

Carolina Sigoria
Ann Arbor, Enero 20

Legislative Politics in Latin America

Edited by

SCOTT MORGENSTERN

Duke University

BENITO NACIF

CIDE



CAMBRIDGE
UNIVERSITY PRESS

Explaining Legislative Politics in Latin America

SCOTT MORGENSTERN

Instead of focusing on presidents, militaries, financial sector bureaucrats, or social actors, the preceding pages have placed the Argentine, Brazilian, Chilean, and Mexican legislatures at the center of democratic politics. While the authors all agree that the legislatures are potent, it is also clear that the legislatures take a less proactive role than does the U.S. Congress. In this chapter I draw on the previous chapters to argue that the legislatures take a generally reactive role, but within this role there is great variance in the way in which the legislatures assert their power and insert themselves into the policy process. I argue further that the chapters have also offered significant evidence that, as postulated in the introduction, many of the differences are explicable by institutional variation.

The country chapters are arranged to focus on substantive questions about executive-legislative relations and the role of parties in organizing the business of the legislature. In this conclusion I return to the thematic questions raised in the introduction about the importance of reelection rates, electoral systems, partisan alignments, and constitutional powers on legislative politics. In doing so, this chapter has two primary goals. First, a main methodological strategy of this book has been to borrow from the U.S. model in deriving descriptions of key pieces of the legislative process and explanations for legislative behavior in Latin America. But, we have also shown that the assumptions embedded in models of the U.S. Congress must become variables in a comparative context. In particular, in contrast to members of the U.S. Congress, many Latin American legislators are less focused on reelection, more reliant on party leaders, and/or concerned with intrapartisan rivals at election time, not members or opponents of a single majority party, and faced with distinct amalgamations of

constitutional powers. This chapter, therefore, reviews the range that these variables (*qua* U.S. assumptions) take in our four countries and discusses how the book's authors used them in our collective effort to move toward a comparative explanation of legislative behavior.

The second goal is to use these explanations to move us toward a typology of legislatures, which Gary W. Cox and I then apply in the succeeding chapter to a discussion about presidential reactions in the face of distinct legislative types.¹ The starting point for this typology is the assumption that democratic assemblies insert themselves into the policy-making process in one or more of three basic ways: (1) originitive: making and breaking executives, who then shoulder most of the policy-making burden; (2) proactive: initiating and passing their own legislative proposals; and (3) reactive: amending and/or vetoing executive proposals. European parliaments are the primary examples of originitive/reactive assemblies. The U.S. Congress and the assemblies of the U.S. states are the primary examples of proactive/reactive assemblies.

In Latin America, legislatures typically cannot get rid of presidents they dislike and lack the resources to fashion their own legislative proposals. Thus, they are neither originitive nor proactive; they are merely reactive.

Within this general category legislatures can still range greatly, from "subservient" to "recalcitrant," with "workable" and "venal" options in between. These abstract ideal-types, which are developed in this and the succeeding chapter in more detail, are not meant as descriptions of our specific cases. The defined categories, however, do give us a starting point from which to understand and analyze the Latin American legislatures and the presidential reactions to them in a comparative context.

A typology of legislatures must take into account many factors. Twenty years ago Mezey (1979) created a simple categorization based on the democratic support of the legislative institutions and the legislature's policy-making power. Among the Latin American cases that Mezey considered, only the Costa Rican and Mexican (!) legislatures gained admittance to the "more supported" category, as those in the Southern Cone were all under dictatorial rule. On the axis differentiating policy-making power, Mezey then coded the Chilean, Uruguayan, and Costa Rican legislatures as "strong," while the others in Latin America were placed in the "modest" category (above some in Africa or under Soviet rule that were

considered to have little or no power). Today the legislatures of Argentina, Brazil, Chile, and Mexico (and most others in Latin America) would all fit into the "more supported" category. This book has shown that it also would be incorrect to code any of these legislatures as having only modest policy-making power. Each of the legislatures under study here clearly asserts itself and shapes the policy process. This does not necessarily require the proactive stance taken by the U.S. Congress. Although several chapters showed that the legislatures do initiate a significant number of bills, it is clear that their greatest role is in blocking unfavorable legislation or shaping outcomes by pressuring the president to change proposals or amending executive bills. My hypothesis for this chapter is that the manner in which these generally reactive legislatures play their roles is largely a function of the reelection drive, the party structure, the electoral system, and the constitution. Other factors that emerge from the chapters, including ideology, ties between the president and the parties, and the federal structure, also count, and I will therefore discuss these issues as well.

Static vs. Progressive Ambition and the Reelection Goal

In the United States around 90% of the lower house members seek reelection and at least 90% of them win, justifying the assumption that most U.S. legislators have static ambitions. In most of the Latin American cases, however, this assumption does not hold. Instead of taking great interest in constituent issues and building the infrastructure necessary for a legislature to fully analyze and create policy, legislators without a reelection drive should orient their time toward future careers. Progressively ambitious legislators, in short, should build very different types of legislatures.

Table 14.1 shows that our four countries differ markedly on the static-progressive scale. The Mexican legislators are at one extreme, as they are prohibited from immediate reelection. Chile provides the closest approximation to the U.S. pattern, as 76% of the incumbents were renominated and, of these, 78% won in 1993.² The overall turnover rate there, however, is more than twice that of the United States (41% versus 17%). Next in line is Brazil, where 70% of the legislators seek reelection but, of

¹ The succeeding discussion about legislative types comes directly from Cox and Morgenstern (2001).

² While the data here refer only to a single election, averages over the past few elections are very similar.

Table 14.1. *Reelection rates.*

Country	% seeking reelection	% winning (of those seeking)	% returning to office	Length of term (years)
Argentina (1997)	26	67	17	4
Brazil (1995)	70	62	43	4
Chile (1993)	76	78	59	4
Mexico (1997)	0	—	—	3
United States (1996)	88	94	83	2

Data provided by Mark Jones for Argentina, David Samuels for Brazil, and John Carey for Chile.

those, only 62% won in 1995 (resulting in a 57% turnover rate). In Argentina, even fewer are reelected, 17%.³

Following Carey's suggestion, the final column of the table suggests that reelection rates are influenced by the length of terms. Since the Latin American legislators' terms are 50 or 100% longer than their U.S. counterparts, somewhat lower reelection rates should not be a surprise. Still, these data show that Latin American legislators face different career prospects than do their U.S. counterparts. As such, we cannot assume static ambition as we do in studies of the U.S. Congress.

These data also suggest an important impediment in the creation of a unified theory of legislative behavior. Since not all (or even almost all) legislators seek reelection, even within any given country it is incorrect to assume homogeneous legislators all driven by a similar motivation. Some seek reelection and build national level political careers. An important number seek reelection but fail. Others appear to use the legislature only as a stepping stone for building state or local political careers. Others still may join the legislature for a short break from their generally successful businesses and, after finishing a term or two, simply return to their enter-

³ A party rule creates extra hurdles for incumbents seeking reelection in the Radical Party. In their regional primaries they use a list PR system, but primary lists that contain incumbents must receive two-thirds of the votes for their candidates to gain a place on the general election list. Most lists, therefore, are "pacted" to ensure such a high vote total, but the legislative leader of the Radicals (Jaroslavsky) was dumped due to this rule in the mid-1980s, and overall the Radicals return only 13% of their legislators to Congress. The Peronists also prefer fresh faces in the legislature. They reelected only 17% of their legislators.

prises. This inter- and intralegislature variance will challenge a general model of legislative behavior.

Varying the goals should alter legislative behavior in predictable ways. Polsby's (1968) work on the institutionalization of the U.S. House of Representatives is instructive. Until the twentieth century, after each election the House of Representatives was reconstituted with between 32 and 67% new membership. As a result, rules were informal and leadership unstable. As membership stability increased, the House developed rules (e.g., seniority) and "institutional complexity" increased (Polsby 1968, p. 99). That is, they developed committee jurisdictions, gave committees more oversight responsibilities, and increased staff. In addition to helping the members assure themselves of more power and perquisites, this allowed them to deal more effectively with the complex legislation that they faced. The power and expertise probably also led to their growing incumbency advantage.

The chapters in this book, as well as other studies, provide clear evidence that the static/dynamic distinction manifests itself in the varying rates of party unity, the subordination of the legislature to the executive, and the organization of the Congress.

For example, the Chilean legislature, which represents the high end of the Latin American scale for static ambition, shows how legislators seek voter recognition and work to professionalize their workplace. My own interviews in Chile found that legislators are very concerned with their case work and use the distribution of committee posts to their electoral advantage. The legislature is closed on Fridays and one week per month for legislators to spend in their districts. Every legislator I talked with stressed the importance of "local" politics, and all talked about spending significant amounts of time doing everything from raising money for a drug treatment center, making phone calls to help someone find a job, trying to speed up the hospital's surgery wait list, or pushing demands through the relevant ministry. Second, legislatures have organized their workplaces to aid their electoral needs. Legislative offices are not well staffed, but every party has a press officer who many claimed was crucial to their reelection. As in the United States, the legislators use committees to serve their reelection needs. Instead of giving many legislators permanent hold on chairmanships as in the U.S. Congress, the Chilean legislators aid their reelection-seekers by rotating important posts. This ensures that *all* of those in the majority coalition will hold committee presidencies or seats on the Chamber's governing board for at least some time during

the session. Carey's chapter shows that the legislators have also created a hierarchical committee system that helps legislators to develop another valuable reelection tool, expertise. Londregan's chapter shows that the Chilean Senate also has a well-developed committee system.

Chile also stands in stark contrast to Mexico, the country at the low end of the static ambition scale. Weldon argues that, without the prohibition on legislative reelection that cut the legislators' ties to the electorate, the president's dominance over the legislature would never have been secure. It is also clear that the forced progressive ambition structured the legislative business. Interviews there showed that legislators were relatively uninterested in district concerns, and, maybe to little surprise, the opposition has therefore had trouble holding on to its districts – even when its national level vote has risen.⁴ Nacif explains that since the post-legislative careers of individual legislators depend on the party leadership, legislators act as agents of the leadership, not the reverse.

Since the Argentine and Brazilian cases lie between the extremes of Mexico and Chile (or the United States), the incentive structure is less clear. Since about two-thirds of Brazilian legislators seek reelection, it would be incorrect to ignore the static ambition among Brazilian legislators. Further, since reelection is so difficult to attain, it may be the case that Brazilian legislators work especially hard to serve their constituents. On the other hand, if the legislators understand that they face daunting odds in their attempts to win reelection, they may act more similar to the Mexican legislators and forego opportunities to build their institution. Either way, given the short legislative careers in these two countries, we should expect legislators to hedge their bets and concern themselves with post-legislative jobs.

Samuels uses the low reelection rates to justify his look at how Brazilian legislators use their posts to pursue their post-legislative careers. He argues that since many legislators seek future jobs in state-level politics, they structure committees and dole out state resources in ways that further their progressive ambitions. Ames' regression analysis is a particularly apt tool for distinguishing among types of legislators. In his analysis he finds that the goal of reelection, in combination with the degree to which a legislator must rely on the party for votes, is a significant factor in determining the predisposition of legislators to work with the executive or party leaders.

⁴ These interviews were conducted and the data collected with Benito Nacif in 1997.

The authors dealing with Argentina also find that the reelection rates necessitate careful strategies by the president and party leaders. Mustapic uses the puny chance that legislators have to return to their posts in Argentina to motivate the potential for executive-legislative gridlock. Since legislators are unconcerned with reelection, she argues, they should be unconcerned with supporting their party's president. Jones then argues that the leaders' control of future jobs takes the place of nomination control in supporting leaders' ability to enforce discipline. Mustapic also argues that committee posts are intended as rewards or payments for service, not to give legislators new experience. The implication, then, is that low reelection rates work against professionalization of the legislature, which, in turn, dampen legislative opposition to the executive. Eaton agrees, arguing that limited experience and knowledge (as well as administrative support) hinders the legislators' influence. At the same time, since the legislators' progressive ambition implies a need to cultivate the president's favor, the legislators have little incentive to assert themselves. One can only speculate what their influence would be if reelection rates were higher, a seniority system for committee assignments were in place, and the legislators had access to better resources.

Electoral Strategies and Party (or Coalition) Unity⁵

Regardless of why someone seeks legislative office, all candidates must plan their campaign strategies around their particular electoral system. This basic idea has given rise to a large literature focusing on the effects of electoral systems on numerous aspects of party systems and the internal dynamics of parties.⁶ One aspect of these studies that has a special bearing on legislative types is the effect of electoral systems on the unity of parties (or coalitions or even factions). They do this in part by influencing the degree of control that a party leader has in choosing candidates. When

⁵ Though here I will frequently refer to the effect of electoral systems and other variables on parties, these effects influence coalitions or factions as well. In other work (manuscript), therefore, I argue that we should replace the term "party system" with "agent system."

⁶ Primary examples of studies of the developed world include Duverger (1954) Lijphart (1984, 1994), Katz (1986), Grofman and Lijphart (1986), Cox and Rosenbluth (1994, 1996), and Cox (1997). On the lesser developed areas, see Ames (1987), Mainwaring (1991), Shugart (1995), Shugart and Carey (1992). These studies focus on representation, the number of parties, party factionalization, the president's support in the legislature, and many other issues.

Table 14.2. *Latin American electoral systems.*^a

	Formula ^b	Ballot structure	District magnitude (<i>M</i>)	Control of nominations	Implied effect on unity
Argentina	PR	Closed list	Median <i>M</i> = 3; range 2–35	Provincial party leaders	+ (at least at provincial level)
Brazil	PR	Open list	Median <i>M</i> = 11; range 8–60	Candidates and governors	–
Chile	PR	Open list	<i>M</i> = 2 ^c	Party and coalition leaders	?
Mexico	Mixed System of PR + SMD	Closed list SMD (voter has just one linked vote)	<i>M</i> = 1 for 300 seats; <i>M</i> = 40 for 200 seats	National party leaders	+

^a Lower House.^b Proportional representation (PR) and single-member districts (SMD).^c First place list must win double the second place to gain both seats.

Source for district magnitude is Cox (1997).

leaders have this power, they can enforce *discipline* on the rank-and-file, who fear the hammer of future nominations. It can also affect *cohesion*, the ideological agreement among a party's members, as centralized control of nominations should lead to more careful screening of candidates.⁷ The electoral system can also induce cohesion by setting up incentives for a party's legislative candidates to either compete with one another or to work as a team. This and the following sections therefore discuss party or coalition unity as a generic term that can result from either discipline or cohesion.

Theories about the effects of electoral systems have been thoroughly reviewed elsewhere, and thus it is not fruitful to do so here. Still, it is useful to review the expected impact of the electoral systems in these countries. Borrowing heavily from Mainwaring and Shugart (1997),⁸ Table 14.2 sum-

⁷ Ozbudun (1970) was the first to make the distinction between discipline and cohesion.⁸ See also Carey and Shugart (1995), Katz (1986), and Morgenstern (2001).

marizes the combination of electoral variables and includes predictions about party unity.

Briefly, the scheme devised by other authors predicts party unity when leaders control candidate nominations and there is no intraparty competition. As a result, closed lists (as in Argentina) generally increase unity and open lists (as in Brazil) hinder it. It is important to note, however, that this simple formula neglects the issue of conjoining several provincially led groups. In Argentina, for example, the closed lists are controlled by provincial leaders, thus implying discipline at the provincial, but not necessarily the national, level. Finally, assuming a fixed assembly size, unity and district magnitude, the number of seats available should move together under closed lists, since district magnitude (*M*) translates to the number of legislators who owe their posts to a nominator. But under open lists a larger *M* implies greater intraparty competition, which should decrease party unity (c.f. Carey and Shugart 1995).

The importance of intracoalitional competition and district magnitude to leaders' powers is clear in the case of Chile. Carey's chapter carefully describes the Chilean electoral law for the lower House and empirically shows that the coalitions sustain relatively high unity rates. In part, these rates are supported by the legislators' allegiance to the party and coalition leaders that put them on the ballot. But, the rates are considerably less than those reported by Jones for Argentina, arguably since the electoral rules force them to run against a fellow coalition (if not party) member. The Chilean system virtually guarantees that each coalition will run two candidates in each district, and each coalition will win just one of those seats in most districts. The real competition, therefore, is often among candidates within the coalitions, instead of among the coalitions. As a result, in spite of the leaders' control of the nomination process, their influence on the final party winners is considerably less than would be the case if there were no intraparty competition.⁹ In other words, where voters cannot discriminate between the two intraparty (or intracoalition) candidates based on their party (coalition) affiliations, the candidates must differentiate themselves from their partisan (coalitional) affiliation, thus limiting the party's (coalition's) cohesiveness. The system also curtails the leaders' power over nominations, since they cannot credibly claim that the rank-and-file owe their elections to the support or reputation of the leadership.

⁹ For an in-depth look at intraparty competition, see Katz (1986).

Other Variables Affecting Unity

The electoral system is helpful in explaining unity, but it offers a blanket effect on all legislative actors in a country. There is significant heterogeneity among the parties (and coalitions) in each country, however, implying a need for other explanatory variables. That is, if institutional variables were completely determinant, then all parties operating under the same rules would act similarly and look the same structurally. Since this is not the case, we must be careful not to ignore variables that explain intra-country differences, such as the value of a party's reputation in an election, ideology, and federalism.¹⁰

First, a party's reputation has a clearly positive relation with party leader strength and the resultant party unity.¹¹ If candidates are unconcerned with partisan labels, then they will find little value in making partisan appeals or working for the party. For example, until their recent reform Ecuador used a closed list system that we normally associate with tight discipline. But since voters apparently place little weight on the party label, legislators could dissent on votes, repel leaders' demands, and even switch parties without jeopardizing their electoral prospects. The limited importance of partisan labels similarly affects Brazilian politics. There the situation is exacerbated, since party leaders have limited control over the composition of their open lists and the nature of open lists virtually assures intraparty rivalry. Here again, the low importance that legislators place on partisanship manifests itself in Brazil's famous party jumping, as well as the constant rise and fall of new parties.¹²

One direct measure of the value of a party's label is the stability of partisan support or electoral volatility (see Coppedge 1998; Roberts and Wibbels 1999). Parties will rise and fall much more quickly where legislators place little value on party labels, and they will be much more stable where legislators are more concerned with maintaining the party's reputation. Roberts and Wibbels point to short-term economic fluctuations, institutions, and socio-economic cleavage structures as driving the degree

¹⁰ This is not intended as an exhaustive list. One might also consider the relation of a legislative group to the president, ties to societal groups such as unions, and many other factors.

¹¹ Mainwaring and Shugart (1997) make a similar argument.

¹² The low importance that legislators place on partisanship is clearly tied to the low levels of partisanship amongst the electorate. Much of this discussion could, therefore, be reformulated as a discussion about low levels of partisan identification in the electorate.

of volatility. Still, high levels of volatility would not be possible without legislators and other politicians willing to abandon their party labels. Roberts and Wibbels employ the Pedersen index, which aggregates the parties' gains and losses (divided by 2) to measure volatility. These scores, as detailed in Table 14.3, therefore give an indication of the value of a party's reputation. Consistent with their low levels of unity, the statistics indicate much more volatility in Brazil than in other countries. However, like other variables discussed here, volatility may be a sufficient causal variable, but it is not a necessary factor in explaining low levels of party-line voting. The low levels of partisan unity in the United States, for example, could not be explained by volatility rates.

Second, I argued previously that centralized control of nominations can increase the ideological agreement among a party's (or coalition's) membership. It is clear, however, that coherent groups of legislators can come together for other reasons as well. Ideology thus has an independent effect on unity, as is clear in several chapters. Londregan's chapter on the Chilean Senate is a clear testament to the importance of ideology in explaining legislative (committee) voting, and Ames uses an ideological variable in his tests on Brazilian party unity. Ideology takes a less central, but still important role in other chapters. Mustapic notes that, while neither of the parties is ideologically coherent, ideological divides could generate dissent within the Peronist party. While Amorim Neto's model of coalition politics explains much about party unity, he argues that high party unity in several parties is the result of their radical positions. Jones notes that while the support of some provincial parties can be bought, the support of others is contingent on ideological stances. Carey's focus on the legislative voting in Chile suggests that a "moral obligation" supports coalition unity in the face of ideological tensions.

Table 14.3. *Pedersen index volatility scores, legislative elections, 1980–1997.*

Argentina	13.2
Brazil	27.7
Chile	10.0
Mexico	14.8

Source: Roberts and Wibbels (1999).

The Pedersen index is the sum of individual party gains and losses divided by 2.

Table 14.4. *Extremism, cohesion, and unity.*

		Relative Extremism	
		High	Low
Internal differences	High	Frep _A , UCEDE _A , PTB _B , PPB _B , Right _C , RN _C , UDI _C , ^a PAN _M , PRD _M	PJA _A , UCR _A , PFL _B , PMDB _B , PSDB _B , PRI _M
	Low	PT _B , PPD _C , PS _C	Conc _C , PDC _C

The subscripts refer to the four countries, Argentina, Brazil, Chile, and Mexico.

Extremism is defined as the absolute difference from median left-right self-placement within country (see appendix for details). The average across countries was an absolute difference of 1.06 from the mean. Countries were termed extreme if they were further than 1.06 from their country's mean. Internal differences are defined by a similar methodology, using the standard deviation for the ideological self-placements. The mean across countries for the SD was 1.26

^a Discounting the one apparently incorrectly coded respondent.

These studies, then, suggest that both the relative extremism of a party (such as the PT in Brazil or the UDI in Chile) and general agreement among party members can drive unity. Table 14.4 measures these two dimensions of ideology using a survey of legislators undertaken by Manuel Alcantara and his team in 1997.¹³ By using legislators' self-placement on a 10-point left-right scale, the table indicates relative extremism and internal ideological agreement (details are in Appendix Table 14A.1).

The lower left cell indicates the parties, like Brazil's PT and the Chilean Socialists, that should be the most unified; they have few internal differences and they are relatively extreme within their countries. As exemplified by Argentina's traditional parties (the Peronists [PJ] and the UCR) and Mexico's PRI, parties in the upper right cell should not be able to rely on ideology to generate party unity, since the legislators disagree with one another and are not bound by a general extremism. In the top left corner, parties are relatively extreme, but their unity may be hurt by internal differences. For example, while most members in Mexico's leftist opposition, the PRD, agreed that the party is left of center, few would argue that it

¹³ The survey team has noted several sampling problems, but overall these data provide invaluable insights into the beliefs of Latin American legislators.

has a well-developed economic or social agenda. Chile's rightist coalition also falls into this box, as do the two main parties that make up that coalition. This is expected for the RN, which is a relatively loose grouping of legislators, but one aberrant legislator drives the unexpected placement of the UDI, an ideologically focused party that was organized by a vibrant and now-martyred leader.¹⁴ Finally, members of Chile's center-left coalition, as well as the members of the primary party in that coalition, agree that they are centrist.

A final variable that several authors discuss as affecting the level of partisan unity is federalism. When legislators are closely tied to their home regions, some issues, such as those that divide rural and urban constituencies, will have the potential to cleave parties. Further, as noted previously, federal systems may distribute control of candidate nominations to provincial leaders, thus supporting discipline at the regional but not necessarily the national level. Federalism, in sum, affects cohesion through its tying of legislators on regional issues and discipline by moving control over electoral lists from the national to the provincial level.

This issue manifests itself in the chapters on Argentina and Brazil. For Brazil, Samuels explains how, in response to legislators' concerns with governors and state interests, state delegations trump partisan concerns in organizing committees and, consequently, in determining the division of resources. For Argentina, the role of federalism is a bit murkier, as the two main parties have generally overcome their divisions. Jones shows, in particular, that although the federal party officials have to concern themselves with provincial-level candidate nominations, the legislators' progressive ambition (which the national leaders influence), internal party rules, and legislative institutions still generate unity on roll-call voting in the parties. Eaton, meanwhile, forcefully argues that the Argentine provincial lawmakers have divided loyalties. While they owe loyalty to the national party and the president, the president has to work to overcome the legislators' interests in securing tax advantages for their home provinces.

¹⁴ Actually there are two aberrant UDI legislators. Of the 12 UDI legislators, 10 listed their left-right placement as 5-8. The remaining two listed their ideology as far left (at 2). One of these legislators is clearly miscoded, since he or she lines up with the far left on every issue. That legislator has been excluded from the analysis. The remaining legislator is still included in the analysis, which yields the relative high score for the standard deviation on the left-right scale.

Determinants of Unity

In sum, partisan unity, which can result from either discipline or cohesion, is a function of a number of electoral and nonelectoral factors. These factors, it should be emphasized, are interactive, not additive. That is, a party leader who holds a monopoly over candidate nominations may be very weak if the party's reputation is not valuable to candidates. Similarly, as developed in the well-known distinction between the United Kingdom and the United States (see Cain, Ferejohn, and Fiorina 1987) the electoral formula tells us little until it is combined with the ballot structure and, especially in that case, the ties between the executive and the legislature. While it is beyond the scope of this chapter to define all of the permutations of the variables and their impacts on team orientation or leadership powers, Table 14.5 provides some of the information necessary to explain unity in our four cases.

Based on the previous discussion and tables, I have scored the Argentine electoral system as supportive of high unity rates, the Brazilian system as unsupportive, and the Chilean system as neutral. The Argentine coding may be a bit controversial, since nominations are not centrally controlled. Mexico's two-level system (300 single-member districts overlaid by 200 seats distributed by proportional representation) has opposing effects on unity, though the centralized control of nominations has so far overridden the negative effects of the single-member districts. The previous discussions suggest that only Brazil should earn a "–" for both the importance of the parties' labels and federalism. The coding for federalism is less clear for other countries. Formally the Mexican Constitution is federal, but in reality – at least until recently, when opposition parties have gained control of governorships – the states have been quite weak. Chile is not a federal state, but legislators do represent 60 different districts. Further,

Table 14.5. *Determinants of party unity.*

Country	Electoral System	Party Reputation	Federalism	Ideology	Partisan Unity
Argentina	+	+	–	–	High
Brazil	–	–	–	+/-	Low to high
Chile	0	+	0	+0	Moderate to high
Mexico	+	+	+0	–	High

Explaining Legislative Politics in Latin America

mayors preside over administrative districts, which are quite distinct from one another. Thus, I have scored Chile a 0 instead of a "+" for the impact of federalism on unity. Argentina is again, perhaps, the most ambiguous case. Until recently the two main Argentine parties had had consistently strong and stable support, suggesting strong partisanship among the electorate (see Table 14.3). This earned Argentina a "+" on the party reputation variable, but the success of small provincial parties and the rise of the Alianza (which won the 2000 presidential election) implies a waning if not a historically limited role for parties' reputations or labels. Further, the provincial control of candidate lists suggests possible intraprovincial controversies. Finally, I have not scored any of the countries a "+" for ideology since no country features a full complement of strongly ideological parties. However, since several parties in Brazil and Chile are ideologically based, it would be incorrect to apply a single label to either country as a whole.

The final column in the table summarizes the results reported in other work and in earlier chapters.¹⁵ Unity is high in Argentina and Mexico and moderately high in Chile. In Brazil, most parties have low unity, but members of the leftist Workers' Party (PT) vote together continually.

The different conjunction of variables that drive these patterns suggests that no factor is necessary, but any may be sufficient to support high unity rates. That is, the factors that support high unity in Argentina differ from the factors that help the PT or the Chilean parties.

The Argentine closed list electoral system would be the most propitious for partisan unity if federalism did not rob control of candidate nominations from the national leaders. Still, the national leaders' influence in the provinces, combined with the low party volatility, apparently work to overcome the divisive impacts of federalism and the lack of ideological consensus within the parties. In Brazil, the arrows all point toward low unity, as it uses open lists in a federal system, sports a "–" on the proxy for the importance of parties' reputations in Table 14.5, and its parties generally house ideological disparate members. It is therefore unclear which, if any, factor is determinant.

Next, Chile's double-member districts have conflicting impacts on party unity. Leaders have an important voice in candidate choice, but the intra-coalition competition for the seats could breed dissension. The only variable clearly working in favor of unity is the high value of party reputations,

¹⁵ See also Morgenstern (n.d.) where I measure unity with roll-call data.

but ideological cohesion is also supportive. This case therefore shows a substantially different pattern than in Argentina, or our final case: Mexico.

Mexico combines a single-member district system, which could work against unity, with regional PR lists, which generally support unity. But, the personalism suggested by the single-member districts is overridden by the centralized control of nominations. The parties have begun to experiment with primaries for other elected offices in Mexico (including governors and the president), but congressional candidates are still chosen by central party leaders. This, plus the no-reelection clause that breaks the ties between legislators and voters, yields legislators loyal to leaders.

The Party System

The party system is a clear factor determining the expected lines of support and opposition – in short, the legislature's type. While the concept of a party system encompasses many factors, I will focus here on the existence of a coherent majority. There are two aspects of this concept: a solid party or coalition that controls at least 50% of the legislative seats, and at least a modicum of unity within that party (or coalition).

Models of U.S. legislative politics assume a partisan majority, though there are disagreements about how unified the majority has been and the effects of the partisan divisions. Thus, while partisan majorities in the U.S. Congress have control over the agenda, committee appointments, and other procedural issues, internal party divisions have limited the partisan agenda and have provided inconsistent support for presidents, even from their own party.

This majority-party model has some lessons for Argentina and pre-1997 Mexico, and Carey argues that the model is also correct for Chile's lower House, whose multiple parties are molded into two stable coalitions. However, for legislatures in which no single party has sufficient votes to run the house on its own (i.e., Brazil), this model needs some alteration. In these cases we expect party leaders to be severely hampered in their efforts to define collective agreements, allocate influential positions, and gain procedural (if not substantive) advantages for their members. We must therefore account for differing party arrangements in describing a legislature's type.

Table 14.6 details several statistics that together give an impression of the shape of political competition in our four cases plus the United States. By itself the composition of the majority can largely determine whether

Explaining Legislative Politics in Latin America

Table 14.6. *Structure of partisan competition, lower House.^a*

	Laakso and Taagepera index	Molinar index	% seats of president's party	% seats largest other party
Argentina (1989–1999)	2.83	1.86	49.6	31.1
Brazil (1990–1998)	7.98	6.13	12.1 ^b	21.9
Chile parties (1989–1997)	4.89	3.44	31.9	23.3
Chile coalitions (1989–1997)	1.96	1.63	58.9	40.3
Mexico (1991–1994)	2.24	1.30	62.1	20.9
Mexico (1997–2000)	2.82	2.20	44.9	33.1
United States (1991–2001)	1.97	1.78	48.1	51.6

^a Indices based on number of seats held by parties. The statistics indicate averages across years indicated, see text and footnotes for formulas.

^b 1994–1998.

presidents will face a workable/compliant or a recalcitrant legislature. The final two columns in the table portray the size of the legislative contingent pertaining to the president's party and the size of the largest nonpresidentialist party. It shows that the Brazilian presidents have neither a solid supporting majority nor a solid opposition. The current president (Cardoso), for example, was first elected in 1994 with only about 12% of his co-partisans in the legislature. When he was reelected in 1998 his PSDB legislators won more seats, but they were still held under 20% of the lower House. In Argentina, Menem had a small majority in his final years, and the largest minority party has had over 40% of the votes. In Chile, the rightist coalition has held about 40% collectively, but the largest opposition party has only about one-fourth of the lower House. The Chilean presidents, in turn, have enjoyed large majority coalitions, but their own parties have held only relatively few seats (Frei's Christian Democrats had just 33% and Ricardo Lagos' Socialists won under 10%). The pre-1997 Mexican presidents, of course, had the most solid support, yielding a vastly different type of legislature than the one that has begun to emerge since the PRI's decline.

In addition to the existence of a coherent majority, the comparative politics literature attests that the legislative process is also shaped by the sheer number of different parties or coalitions (or factions) in the system. Downs (1957) and later Cox (1990) discussed how the number of parties alters the

centripetal versus centrifugal nature of party competition. One of Sartori's (1976) primary contributions was in arguing that "extreme" multipartism bred polarization that seriously threatened democracy. Mainwaring (1993) and later Jones (1995) argued about the relation between the number of parties and the president's legislative support as a determinant of executive legislative conflict and democratic survival.

In order to review this aspect of legislative politics, Table 14.6 reviews two indices for the number of parties. Both the Laakso and Taagepera (1979) and the Molinar (1991) indices weight the number of parties in the Congress by the number of seats that they hold, but the Molinar index applies an extra weight to majority parties, assuming that such parties will marginalize their smaller competitors.¹⁶ Thus we see that while there are more than three parties in Argentina, competition is very much structured by a single large party there. Similarly, in pre-1997 Mexico, while there were three parties with significant numbers of legislative seats, the PRI's domination translates into a Molinar score of only 1.3. For Brazil both indices highlight the fragmented system, and for the United States both recognize two-party competition. For Chile the Molinar index rightly points us toward the *Concertacion's* dominance in the lower house, though the Laakso and Taagepera index correctly points us to the five principal parties and two coalitions.

One issue that has not received significant attention is the effect of multipartism on collective action. Although parties can be vehicles to organize legislators for collective action, a legislature may be immobilized when no party controls a majority of the house or senate seats. This is because organizing a minority party's members is insufficient for blocking or approving legislation; it also requires the assent of enough other legislators – who may have strategic or ideological reasons to resist a bargain – to create a majority bloc. Moreover, the literature on collective action explains that groups may be unmovable in spite of common interests (such as opposition to the executive) (Hardin 1982; Olson 1971).¹⁷ Such was the

¹⁶ The Laakso and Taagepera index is $N = 1/\sum_i P_i^2$, where P_i is the percentage of vote of the i th party squared, while the Molinar index is $NP = 1 + N[\sum_i (P_i^2 - P_L^2)/\sum_i P_i^2]$ and P_L is the percentage of the vote for the largest party. (Molinar retains the subscript i for the largest party vote as well.)

¹⁷ It is interesting that this point is lost to Mayhew (1974), who assumes that legislators can overcome their collective action problems to create the structure that works so well in serving their individual interests. Similarly, Aldrich (1995) emphasizes the common interests of legislators in forming a majority party.

Table 14.7. *Partisan composition and legislative power.*

Partisan makeup	Incentive to assert institutional power	Ability to assert institutional power
No Unified Majority	?	Low
Unified majority supporting president	Low	High
Unified majority opposing president	High	High

case in Norway, where, as Strom (1994) describes in the "Presthus Debate," the opposition parties had a clear interest in bringing down the government, and the power to do so, yet they failed to pass a no-confidence vote due to the parties' individual and ancillary interests.¹⁸ This allegory of unused power appears apt for many of Latin America's multipartisan legislatures, where, in spite of constitutions that parallel that of the United States in many ways, the legislatures have been unable to sustain high levels of proactivity relative to their executives.

As summarized in Table 14.7, only cohesive opposition parties (or coalitions) with majority control will have the means, method, and incentive to assert legislative authority.¹⁹ If there is no cohesive majority, some parties may prefer to assert their power to push policy changes, though others may oppose beefing up the assembly's power for fear of how that power might be used. These oppositionists, however, should have little to fear, since conflicts of interest will make it quite difficult to form the coalition necessary for asserting such power.

The middle-left spot suggests that members of a majority party will have less interest in developing a professional legislature and asserting their authority if they support rather than oppose the president. The strength of the ties between the branches, however, is very important. As the U.S. case makes clear, a majority party supporting the president can still assert power. U.S. legislators have stronger ties to the electorate than to the president, and they therefore developed a seniority system and other mechanisms that help the legislators to attract constituents (or clienteles)

¹⁸ For a similar example, see Huber (1996, ch. 5).

¹⁹ For ease of exposition we will often talk about majority parties. As the case of Chile reminds us, however, it is important to note that cohesive majorities could be parties or coalitions.

by credibly claiming credit for affecting policy outcomes and channeling resources to voters and donors. In Latin America executives generally control tighter bonds to legislators in their parties, as epitomized by pre-1997 Mexico, where the legislators were completely subsumed by the president. Where the bonds are less tight, legislators should seek ways to use the legislature to further their career goals, and majority control can help them to do so. Still, it seems unlikely that a majority party that sides with the president would take as assertive a position as one that opposed the president. Moreover, a president who was the head of the majority party might well work to dampen legislative involvement, since it could weaken executive authority. Thus, while majority status by itself helps to reinforce a legislature's reactive status, proaction is a function of the strength of ties between the president and the members of the majority.

Although the conditions necessary for legislative assertiveness have been common in the United States, they have been uncommon in Latin America (Mainwaring 1993). There have been examples of cohesive assembly majorities in Latin America, but very few where the majority was in opposition to the president. Venezuela, a case that we unfortunately could not include in this volume, is one of the very few cases that has had significant experience with a unified opposition majority in the legislature.²⁰ The Congress that impeached and removed Venezuelan President Pérez from office was not controlled by the president's party, in contrast to the situation in Colombia, where President Samper's party, with a majority of the legislative seats, withstood pressure to do the same. It is important to note, however, that the opposition has frequently worked with the Venezuelan presidents as well. Crisp (1998) shows, for example, that the legislature has voted to delegate decree powers not only to presidents who wore the same color stripes, but also to two (relative) independents. The important difference, however, is that the presidents backed by a majority of their own partisans were given much more leeway than the others.

The pictures painted in this volume about Chile, Argentina, and Mexico all show how relatively unified majorities that support the executive severely restrict legislative proaction. Carey explains that the majority coalition has used its control of the Chilean legislature to maintain control of all committees, but Siavelis adds that, since the majority backs the pres-

ident, the Chilean Congress has not asserted this control as a proactive policy maker. For Argentina, Eaton discusses how the Peronists monopolize policy making in the legislature and focuses on an issue where the president's majority opposes him, at least to a degree. He argues that legislators' regional interests led them to argue for tax policy that would benefit the areas from where the majority of the party's legislators had been elected. Crucial to this study is the finding that the legislators opposed Menem on this issue. On most issues Mustapic shows that Menem has been able to parlay his legislative support (and significant powers) into an almost dominant position. Next, in Mexico, Casar, Weldon, and Nacif all discuss how the PRI has dominated the system, leading to a very marginal legislature during most of the last 70 years. Weldon's historical look, however, is very instructive in showing that when the majority was less solid, the president was less dominant.

Finally, Brazil is a case where a lack of proactivity is partially explained by a lack of a cohesive majority. Ames argues that lack of support limits the presidents' ability to win approval for many initiatives, and Amorim Neto shows how the presidents' concern with the legislature has led them to try to cobble together support by strategically using cabinet appointments. There seems to be little legislative initiative, except, as Samuels shows, to ensure a generous supply of strategically directed pork.

Summarizing the Impacts of Party and Electoral Systems in Argentina, Brazil, Chile, and Mexico

In addition to, or as a result of, their general effects on party unity and legislative proactivity, the authors have explained how the party and electoral systems affect some very specific outcomes. Thus, before moving to the last assumption *qua* independent variable, it is useful to summarize these more precise contributions.

For Argentina, Mustapic explains how the presidents' near majority control of a disciplined party has helped Argentina to avoid almost certain gridlock. As I have explained, the closed list electoral system has not been the only key to party discipline, as the nomination procedure is not centralized. Without this tool at their disposal, the parties must shower the representatives with resources and leadership posts to combat this potential disunity. Still, the presidents' control of near majorities in the legislature allowed most executive bills to pass unobstructed and in an expeditious fashion.

²⁰ There has also been a single opposition party in control of at least one house of Congress in the Dominican Republic, in Colombia between 1982 and 1986, and the new Argentine President De La Rúa faces an opposition- (Peronist-) controlled Senate.

Jones and Eaton focus on the strength of provincial leaders that results from the decentralized closed list system. Jones argues that, as a result of this system, the president has had to negotiate with provincial leaders to secure support on some key issues. Eaton's study of tax reform highlights this dynamic. He concludes that, although Peronist legislators supported reforms due to the importance of fiscal stability to their party, legislators also pushed for and sometimes gained modifications that benefited their provinces.

Brazil's open list electoral system leads to a contrasting story in that country. For Ames, the legislators' great independence from their leaders generates a high degree of interbranch conflict. Samuels explains that it also skews the distribution of public finances, as legislators try to channel funds to the state-level leaders who can influence legislators' careers.

Amorim Neto's interest is how the Brazilian party structure affects the style of presidential policy making. He first asks about the level of presidential support in the legislature. Presidents who have enjoyed support have built "coalitional" cabinets, in which the cabinet makeup reflects the partisan composition in the legislature. Presidents who plan on legislating through statutes use coalitional cabinets, Amorim Neto argues, to build legislative support. The converse situation was exemplified by President Collor, who had very little legislative support, filled his cabinet with cronies, and relied on decrees instead of statute to govern. The relationship between a president's legislative support and the style of governance is an important finding in light of the fact that Brazilian and other Latin American presidents frequently lack stable majorities, and the premonitions that O'Donnell (1994), Mainwaring (1993), and others have raised about the threat of unchecked presidential power to democracy.

A different aspect of the electoral system, the timing of elections, also enters into Amorim Neto's analysis. He finds that members of the governing coalition are much more highly disciplined early in the electoral cycle. But, "the value of holding ministerial posts declines over time as concerns with office seeking give way to vote maximization."

The party and electoral systems are also key ingredients in the chapters dealing with Chile. Siavelis, in a manner not dissimilar from Amorim Neto, argues that support in the legislature, which is affirmed by a careful distribution of cabinet seats, determines executive tactics. Unlike Brazil, however, the Chilean president has been backed by strong support in the lower house, and, as a result, the Chilean presidents have not resorted to strong-arm tactics. In the Senate, where the president lacks

majority support, the president has had to employ other strategies. Siavelis notes that the president has refrained from proposing controversial legislation and at times has negotiated with the senators or their core supporters. As Jones (1995) suggests, a president's near majority makes this scheme possible. Since the Chilean presidents have only needed a few votes by members of the rightist coalition, and since some members of that coalition have been willing to cross coalitional lines, strong-arm tactics that could alienate the right would arguably have been a poor long-term strategy.

Carey's dependent variable, on which the electoral system bears directly, is the distinctive dual coalition arrangement of Chilean legislative politics. He states succinctly that "the stability and cohesiveness of the two main legislative coalitions: the *Concertación* on the center-left, and the coalition of the right . . . is a product of the $M = 2$ reform of the electoral system."

Londregan's study of the Senate shows that party and electoral – or in this case appointment – systems have very clear effects on Chilean politics. The distribution of seats in the Chilean Senate (and its committees) makes the appointed senators linchpins in the negotiation process. Londregan shows that they use their positions effectively, though they generally side with the right, sometimes they tip the balance to the left, even on controversial labor legislation. Their ideological affinities (which affected their decision to join one side or the other) are conditioned by the appointment process, which we could take as a distinctive electoral rule. The rules have generally favored rightists, since the outgoing president, Pinochet, held the power to directly appoint most of them. But although Londregan is not convinced of its importance, the rules may also have helped to produce some relative centrists. In particular, Pinochet's constitution stipulated that one appointed senator be a former university president. Few were available, and Pinochet's choice for this position was William Thayer, who in addition to his university experience was the Minister of Labor under the Christian Democratic administration in the 1960s. Londregan argues, therefore, that Thayer's moderate attitude towards labor, which allowed the Senate labor committee to approve many government-sponsored bills, could not have been a great surprise to Pinochet.

Finally, there is no doubt that partisan alignments have been key to explaining legislative politics in Mexico. In addition to the no-reelection clause, which Weldon argues helped to establish centralized control of nominations and thereby high party discipline, the dominant majority status has allowed the PRI to rule unencumbered by a pesky opposition.

Caesar describes this in terms of the president's legislative powers. She notes that in spite of a constitution that balances the branches, the president's informal powers led to dominance until very recently. In her terms, the president's powers and the electoral/career incentives facing legislators reinforce one another. The PRI uses its dominant position to control the electoral process, and this obfuscation allows the executive unchallenged support in the legislature. Weldon generally agrees, offering an interesting view of how legislative politics looked before the PRI's dominance was complete. Finally, in the section on legislative organization, Nacif explains how the dominant party organized the legislature to prevent obstruction by other parties. His look at how the committee and organizing structure of the legislature has changed as the PRI's dominance has waned are positive examples of the importance of the party system to legislative politics.

Constitutional Powers

Finally, legislatures are not equally empowered under their constitutions, thus altering from the U.S. model the legislature's role in the policy process and, by implication, how the legislators seek to organize themselves in pursuit of their policy or career goals. While some legislatures are armed with the ability to delay or amend presidential initiatives, revise the budget, overturn vetoes easily, or even amend the constitution, others face the mighty presidency with only small pebbles to protect their interests. For example, the Argentine and Brazilian legislatures are virtually powerless in response to presidential decrees.²¹ The Chilean legislature has been hampered by the constitutional prohibition against their raising budget expenditures, and Siavelis's chapter highlights the importance of the president's constitutional right to determine the legislative agenda by declaring a bill urgent. In light of the suggestion by Mainwaring and Shugart (1997) and Shugart and Carey (1992) that strong executives are potentially dangerous to democratic stability, these differences could have ominous effects. The chapters here, however, have shown that the restrictions have not by themselves paralyzed the legislatures.

²¹ On this point, with reference to Argentina, see Ferreira Rubio and Goretti (1998) and Jones (1997). Although the Argentine legislature challenged this power, the courts sided with the president, ruling that the legislature would have to write a new law – subject to a presidential veto – to overturn a decree. The 1994 constitutional revision called for a legislative committee to review decrees. It is uncertain, still, how much power this commission will hold.

Shugart and Carey (1992) were the first to carefully consider the range of presidential powers. On a scale of 0–4 (with 4 representing the strongest power), they evaluated the constitutions with respect to package and partial veto powers, decree provisions, budgetary powers, and the exclusive rights of the president to initiate bills and referendums. They then summed the scores to evaluate relative presidential powers. In adding across categories they assumed that each of the powers has equal weight, and thus though their results are generally on-track, they have been criticized for their methodology. A prime example of this problem would be the overriding importance of decree powers; it matters little that the Argentine president does not have a partial veto given that Menem and several Brazilian presidents have bypassed the legislature with decrees. This problem, however, should not detract from the instructive within-power comparisons, and thus Table 14.8 is only a slightly modified (and updated) version of the Shugart and Carey table.

Shugart and Carey discuss each of these powers except the final one, and therefore it is most useful to focus on urgency provisions, which take center stage in Siavelis's contribution to this volume.²²

Urgency provisions are meant to help presidents overcome legislative bottlenecks. Sometimes these bottlenecks are truly the result of time-consuming legislative deliberations coupled with a limited capacity to deal with the numerous demands made by the executive, the public, political parties, and interest groups. At other times the bottlenecks are strategic; legislators may find it in their interest to tie up bills in committee instead of making explicit pronouncements. In response many constitutions include “urgency provisions” that force, or at least pressure, the legislatures to deal with presidential requests quickly.

Urgency provisions come in two basic types. In some countries the urgency provision is simply an agenda-setting tool. For example, in Brazil, the legislature must deal with bills that the president deems urgent within 45 days or they take precedence over every other legislative matter. In Colombia, it is even more stringent as there is no waiting period; all urgent bills immediately take precedence over other legislation. Although these

²² Shugart and Carey also include referendums in their analysis, but this is not an issue for any of the countries under consideration here. They also discuss exclusive initiative, for which only the Brazilian Constitution has a provision. While this can be an important power since it can prevent certain bills from legislative action, this provision does not forbid amendments once a bill is initiated by the president.

Table 14.8. *Constitutional powers of the president.*^a

	Package veto	Partial veto	Decree	Budget	Urgency powers ^c
Argentina (1983–1994)	2	3 ^b	4 ^c	0	0
Argentina (post-1994)	2	3	3	0	0
Brazil	1	2	4	1	2
Chile	2	0	0	2	4
Mexico	2	0	0	–1 ^d	0

^a 0 is a weak presidential power, 4 implies maximum strength. See Shugart and Carey for specific description of values, except for urgency provisions, which are described in the text.

^b Widely used in spite of no constitutional provision.

^c Rated a 0 in Shugart and Carey, but a Supreme Court decision in 1990 asserted the presidential decree power.

^d Rated 0 in Shugart and Carey, but since the president does not even have a veto regarding the budget, we rate this a –1.

measures do not force the legislature to approve executive requests (ending gridlock), they effectively create an express lane.

The stronger type of urgency provision also fails to necessarily end a stalemate, but it puts additional pressure on the legislature. In Chile and Uruguay, if the executive declares a bill urgent, the legislature must make a pronouncement within a specified (short) time period. The Chilean Constitution does not specify what happens if the Congress fails to act within that time frame, but in Uruguay inaction converts the bill into a law.²³ This is also true in Ecuador, but, unlike the former two countries, the Ecuadorian legislature can pass a bill that is *not* subject to a veto to rescind such legislation.

The studies in this and other volumes give ample evidence that differences in urgency powers and other constitutional provisions can have dramatic effects on executive–legislative relations, legislative organization, and the policy process more generally. But, none of the authors reported that constitutional (or paraconstitutional) provisions tipped the scales so far in favor of the president as to render the legislature insignificant. More-

²³ Though Article 71 of the Chilean Constitution requires congressional action within 30 days, there is no explanation of what happens if the Congress fails to act. Article 49 states that if the president asks for urgent treatment of a matter, then the Senate must act within 30 days or its assent is assumed. Since Article 49 does not discuss the lower house, and Article 71 does not express a reversion point, there is at least room to argue about the fate of urgent bills.

over, though almost unstoppable decree powers (as held by Argentine President Menem, Peruvian President Fujimori, and others) have led O'Donnell and others to question the institutionalization and quality of Latin American democracy, the authors in this volume have stressed that legislative politics are driven by other factors.

This is not to say that they ignore the importance of constitutional or paraconstitutional powers. Mustapic, for example, emphasizes partisan and leadership resources within the context of crisis situations in explaining the lack of executive–legislative gridlock, but she also recognizes the importance of the Argentine president's "formidable institutional resources." Still, in most chapters constitutional provisions are secondary concerns in the analyses. Even for the other chapters on Argentina, the decree powers are far in the background. Eaton argues that the president is not always in a position to make use of the decree power, and when presidents want assurances that their policies will not be reversed in the future, they legislate through statute. Further, in showing that Menem was forced to accept some important changes, Eaton justifies his conclusion about the importance of the legislature and its sometimes-provincial leanings.

Amorim Neto argues that veto provisions, decrees (provisional measures), and other constitutional issues are "weapons that tempt [Brazilian] presidents to act unilaterally and to overstep their legislative powers." But, as noted previously, he interacts the Brazilian president's ability to decree legislation with his support in the legislature. Since the president has these two options for legislating, executive policy making is less problematic than may be predicted given Brazil's fragmented legislature. This is not to suggest, as Ames highlights, that the presidents can legislate freely. Indeed, a relatively small portion of executive initiatives make it to the legislative floor for debate, and "*practically nothing gets through the Congress without substantial modification*" (emphasis in original). Further, although Collor was somewhat of an exception, presidents have not been able to dictate decrees on controversial issues, such as the reelection of the president, administrative restructuring, or pension reform. Presidents can most effectively use decree powers when speed and secrecy of decisions is essential (such as decisions to freeze assets).²⁴

In the final Brazil chapter, Samuels takes for granted an important constitutional restriction in his examination of how legislators use budget

²⁴ Ames made this argument in a personal communication, 11/30/1999.

amendments to feed their pork-hungry districts, apparently since the president and legislators have found a way around the restriction. The Brazilian Constitution forbids legislators from adding items to the budget, *unless* they also determine revenue sources. In response to their need to use pork to buy legislative support, the presidents have included about \$1.5 billion (of the \$100 billion dollar budget) in unrestricted funds for the legislators to squabble about.²⁵ The legislators use this money (capped at a limit of about \$1.5 million per legislator) as the source of funds for their proposed amendments. This evasion is similar to the pre-Pinochet period in Chile that Agor (1970) describes, where legislators evaded a similar constitutional provision by pointing to the next year's budget for the necessary revenue. In contrast, Baldez and Carey (1999) argue that in current-day Chile, there are much more stringent restrictions on legislative budgetary amendments, thereby decidedly tipping the budgetary balance toward the president.

For Chile, as described by Siavelis, Pinochet bequeathed a very strong or "exaggerated" presidency on Chile. But, Siavelis reports, the two post-Pinochet presidents have restrained themselves in their application of such powers. Maybe as a result, the chapters by Carey and Londregan do not dwell on issues relating to the constitutional balance power. Siavelis' caution that in times of crisis presidents could resort to constitutional prerogatives, however, implies the importance of considering these powers.

Constitutional powers have played a smaller role in the Mexican case, at least prior to the recent changes. This limited importance, as Casar describes, was the result of the interaction between partisan and constitutional powers. As the chapters on Argentina and Chile show, the president does not always have to rely on his constitutional endowments to convert initiatives into law if the legislature is compliant. The Mexican president, who is not as strong on paper as other Latin American chief executives, has enjoyed the epitome of a subservient legislature. Now that partisan alignments have changed, however, the legislature has become much more involved in the policy process. For example, in the few short years since the opposition won control in 1997, the president has had to seek an alliance with the opposition to win general approval for his budget and some budgetary bills, including one dealing with the value added tax, were defeated.

²⁵ David Samuels provided this information.

In sum, while the chapters demonstrate the importance of constitutional variation to the executive-legislative balance and the policy-making process, formal powers alone are not determinant. Their interaction with legislators' ambitions and independence from the president, the partisan composition of the legislature, and the electoral system, however, are critical to an explanation of legislative politics.

*Defining the Legislatures' Types*²⁶

This chapter has highlighted how the reelection drive, the party and electoral system, the Constitution, and other factors influence the means and motivations of legislators, and hence the legislatures' type. Strong binds between the legislature and the president, for example, can turn a potentially proactive legislature into a passive or at best reactive institution. The legislators' reelection motivations and the electoral system are related, in that they affect how strongly legislators are tied to their constituents. Legislators must contrast these sometimes competing motivations in their efforts to build a professional institution, seek spoils for their constituents, work with other legislators in pursuit of national policy goals, or simply follow executive directives. Legislators in Mexico, Argentina, and Brazil – where there were respectively 0, 20, and 35% of legislators returning to their posts in recent elections – should be looking to grab what they can and run. As argued in other chapters, such legislators should be particularly responsive to presidents (or others) who control resources that the legislators can use to line their pockets, improve their future career prospects, or pay off their patrons. While certainly interested in the electoral benefits of the pork-barrel, legislators who envision longer legislative careers (e.g., Chile, where about 70% of the lower House members generally return to their posts and another 10–15% attempt a move to the Senate) should also be worried about policy outcomes. This concern can be electorally motivated; since elections turn on a combination of candidate qualities and policy, reelection-minded legislators should involve themselves in the policy process.²⁷

It is also important to note that, even if legislators are motivated to engage themselves in the policy process, not all enjoy the institutional framework to make their efforts fruitful. Some are hamstrung by

²⁶ Parts of this section were borrowed from Cox and Morgenstern (2001).

²⁷ See Cox and McCubbins (1993).

constitutions that limit, for example, significant changes to the budget. Others are cut short due to party factionalism or fragmentation (multi-partism) that slows collective action.

Aside from these institutional variables, partisan ideology has a clear effect on whether a legislature will be parochial or policy-oriented. Strong ideological parties should be less venal than a diverse coalition of politicians seeking fame, fortune, and power. Again, Chilean parties are distinctive. On the center-left, the two post-dictatorship Chilean presidents have enjoyed the support of a coalition banded together for its strong opposition to Pinochet. The Chilean right, alternatively, is strongly associated with Pinochet and his regime. One of the two main rightist parties, the UDI, is intensely ideological; many of its legislators were mayors during the Pinochet regime and many were personally trained by a charismatic and rabidly anti-communist recent martyr (Jaime Guzmán). UDI party members are unlikely to bend on crucial policy issues for an extra bridge in their district. In contrast, presidents in Argentina and Brazil are neither supported nor opposed by such ideologically driven and organized parties. In neither of these countries has any single party or group of parties won the anti-authoritarian banner, and the PT in Brazil, which currently has only 11% of the legislative seats, is the only significant class-based party.²⁸ The Peronists in Argentina had an ideological root based on their populist history, but Menem has effectively destroyed that party's legacy.

This discussion suggests that these factors orient the legislatures into several general categories. Leaving aside the proactive U.S.-style legislature, the two extremes of our reactive cases are marked by the *subservient* legislature, which bows to presidential dictates, and the *recalcitrant* legislature that blocks most presidential advances. In the middle are legislatures that are generally *workable*, frequently assenting to presidential bills but generally requiring compromises or payoffs in exchange for the assent.

The pre-1997 Mexican legislature fit pretty squarely into the subservient category. There the presidents faced legislatures filled with progressively ambitious politicians, a large majority of whom were highly disciplined and loyal to the president. Other cases do not fit as neatly into a single category, but the tendencies are clear. The post-Pinochet Chilean presidents have faced reelection-driven legislators with greater freedom

from the executive and stronger ties to their constituents. This independence is tempered, however, since the majority of these legislators have been in coalition with the president. At the same time, the Chilean legislature faces two important limitations: The majority coalition is composed of several competing parties, and it is constitutionally restrained in important ways. In sum, while some factors push the legislature toward proactivity, a number rein it in, thus yielding a generally reactive but *workable* legislature.

The Argentine and Brazilian legislatures also lie on this continuum. The Argentine Congress has been somewhat closer to the Mexican model, as the presidents have commanded progressively ambitious politicians and highly disciplined parties. But, Alfonsín, Menem, and now De la Rúa have not always enjoyed majority control in both Houses. The Argentine legislature has therefore not been subservient, but neither has it been as active as the Chilean legislature.

Finally, the Brazilian legislature is perhaps the most difficult to categorize, due to the heterogeneity of its membership. Many members do have static ambitions, but many are closely tied to state politicians and seek future jobs in state governments. The legislature is quite fractious, but some presidents have built working majorities. Others, however, have not been able to cobble together support. Further, the electoral system has helped to generate factious parties, which has favored pork payoffs to individual legislators over policy compromises among unified parties. This legislature, thus, has ranged between the *recalcitrant* and a relatively *venal* variety of a *workable* type.

By themselves these categories provide a summary of legislative politics in Latin America. They also imply something about politics more generally, as their titles insinuate interactions with the executive. This interaction is the subject of the succeeding epilogue.

Conclusion

In light of warnings about the dangers of presidentialism (Linz 1990), concerns with the strength of presidents vis-à-vis the legislature (Shugart and Carey 1992), and premonitions about the quality of delegated democracy (O'Donnell 1994), the role of the legislatures in consolidating democracy across Latin America has come under greater scrutiny.

In this book we have attempted to take a first step toward building an understanding of these institutions by addressing three empirical themes:

²⁸ There are several other small leftist parties, none of which approaches 10% of the legislature.

executive-legislative relations, the legislative structure, and the policy-making process. These have been perennial themes in the American literature, and we thus sought to apply the theoretical framework developed for studies of the U.S. Congress to our four cases. Further, we argued that the American model was appropriate, since Argentina, Brazil, Chile, and even Mexico are consolidating, if not fully consolidated, democracies, and all employ presidential rather than parliamentary forms of government. But, we found that even the assumption about legislators' desire for reelection, which drives much of the literature on the U.S. Congress, is inapplicable generally. We thus converted this – along with assumptions implicit in the U.S. model about the electoral system, the party system, and the Constitution – into independent variables. This process of defining a set of independent variables that can capture a diverse group of cases is an important step toward defining a general comparative model of legislative politics. As we have shown, this framework is useful in building theoretical explanations of why these legislatures look and function as they do.

In their explanations, the chapters have shown that the legislatures insert themselves into the policy process in a variety of ways. But, as a result of different legislator goals, constitutional power endowments, party arrangements, and other factors, the legislatures' structure and function are quite different from the proactive U.S. Congress. Even within this generally "reactive" category, the Latin American legislatures also differ amongst themselves, filling a typology that ranges from subservient to recalcitrant. In our epilogue, Gary W. Cox and I apply this typology to a discussion of the interaction of presidents with the different legislative types. We argue that presidents are keenly aware of the majority's construction, unity, and loyalty and condition their political strategies to the expected reaction of the legislature. This political dynamic rounds out our study of legislative politics.

Appendix

Table 14A.1. *Legislators' self-placement on 10-point left-right scale.*

	Mean	Abs Diff from country mean	Standard deviation	Number of legislators in sample
Argentina				
PJ	4.62	0.02	1.36	22
UCR	4.50	0.10	1.46	17
Frepaso	3.45	1.15	1.91	10
UCEDE	7.67	3.07	2.08	3
Avg/total ^a	4.60		1.70	62
Brazil				
PMDB	4.63	0.43	1.36	15
PFL	5.09	0.89	1.30	12
PSDB	4.22	0.02	1.39	9
PT	1.88	2.32	.64	8
PPB	5.80	1.6	1.64	6
PTB	6.33	2.13	1.52	3
Avg/total	4.20		1.31	66
Chile				
Concertación	3.96	1.04	1.11	55
PDC	4.52	0.48	0.93	31
PPD	3.60	1.4	0.70	11
PS	2.92	2.08	0.95	13
Right Total	6.48	1.48	1.46	35
RN	6.70	1.7	1.11	23
UDI ^b	6.45	1.45	1.86	12
Avg/total	5.00		1.16	
Mexico				
PRI	4.87	0.11	1.53	63
PAN	6.15	1.17	1.62	34
PRD	3.70	1.28	1.45	23
Avg/total	4.98	0.85	1.53	121
Overall		1.06	1.26	

Source: 1997 *Survey of Parliamentary Elites of Latin America*, directed by Manuel Alcántara and financed by Spain's Comisión Interministerial de Ciencia y Tecnología.

^a Average and totals include other parties as well; SD is average of listed parties.

^b Excludes one respondent due to a probable coding error in the survey.