

Impact of institutional rules on policy performance

Assoc.Prof.Dr. Do Phu Hai

Department of Public Policy, Hanoi University

(Senior trainer of Ministry of Home Affairs of Vietnam)

Email: haiphudo@gmail.com

Abstract : *Based on the background of public policy science, the objective of this research is to evaluate the impact of institutional rules on policy performance. The policy performance is possibly affected by the institutional rules of political system in certain policy fields. The focus of this article is to analyse the interaction of institutional rules which was observed in EU and OECD states with specific elements of the political system. The research was done by the minimum configuration analysis of the restraint impact of institutional rules on policy performance toward sustainable development which are interpreted by studying 16 policy fields grouping in terms of economic, social and environmental sustainability.*

Comment [U1]: Grammatical error please remove it

Key words: *Institutions, policy performance, political system.*

1. Introduction

Policy making is always a matter of choice under large constraints meaning institutional rules which are social, political and material and willingness of electors endorse the public policies and ordinary people to do what policies ask them to do. We can see the constraints on public policy received attention of the world researchers. Typically, Bobrow B. D. (2006) argued that the constraints of social and cultural factors on public policy [1], Quiggin J. (2006) given the constraints of economic constraints on public policy [2]. Goodin (2006) provided that the largest institutional constraint under which public policy operates is the interest possessed of sufficient power [3]. Hay C (2006) identified the constraints of globalisation on public policy [4]. Galston (2006) paid attention to the constraints of political feasibility on public policy [5] viewing the institutional rules behind the decisions and activities of policy actors as well as the different influences that the institutions exert on policies in the various types of

institutions involved and this leads to the operationalization of the institution concept [6]. On politics, « interests and power » relation defined by Shapiro (1999) and Galston (2006), it is a large constraint related to political systems [6, 7], also in Immergut (2006) 'the functioning of political institutions on the distribution of votes amongst political parties in elections as well as methods in which institutional rules convert vote shares into distributions of parliamentary seats and shares of governmental power, the decision-making rules for making governmental and legislative decisions' [8, 9].

We see Lijphart (1984; 1999) divides democracies into two types: majority and consensus democracies [10, 11]. We will need to re-examine the substantial conditions related to political *performance* of *democracies* regardless of whether they are based on these political system with their public *policy* orientations' (see also *Lijphart* 1999: 301, Schmidt 2002, Bormann 2010, Smith 1996, Immergut 2006) [11, 12, 13, 14, 8].

The most recent research of Immergut (2006) described the policy performance depends on the constellations of actors and the power of general institutional rules [8]. The institutional rules and procedures have a large impact on both the politics of policy-making and the implementation of various policy designs, the exact impact of institutional procedures on policy decision-making and the interaction effects of institutional rules with political, social and even historical contexts are still in its infancy. Also, both institutional structures and the individual strategies of policy ... caused by gaps in *rules* led to *policy-making* has increasingly become complex [15]. The impact of institutions on policies and policy-making were tested by Armingeon (2002), and Allison (2006), Kume (2006) [16, 17, 18]. Also, Goodin and Rein and Moran (2006, p.23) discussed on unspoken « background conditions » constitute further constraints to policy making and thus, 'those most political power and institutional constraints might be of indeterminate examination' [3].

Comment [U2]: It is better to avoid mentioning the title of the book instead organise it this way : »According to Shapiro (1999) and Galston (2006)

Comment [U3]: Citations are mixed up between APA style and endnotes or Chicago. Please why not use of them throughout the work. Erlier I suggested APA.

Comment [U4]: Citation mixed up same with above unless if it is the structure format of the journal.

From a result of literature review, it made understanding of the linkage of the policy performance and its dependent institutional constraints of the political systems recalled 'background conditions' and 'good governance conditions' under the democracy state and the rule of law, and sustainable governance, citizen participation. However, the focus of this paper is different; it focused on configuration conditions which considered as a combination of the institutional rules on public policy performance. From a broad literature review, they are measured by including election process, transparency (access to information), conditions of civil rights and political liberties rule of law.

Comment [U5]: Remove the « as »

Comment [U6]: and

Choosing the relevant approach and methodology to the research problem is really difficult because it is not easy to interpret and explain how the impact of institutional rules on policy performance process. One side is to measure the institutional constraints, on the other side to explain the interaction of institutional constraints on policy performance. The research selected some democracy cases, 'small-N problem' do not allow to work on the quantitative perspective. On this comparative perspective, the qualitative comparative analysis (QCA) can help because the approach and methodology are relevant in systematic analysis to the institutional constraints on policy performance (See Rihoux, 2009) [19].

Comment [U7]: please recast

Choosing qualitative comparative analysis (QCA) is relevant for this research because that QCA is a strict qualitative method, when in fact, QCA bridges qualitative and quantitative analyses in a situation where cases are too few for conventional statistical techniques and too many for an in-depth case analysis.

2. Case specification

For more technical parsimony, a broader sample was considered within democratic countries. This enabled to look for much more diversity in terms of institutional rules for policy performance. In the research, we chose to use data on policy performance of 20 amongst 41 EU and OECD states in which 10 states are strongest at policy performance while

10 states are weakest at policy performance. This strategy helps to provide appropriate data for the QCA as the EU and OECD states have been recognised by world researchers in the view of achieving good policy performance and institutional arrangements.

The quantitative and qualitative data originate from sustainable governance indicators in related politics-policy areas for policy performance and they are scored on the basis of official statistical sources, in particular “those provided by the EU and OECD data”¹ (Lopes F. E., Hellmann T., Schiller C., Schraad-Tischler D., 2015-2018) [20] sources (<https://data.oecd.org/>) and UN data (<http://data.un.org/DataMartInfo.aspx>).

Four stages of data consolidation ensured the valid and reliable data by sustainable governance indicator team (SGI team, see <http://www.sgi-network.org>) [20]. For each SGI’s survey, individual countries were evaluated by some leading experts. The experts’ questionnaire work is supported by eight coordinators under the supervision of SGI Advisory Board. These data were collected in a different phase process of survey and validation. Raw data were examined by international experts in relevant expertises. The data were analysed through first and second experts’ evaluations and qualitative complements to achieve consistency of texts and scores by regional coordinators who determined the actual scores for all indicators in their country groups [20]. There was a two-day regional-coordinator conference, at which the regional coordinators collectively discussed all qualitative assessments as well as all numerical ratings, and adjusted them if necessary. Such stages provide very robust and validated data. In order to enhance the quantitative and qualitative data comparability, all quantitative indicators contained in the indices included through a process of linear transformation onto a scale ranging from 1 to 10 [20].

Comment [U8]:

Comment [U9]: field instead of expertises

¹Lopes F. E., Hellmann T., Schiller C., Schraad-Tischler D., (2018), “*Policy Performance and Governance Capacities in the OECD and EU. Sustainable Governance Indicators 2015*”.

In addition, the SGI accepted detailed retrieval of the original data and the survey results at each level of aggregation from the highest aggregation level as **that** the three indices are formed, down to the level of individual indicators. This process allowed **engage** more deeply with topics of personal interest and create country rankings for single indicators and apply their own aggregation rules and even create entirely new indicators[20]. Thanks to this combination of quantitative indicators with qualitative expert assessments, the SGI itemized ranking results are accompanied by in-depth country reports on the 41 EU and OECD states examined[20]. This combination of systematic numerical scores and of in-depth country reports also comprising qualitative information is a very appropriate setting to apply the QCA method.

Comment [U10]: remove that here

Comment [U11]: the engagement

Comment [U12]: stands for what ?

Comment [U13]: same with above

3. Model specification

Norris (2011) examines the link between the policy performance of the government for ‘understanding the influence of policy performance on citizens ‘satisfaction with democracy’ [21]. Another good governance with World Bank indicators designed by Kaufman, Kray and Mastruzzi (2010) links to the policy performance [22]. Further, we also adopt the perspective of a causal relationship between political institutions and policy outcomes (Persson T. et Tabellini G. (2002-2003), Pablo S., Ernesto S., Mariano T. (2003); Besley and Timothy and Anne C. (2003); Immergut (2006) ; Eileen F. and Gaia N. (2012) [23, 24, 25, 26, 8]. The impact of political institutions on policy outcomes has recently gained much attention in the literature. Many theoretical and empirical researches have shown how government institutional rules shape policy outcomes; for instance Lizzeri et Persico (2001), Persson et Tabellini (1999), and Milesi-Ferretti, Perotti and Rostagno (2002) analyze the impact of rules on public policies [27, 28, 29]. Furthermore, the logic of appropriateness (March and Olsen 2006) on settings of democratic governance institutions such as ‘the polity is a configuration of formally organised institutions that defines the settings within which

Comment [U14]: references should be harmonised to be either APA or Chicago refer to journa’s format please.

Comment [U15]: Samer with above and all other similar sections in the entire work.

governance and policy making take place' and institutions can allocate resources and empower and constrain actors differently and make them more or less capable of acting accordance to prescribed rules' [30].

Based on these premises, we assume that the policy performance are shaped and influenced by configurations of institutional rules, in particular in terms of election process, transparency (access to information), civil rights and political liberties, rule of law. The model has been developed under these conditions with data of the SGI's survey measured these conditions in detail through the Democracy Index. Based on concrete work of Lopes F. E., Hellmann T., Schiller C., Schraad-Tischler D., (2015, 2018) [20], then we set up the variables of outcome and conditions as follows:

Outcome variable is the policy performance (POLPE)

Policy performance is measured by a set of indicators including the regulatory policies (see Kirkpatrick and Parker, 2012; Coglianese, 2012) [31,32]. The Policy Performance allows focus on reforms of key policy areas for each country to achieve sustainable policy outcomes. The success of OECD and EU countries reflected by different policy areas which are taken into account to look forward to develop robust and high-performing, long-lasting economic, socio-political and environmental systems that did not mention high levels of social participation. Accordance to SGI's survey, Policy Performance Index measures the performance of these selected 20 EU and OECD states surveyed in terms of three core dimensions of sustainable policy performance including socio economic and environmental policies. By the survey, 16 individual policy areas were used by the policy outcomes which reflected by quantitative and qualitative data collected from individual countries experienced in sustainable development [20].

Following QCA conventions, the outcome variable ***POLPE*** received the value=1 if the 'level of policy performance is evaluated higher than the threshold. On the opposite, the outcome

variable receives the value=0 if it is fallen below the threshold. It is very strong theoretical and empirical reason to put the threshold of the outcome may range between 4.35 – 7.99 (see table 2). After testing, it was more natural to accept the threshold at 5.28.

Condition 1: Election process (ELEC)

In the literature, the quality of election process depends on the candidacy procedure, media access of candidates, voting and registration rights, party financing, popular decision making (Lipset and Rokkan 1967, Lijphart 1994, Norris 1997) [33, 11, 21]. The election process is measured by SGI's survey [20]. In election process, citizens are all equal to have opportunity to become a potential candidate for election. The registration of candidates and parties can be restricted only under the law and if deemed reasonably necessary in a democratic society. This must protect the interests of national security and public order, public health and spiritual morals and ensuring the protection of the human rights and human freedoms [20].

Secondly both candidates and parties receive fair access to the communicative media and other communicative means such even social media? Every candidate and party in election can be equal opportunity of access to the public media and social media which allows them to present or communicate their political views to their potential voters. It must guarantee the access to the public media and social media, thus both candidates and parties must not be restricted or refused on different grounds of race, colour, gender, language, religion, political opinions, national or social origin, their owned property, birth or other social status [20].

Thirdly, the citizens have their full rights to participate into national elections. It means that all adult citizens can access to an effective, impartial and non-discriminatory procedure for voter registration and voting. The voting rights also apply to all citizens without a permanent residence in the country. It must ensure that no eligible citizen can be denied their right to vote and can be disqualified from registration as a voter which are strictly prescribed by law, that provided that they must be consistent with international law as the state's obligations. If

any individuals who are denied from voting or to be registered as a voter can be entitled to appeal to a jurisdiction competent to review such decisions and to correct errors promptly and effectively. All voters are equal and effective in access to any polling station or alternative voting method which includes a feasible absentee voting option. The method of voter registration and the location of polling stations, date and time frame of vote can not constitute disincentives for voting by specific groups in society [20].

Fourthly, public party financing and electoral campaign financing must be transparently and effectively supervised. In any infringement of rules, it can be subject to proportionate and dissuasive sanction. The obligations of parties or any entities connected with political parties must keep very proper accounting books and their financial accounts which make clear the value of donations received and publish openly the financial accounts timely. The funding of political parties and electoral campaigns is checked by an independent organisation, they can be electoral or parliamentary commission and anti-corruption body and audit institution with checking, investigating with sanction and regulatory powers. All infringements are sanctioned by taking into account administrative, civil and criminal liability [20].

Fifthly, citizens must assure their opportunity to take binding political decisions. It means citizens contain the legal right to take binding political decisions on matters of importance related to them. There are some types of decision-making including common initiatives and referendums conducted at different governance levels such as local or municipal, regional or state, national or federal government [20].

Following QCA conventions, the ELEC variable can receive the value=1 if it is higher than the threshold; on the opposite, this variable can receive the value=0 if it is fallen below the threshold. There is a very strong theoretical or empirical reason to locate the threshold between 4.2 and 9. From the operation, we accepted the threshold at 6.6 in practice.

Condition 2: Access to Information (ACCIN).

There are some questions which replied for a consideration of access to information (see Newman 2002) [34]. The access to information reflected the transparency is responded by three questions in SGI's survey: The media is independent from government. It means the media is subject to government influence as well as the influence of actors associated with the government. Both on media regulation and government intervention are examined by their rules as well as practice of supervision which can guarantee sufficient independence for publicly owned media. Private media was examined that ensure independence from government. The media is characterized by an ownership structure; the predominance of either private or public ownership guarantees a pluralism of opinions. There is a diversified ownership structure was examined as it can be linking to the best represent the views and positions from society [20].

Citizens must obtain official information such as their accessibility to government information were examined whether a freedom of information regulation exist, the rules used to restrict access to information exist, a mechanisms for appeal and oversight exist to ensure the enforcement of citizens' right such as information access, administrative review, court review, ombudsman, commission.

Following QCA conventions, the **ACCIN** variable can receive the value=1 if it is higher than the threshold; on the opposite, this variable can receive the value=0 if it is fallen below the threshold. There is a very strong theoretical or empirical reason to locate the threshold between 4 and 10. From operation, we accepted the threshold at 7.15 in practice.

Condition 3: Civil rights and political liberties (CRPL).

The civil rights and political liberties are important for the policy performance (Isham et al) [35]. It measured by what level the states respect and protect civil rights and citizens are protected by courts against infringements of their rights. It means to examine how the civil rights restrain the exercise of state power by the rule of law as well as the independent courts

can ‘guarantee legal protection of life, freedom and property’ as well as to protect ‘illegitimate arrest, exile, terror, torture or unjustifiable intervention’ into personal life. It examined what level of ‘equal access to the law and equal treatment by the law are both basic civil rights and also necessities to ensure the enforcement of civil rights’ [20].

How political liberties are protected is examined because political liberties constitute an independent sphere of democracy and a prerequisite of political and civil society. It means, the possibility of the equal consideration of ‘citizens preferences are embodied in the codification and unlimited validity of every individual’s right to speak, think, assemble, organize, worship, or petition without government interference or restraints’ [20].

Following QCA conventions, the **CRPL** variable can receive the value=1 if it is higher than the threshold; on the opposite, this variable can receive the value=0 if it is fallen below the threshold. There is a very strong theoretical or empirical reason to locate the threshold between 4 and 9.3. From operation, we accepted the threshold at 6.65 in practice.

Table 1: Specification of model

	<i>Variables</i>	<i>Coded</i>
<i>Outcome variable</i>	<i>Policy performance</i>	<i>EFs</i>
<i>Condition variables</i>	<i>Election Process</i>	<i>ELEC</i>
	<i>Access to Information</i>	<i>ACCIN</i>
	<i>Civil rights and political liberties</i>	<i>CRPL</i>
	<i>Rule of law</i>	<i>RULA</i>

Condition 4: Rule of law (RULA).

The rule of law is defined to play the important role in quality democracy and related good governance (Brian Tamahana 2007, 2012) [36, 37, 38, 39]. In order to examine sustainable governance with the ‘rule of law and citizens’ ability to participate in political processes’ that are critical to secure a political system’s good performance in the long-term stability, the opportunities for political participation must be seen in place or not? It may reflect a society to achieve high levels of ‘participatory justice’. The ‘rule of law of democracy’ was examined

because it may sustain pluralism that form public will and opinions considered as ‘input legitimacy’ and ‘public policy formulation’ as well as decision-making processes that ensure the interests and needs of people in society under the legitimacy, while ultimately these processes transform them into concrete and efficacious actions such as ‘output legitimacy’ [20]. Also, it examined the rule of law that is important to prevent the systematic exclusion or neglect of social groups or individuals which allows all members of a society to form their opinions and develop their will to reform. It also examined ability of managing the conflicts constraints the sustainable policy goals which is important to control the systematic exclusion of minority group to ensure the ‘principle of equal opportunity’. It also examined the legitimacy of a political system could provide appropriate ‘oversight of decision-makers’ activities’ and ‘opportunities for democratic participation’, ‘protection of civil rights and legal certainty’ which related to the citizens’ consent and their trust in a political system. Finally, examining ‘democratic participation and oversight’ which can enable concrete learning and adaptation processes or not which was done by a rigorous observation of the ‘rule of law’ is vital to achieve sustainability in the sense of long-term systemic viability [20].

The RULA was examined by the government and administration conduct in accordance with legal provisions to provide legal certainty or not. It means what level of executive actions can be predictable and the ‘independent courts control’ whether government and administration work in conformity with the law. The executive government and administration actions can be reviewed by courts. It also examined how effective control of courts which free from the influence of ‘incumbent governments’, ‘powerful groups or individuals’. It means examining legal system work well or not including ‘legal education, jurisprudence, regulated appointment of the judiciary’, rational proceedings, professionalism, and channels of appeal and ‘court administration’. It examined the process of appointing such as supreme or constitutional court of justice guarantee the independence of the judiciary or not it

means supreme or 'constitutional courts' sufficient independence from 'political influence as a prerequisite of a functioning democratic system' such as appointment process is a crucial factor which determines 'judiciary independence'. Centrally, examining politically "neutral" justices with the necessity of cooperation between involved actors became the most importance such as a cooperative appointment process requires at least two involved 'legitimized institutions' as the representative character ensure the legitimacy for autonomous nomination or 'elective powers'. Of course, by this appointment process, ensuring 'cooperative procedures with qualified majorities' so that 'independence of the court' is best secured. Also, it also examined whether the process was done formally by transparent and adequately covered by public media or not. In case of absence of supreme or constitutional court, it examined the appointment process of the appellate court, the third actor is responsible for citizens' appeals 'against decisions of the government' [20].

RULA is examined by effective measures to control abusing their power position for private interests. It means how the state and society prevent public servants and politicians from corruption and bribes by applying mechanisms to guarantee the integrity of civil servants with measures of auditing of state spending, regulation of party financing, citizen and 'media access to information', 'civil servants accountability' which include asset declarations, 'conflict of interest rules', 'codes of conduct', 'transparent public procurement systems', 'effective prosecution of corruption' [20].

Following QCA conventions, the **RULA** variable can receive the value=1 if it is higher than the threshold; on the opposite, this variable can receive the value=0 if it is fallen below the threshold. There is a very strong theoretical or empirical reason to locate the threshold between 3.3 and 9.8. From operation, we accepted the threshold at 6.55 in practice.

Table 2 presents the raw data, with the outcome variable and the four condition variables – i.e. the data before the dichotomization procedure.

Table 2: Indicators of selected 20 EU and OECD states of SGI's survey in the year 2016

ID	ELECP	ASSIN	CRPL	RULA	OUTCOME (POLPE)
Bulgaria	6.8	5.3	6.3	4.8	5.18
Chile	5.6	6.7	6.3	7.5	5.17
Croatia	6.6	5.7	5.7	5.8	5.08
Cyprus	5.8	5.7	7.3	6	4.82
Denmark	8.2	9	8.7	9.8	7.79
Estonia	7.8	9.3	8.7	7.5	6.99
Finland	9	10	9.3	8.3	7.41
Germany	8.8	8.7	8.7	9	7.29
Greece	7.2	7	7	6.5	4.35
Hungary	4.2	4	5	3.3	5.19
Italy	7.6	7	7.3	7	5.34
Lithuania	8.4	8.3	8	7.8	6.8
Luxembourg	8	7	8.3	8	6.99
Mexico	7	6.7	4.7	5	4.72
Norway	7.8	9.3	9.3	9.3	7.74
Romania	5.4	4.3	5.7	5	5.18
Sweden	8.6	9.3	9.3	9.5	7.99
Switzerland	8.2	9.3	8.7	8.3	7.62
Turkey	4.6	4.3	4	4	4.85
United Kingdom	6.8	7.3	7.3	8	6.91

(Source: Result of SGI's survey, see <http://www.sgi-network.org/2016/>)

4. Models analysis

The data are processed with the TOSMANA software, a specialized tool to analyze cross-case regularities in Small- and Intermediate-N Analysis (see Rihoux and B. & De Meur, G., 2009) [19]. By means of Boolean algebra, dichotomized variables can be processed which results in a formula explaining the outcome by a combination of variable conditions. We chose csQCA instead of mvQCA or fsQCA because we are looking for major analytical contrasts & also strive to achieve strong parsimony through the analysis [19].

The truth table (table 3) with four crisp-set (i.e., dichotomous) in causal conditions which were hypothesized as variable conditions which set a configuration to the possible outcomes

in a policy performance of sustainable development policy demonstrated through 20 country cases represented for OECD and EU. In terms of data analysis, across these cases, under SGI's survey translated into Boolean variables with expected multiple conjuncture forms of causality linking the four conditions and the outcome variable of policy performance level [19].

The csQCA produces the minimal configurations of conditions for the outcome using algorithm "MultiValue TopDown" on Boolean algebra. These cases are observed in reality were minimized using this algorithm. The configurations governing the patterns were simplified, under those configurations that were theoretically possible but which were not fully observed in 20 country cases (so-called 'logical cases') were included in the minimization. In principle, the inclusion of logical cases generalized the explanatory patterns that are suggested by the observed cases. In the analysis, with four dichotomous causal conditions, there are theoretically $2^4 (2^k) = 16$ possible combinations of conditions.

Minimization of "policy performance" outcome

Table 3: Truth table of Boolean Configurations with four causal conditions on the policy performance outcome

ID	ELEC	ACCIN	CRPL	RULA	POLPE
Bulgaria,Mexico	1	0	0	0	0
Chile	0	0	0	1	0
Croatia,Hungary,Romania,Turkey	0	0	0	0	0
Cyprus	0	0	1	0	0
Denmark,Estonia,Finland,Germany, Lithuania,Norway,Sweden, Switzerland,United Kingdom	1	1	1	1	1
Greece	1	0	1	0	0
Italy,Luxembourg	1	0	1	1	1

Minimizing value the [1] Configurations (Without Logical Remainders)

TOSMANA software minimize the [1] configurations without including non-observed cases (without logical remainders). In the Boolean minimization, the reduction of configurations

given by truth table above reveals a clear pattern of the policy performance outcome. We obtained the following minimal formula:

ELECP{1} * CRPL{1} * RULA{1}
(Denmark,Estonia,Finland,Germany,Lithuania,Norway,Sweden,Switzerland,United Kingdom+Italy,Luxembourg)

The formula combines three conditions linked with the ‘1’ outcome value. The “descriptive” formula could be read that the ‘1’ outcome (possible good policy performance) is observed as follows: in countries that if it exits a combination of the conditions of good election process and high level of civil rights and political liberties, high level of Rule of law.

We re-write the formula as follows (Formula 1):

ELECP{1} * CRPL{1} * RULA{1} → good policy performance (Denmark, Estonia, Finland, Germany, Lithuania, Norway, Sweden, Switzerland, United Kingdom+ Italy, Luxembourg)

This minimal formula corresponds to 11 countries: (Denmark, Estonia, Finland, Germany, Lithuania, Norway, Sweden, Switzerland, United Kingdom+ Italy, Luxembourg). These countries share the same configuration; and Italy, Luxembourg separately. The formula is complex with 3 conditions. Only a small measure of parsimony has been achieved at this time. We continued to next procedure below.

Minimizing value the [0] Configurations (Without Logical Remainders)

We perform again the minimisation procedure, changed to [0] configurations and also without including some non-observed cases. We received the following minimal formulas:

ACCIN{0} * RULA{0} +	ELECP{0} * ACCIN{0} * CRPL{0}
(Bulgaria,Mexico+Croatia,Hungary,Romania, Turkey+Cyprus+Greece)	(Chile+Croatia,Hungary,Romania,Turkey)

By QCA conventions, there are two terms with complex configurations. The csQCA provides us with two paths to the [0] outcome ‘weak policy performance’. The first path corresponds to 08 countries (Bulgaria, Mexico + Croatia, Hungary, Romania, Turkey + Cyprus + Greece) sharing the same configuration $ACCIN\{0\} * RULA\{0\}$.

In the second term, this second path corresponds to 05 countries (Chile + Croatia, Hungary, Romania, Turkey) sharing the same configuration $ELECP\{0\} * ACCIN\{0\} * CRPL\{0\}$. We have : $ELECP\{0\} * ACCIN\{0\} * CRPL\{0\} \rightarrow$ weak policy performance (Chile + Croatia, Hungary, Romania, Turkey) (formula 2).

We chose the first term : $ACCIN\{0\} * RULA\{0\} \rightarrow$ weak policy performance (Bulgaria, Mexico + Croatia, Hungary, Romania, Turkey + Cyprus + Greece) (formula 3).

Minimizing value the [1] Configurations (With Logical Remainders)

Two formulas above are still complex. For more parsimony, the minimization of the configurations needs to be included non observed cases – Logical Remainders. This inclusion makes simpler a Boolean Expression “simplifying assumption”, the usefulness of logical remainders is quite straight forward to express cases in a simpler way, it suffices to express them as part of broader zone (see Rihoux, 2009 and Hai P. Do 2015) by helping one combination could cover some configurations [39]. By running again minimization procedure with logical remainders, we received the minimal formulas:

$ELECP\{1\}RULA\{1\}$
(Denmark, Estonia, Finland, Germany, Lithuania, Norway, Sweden, Switzerland, United Kingdom + Italy, Luxembourg)
$CRPL\{1\}RULA\{1\}$
(Denmark, Estonia, Finland, Germany, Lithuania, Norway, Sweden, Switzerland, United Kingdom + Italy, Luxembourg)

We re-write them as follows :

$ELECP\{1\}RULA\{1\} \rightarrow$ good policy performance (formula 4)

$CRPL\{1\}RULA\{1\} \rightarrow$ good policy performance (formula 5)

Two formulas with the same countries such as : (Denmark, Estonia, Finland, Germany, Lithuania, Norway, Sweden, Switzerland, United Kingdom + Italy, Luxembourg). We obtain a

list of these simplifying assumptions from the software and lay them out in the report of the analysis :

1. ELECP{1}ACCIN{0}CRPL{0}RULA{1}
2. ELECP{1}ACCIN{1}CRPL{0}RULA{1}
3. ELECP{0}ACCIN{0}CRPL{1}RULA{1}
4. ELECP{0}ACCIN{1}CRPL{1}RULA{1}

Minimizing value the [0] Configurations (With Logical Remainders)

The minimization procedure of the (0) configurations was run again, we obtain the following formulas:

ELECP{0} +	RULA{0}
(Chile+Croatia,Hungary,Romania,Turkey+Cyprus)	(Bulgaria,Mexico+Croatia,Hungary,Romania,Turkey+Cyprus+Greece)

CRPL{0} +	RULA{0}
(Bulgaria,Mexico+Chile+Croatia,Hungary,Romania,Turkey)	(Bulgaria,Mexico+Croatia,Hungary,Romania,Turkey+Cyprus+Greece)

Based on the case information of (Bulgaria,Mexico + Croatia,Hungary, Romania,Turkey + Cyprus + Greece), we chose the second line, we can re-write as follows (formula 6):

$$\begin{array}{lcl}
 \text{CRPL}\{0\} & + & \text{RULA}\{0\} \rightarrow \text{'weak policy performance'} \\
 \text{(Bulgaria,Mexico+Chile+Croatia,} & & \text{(Bulgaria,Mexico+Croatia,Hungary,} \\
 \text{Hungary,Romania,Turkey)} & & \text{Romania,Turkey+Cyprus+Greece)}
 \end{array}$$

It can be read as follows :

- *In 07 countries: Bulgaria,Mexico+Chile+Croatia, Hungary,Romania,Turkey, the low level of civil rights and political liberties explains the 'weak policy performance'.*

Or

- *In 08 countries: Bulgaria, Mexico+ Croatia, Hungary, Romania, Turkey+ Cyprus + Greece , the low level of rule of law explains the weak policy performance (see item 3. Model specification).*

Here we can see there are 02 alternative paths leading toward to the outcome ‘weak policy performance’. The 06 country cases (Bulgaria, Mexico and Croatia, Hungary, Romania, Turkey) both paths are valid in the analysis. On the case’s knowledge, we can see that the country cases Cyprus+Greece are more appropriate. It means that the second path is chosen as: $RULA\{0\} \rightarrow$ ‘weak policy performance’. Comparing this formula with the formula 2, more substantial parsimony than formula 3 thanks to the «simplifying assumptions» made by the TOSMANA regarding some of the logical remainders. We can also obtain a list of these simplifying assumptions and put them out in the report of the analysis.

1. $ELECP\{0\}ACCIN\{1\}CRPL\{0\}RULA\{0\}$
2. $ELECP\{0\}ACCIN\{1\}CRPL\{0\}RULA\{1\}$
3. $ELECP\{0\}ACCIN\{1\}CRPL\{1\}RULA\{0\}$
4. $ELECP\{1\}ACCIN\{0\}CRPL\{0\}RULA\{1\}$
5. $ELECP\{1\}ACCIN\{1\}CRPL\{0\}RULA\{0\}$
6. $ELECP\{1\}ACCIN\{1\}CRPL\{0\}RULA\{1\}$
7. $ELECP\{1\}ACCIN\{1\}CRPL\{1\}RULA\{0\}$

5. Synthesis

From formula 1 & 4 & 5, we can interpret that three variable conditions $ELECP\{1\} * CRPL\{1\} * RULA\{1\}$ are important to generate possibly the positive outcome ‘policy performance’. As the theory informed (see section 2), we focus on key link between key combinations of these conditions and possible outcome ‘good policy performance’. The formula 4 & 5 if $ELECP\{1\}RULA\{1\}$ or $CRPL\{1\}RULA\{1\} \rightarrow$ possibly ‘good policy performance’ described by these country cases [Denmark, Estonia, Finland, Germany,

Lithuania, Norway, Sweden, Switzerland, United Kingdom+Italy, Luxembourg]. It can interpret that if the combination of good election process and rule of law conditions, possibly it can produce positive outcome of 'policy performance' or the combination of civil rights and political liberties and rule of law conditions can produce positive outcome of 'policy performance'. In a case knowledge, the performance of socio-economics and environment policies is very good in these countries [Sweden, Denmark and Norway and Switzerland]. Backing to the variable conditions in these countries, the civil rights and legality are core values in governance of these countries. Democracy functions well in these countries, where governance features strong credibility and transparency. Democratic governance remains deeply institutionalized and of very high quality in Sweden. Evidenced that the constitution has a chapter devoted to human rights and legal security is an essential guideline for the public administration including freedom of speech, freedom of association and freedom of assembly. Consequently, these countries have high ranking as the most egalitarian societies in the world.

The legal framework is deeply engrained and the rule of law brought with values of legal security, due process, transparency and impartiality remain key norms in these countries. The corruption at the state level remains extremely unusual and "regulatory systems safeguarding transparency and accountability, coupled with an overall administrative culture that strongly forbids corrupt behaviour, prevent corruption". As that we chose the formula 5, if $CRPL\{1\}RULA\{1\} \rightarrow$ possibly 'good policy performance', it means that if the combination of positive civil rights and political liberties and rule of law, possibly it can produce good outcome of 'policy performance'.

From formula 3, $ACCIN\{0\} * RULA\{0\} \rightarrow$ weak policy performance (Bulgaria, Mexico + Croatia, Hungary, Romania, Turkey+Cyprus+Greece), we can see the $ACCIN\{0\} * RULA\{0\}$ are important conditions to generate possibly the negative policy performance. In

formula 6, we have to choose between two terms : $CRPL\{0\} + RULA\{0\} \rightarrow$ 'weak policy performance'. From case knowledge, we chose the second term $RULA\{0\} \rightarrow$ 'weak policy performance' [Bulgaria, Mexico + Croatia, Hungary, Romania, Turkey+Cyprus+Greece]. It can interpret that if the low level condition of rule of law, possibly it will produce the weak policy performance. In these countries, the performance of socio-economics and environment policies is not so good, consequently the socio-economics conditions of these countries are not sustainable. The rule of law ranks in low level condition, for example in Greece, the state administration operates on the basis of a legal formalism and a complexity of legislation that is extensive, numerous and sometimes contradictory, specially the public officeholders are not efficiently prevented from exploiting their offices for private gain, but things changed in the period under review. Other case such as Mexico, the court decisions are less independent at the lower level, however, where there is significant local variance and where judges are often sympathetic to the dominant ruling party and there are severe and persistent corruption problems in Mexico.

6. Conclusions

In the EU and OECD states, it assumed that the policy performance depends on four institutional rules by their arrangements such as election process, access to information, civil rights and political liberties and rule of law. As a result of the systematic analysis, we can conclude that the good policy performance can be possibly generated from the combination of positive civil rights and political liberties and rule of law. On the other words, the configuration conditions civil rights and political liberties and rule of law, possibly it will produce the positive outcome 'good policy performance'. It is also interesting that oppositely in a form of "un-symmetry" of the weak condition of rule of law, possibly it will lead to negative 'policy performance'.

Back to the research problem, the institutional constraints of policy performance under political institutions [8] and ‘background conditions’ [3] and good governance institutions of logic appropriateness (March and Olsen 2006 and 2008) if the institutions are favourable to promote civil rights and political liberties and rule of law in the democracy conditions, we will have very good public policy performance as if the institutions are not favourable to rule of law condition will lead to weak policy performance.

Even the institutional constraints become important conditions that clarified by this systematic case analysis, but the research never forget other constraints such as social and materials, sometimes self-interest and technology become the most constraints on policy performance discussed as largest constraints by Goodin (2006). That is a reason to call for an expansion of the research on these constraints.

References

1. Bobrow B. D.. Social and cultural factors : Constraining and enabling. Constraints on public policy. The Oxford Handbook of Public Policy, 2006, pp 572-586.
2. Quiggin J.. Economic constraints on public policy. Constraints on public policy. The Oxford Handbook of Public Policy, 2006 - pp 529-542.
3. Goodin and Rein and Moran. The public and its policies. The Oxford Handbook of Public Policy, 2006. pp.21-20.
4. Hay C. Globalisation and public policy. The Oxford Handbook of Public Policy, 2006 pp.587-602
5. Galston A. W.. Political feasibility : Interests and power. The Oxford Handbook of Public Policy, 2006 pp.543-555.
6. Knoepfel et all. Institutional rules. Public policy analysis. The policy press- 2007 DOI:10.1332/ policy press/ 9781861349071.003.0005.
7. Shapiro I.. Enough of deliberation: Politics is about interests and power, in *Deliberative Politics: Essays on Democracy and Disagreement*, ed. by Stephen Macedo (Oxford University Press, 1999), pp. 28-38.
8. Immergut M. E.. Institutional constraints on public policy. The Oxford Handbook of public policy.
9. Immergut, E. M. and Kume, I.. Crises of Governance: Institutions and the Politics of Change in Japan and Europe (Special Issue). *Governance*, 19.
10. Lijphart A.. Pattern of Democracy: Government Forms and Performance in Thirty-Six Countries. New Haven And London: Yale University Press: 9-31.
11. Lijphart, A.. Electoral Systems and Party Systems. Oxford: Oxford University Press.
12. Schmidt M G.. Political performance and types of democracy: Findings from comparative studies. *European Journal of Political Research* 41: 147–163, 2002.
13. Bormann N.C. Patterns of Democracy and Its Critics. Centre for Comparative and International Studies, ETH Zurich and University of Zurich.

14. Smith A.. Diversionary foreign policy in democratic systems. *International studies quarterly* (1996), 40, 133-153. <https://doi.org/10.2307/2600934>
15. Cerna L.. The Nature of Policy Change and Implementation: A Review of Different Theoretical Approaches. OECD publication in 2013.
16. Armingeon K.. The effects of negotiation democracy: A comparative analysis. *European Journal of Political Research* 41: 81–105, 2002.
17. Allison G.. Emergence of Schools of Public Policy: Reflections by a Founding Dean. . *The Oxford Handbook of Public Policy*, 2006. pp.21-20.
18. Deleon P.. The Historical Roots of the Field. *The Oxford Handbook of Public Policy*, 2006. pp.21-20.
19. Rihoux, B. & De Meur, G.. Crisp-set Qualitative Comparative Analysis (csQCA). pp. 33-68 In: RIHOUX, B. & RAGIN, C. C. (eds.) *Configurational comparative methods. Qualitative Comparative Analysis (QCA) and related techniques*. Thousand Oaks and London: Sage.
20. Lopes F. E., Hellmann T., Schiller C., Schraad-Tischler D.. “Policy Performance and Governance Capacities in the OECD and EU. Sustainable Governance Indicators 2015 and 2018”. www.bertelsmann-stiftung.de
21. Norris P.. Choosing Electoral Systems: Proportional, Majoritarian and Mixed Systems. *International Political Science Review / Revue internationale de science politique*, Vol. 18, No. 3, Jul., 1997, pp. 297-312.
22. Kaufman, Kray and Mastruzzi. *The Worldwide Governance Indicators: Methodology and Analytical Issues*. World Bank indicators 2010.
23. Torsten P. et Guido T. The economic effects of institutions: what do data say? MIT Press, August 2003. pp 69-93.
24. Pablo T. S., Stein E. and Tommasi M.. Political Institutions, Policymaking Processes, and Policy Outcomes an intertemporal transactions framework. Latin American Research Network (Inter-American Development Bank).
25. Besley and Timothy and Anne. Political Institutions and Policy Choices: Evidence from the United States. *Journal of Economic Literature* Vol. XLI (March 2003) pp. 7–73.
26. Eileen F. and Gaia N.. Political Institutions, Voter Turnout and Policy Outcomes. Discussion Paper No. 268. Institute for International Integration Studies. Nov 2008.
27. Lizzeri et Persico. The Provision of Public Goods under Alternative Electoral Incentives. *American Economic Review*. Vol. 91 No. 1 March 2001. pp 225-239.
28. Persson T† Tabellini G.. Political Institutions and Policy Outcomes: What are the Stylized Facts? IIES, Stockholm University; London School of Economics; CEPR; NBER.
29. Milesi-Ferretti, Perotti and Rostagno. Election systems and public spending. *The Quarterly Journal of Economics*, May 2002.
30. March and Olsen. The logic of appropriateness. *The Oxford Handbook of Public Policy*, 2006, pp 689 - 705.
31. Kirkpatrick and Parker. The economic impact of regulatory policy: A literature review of quantitative evidence. OECD Expert Paper No. 3, August 2012.
32. Coglianesi C.. Evaluating the impact of regulation policy. OECD Expert Paper No. 1, August 2012.
33. Lipset, S.M. and S. Rokkan. *Party Systems and Voter Alignments*. New York: Free Press.
34. Newman L.. Access to information: A key to democracy. The Carter Centre. Nov. 2002. pp. 15-29.

35. Isham J, Kaufmann D, and Lant H. Pritchett. Civil Liberties, Democracy, and the Performance of Government Projects. The World Bank Economic review. Vol 11. No.2.
36. Brian Z. Tamanaha, A Concise Guide to the Rule of Law St. John's Legal Studies Research Paper (2007) http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1012051
37. Brian Z. Tamanaha, On the Rule of Law: History, Politics, Theory, Singapore Journal of Legal Studies [2012] 232–247.
38. Johnston M., Good Governance: Rule of Law, Transparency, and Accountability. <https://www.researchgate.net/publication/267974525> . April 2016.
39. Hai Phu Do, Salvador Roig-Dobón, José Luis Sánchez-García, Innovative governance from public policy unities. Journal of Business Research, 2015. <http://dx.doi.org/10.1016/j.jbusres.2015.10.135>