

## Does the divided diet make a difference?

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### 1. Introduction

Since Junichiro Koizumi left office as prime minister in 2006, there have been six prime ministers each of whom served about a year. Each prime minister had unique reasons for his resignation, but the divided Diet affected their decision. While the government is formed by a party or a coalition of parties who controls the majority in the Lower House, the election for the Upper House serves as an opportunity for voters to evaluate the incumbent cabinet. After the Upper House elections of 2007 and 2010 the governing parties lost a majority and the incumbent cabinets had to face the divided Diet in which it was very difficult to pass important government bills without the opposition parties' consent.

Normally, the government enjoys comfortable majority support in the Lower House until the next general election that might be called before the term of four years expires. The Upper House election takes place every three years in which half the members are elected. Thus, when the political climate suddenly changes as a result of economic downturn or poor government performance, voters tend to turn the cold shoulder to the incumbent government's parties causing the loss of a majority in the Upper House.

As the Upper House election draws near, legislators up for reelection in the governing parties feel insecure with the incumbent prime minister if his cabinet suffers from poor approval ratings. Since the loss of a majority in the Upper House might lead to future government turnover after the next general election, rank-and-file members in the Lower House also may not be happy with the situation. Governing parties' legislators in both Houses do not allow for an unpopular prime minister and try to unseat him with a popular one. Nyblade (2011) argues that the recent rapid turnover of prime ministers is a perverse consequence of the increased prominence and influence of the position and the greater electoral importance of the party label in a time of heightened electoral volatility and voter dissatisfaction. Thus the Upper House election has become crucial to the survival of the prime minister.

But the turnover of an unpopular prime minister does not change the divided Diet in any way. The new prime minister and the cabinet will face the same difficult situation as the outgoing cabinet did. Although the frequent turnover of Japanese prime ministers is interesting enough, a more important question is: does the divided Diet make a difference? Andeweg (2013) writes on the blurring of opposition in the parliamentary variant of divided government in which the

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Notes: An earlier draft of this article was presented at Workshop on Heterotemporal Parliamentarism, Ludwig Maximilian University, München, Germany, May 8-9, 2014.

government commands a majority in one chamber of a bicameral legislature, but not in the other. That is the equivalent of the divided Diet in Japan. He notes that most studies find little or no difference in legislative output between unified government and divided government, and suggests that the government anticipates the opposition's veto potential under a divided government and either refrains from introducing controversial proposals or waters them down to make them acceptable to the opposition.

In this article, we analyze whether and how the divided Diet in Japan has affected the legislative process. Faced with the divided Diet in 2008, Prime Minister Takeo Fukuda accused the opposition Democratic Party of Japan (DPJ) of playing with the Diet management. The succeeding Prime Minister Taro Aso criticized the DPJ for refusing to reach agreement with the government. Does the divided Diet paralyze the government legislative programs by bringing in the opposition mode (King 1976) in the legislative process? How does the government find a way to enact government bills? These are the questions we would like to address.

## **2. Legislative Institutions and Strategies in the Divided Diet.**

The House of Representatives (the Lower House) has supremacy over the House of Councillors (the Upper House) with respect to the designation of the prime minister, deciding the budget, and the approval of treaties. In designating the prime minister, the decision of the Lower House will always prevail whatever the decision of the Upper House. The only thing the Upper House can do is to delay by not designating for ten days. In budget and treaties, when the Upper House makes a decision different from that of the Lower House and no agreement is reached through a joint committee, or the Upper House does not make a decision within thirty days after the Lower House did, the decision of the Lower House will become the decision of the Diet. But it does not mean that the Upper House in Japan has relatively weak legislative power *vis-à-vis* the Lower House. To enact a law, a bill must be passed by both Houses in an identical form. Thus the majority in the Lower House and that in the Upper House must agree on the same bill. When the decisions of the Houses are different, an amended bill will shuttle back to the House that first considered it for approval, or a meeting of the conference committee may be called to reach for a compromise. These are the cooperative ways of resolving the disagreement between the Houses. A more noncooperative way is that the Lower House passes the original bill a second time by a two-thirds majority and it becomes the decision of the Diet. Anticipating the veto override by the Lower House majority, the Upper House majority can delay the passage of the bill by not taking a vote for 60 days, then it is regarded as the rejection of the bill.

A bill can be introduced by both government and members of parliaments (MPs). A cross-national study of parliaments in Western Europe reveals that the number of private members' bills being annually introduced varies considerably while the number of private members' bills being passed is invariably quite small (Andeweg and Nijzink 1995). Thus, the agenda-setting power of individual MPs has been virtually restricted *vis-à-vis* that of the government. A common approach in the literature to understand the marginality of members' legislation has recourse to parliamentarism and party institutionalization (Mattson 1995). Although Japan shows a similar pattern of the dominance of government

legislation, individual MPs still make efforts to initiate legislation, of which some portion is even enacted into laws. Compared to other parliamentary systems, private members' bills have a better chance of success in Japan.

Cabinet initiatives are introduced to the legislature in the form of dozens of government bills, each of which is prepared and drafted by a ministry with jurisdictional responsibility and approved by the cabinet. The cabinet never introduces bills that lead to a policy outcome less preferable to the *status quo ante*. Once a government bill is introduced to the legislature, it is subject to amendment in theory. The government proposes a bill that would generate the best obtainable outcome for the government, knowing that even if amended the bill remains within the government's acceptable range. Thus, whenever a government bill is amended, it moves the bill away from the government's ideal point in the policy space. However, the passage of government bills with amendment rarely takes place in the unified Diet in which the governing majority dominates both Houses. It is because the government bills are already worked up by the ministries in charge and approved by the cabinet and the majority parties' policy experts to the point that further amendment will be unnecessary. The government sets the legislative agenda and prioritizes the government bills over private members' bills. The government will stack the deck of important bills in the committees chaired by the governing party members so that deliberation and legislative procedure will proceed in time and as many bills as possible are enacted.

In contrast, the preparation of members' bills takes various forms. Members' bills may be submitted by the governing party members with an explicit or implicit approval of the government; they may originate from committees in the legislature usually with unanimous consent among committee members; they may be sponsored by both the governing and opposition party members; or they may be submitted by the opposition party members for the most part as a position-taking tactic. All members' bills except for the opposition-sponsored ones have a good chance of success. One thing in common to them is that the cabinet and the ministry with jurisdictional responsibility are not directly involved in the preparation of drafted bills. Thus, the government is not enthusiastic and sometimes indifferent about the passage of members' bills even the government prefers them to the status quo. Once members' bills are introduced to the Diet, it is relatively easy for the legislators of governing parties and the opposition to negotiate on amendments. The government does not and cannot intervene with the negotiation within the legislature. The absence of the government in the legislative process sometimes expedites the passage of the members' bills with amendments.

In the divided Diet, the fortunes of government bills are different from those in the unified Diet. In the Lower House where the government holds the majority support, government bills are passed even if the opposition tries to hamper the legislative process. But when they come to the Upper House for deliberation, they might be voted down if the opposition does not accept the government's plea for their passage. The fact that the government controls the agenda-setting power for its bills works against it in the divided Diet. With the majority status in the Upper House, the opposition can cripple the government's agenda-setting power. Even though prioritized bills and government party chair-controlled committees

will promote the passage of government bills in the Lower House, the opposition can embarrass the government by hampering the legislative process of government bills in the Upper House.

In order to facilitate their passage, the government has several strategies available. First, the government prepares a bill in advance that accommodates the opposition's policy preferences. When submitted to the legislature, the proposed bill is already preferable to the status quo of concurrent majorities in both Houses. Then the government parties and the opposition together will vote for the bill in both Houses. Second, the government submits the same bill as in the Unified Diet, but makes concessions to the opposition in the legislative process and accepts amendments that the opposition demands. The government can formally intervene in the amendment by expressing opinions when it involves government expenditure. The government may try to concede as little as possible and it will take time-consuming negotiations. Third, the government lets the opposition vote down the bill in the Upper House so that they can pass it a second time with a two-thirds majority in the Lower House. We expect that in the divided Diet it becomes difficult for the government to enact its bills and it will take a longer time than in the unified Diet.

What about the members' bills in the divided Diet? Since they are submitted by various legislative actors at any time, they are not prioritized in the legislative process. The government party will not invoke the second time passage for members' bills with a two-thirds majority in the Lower House. Thus, the final passage of a bill depends critically on how the bill accommodates the concurrent majorities of both Houses. Although members' bills submitted by the governing party members may face the similar problem as the government bills, it is relatively easy to reach agreement on the amendment among legislators because they do not have to consider the government's opinion. The lack of direct government involvement makes it easy to negotiate on the amendment of members' bills among legislators so that the agreed-on bills can garner concurrent majority support. It is even easier to reach agreement on the amendment and passage of members' bills proposed by committee chairs and those proposed by the governing party members and the opposition party members. Cross-party mode or non-party mode (King 1976) will be prevalent in the legislative process for these bills.

### *Hypotheses*

Drawing on these arguments, we present and test the following hypotheses. Our first hypothesis derives from the institutional arrangements of the Japanese legislative process. In the unified Diet in which the government commands the majority of both Houses, it is easy for the government to pass its bills. In the divided Diet, in which the government loses a majority in the Upper House, it cannot take it for granted that it can pass its bills. But when the government commands a two-thirds majority in the Lower House, it can override the decision of the Upper House.

**H1 (Divided Diet and the two-thirds majority override):** The divided Diet will make it difficult for the government to pass legislation. But when they have a two-thirds majority in the Lower House, it will promote successful legislation. Members' bills will not be affected much by the divided Diet or the two-thirds

majority override possibility.

How the divided Diet affects the legislative process is the next question. The government has agenda-setting power as regards its own bills, while it does not have it over members' bills. In the unified Diet, the government prioritizes its own bills and stacks them in committees chaired by government party members. It will work against the government bills in the divided Diet, while the absence of such government agenda control does not affect the chances of success of members' legislation.

**H2 (Government's agenda-setting power and divided Diet):** The divided Diet will hamper the government's agenda-setting power by weakening the effects of the government's prioritized bill proposal and/or the committee management of the governing party chair. Members' bill will not be affected much by the agenda setting or the committee management of the chair.

The government initiates legislation that gives it the best obtainable utility and prefers its passage without amendment. Therefore, a bill passing with amendment indicates that there is a substantial gap between the policy preference of the government and that of the parliamentary majority, even though the government still prefers what the amendment might generate to keeping the gate closed. On the other hand, the government is not particularly interested in the passage of members' bills. Therefore, a members' bill must accommodate the policy preferences of a majority of MPs and an amendment may serve as a measure to secure additional votes for its passage. Hence,

**H3 (Amendment and Divided Diet):** Government bills that are amended decrease the utility for the government, while members' bills with amendment increase the utility for the supporters. Thus, the chance of passage decreases in the former, while it increases in the latter in the unified Diet. In the divided Diet, amendment to the government bills and members' bills might expedite the passage.

When an unpopular prime minister resigns and a new prime minister takes office, the cabinet approval rating usually goes up. Even though the difficult situation in the divided Diet will not go away, there is hope that a popular prime minister as the first and foremost spokesperson of the government might make a way for the government to legislate. The opposition must take into account the popularity of the prime minister and the cabinet when they try to embarrass the government in the divided Diet, so that they will not be criticized as opposing for the opposition's sake.

**H4 (Popularity of PM matters):** The high popularity of the prime minister and the cabinet makes the passage of government bills easy.

### 3. Data and Variables

We place the focus of our analysis on how the Diet is unified or divided affects the agenda control of the legislative process and legislative outcome in the Japanese Diet. In particular, agenda control becomes of paramount importance determining the life course of individual legislation within the legislature, when time is a scarce resource in lawmaking. To take into account the time dependence

and the censored nature of the legislative process, we utilize a duration model to estimate the likelihood of a bill to pass the Diet.<sup>1</sup> By examining how the legislative process of the bills proposed by the Diet members differs from that of the bills submitted by the cabinet under the unified Diet and divided Diet, we show that the difference in the patterns of legislation depends critically on who controls the agendas in the Diet.

We begin with a brief discussion of the data set we will use to estimate the hazard rate of bills submitted to the Diet, and a set of exogenous factors that may systematically affect the legislative hazard rate.

The data set we compiled consists of all bills sponsored by the cabinet and MPs in the Lower House from the 140<sup>th</sup> session in 1997 to the 180<sup>th</sup> session in 2012. Bills that fail to become law during the session may be carried over to the succeeding session, although such “carried-over” bills are not included in the analysis. There are three types of the Diet sessions. An ordinary session is designed to deliberate on the annual budget and is convoked once per year. While its term is set at 150 days by law, it can be either extended or shortened. A special session is called as a consequence of Lower House dissolution and the ensuing general election, while an extraordinary session may be convoked by the cabinet whenever it is deemed necessary or at the request of a quarter or more of the total members of either House. Although the average number of days in a budgetary session for the period under analysis is 165, which substantially differs from that in a non-budgetary session (51 days), we include all sessions in the analysis.

Table 1 shows a summary of legislative data in the analysis. Legislative year represents a period from the session that deliberates on that year’s general budget (usually the ordinary session) to the subsequent sessions before the session that deliberates on next year’s budget. Government seat share changes after the elections as well as between the elections because some legislators leave the party (parties) and launch a new party, or join existing parties. One may want to distinguish the divided Diet in the recent period from that in the 1990s. Thies and Yanai (2012) call the recent divided Diet ‘truly twisted’ and that in the 1990s ‘mildly twisted’ because they claim that in the former an opposition party is the largest in the Upper House and controls Upper House business. We disagree. Apart from their misunderstanding about which party is the largest in the Upper House, their analysis is focused only on comparing aggregated measures in two types of divided Diet. Since we have individual bill data, we will assess the effects of divided and unified Diet on individual bills.

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<sup>1</sup> Duration analysis estimates the hazard function or hazard rate, which is defined as the probability that an event will occur at a particular point in time, given that it has not yet occurred. For a general discussion in political science application, see Beck (1998), Box-Steffensmeier and Jones (1997, 2004), Bennett (1999), Box-Steffensmeier and Zorn (2001), and Zorn (2000). For application in lawmaking, see Box-Steffensmeier, Arnold and Zorn (1997), Kessler and Krehbiel (1996), Golub (1999, 2002), Grant (1999), Martin (2004), Martin and Vanberg (2004), Schulz and König (2000), and Becker and Saalfeld (2004).

**Table 1. A Summary of Legislative Data**

Legislative Year	Lower House Gov Seat Share	Upper House Gov Seat Share	Gov Bills	Passed	HR Bills	Passed
1997	48.00	44.44	112	110	67	13
1998	51.90	47.22	133	110	71	23
1999	61.04	46.03	198	184	57	18
2000	71.20	56.75	118	110	64	28
2001	57.71	54.18	127	120	93	26
2002	58.54	56.91	175	159	56	17
2003	59.41	56.50	127	124	54	14
2004	57.92	56.73	147	139	82	21
2005	59.21	57.02	113	96	64	23
2006	67.85	56.20	103	94	48	12
2007	70.21	55.00	107	99	78	30
2008	69.79	43.39	95	73	35	15
2009	69.87	42.32	81	72	68	21
2010	65.14	52.70	84	46	55	20
2011	64.09	45.04	106	82	35	26
2012	52.40	37.60	83	55	39	24

Note: Newly proposed bills only. Government seat share at the beginning of the ordinary session for each year. Data until September 2012.

DURATION measures the length of time each bill takes to pass through the Diet, and is defined as the number of days between the date of introduction to the first chamber and the date of the final passage if the bill is enacted. Otherwise, DURATION is “censored” at the end of the session. If a bill is passed on the day of introduction, its DURATION is one day. As shown in Table 1, legislative data for the analysis includes 1,909 government bills and 966 members’ bills. Of those included, 236 government bills and 635 members’ bills are those failing to pass the Diet during the session. The percentage censored is thus 12.3 per cent for government bills and 65.7 per cent for members’ bills. Our hypotheses suggest that DURATION should be affected by the way in which the government controls the agendas in the Diet. In particular, we expect that factors affecting DURATION for government bills should be distinct from those affecting DURATION for members’ bills.

To take into account the session-specific factors that may systematically condition the legislative process, we incorporate LENGTH, SPECIAL, and EXTRAORDINARY as controls in the estimation. LENGTH measures the length of a session in terms of the number of days, which varies when the session is extended by the resolutions of both Houses. Unlike the factors that remain constant over duration time, LENGTH is treated as a time-varying covariate. Budgetary sessions are mostly ordinary sessions, but the data set includes legislation from eight special sessions called as a consequence of Lower House dissolution. To control the distinctive characteristics of special sessions, SPECIAL is defined as a dummy variable equal to 1 if the session is a special



session and 0 otherwise. EXTRAORDINARY is defined likewise. If both SPECIAL and EXTRAORDINARY are 0, it is an ordinary session.

Once presented to the Diet, a bill is referred to a committee of the House concerned. PRIORITY is a measure of the government's agenda prioritization for the bill, which is defined as the reverse chronological order of the dates of bill proposal to the Diet within any specific Lower House committee, and a bill of the highest agenda priority will have a value of minus 1. As a bill decreases in agenda priority, the value of PRIORITY decreases from minus 1. The greater the numerical value of PRIORITY, the more the bill is prioritized in terms of agenda setting.<sup>2</sup> For members' bills, PRIORITY is defined in the same way but simply denotes the order of proposal. It should not affect its fortunes in the legislative process.

For a measure of the majority's ability to take control of the legislative agenda in committee, we consider whether or not a member of the majority presides over committee meetings to which a bill is referred. The committee chairs of the Lower House are traditionally assigned to committee members of the governing party although some are given to members of the opposition parties since 1991. On the other hand, it has been the general rule for the Upper House to assign committee chairs to all parliamentary parties according to party strength. When the majority does not hold the committee chair in either House, its ability to control the agenda should be substantially weaker than when it holds the committee chair in both Houses. We use a dummy variable to indicate the situation in which the majority is capable of securing control of the committee agenda, and CHAIR is defined as a dummy equal to 1 if the governing party holds the committee chair in both Houses to which a bill is referred, and 0 if otherwise. An interaction term of PRIORITY and the committee chair dummy is also included so that we can examine how the effect of agenda prioritization is conditional on the majority's agenda control in committee.

For a measure of the relationship between the cabinet and the parliamentary majority at the individual legislation level, we introduce a dummy variable indicating whether or not a bill is amended in the Diet. AMEND is defined as a dummy variable equal to 1 if the bill is amended in one or both House committees and 0 if otherwise. We expect that an amendment makes it longer for a government bill to pass through the Diet, while shorter for a members' bill to pass.

Also, we examine whether the shifting partisan share of parliamentary seats in elections is systematically related to the likelihood of successful legislation. To measure the strength of the governing parties, we define LHMAJORITY as a sum of the seat share of all governing parties in the Lower House and UHMAJORITY as that in the Upper House. At times, we also employ DIVIDED that takes a value of 1 if UHMAJORITY is smaller than 50 per cent

<sup>2</sup> Since the impact of PRIORITY on legislative hazard may depend on the volume of legislation that each committee deliberates, we include REFERRED to control the number of bills referred to any specific Lower House committee. The bill proposed by the committee chair is placed on the plenary calendar without formal committee examination. For such legislation, we use the bill-sponsoring committee to code committee-specific variables.



otherwise 0, and VETO OVERRIDE that takes a value of 1 if LHMAJORITY is larger than 66.7 per cent otherwise 0.

An unpopular prime minister has a hard time legislating the government bills in the divided Diet. We employ the cabinet approval rate conducted monthly by the Jiji Press to examine whether the POPULARITY affects the passage of government bills. It is defined as the cabinet approval rate at the time of bill proposal. It is expected that the opposition takes advantage of low cabinet approval to criticize and embarrass the government by obstructing the passage of government bills, while members' bills will not be affected.

#### 4. Analysis

We employ cox proportional hazard model to estimate how various covariates affect the likelihood of successful legislation. Hypotheses 1 suggests that the government legislation will have a lower chance of success in the divided Diet than in the unified Diet, but when the government has a two-thirds majority in the Lower House, the chances of success will be higher than when the government does not have it. Hypothesis 2 suggests in the divided Diet, the government's agenda setting power will be weakened. Table 2 shows the result of estimation for government legislation that includes DIVIDED and VETO OVERRIDE as covariates. DIVIDED is interacted with PRIORITY and CHAIR. A hazard ratio of 1.043 for PRIORITY means that when a bill is placed on the legislative agenda with one unit higher priority, its likelihood of passage increases by approximately 4.3 per cent relative to the baseline likelihood of passage common to all government legislation. CHAIR is estimated to have a hazard ratio of 1.056, although the effect does not reach a statistically significant level.

DIVIDED has a hazard ratio lower than 1 but not at a statistically significant level. When it is interacted with CHAIR its hazard ratio is only 0.611. When it is interacted with PRIORITY and CHAIR together, its hazard ratio is 0.879. Thus DIVIDED alone has no substantial impact, but in connection with the government's agenda-setting power, does have a strong deterrent effect on government legislation. To see the effects of a divided Diet, we estimated relative hazard (predictive margins) based on model 1 (Figure 1). It shows the prioritized bills have greater chances of success in the unified Diet regardless of who occupies the committee chair (blue and green lines). In the divided Diet, the committees where the government controlled the chair show that the prioritized bills have smaller chances of success than those placed below (orange line), while in the committees where the chair is from the opposition the prioritized bills are likely to pass (brown line). The unique pattern for government legislation in the government-controlled committees under the divided Diet reflects that government-sponsored controversial bills have difficulty in garnering the approval from the opposition parties that control the Upper House.

**Table 2. Cox Proportional Hazard Model 1: Government Legislation**

	Hazard ratio	Std. Err.	P>z
PRIORITY	1.043	0.018	0.014
CHAIR	1.056	0.110	0.601
PRIORITY#CHAIR	1.023	0.022	0.291
DIVIDED	0.977	0.126	0.857
DIVIDED#PRIORITY	1.010	0.029	0.734
CHAIR#DIVIDED	0.611	0.101	0.003
CHAIR#DIVIDED#PRIORITY	0.879	0.032	0.000
VETO OVERRIDE	1.225	0.068	0.000
POPULARITY	1.014	0.003	0.000
AMEND	0.853	0.071	0.057
LENGTH	0.987	0.002	0.000
SPECIAL	5.810	1.797	0.000
EXTRAORDINARY	2.607	0.454	0.000
REFERRED	0.997	0.002	0.231

Log likelihood = -10731.871

Log likelihood = -11188.934 without covariates

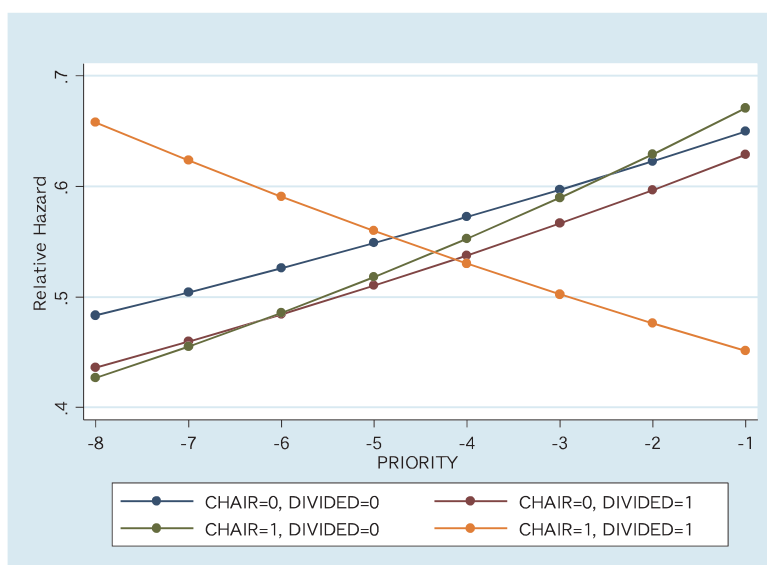
**Figure 1. Estimated Relative Hazard (Predictive Margins) for Government Legislation**

Table 2 also shows that a hazard ratio for the VETO OVERRIDE is 1.225, thus when the government holds a two-thirds majority in the Lower House, the chances of success of government bills increases by 23 per cent. These results verify Hypotheses 1 and 2.

POPULARITY has a hazard ratio of 1.014. For every percentage point increase in the cabinet approval rate, the chance of success of bills increases by 1.4 per cent. This is consistent with Hypothesis 4 that the popularity of the prime minister matters in the legislative process. It is noted that amendment of the bills in either House deters a government bill's success, although the probability value

is slightly higher than the conventional significance level, providing modest support for Hypothesis 3.

A hazard ratio for the LENGTH is 0.987, indicating that a longer session makes the likelihood of a bill's passage lower. SPECIAL and EXTRAORDINARY have hazard ratios far larger than 1, implying that these two types of Diet sessions have a peculiar impact on the success of government legislation as compared to ordinary sessions, even if the differences in the length of sessions are taken into account.

Table 3 shows the result of estimation for member legislation with the same covariates as those in Table 2. The chance of successful member legislation is in sharp contrast to that of government legislation. PRIORITY is estimated to have a negative impact on the success of member bills. Neither CHAIR alone nor interacted with other variables has significant effects on the passage. DIVIDED and VETO OVERRIDE have hazard ratios of 1.647 and 1.000 respectively, indicating that the likelihood of passage of members' bills is 64.7 per cent higher in the divided Diet than in the unified Diet, while the government's control of a two-thirds majority in the Lower House has no effect. Figure 2 illustrates the estimated relative hazard (predictive margins) for member legislation based on the result in Table 3. Bill prioritization and the government's control of committee chair have no positive effects on the success of member legislation either in the divided Diet or in the unified Diet. These results are in accordance with Hypotheses 1 and 2.

Another interesting aspect is that amendment to members' bills improves the chances of success. AMEND has hazard ratios of 2.257. This is consistent with Hypothesis 3. POPULARITY is estimated to have no statistically discernible effect on the fortune of members' bills at the conventional significance level, providing support for Hypothesis 4.

To see how the size of governing majorities in both Houses affects the likelihood of the passage of government bills and member bills, we replaced DIVIDED with UHMAJORITY and VETO OVERRIDE with LHMAJORITY and conducted a similar analysis. We also added squares of both variables in the analysis. The results for government legislation in Table 4 are not drastically different from those in Table 2. The effects of the government's agenda-setting power remain basically the same, as the estimates for PRIORITY, CHAIR, and their interaction term indicate. For the newly included variables, UHMAJORITY and its squared term are estimated to have positive and negative impacts respectively on the success of government legislation, implying that the size of governing majority in the Upper House has an upward quadratic relationship with the likelihood of successful legislation. In contrast, LHMAJORITY and its squared term are estimated to have negative and positive impacts respectively on the success of government legislation. Thus, the relationship between the size of governing majority and the success of government legislation is reversed in the Lower House. Similarly to Table 2, POPULARITY is estimated to have a positive impact on the success of government legislation.

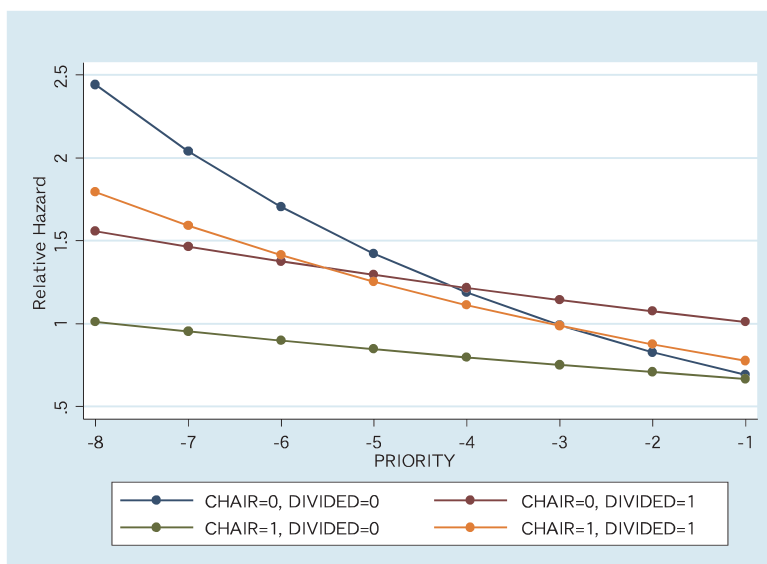
Figures 3 and 4 illustrate the relationship between the size of governing majority and the success of government legislation in relation to the popularity of the

**Table 3. Cox Proportional Hazard Model 2: Members' legislation**

	Hazard Ratio	Std. Err.	P > z
PRIORITY	0.835	0.057	0.009
CHAIR	1.089	0.280	0.740
PRIORITY#CHAIR	1.128	0.101	0.175
DIVIDED	1.647	0.412	0.046
DIVIDED#PRIORITY	1.126	0.087	0.124
CHAIR#DIVIDED	0.666	0.233	0.246
CHAIR#DIVIDED#PRIORITY	0.836	0.098	0.127
VETO OVERRIDE	1.000	0.125	0.999
POPULARITY	0.992	0.005	0.093
AMEND	2.257	0.592	0.002
LENGTH	1.001	0.003	0.844
SPECIAL	1.307	0.682	0.608
EXTRAORDINARY	1.592	0.429	0.085
REFERRED	0.897	0.022	0.000

Log likelihood = -2094.7241

Log likelihood = -2125.6713 without covariates

**Figure 2. Estimated Hazard (Predictive Margins) for Member Legislation**

prime minister. In Figure 3, each line depicts the predictive margins of legislative hazard estimated along with the size of governing majority in the Upper House, corresponding respectively to each of the four combinations of the size of governing majority in the Lower House and the cabinet approval rate. For instance, the blue line shows how the size of governing majority in the Upper House affects the success of government legislation, assuming that the governing majority in the Lower House is 58 per cent and the cabinet approval rate is 25 per cent. The gap between the blue and brown lines can be attributed to the 25 per cent increase in prime ministerial popularity. Similarly, compared to the blue line, the green line reflects the change in the size of governing majority in the Lower House from 58 per cent to 70 per cent. The orange line is the combined

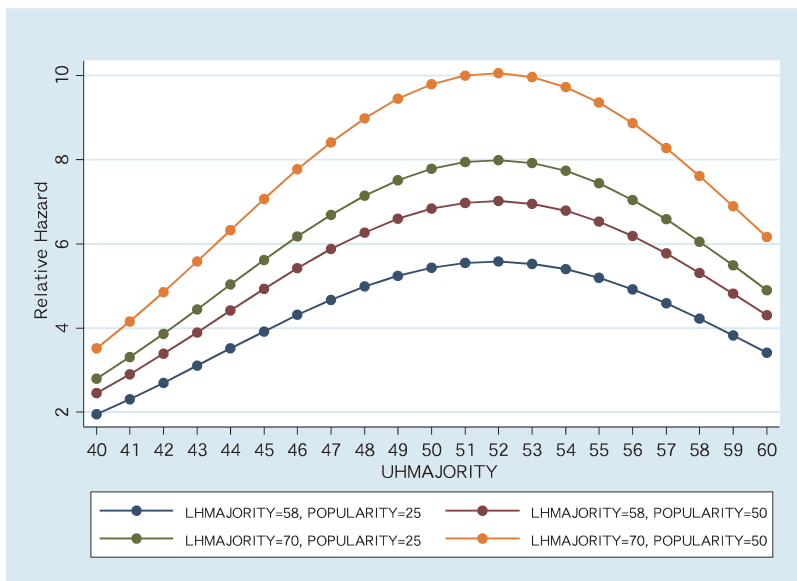
**Table 4. Cox Proportional Hazard Model 3: Government Legislation**

	Hazard Ratio	Std. Err.	P > z
PRIORITY	1.048	0.015	0.001
CHAIR	0.914	0.075	0.269
PRIORITY#CHAIR	0.988	0.017	0.477
UHMAJORITY	2.165	0.215	0.000
UHMAJORITY#UHMAJORITY	0.993	0.001	0.000
LHMAJORITY	0.554	0.043	0.000
LHMAJORITY#LHMAJORITY	1.005	0.001	0.000
POPULARITY	1.009	0.003	0.002
AMEND	0.887	0.074	0.149
LENGTH	0.991	0.002	0.000
SPECIAL	10.849	3.411	0.000
EXTRAORDINARY	3.778	0.681	0.000
REFERRED	0.998	0.002	0.445

Log likelihood = -10682.544

Log likelihood = -11188.934

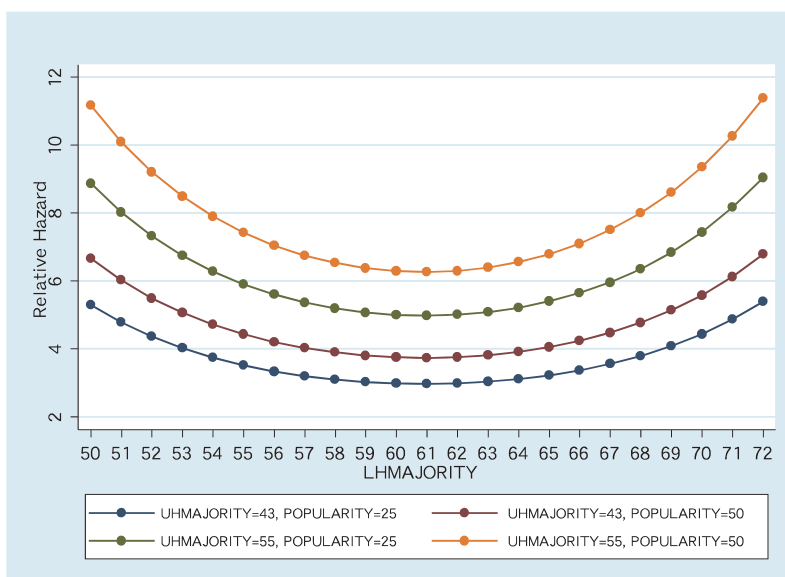
**Figure 3. Estimated Hazard (Predictive Margins) for Government Legislation: Effects of Upper House Government Share**



effect of the increases in the size of governing majority in the Lower House and the cabinet approval rate.

As in Figure 3, each line in Figure 4 depicts the predictive margins estimated along with the size of governing majority in the Lower House, corresponding respectively to each of the four combinations of the size of governing majority in the Upper House (43 per cent and 55 per cent) and the cabinet approval rate (25 per cent and 50 per cent). These figures visualize the contrary relationships between the size of governing majority and the likelihood of successful government legislation. In the Upper House, the success of government

**Figure 4. Estimated Hazard (Predictive Margins) for Government Legislation: Effects of Lower House Government Share**



legislation reaches the highest level when the size of governing majority exceeds a bare majority. In contrast, government legislation becomes less successful as the governing majority gains additional seats in the Lower House, while reversing the trend as the size of governing majority approaches a two-thirds majority.

Also, the result for member legislation in Table 5 does not differ much from that in Table 3. PRIORITY is estimated to have a negative impact on the success of member bills. CHAIR alone or interacted with PRIORITY do not have significant effects on the passage. According to the estimates in Table 5, amendment to members' bills improves the chances of success, while the popularity of the prime minister has nothing to do with the fortunes of members' bills. In contrast to the estimates for government legislation, the success of member legislation is related negatively with UHMAJORITY and positively with the square of UHMAJORITY, while positively with LHMAJORITY and negatively with the square of LHMAJORITY. As visualized in Figures 5 and 6, the relationships between the size of governing majority and the chance of legislative success are reversed for member bills. Figure 5 shows that members' bills have a better chance of success when the governing party in the Upper House has a smaller seat share, while the difference in the size of governing majority does not have discernible effect. In contrast, the size of the governing majority in the Lower House has a quadratic effect on the chance of success for member legislation as shown in Figure 6. That is, a modest level of governing majority in the Lower House is helpful but an oversized governing majority is not. In addition, the divided Diet actually promotes the success of member legislation as shown in the difference between blue/brown lines and green/orange lines. These figures also illustrate that as the estimate for POPULARITY indicates, the popularity of the prime minister has no impact on the likelihood of successful member legislation regardless of the size of governing majorities in both houses.

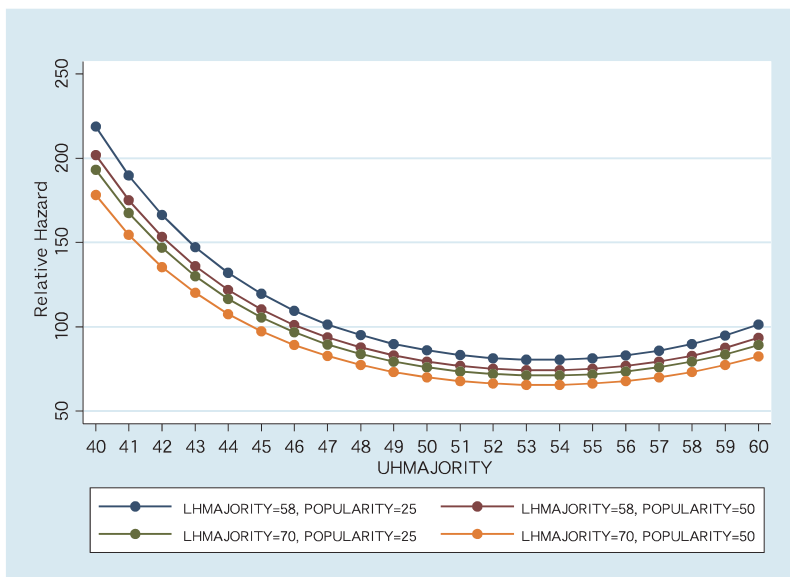
**Table 5. Cox Proportional Hazard Model 4: Member Legislation**

	Hazard Ratio	Std. Err.	P > z
PRIORITY	0.904	0.041	0.025
CHAIR	0.833	0.138	0.271
PRIORITY#CHAIR	0.998	0.053	0.970
UHMAJORITY	0.557	0.110	0.003
UHMAJORITY#UHMAJORITY	1.005	0.002	0.007
LHMAJORITY	1.949	0.387	0.001
LHMAJORITY#LHMAJORITY	0.995	0.002	0.001
POPULARITY	0.997	0.005	0.537
AMEND	2.356	0.602	0.001
LENGTH	0.997	0.003	0.190
SPECIAL	0.766	0.398	0.608
EXTRAORDINARY	1.137	0.310	0.637
REFERRED	0.893	0.022	0.000

Log likelihood = -2084.1079

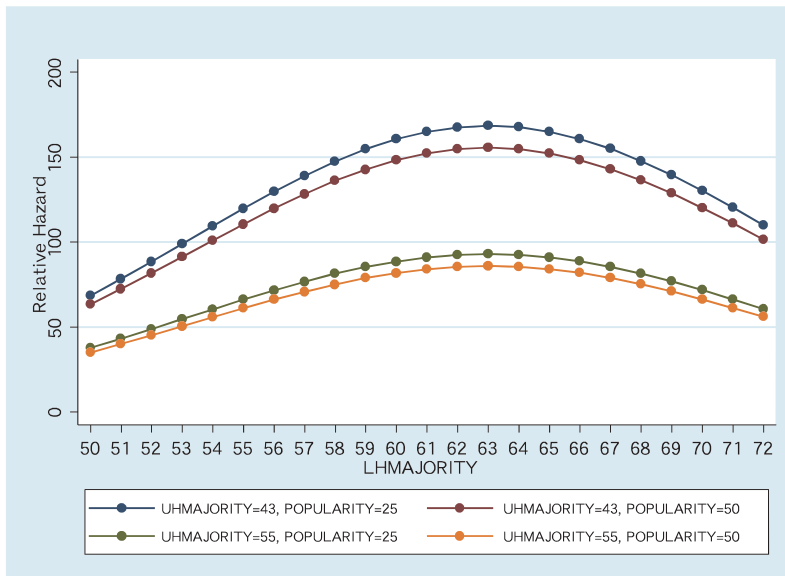
Log likelihood = -2125.6713

**Figure 5. Estimated Hazard (Predictive Margins) for Member Legislation: Effects of Upper House Government Share**





**Figure 6. Estimated Hazard (Predictive Margins) for Member Legislation: Effects of Lower House Government Share**



## 5. Conclusion

In democratic legislatures, the government is bound to dominate in the legislative process, not so much because the government expedites the business of legislation, but because the government takes control of the legislative agendas. In this article, we have shown how the government control of the legislative agendas affects the length of time needed for the passage of government bills and members' bills and whether and how the divided Diet has affected the legislative process in Japan.

For government legislation, our analysis shows that agenda priority given to a bill affects the chance of its passage to legislation. The governing party's seat share also matters for the timely passage of government bills. In particular, the effect of agenda prioritization on the likelihood of successful government legislation is reversed when the opposition parties take control of the Upper House. There is an upward quadratic relationship between the size of governing majority and the likelihood of successful government legislation in the Upper House, while a downward quadratic relationship in the Lower House. Analysis also shows that amendment to government bills decreases the hazard ratio, making it longer for them to pass the Diet. The popularity of the prime minister matters in the legislative process.

For member legislation, the legislative hazard is not improved by the agenda prioritization or the governing party's legislative strength. The chance of success for member legislation may improve when the opposition parties take control of the Upper House, although the size of governing majority over the plausible range alone may have no substantial impact on the chance of legislative success. For member legislation, there is no discernible effect resulting from the possibility of a two-thirds majority override in the Lower House and the popularity of the prime minister. On the other hand, amendment to member bills

helps speed up the passage.

Overall, there is general support for Hypotheses 1-4. Although the institutional principle of the Diet follows the fusion of powers and the Diet has established its own legislative processes, Diet members modestly exercise their right to initiate legislation that facilitates power diffusion as compared to the centralized parliamentary cabinet system like the United Kingdom. In particular, the balance between the fusion and diffusion of power substantially shifts toward the latter when the governing majority cannot take full control of the second chamber. While more work remains to be done, the evidence presented in this article is the first step toward a better understanding of the constitutional structure that involves both the fusion of power and the separation of powers in parliamentary democracies.<sup>3</sup>

Our approach to analyze the effect of agenda control on the process and outcome of legislation is applicable to other parliamentary democracies. We believe our analysis based on long-term micro-level data should encourage scholars to undertake more comparative analysis of the legislative process in parliamentary democracies. For example, through a micro-level analysis similar to ours, one might be able to trace the development of the fusion of powers in nineteenth century England, or the postwar development of parliamentary processes in other democracies.

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<sup>3</sup> See Powell (2000) who theorizes the two visions of representative democracy: majoritarian control and proportional influence.

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