foreign Pressure and the Politics of Autocratic Survival*, and Geddes et al. "Autocratic Breakdown and Regime Transitions".

Much of the current literature on dictatorships focuses on the role of institutions, particularly legislatures and political parties.[3] As rightly pointed out by Przeworski and reiterated recently by Pepinsky,[4] because institutions are not randomly assigned, it is not clear how to distinguish between the effects of institutions on outcomes from the effects of elite preferences that influence both institutions and the outcomes that these institutions are supposed to explain. Below, rather than inferring the motivation for creating bicameralism from the subsequent effect of bicameralism, we attempt to understand better the circumstances that engender the adoption of institutions. Scholarship exists on the origins of authoritarian institutions including studies on the emergence of dominant parties and the origins of dictatorial legislatures.[5] To date, the scholarship has ignored the adoption of bicameralism in dictatorships.

We begin by discussing why leaders in non-democracies that already have unicameral legislatures may be motivated to create bicameralism. Then we turn to the phenomenon of second chambers in different types of dictatorships. We propose a leader-centered explanation that is based on the incumbent leader's need to maintain a position of authority under specific constitutional circumstances. Then we introduce the data and fit several statistical models to explain the introduction of bicameralism.

Second chambers in dictatorships

Approximately half of the existing dictatorships in 2016 featured a second chamber of parliament. While several dictatorships such as Jordan have had bicameral structures from the time of their first post-independence constitutions, the majority had unicameral parliaments first and then adopted bicameralism later. As seen from Table 1, there has been a notable increase in bicameral dictatorships in the last three decades in particular. What are the reasons behind the adoption of this new institution?

Table 1 about here

Dictatorships have long appropriated nominally democratic institutions such as elections, political parties and parliaments. The existing comparative literature has made significant advances in the understanding of such institutions. In brief, authoritarian

[3] Gandhi, *Political Institutions Under Dictatorship*; Magaloni, *Voting for Autocracy*; Svolik, *The Politics of Authoritarian Rule*.
[4] Przeworski, "Do Institutions Matter?", Pepinsky, "The Institutional Turn in Comparative Authoritarianism".
[5] Reuter, *The Origins of Dominant Parties*; Gandhi, *Political Institutions Under Dictatorship*, 93-100.

institutions may serve as a means of control and as a means of cooptation. For instance, elections provide dictators with information about their rivals and capable operators to be promoted; they may also signal the regime's strength.[6] Parties mitigate intra-elite conflicts.[7] Dictators use legislatures to co-opt elites and organize concessions to potential opposition.[8] For these reasons, authoritarian institutions are associated with longer time spans of regimes. This happens also because institutions accommodate and increase patronage coalitions.[9]

If legislatures and parties help to co-opt the opposition, distribute spoils and address commitment problems between leaders and elites, an argument can be made that bicameral legislatures are *additionally* necessary in particularly complex societies, geographically larger and ethnically diverse countries. That is, provided dictatorships already have unicameral legislatures, second chambers may be necessary to "fine-tune" the process of governing, co-opting additional elites and providing yet more patronage opportunities.

All things being equal therefore, larger and more diverse dictatorships should be more likely to have bicameralism. As demonstrated in the supplementary appendix, bicameral dictatorships however are not particularly diverse or large, certainly no more diverse on average than dictatorships with unicameral legislatures. Furthermore, it is also not clear whether this argument can explain the rise of bicameral dictatorships, particularly between 1990 and 2016. In the absence of an increase in size or ethnic diversity it is difficult to see how such factors may explain the adoption of bicameralism in dictatorships of the same size as, and as diverse as, they are after adoption. Admittedly, societal heterogeneity may change over time because of migration, conflict or even state policies.[10] The available indicators for diversity are all time-invariant however.[11] We also know that non-democratic regimes that previously had only one chamber and that opted for a second one, such as Zimbabwe, Tunisia or Belarus, have not become dramatically more diverse; they certainly have not increased their territory.

Still, we cannot completely dismiss societal complexity as a possible explanation. Furthermore, second chambers are often adopted in order to co-opt and accommodate previously excluded elite groups into formal government, particularly in the aftermath of

[6] Magaloni, *Voting for Autocracy*.
[7] Gandhi, *Political Institutions Under Dictatorship*; Reuter, *The Origins of Dominant Parties*; Svolik, *The Politics of Authoritarian Rule*.
[8] Gandhi, *Political Institutions Under Dictatorship*; Malesky and Schuler, "Nodding or Needling".
[9] Arriola, "Patronage and Political Stability in Africa".
[10] For example, Posner, "Measuring Ethnic Fractionalization in Africa".
[11] Alesina et al. "Fractionalization", Easterly and Levine, "Africa's Growth Tragedy".

internal conflict, as a means of reconciliation, such as in Kenya in 2010 or the Central African Republic in 2016.

The adoption of bicameralism in more diverse societies and in the aftermath of internal conflict, all things being equal, will provide support for the logic of cooptation. However, the introduction may also be a means of control. We know that dictators are more likely to offer institutional concessions and create legislatures when there is a potential for opposition in the form of existing parties.[12] The logic of the creation of a second chamber however is different: leaders will be motivated to create bicameralism when they perceive a specific threat to their control over the lower house. For instance, in 2000 elections in Zimbabwe, for the first time since independence the ruling *ZANU-PF* party was denied the 2/3 majority, with the opposition *MDC* gaining 47 per cent of votes.[13] Subsequently, with the opposition growing in strength as demonstrated by a very close presidential election in 2002, in 2005 the government made a decision to introduce a senate with 24 per cent of seats appointed (including chiefs); in 2007 the percentage of non-elected members has grown to 35 per cent. Similarly, the creation of second chambers in 1996 in Morocco or in Belarus may have been driven by the need to "future-proof" executive control over the legislature at a time of gradual political liberalization that may have brought opposition into the lower assembly. As a constituent Soviet republic, Belarus had a unicameral parliament in place after independence in 1991. In 1994, a political outsider, Alexander Lukashenka, won the presidential election and soon started to exert control over the legislature, frequently issuing decrees that were later found to be unconstitutional. While a small opposition faction in parliament initially proved to be a thorn in the side of the president, the 1995 elections resulted in an even stronger opposition, leading to calls for the president's impeachment.[14] In 1996, however, the president promptly called, and won, a referendum that, among other changes, introduced a bicameral legislature. The reform created a new upper house with 64 members, who were either indirectly appointed by the regional councils controlled by the executive or appointed by the president. Impeachment was avoided and the 1996 reconfiguration proved successful, as the pliant chambers of parliament have not challenged the executive's control since. The expert reconstruction of events leading up to the constitutional change underlines that the primary goal of the president was to avoid an

[12] Gandhi, *Political Institutions Under Dictatorship*, 96.
[13] Sithole, "Fighting Authoritarianism in Zimbawbe", 160.
[14] Levitsky and Way, "The Durability of Revolutionary Regimes", 204; Silitsky, "Preempting Democracy", 87.

impeachment, and make sure such a procedure would never be possible in the future: "Lukashenko could not risk trusting the directly elected deputies with the appointment of the remaining judges, so he invented an upper chamber – the Council of the Republic".[15]

The explanations for bicameralism based on the logic of control and that of cooptation are not mutually exclusive. A dictator facing the threat from the lower chamber may introduce a senate to dilute the legislature with regime supporters but the senate seats given to such supporters are also patronage opportunities. This also addresses the so-called functionalist challenge about the role of authoritarian institutions.[16] Here, a valid (functionalist) question may be raised: if bicameralism is adopted to facilitate elite cooptation and patronage, why not use other institutional structures that can serve the same purpose? Arguably, dictators may instead simply increase the size of the legislature, if they require additional patronage jobs. However, if they adopt bicameralism because the design of upper houses can be manipulated in a way that also weakens the position of the lower house, then it goes some toward understanding why rulers prefer second chambers to larger unicameral parliaments or cabinets. In Bahrain, the 2002 Constitution cemented executive control over the legislative branch with an addition of a second chamber: with all 40 members of the Consultative Council (i.e., a second chamber) appointed by the King, the constitution further stipulated that all laws had to be approved by both houses.

Bicameralism in dictatorships and the problem of constitutional reform legitimation

Our discussion has so far been centered on a possible logic of institutional change in dictatorships in general. Dictatorships vary however; they also have their own institutional histories. Bicameralism may have a higher probability of adoption in countries that had second chambers in the past, e.g. Zimbabwe, which had a senate from 1980-89 prior to 2005. In contrast, communist regimes, with their emphasis on unity, had little need for better representativeness under bicameralism. In turn, monarchies, such as the kingdom of Iraq or Morocco, where the emphasis on ideological unity is not necessarily present, may instead favour bicameralism.

Figure 1 distinguishes between different types of dictatorships: in monarchies, as well as in military, party-based and personalist regimes. It also distinguishes between two different origins of bicameralism: first, from first post-independence constitutions, and second, from

[15] Feduta, *Lukashenko*, 295.
[16] Magaloni and Kricheli, Political Order and One Party Rule,125.

within an already existing nondemocratic regime with a unicameral legislature. In the latter, dictatorships have had unicameral parliaments first and then adopted bicameralism later.[17]

Figure 1

The top sub-figure reports the percentage of unicameral and bicameral legislatures in different regime categories as defined in Geddes et al., at independence.[18] Altogether, when introducing their first national legislature, one third of dictatorships chose bicameralism and two-thirds opted for a unicameral structure. Bicameralism was the favored choice in monarchies as two thirds of such regimes adopted it from the outset. In contrast, one quarter of party-based regimes and only 15 per cent of personalist regimes at the time had bicameralism in their first post-independence constitutions. We do not display the military regime category because there is only one such regime, that of (unicameral) Sudan.[19]

In contrast, the bottom sub-figure records *changes* to bicameralism among existing dictatorships that had unicameral legislatures prior to the change. While personal dictatorships are the least likely to include bicameralism at independence, later on these regimes however more than compensate for their previous lack of interest in bicameralism. Excluding first post-independence constitutions, twenty changes --- or 40 per cent of all recorded changes to bicameralism in previously unicameral dictatorships --- occur in regimes defined as personal. Furthermore, if we add personal hybrids, such as military-personal, party-military-personal and party-personal, altogether there are 32 changes, or 63 per cent of all cases of adoption, in personal and personal hybrid regimes.

Figure 1 about here

What explains the observed tendency of personalist regimes to adopt senates? Because we uncovered no obvious explanation in the literature as to why personalist regimes turned to bicameralism, we decided to examine all cases of bicameral reforms in detail. In

[17] We employ a new dataset of bicameralism in all countries from 1945-2016. The new data expand and improve on Regan and Clark, The Institutions and Elections Project. We add the 1945–71 and 2006–16 periods based on the texts of all constitutions and amendments, as well as the additional data whenever available. Bicameralism is inferred whenever there is more than one legislative chamber stipulated in a constitution, so that if a country has more than two chambers, e.g. an additional Council of Chiefs, such instances are coded as bicameral and not tri-cameral. The IAEP is corrected whenever there are differences between their data and the available constitutional texts. We also check if second chamber is in fact in place.

[18] Geddes et al. "Autocratic Breakdown and Regime Transitions".

[19] The top sub-figure includes dictatorships that gained independence after 1945 as well as regimes with the independence gained prior to 1945 if the same type of dictatorship existed as in 1945. We exclude regimes with long history of statehood such as those in Latin America as well as the CEE Soviet satellites (after 1945).

real-life political settings, bicameralism may be "produced" by several complementary causes; it may also have alternative causes, each itself sufficient for the effect. Alongside certain idiosyncratic factors from which it is difficult to generalize, and the evidence for cooptation and control, as discussed earlier, we also find that the leaders of personalist regimes in particular tend to bundle the introduction of bicameralism together with constitutional changes that the president benefits from directly. Is this merely a coincidence?

We believe not. In personalist regimes, leaders often find themselves in a situation when they need to legitimate a constitutional reform. The majority of first multiparty or post-independence constitutions whether in sun-Saharan Africa earlier or the post-Soviet region included constitutional term limits by default. When the time to depart approaches, such leaders confront the problem of how to remain in office beyond term limits. The introduction of bicameralism entails the reform of the constitution, including the amendments of clauses related to the legislative branch. Such reform is much more significant than an increase in the number of cabinet ministers or even an electoral reform that usually requires changes in the electoral code only. Under certain circumstances, the sweeping constitutional amendments required to alter the structure of the legislature provide a smokescreen for constitutional changes that the term-limited leader is very keen to implement. This is particularly pertinent in a more competitive environment after the end of the Cold war where dictators operate through nominally democratic institutions.[20] As such, our argument is not concerned with whether presidential term limits are difficult to amend or whether they are a mere façade. We argue that the specific institutional context, i.e., presence of formal constitutional restrictions that are often adopted without a second thought early on during a leader's tenure, in time may induce such a leader to seek ways of legitimating the subsequent prolongation in office.

The case of Tunisia illustrates such logic behind the adoption of bicameralism. In 2001, during his last scheduled term in office, President Ben Ali announced a series of wide-reaching constitutional reforms that would modify 39 out of 78 articles of the constitution. The reforms included the creation of an upper house, the Chamber of Advisors, comprising of two-thirds indirectly elected representatives of local authorities and professional organizations and one-third the President's appointees. The reforms were subsequently adopted by referendum in 2002. Ben Ali did not need to create a second chamber to control parliament. The ruling party was dominant in the lower house. Tunisia did not experience civil conflict; there was no need to offer institutional concessions or to co-opt previously excluded elites.

Instead, the introduction of bicameralism masked the real reason behind the

[20] For example, Schedler, *Electoral Authoritarianism*.

amendments: the need to extend presidential term limits. President Ben Ali had to bundle his tenure change with as many other reforms as possible to be able to argue that the amendments were not aimed at a specific person but would benefit the nation as a whole. Indeed, for Ben Ali the question of term limits was particularly salient. Having ousted the president-for-life Bourguiba (1957-87), Ben Ali himself instituted term limits and criticized his predecessor that "the age in which we live can no longer permit either presidency-for-life, or automatic succession as head of state, from which people are excluded".[21] As his own time for a scheduled departure approached however, Ben Ali made 38 further changes to justify one, the 39th, change required to lift the term-limit restrictions. While various constitutional changes were implemented, the introduction of the Chamber of Advisors was the most significant.

The abuse of term limits has become one of the most well-known features of authoritarian regimes in recent times. Why could a dictator such as Ben Ali not simply change the specific constitutional provision that related to term limits? A more general constitutional reform served the purpose of masking the real reason for the exercise, namely legalizing the incumbent's personal position. It was also a way of giving a veneer of democratic legitimacy to the set of reforms. The creation of a second chamber was presented as a means of increasing legislative control over the executive (and not the other way around) that in turn would negate the dangers of the abrogation of term limits. In his 7 November 2001 speech, Ben Ali reaffirmed his commitment to "abrogation of life presidency and automatic succession", he was however "convinced that the will of the people could not be firmly established otherwise" so that he was committed to "seeking effective means to consecrate pluralism at the forthcoming presidential elections." The constitutional reform, he argued, was "seeking ways to ensure pluralism" and was designed "to make more effective control" over the executive by a new, now bicameral, parliament.[22]

In cases of simultaneous constitutional change involving bicameralism and the extension of term limits, it is possible that while the ruler intends to obfuscate more selfish motivation, the adoption of bicameralism still has its own intrinsic benefits, as discussed in the section above. However, given the problem of leadership-retirement and the saliency of term limit changes that almost always provoke opposition,[23] we cannot think of a plausible scenario where the ruler proposes to change the constitution and extend term limits in order

[21] Quoted in Kasmi, *Le 7 Novembre ou le Miracle Tunisien*, 165–68.
[22] Keynote address by President Ben Ali on the 14th Anniversary of the Change, 7 November 2001, available at www.tunisiaonline.com/news/071101.html, accessed 3 April 2010.
[23] See Baturo, *Democracy, Dictatorship, and Term Limits*, Corrales, "Can Anyone Stop the President?", Harkness, "Military Loyalty".

to obfuscate and mask the hypothetically "real" reason for this reform --- the introduction of bicameralism. Instead, we believe it is the other way around, i.e., the adoption of bicameralism in order to mask tenure change, is more plausible from the axiomatic selfish office-seeking perspective. In the case of constitutional reform in Tunisia in 2002, no observer seriously doubted that the real reason for amendment was anything other than to eliminate term limits.

Apart from legitimation, there is another reason why the adoption of bicameralism may be necessary when the ruler faces the problem of retirement. Many constitutions ban the amendments of presidential term limits. In Niger in 2009, because article 136 of the 1999 constitution explicitly firewalled the term limits clause from future amendments be it through parliament or by referendum, President Tandja (1999–2010) could not extend his tenure via constitutional amendment. The only strategy was not to amend particular clauses but to implement a completely different, new constitution, thereby sidestepping the question of the firewalled clauses in the "old" constitution. The proposed revamping of parliament into a new bicameral structure provided an excuse that there was to be not a mere amendment but a new constitution in 2009 --- that of the 6th Republic. The adoption of a new constitution --- with or without bicameralism --- also provides an opportunity to side step the existing term limits if the ruler adds the so-called grandfathering exception, so that even though a new constitution imposes term limits, previously-served terms are not counted. For example, the 1967 constitution of Paraguay that introduced bicameralism (articles 133-170) also had little-noticed transitory provisions (article 136) that stipulated a new countdown of presidential terms.

For the argument about bicameralism as a means of masking tenure changes to have any traction, all things being equal the adoption of bicameralism has to be more likely when the ruler faces term limits as opposed to periods without such restrictions. In the sample of non-democratic regime-years that we rely on in our analyses, there are formal term limits in place 22 per cent of time and 78 per cent of time there are none. However, the adoption of bicameralism is three times as likely when limits are in place: almost half of all cases of adoption, or 46 per cent, occur during these years. The observed adoption of bicameralism during the years under term limits does not imply that simultaneous tenure changes --- as in Tunisia or Niger above --- always occur. The relationship is probabilistic as they occur often, but not always. Furthermore, "all things being equal" is very important as it cannot be excluded that less repressive, more electorally competitive dictatorships are also more likely to have term limits. If that is the case, we need to account for the overall competitiveness that

may determine the presence of term limits and through them --- the likelihood of bicameralism. In the empirical section, we therefore discuss the difficulties of identification and include model specifications to address it.

Our explanation also sheds light on why the adoption of bicameralism is more likely in personalist regimes even though such regimes are less institutionalized. In more institutionalized military and party-based regimes, even those that are nominally presidential such as Brazil under military presidents or Mexico under the *PRI*, the autonomy of the ruler is much more limited and there are often rigid rules on the regularized turnover in office and succession.[24] Here, we are unlikely to observe attempts to prolong the ruler's time in office and, therefore, the logic of adopting bicameralism to obfuscate is unlikely to hold. Furthermore, the argument about institutional obfuscation should not apply in monarchies, military juntas, and many (but not all) parliamentary party-based regimes simply because many leaders of such regimes are not nominal presidents and almost always do not face term limits.

The relationship between personalism, term limits, and bicameralism is even clearer if we divide all cases of adoption by whether there are term limits in place or not, and whether they occur in personalist regimes or otherwise. There are 16 cases of adoption in personalist regimes when term limits are still in place versus 4 cases in such regimes without limits.[25] There are 22 cases of reform in non-personal regimes without limits and 10 cases when there are limits. The distribution of cases suggests that the argument is interactive: the likelihood of bicameralism will be much higher in settings where leaders may find it practical (and feasible) to mask their own selfish reasons to extend terms through broader constitutional changes: in personalist regimes *and* when such leaders are term-limited. There will be no need for the adoption of bicameralism to mask changes when leaders are already not restricted in the number of terms they can serve. It is not clear whether leaders of hybrid regimes – where strong elements of personalism co-exist with strong institutions, such as military-personal, party-military-personal and party-personal – will be able to engage in constitutional engineering to mask changes for their selfish benefit. For instance, Paraguay in 1968 is categorized as hybrid but a similar logic of masking changes as in a full personalist regime cannot be excluded. In the empirical section, therefore we consider personal and personal hybrid regimes together.

[24] Magaloni, *Voting for Autocracy*, Svolik, *The Politics of Authoritarian Rule*.
[25] Including Niger (2009) and Equatorial Guinea (2013) defined as nondemocratic in *Polity IV*.

The presence of term limits and the simultaneous adoption of bicameralism do not imply that a second chamber is always (or only) introduced to mask constitutional changes related to presidential tenure. Dictators may also need to co-opt elites in the aftermath of conflict; elections can return opposition representatives to the legislature that can cause a threat to the stability of the regime, as discussed earlier. Likewise, dictators do not always rely on the introduction of bicameralism to mask tenure extensions --- they can also rely on compliant courts or they re-write other constitutional clauses. However, they bundle bicameralism with term limits changes often enough for us to take it seriously as a plausible, previously unexplored, reason behind institutional change.

Operationalization and model specification

Our aim is to explain the adoption of bicameralism in previously unicameral non-democracies. The dependent variable takes the value of 0 for all country-years with a unicameral legislature and it takes the value of 1 for the first year when bicameralism appears for the first time. Some unicameral dictatorships never adopt bicameralism and their country-year observations are set to 0s on the senate variable for the duration. However, there are exposed to the same "risk" of adoption as those that do so. Because our goal is to explain the switch to bicameralism as opposed to its institutional durability, we omit observations after the first year of bicameralism. Country-years without any legislature, whether unicameral or bicameral, are set as missing to avoid bias. In other words, we are interested in the logic of institutional choice in an existing dictatorship with an existing, unicameral legislature.[26] Our analyses do not explain the survival of bicameralism, only its onset. In several cases where unicameralism alternates with bicameralism over time in the same country, we reset country-years to 0 again if the previously bicameral country subsequently opted for a unicameral parliament. For example, Morocco that had bicameral parliament from 1963, then reduced the number of houses to one in 1970, only to return to bicameralism again in 1996, is included from 1971-96 period when it is a unicameral dictatorship and the indicator for bicameralism is set to 1 for 1996.

[26] For the same reason, bicameral dictatorships that never had unicameral parliaments are not included. To explain institutional choice in first post-independence constitutions requires a different research design and consideration of pre-colonial power structures and constitutional influences of the former colonisers.

Our sample comprises all authoritarian regimes as defined in Geddes et al..[27] This leads to 2,636 observations for 96 unicameral dictatorships. Depending on the explanatory variables included, the estimation sample for different specifications varies, as we explain below. Because the data are binary time-series cross-sectional, we account for time dependence using the standard cubic polynomial terms, that is, three indicators for time count, time count squared, and time count in a cubic term.[28] Because the societal diversity indicators are time-invariant and due to the limited sample size, we are unable to specify a fixed effects model to account for unobservable country characteristics. Instead, we include region dummies for sub-Saharan Africa, Eastern Europe, Asia, Middle East and North Africa with Latin America as the omitted category. As discussed earlier, there are more dictatorships with bicameralism in the last three decades. We also know that changes are more likely in personal dictatorships. Certainly, with a decline of military and party-based regimes after the end of the Cold War, the number and the percentage of personal dictatorships has increased. While there are 20 per cent of such regimes in the 1960s, there are already 30 per cent in the 1990s. Therefore, the higher likelihood of senate adoption in personal regimes, particularly after 1990, could be partly due to the fact that there are more of such regimes over time. The inclusion of time-period dummies however will address the possible time trend concerns.

We discussed possible factors behind the adoption of bicameralism earlier. We include an indicator for *term limits*. This is coded 1 if the leader faces a constitutional ban on the number of terms permitted to serve in office, 0 otherwise. For robustness, we also include *last term* in a different specification. As noted previously, though, we expect the concerns over term limits to matter particularly in personalist regimes. We source the regime types from Geddes et al. (2014), with a military regime type as the baseline category in all specifications. To account for authoritarian settings where the logic of our argument applies, we aggregate the category of full personalist regime together with three hybrid types that include personalist rule, and re-specify remaining regime categories to exclude such elements. In the appendix, we include other regime operationalization for robustness. We also include an indicator for *Communist regime* to account for the influence of ideology that renders bicameralism less likely.

To account for a possible threat from the lower chamber, we include the share of opposition seats in the lower chamber prior to the adoption of bicameralism. Because such a share is likely to be higher in more competitive authoritarian regimes and because opposition

[27] Geddes et al. "Autocratic Breakdown and Regime Transitions".
[28] Carter and Signorino, "Back to the Future".

is more likely to be permitted in less repressive settings, we also include *Polity 2* scores. Similarly, Brownlee (2009) included indicators for political competitiveness alongside categories of non-democratic regimes. *Polity 2* will also account for possibility that term limits are lacking in more repressive regimes.

We also include a variable that captures ethnic diversity, as well as *country size*. *Civil war end* is included and is coded as 1 for the three years following the end of internal or internationalized internal conflict. Also, and in relation to survival concerns, under conditions of economic growth it is easier for incumbent rulers to buy off opposition, making the creation of bicameralism to maintain their authority less necessary. We therefore expect a negative correlation between the creation of bicameralism and *growth.* Finally, we include a *Prior senate*, an indicator to account for whether a country had ever experienced bicameralism in the past. This variable controls for institutional legacies that may provide cues for politicians about possible institutional choices. We also include *GDP pc, log* to account for possible budgetary pressures that may prevent the adoption as well as for the overall control. We explain all variables in detail in supplementary appendix.

The adoption of bicameralism: empirical analyses

Why do dictatorships adopt bicameralism? First, we address the question by using a sample of all non-democratic unicameral regimes that includes monarchies, military, party-based and personalist regimes (Table 2) and then a sample of personal and personal-hybrid regimes (Table 3). In Table 3 we also include IV-specification to account for possible endogeneity.

Table 2 reports the results of model specifications that estimate the influence of selected variables, lagged by one year, on the probability of transition to a second chamber in a formerly unicameral setting. Model 1 is the baseline estimation that includes control variables only; Models 2-3 are fully specified models with regime categories, *Polity 2* scores, *Term limits* and *Opposition share* included. Because the inclusion of *Opposition share* (available from 1975 only) reduces the estimation sample by more than a third, Models 4-5 omit this variable.

Across all specifications there is strong evidence that the creation of bicameralism is significantly more likely to occur following the end of a civil war. There is also some support for the proposition that bicameralism is likely to be introduced in countries where it has already been present before. In all models, the *economic growth* returns the expected sign – when the economy is booming, dictators can use economic incentives to ensure control rather

than having to introduce a second chamber, but it is only borderline significant. The coefficient on ethnic fragmentation is negative and statistically significant, indicating that more diverse dictatorships are less likely to adopt bicameralism, not the other way around. It is conceivable that the most diverse dictatorships have already adopted second chamber at independence and these are not included. Still, given the negative association and given questions of how social diversity can be captured reliably, we investigate it in detail in the appendix and find no support for positive relationship across various indicators.

Table 2 about here

In Models 2-3 the coefficient on *opposition share* shows that that the higher the opposition share of the seats in the lower house, the more likely it is that bicameralism will be created. The predictor is statistically significant despite the inclusion of *Polity 2* score that accounts for the overall regime permissiveness that may also influence the degree of contestation. Even though the two variables are correlated, *Polity 2* does not become statistically significant with the omission of *opposition share;* the multicollinearity diagnostics has not raised concerns. Because the inclusion of the *opposition share* variable reduces the sample size considerably, we omit it in Model 4.

We turn now to the variables of particular interest. *Term limits* as such do not matter in the explanation (Model 2). Likewise, neither personalist nor party-based regimes, nor monarchies are more likely to adopt bicameralism than a baseline military regime. It all changes however once we account for the interaction between *term limits* and personalist regimes in the explanation of constitutional reform that includes bicameralism in Models 3-4. The results give support for the argument that leaders of personalist regimes who face term limits in their constitution are more likely, all else equal, to introduce bicameralism during years under term limits. *Communist regimes* tend not to adopt bicameralism, as expected.

While nothing prevents rulers from changing the constitution anytime during their term-limited tenure, whether in their first or second term, or unusually in case of Tunisia's Ben Ali, in his third (and final) term, the confrontation with term limits is more likely in the ruler's last term than early on when the problem may be set aside for the time being. As an additional test therefore, we interact *Personalist regime* with *Last term,* an indicator that takes the value of one when the ruler is in his or her final term. Results in the last column indicate that the adoption of bicameralism is indeed more likely in years during the last term. The interactive argument implies that the coefficient on *Term limits* years will be statistically significant once we estimate the model on the sample of personalist regimes only as opposed to all types of dictatorships. This is indeed the case, as can be seen in Table 3. Models 1-2

here follow specifications 3-4 in Table 2 except for a smaller estimation sample that only includes personal and personal hybrid regimes.[29] Again, because the sample decreases because of the data limitations with the *opposition share*, Model 2 omits this predictor. The statistically significant coefficient on *Term limits* validates the interactive nature of the argument. Also, the *opposition share* matters for the explanation while *civil war end* is no longer significant predictor. This suggests that while bicameralism for the purposes of reconciliation is a factor across all dictatorships on average, it does not explain the introduction of a second chamber in personalist regimes specifically. The average marginal effects (AME), estimated following Model 1 (reported in the appendix in full), indicate that bicameralism is 20 per cent more likely to be adopted in a personalist regime when there are formal term limits, as opposed to when the ruler has no restrictions on the number of terms. We further estimate that when the opposition controls half of legislative seats the predicted probability is seven per cent, in contrast to just under two per cent when there is no opposition.

Table 3 is about here

In summary, the results indicate that the adoption of bicameralism is more likely during years under formal term limits. *Term limits* however is not a quasi-experimental treatment variable. The very argument herein that dictators may adopt bicameralism to legitimate the amendment of tenure provisions suggests that the presence of "inconvenient" term limits is not random and may be determined by other factors.[30] In other words, the relationship between term limits and bicameralism may be driven by omitted factors. In previous specifications in Tables 2-3 we attempted to account for possible endogeneity or omitted factors. From the literature, we know that dictatorships with significant party or military autonomy are often able to constrain their leaders and impose term limits.[31] Distinct regime types that may be confounded with term limits were therefore included. Furthermore, all specifications included *Polity 2* scores to control for more competitive autocracies that may be more likely to have term limits contemporaneously. Still, as an additional test we specify a new model where *Term limits* are assumed endogenous.

We propose two exogenous variables that influence *Term limits* but are not related to the adoption of bicameralism. First, we include an indicator for the length of tenure of

[29] We do not include the instrument in these models because of the interactive terms.
[30] Baturo, *Democracy, Dictatorship, and Term Limits*, 154-161; Bueno de Mesquita et al. *The Logic of Political Survival*, 313-314.
[31] See Magaloni *Voting for Autocracy*.

previous leader in the same office. The logic is that successors of previously long-serving strongmen, even non-democratic themselves, such as Ben Ali of Tunisia or Sisi of Egypt, would feel compelled to install term limits early in their rule to distinguish from their predecessors. Second, we account for whether the effective political leader has the title of president and, therefore, is in principle subject to term limits. This is in contrast to party general secretaries, military leaders, monarchs, who are not. In short, not all personal leaders carry the title of the president; they may also govern without assuming the nominal presidency, such as in Gaddafi's Libya or Trujillo's Dominican Republic. Both exogenous variables are correlated with the explanatory variable of interest – presidential term limits – but they are orthogonal to the dependent variable – the adoption of bicameralism, i.e., whether a leader is a nominal president or enters office after a long-serving dictator is irrelevant to the introduction of a second chamber, making them suitable instruments (IV) to explain *term limits*. Model 3 in Table 3 reports the results of IV-estimation.[32] In the second stage that explains bicameralism, *term limits* are statistically significant. The results that include first-stage estimations are reported in the appendix in full.[33]

Admittedly, without an experimental or research discontinuity design, the association between term limits and the adoption of bicameralism cannot be unequivocally proven as causal. However, to increase confidence in the results we conduct a battery of alternative model specifications and robustness tests on different samples, as well as selection and matching models --- all reported in the appendix. We find that controlling for the level of democracy, term limits is a consistently important factor associated with the adoption of bicameralism. In the appendix, we also include the results of the Random Forest learning method for classification where term limits is ranked as the second most important predictor. Also, after examining each case of bicameral reform, we find that out of 52 changes to bicameralism in dictatorships that already had unicameral parliaments, 15 cases were indeed accompanied by some kind of change or revision of term limits clauses. Half of all cases of the adoption of bicameralism --- or ten out of twenty cases --- in full personalist regimes were

[32] Because the inclusion of the *opposition share* reduces the estimation sample by 37 per cent, IV-probit model based on Model 1, is not able to converge. Model 3 therefore omits the *opposition share* variable.

[33] The chosen instruments pass validity tests. First, pairwise correlations between endogenous variable and instruments are statistically significant. After re-specification of Model 3 as standard 2SLS for diagnostics, the F-test gives the value of 38.99 that exceeds the critical values; the test of over-identifying restrictions is not rejected. Full results are in the appendix.

related to tenure extensions. We argue that therefore it is not a coincidence that constitutional changes including bicameralism are much more likely to occur when term limits are in place.

Even though bicameralism may be employed to mask other constitutional changes, we want to be clear that we do not argue that bicameralism has no strategic purpose in dictatorship. Other important reasons exist, such as the adoption as a means of reconciliation. The reasons are not always mutually exclusive. Following societal unrest and a mutiny in Burkina Faso in 2011, President Compaoré attempted to mitigate existing grievances by proposing the forum on reforms, *Conseil Consultatif sur les Réformes Politiques*. Among other things, the Council recommended the adoption of a second chamber to strengthen the capacity of the legislative branch.[34] In the end, however, bicameralism in Burkina Faso did not come to pass. The political dialogue broke down in 2014 as it became clear that the president's real aim was to change the constitutional ban on his re-election, using the adoption of bicameralism as a smokescreen.

Conclusion

Much of the existing literature is concerned with the effects of authoritarian institutions on survival. If senates are adopted to enhance regime durability, then we should expect vulnerable dictatorships to be more prone to adopt these institutions. Because such regimes are vulnerable in the first place, in the absence of quasi-random assignment to adopt a senate we will not be able to observe whether the presence of bicameralism improves durability. Therefore, given the existing difficulties of the identification of the possible effects of institutions, we decided to understand the circumstances under which second chambers emerge. Our goal was to explain the adoption of bicameralism in formerly unicameral regimes. We find that authoritarian regimes adopt bicameralism for several reasons. This is the first analysis of the change from unicameralism to bicameralism in the literature on comparative authoritarianism. Our explanation highlights a previously underexplored mechanism behind institutional origins that is consistent with the observed trends in the data and supported by several illustrative vignettes.

Clearly, further research is required to investigate the phenomenon of constitutional masking fully. Our focus was only on one specific subset that united the adoption of bicameralism and the need to extend term limits. Dictators however may extend term limits

[34] Bertelsmann Stiftung *BTI 2014*, 4.

in the process of constitutional reform that does not include bicameralism, such as in already bicameral Tajikistan in 2016 where term limits were abolished. Likewise, dictators may mask other "selfish" reforms that are not necessarily related to term limits and that may or may not be accompanied by the adoption of bicameralism. For example, the constitutional reform in Côte d'Ivoire in 2016 that introduced bicameralism did not include term limits changes; however, the most discussed and salient reforms pertained to equally selfish reasons related to president's age and parental citizenship requirements. In other words, while the reasons for the adoption of bicameralism go beyond constitutional masking, the latter phenomenon is equally larger than bicameral and term limits reforms and deserves further investigation.

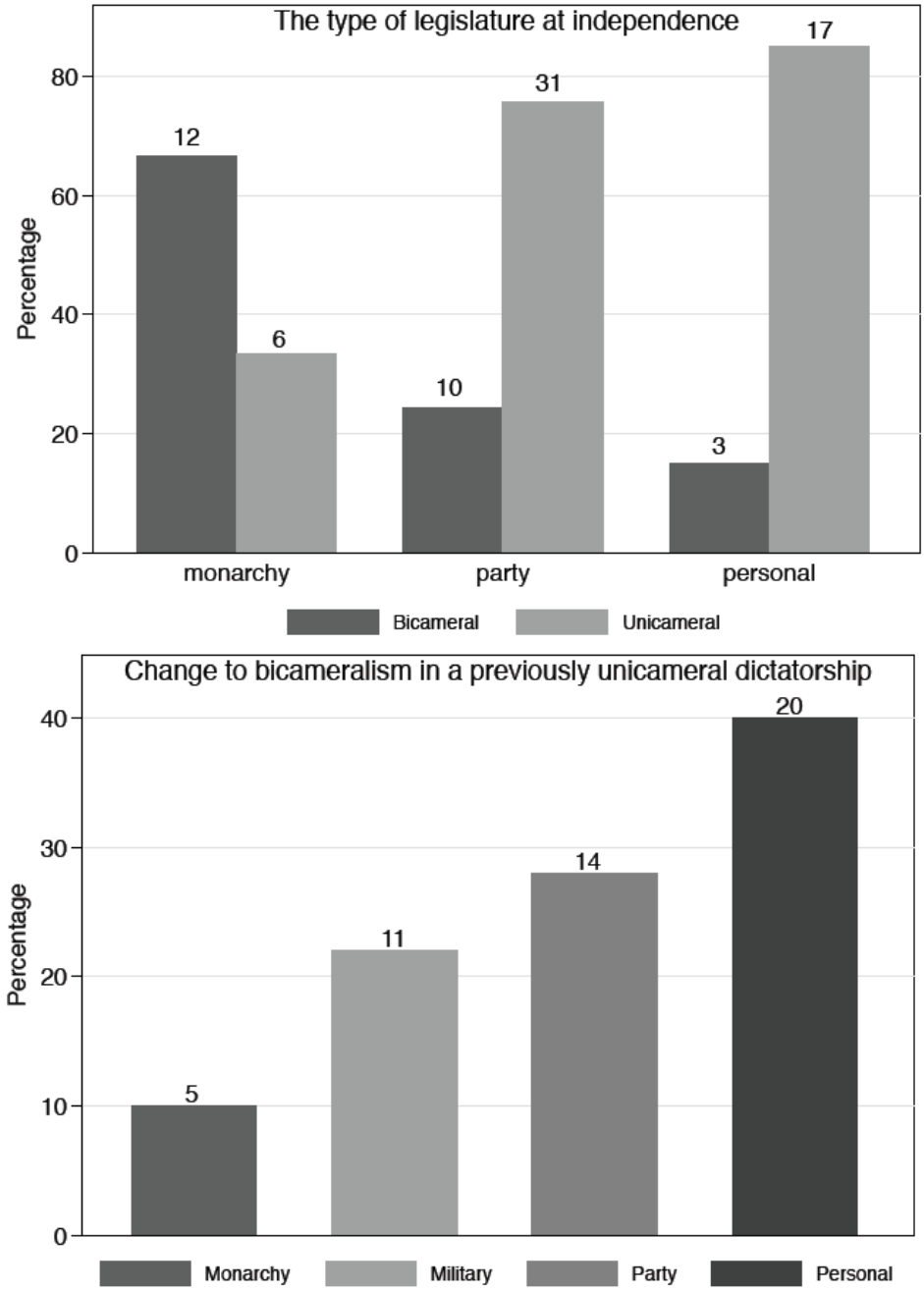
The findings of this article have implications for the literature on institutions in dictatorships and on endogenous institutions in general. We know that dictators rely on elections, parties and parliaments as coordination devices to co-opt rivals, credibly commit to their supporters, and maintain a grip on power as a result. Our findings support this scholarship and qualify the argument that institutions may not only have a strategic purpose, i.e. of maintaining control over the lower chamber, but they are also a façade, they are being used to mask other institutional changes. In other words, the adoption of nondemocratic institutions may be driven by a different logic that depends on specific circumstances.

Table 1: The Adoption of Bicameralism in Authoritarian Regimes, 1946-2016

CAR* (2016)	Tajikistan (2000)	Haiti (1988)
Cote d'Ivoire* (2016)	Cambodia (1999)	Lesotho (1984)
Somalia (2016)	Senegal (1999)	Egypt (1981)
Cameroon (2013)	Gabon (1997)	Thailand (1979)
Eq. Guinea (2013)	Belarus (1997)	Guinea (1975)
Niger (2010)	Chad (1997)	Nicaragua (1975)
Myanmar (2010)	Oman (1997)	Thailand (1975)
Bhutan (2008)	Kazakhstan (1996)	Panama (1973)
Sudan (2006)	Morocco (1996)	Thailand (1969)
Zimbabwe (2005)	Niger (1996)	Paraguay (1968)
Tunisia (2005)	Algeria (1996)	S. Vietnam (1968)
Uzbekistan (2005)	Ethiopia (1995)	Burundi (1963)
DRC (2004)	Kyrgyzstan (1995)	Turkey (1962)
Rwanda (2004)	Comoros (1993)	South Korea (1960)
Bahrain (2003)	Burkina Faso (1992)	Thailand (1950)
Togo* (2002)	Mauritania (1992)	Ecuador (1947)
Burundi (2002)	Turkmenistan (1992)	
Yemen** (2001)	Afghanistan (1988)	

Note: In brackets the year when senate is in place if it is possible to ascertain, otherwise the year of relevant constitutional change. *Senate is not formally convened yet as of 1 January 2017. **The Shura Council appointed by the president in 1997, its powers formalized in 2001. In Nicaragua there is a single chamber from 1987.

Figure 1: Bicameralism and non-democratic regimes



Note: The top sub-figure displays the percentage of bicameral and unicameral legislatures in each regime category at independence (from 1945, or earlier if possible to ascertain), with the numbers of legislatures at the top of each bar. The bottom sub-figure reports the adoption of bicameralism in dictatorships that already have unicameral legislatures prior to change. Regime categorization is not available for two non-democratic regimes included in full list.

Table 2: The introduction of bicameralism in non-democracies

	Model 1:	Model 2:	Model 3:	Model 4:	Model 5:
GDP pc, log	-0.333+	-0.361	-0.393	-0.307	-0.385+
	(0.181)	(0.300)	(0.310)	(0.187)	(0.213)
Economic growth	-0.01	-0.003	-0.005	-0.009	-0.006
	(0.006)	(0.005)	(0.006)	(0.006)	(0.006)
Ethnic diversity	-0.514	-1.265**	-1.192**	-0.878**	-1.085**
	(0.341)	(0.498)	(0.533)	(0.366)	(0.373)
Country size, log	0.103	0.349+	0.456**	0.310**	0.358**
	(0.114)	(0.202)	(0.210)	(0.123)	(0.135)
Civil war end	0.339**	0.532**	0.667**	0.438**	0.415**
	(0.170)	(0.223)	(0.242)	(0.179)	(0.178)
Prior bicameralism	0.203	0.599**	0.721***	0.504**	0.491**
	(0.153)	(0.202)	(0.210)	(0.202)	(0.213)
Polity score	--	0.038	0.048	0.015	0.012
		(0.032)	(0.033)	(0.025)	(0.023)
Opposition share	--	0.854**	0.753+	--	--
		(0.397)	(0.409)		
Term limits	--	0.035	-0.833**	-0.650**	--
		(0.255)	(0.417)	(0.326)	
Communist regime	--	-1.033	-1.509**	-1.602**	-1.230+
		(0.712)	(0.762)	(0.649)	(0.630)
Single party	--	-0.275	-0.306	-0.002	-0.021
		(0.513)	(0.459)	(0.362)	(0.370)
Monarchy	--	0.331	-0.037	0.119	0.170
		(0.585)	(0.549)	(0.369)	(0.386)
Personalist	--	-0.09	-0.954+	-0.285	0.130
		(0.520)	(0.573)	(0.396)	(0.398)
Personalist x Term limits	--	--	1.743***	1.295***	--
			(0.447)	(0.344)	
Last term	--	--	--	--	-0.461
					(0.419)
Personalist x Last term	--	--	--	--	1.091**
					(0.471)
Time	-0.026	-0.083	-0.093	-0.000	-0.031
	(0.042)	(0.064)	(0.071)	(0.049)	(0.058)
Time2	0.002	0.004+	0.005+	0.002	0.003
	(0.002)	(0.002)	(0.003)	(0.002)	(0.003)
Time3	-0.000	-0.000+	-0.000+	-0.000	-0.000
	(0.000)	(0.000)	(0.000)	(0.000)	(0.000)
Constant	-4.941***	-6.912***	-6.968***	-6.368***	-6.244***
	(0.953)	(1.321)	(1.406)	(0.920)	(0.914)
Time-period dummies	Y	Y	Y	Y	Y
Region dummies	Y	Y	Y	Y	Y
N	2118	1314	1314	2017	1940
N countries	101	85	85	99	94
Log-likelihood	-172.20	-90.20	-84.56	-145.30	-142.78
Pseudo-r2	0.096	0.193	0.244	0.196	0.185

Note: Region and time-period dummy variables are included in all specifications. Sample includes only non-democratic regimes. Military regime is a baseline omitted regime category. +p < 0.10, ** p < 0.05, ***p < 0.01.

Table 3: The introduction of bicameralism in personal and personal-hybrid regimes

	Probit		*IV-Probit*
	Model 1:	**Model 2:**	**Model 3:**
GDP pc, log	0.386	-0.013	0.093
	(0.381)	(0.236)	(0.196)
Economic growth	0.008	-0.008	-0.008
	(0.006)	(0.009)	(0.007)
Ethnic diversity	-1.353	-0.606	0.187
	(1.822)	(0.832)	(0.779)
Country size, log	1.716**	0.598**	0.354
	(0.603)	(0.250)	(0.297)
Civil war end	-0.566	0.158	-0.003
	(0.476)	(0.264)	(0.264)
Prior bicameralism	1.081+	0.083	0.383
	(0.577)	(0.299)	(0.254)
Polity score	0.079	0.033	-0.026
	(0.053)	(0.029)	(0.041)
Opposition share	2.186***	--	-
	(0.492)		
Term limits	6.477***	1.302***	2.886***
	(1.455)	(0.391)	(0.605)
Time	0.007	-0.046	-0.003
	(0.212)	(0.102)	(0.103)
Time2	0.004	0.004	0.003
	(0.011)	(0.005)	(0.005)
Time3	-0.000	-0.000	-0.000
	(0.000)	(0.000)	(0.000)
Constant	-24.829***	-9.287***	-9.845***
	(4.097)	(1.869)	(1.930)
Time-period dummies	Y	Y	Y
Region dummies	Y	Y	Y
First stage (term limits):			
Previous ruler's tenure	--	--	-0.008***
			(0.002)
President	--	--	0.217**
			(0.072)
athanh ρ	--	--	-0.669
			(0.418)
N	563	892	876
N countries	49	61	60
Log-likelihood	-32.52	-76.51	-271.68
r2	0.400	0.231	--

Note: Region and time-period dummy variables are included in all specifications. Sample includes only personal and personal hybrid regimes. Models 1-2 are probit regression models; model 3 is IV (MLE) probit with *Term limits* assumed endogenous. Variables assumed exogenous displayed in first stage (full results in appendix). +p < 0.10, ** p < 0.05, ***p < 0.01.

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