REACTIVE ASSEMBLIES AND PROACTIVE PRESIDENTS: A TYPOLOGY OF LATIN AMERICAN PRESIDENTS AND LEGISLATURES

Gary COX
Scott MORGENSTERN

SUMMARY: I. *Anticipated Reactions and the Influence of Latin American Legislatures.* II. *Reactive Legislatures and Proactive Presidents: Latin American Variations on the Theme.*

Democratic assemblies insert themselves into the policy-making process in one or more of three basic ways: 1) originative, 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 originative/reactive assemblies. The US Congress and the assemblies of the US states are the primary examples of proactive/reactive assemblies.

In Latin America, despite moves in some countries to allow assemblies to cashier executives through non-criminal procedures, legislatures typically cannot get rid of presidents they dislike. Moreover, they typically lack the resources and staff to fashion their own legislative proposals. Thus, Latin American assemblies are generally seen as having only reactive powers. The perceived weakness of their role in the policy process throughout the twentieth century has led O'Donnell and others to conclude that Latin America is filled with "delegative democracies" or "democracies with adjectives".

This book has been dedicated to understanding Latin America's legislatures, despite their frequent depiction as venal, subservient, or recalcitrant. The main justification for this focus is not that legislatures have clearly become more important relative to presidents with the latest wave of democratization in the region. That many be true, but the paucity of legislative studies in Latin America makes it hard to be sure. Instead, the

justification with which we started this volume had more to do with the legislature's role in a separation-of-powers system.

In theory, legislatures in presidential systems are supposed to check executive excess. Yet the typical litany of political dysfunction in Latin America stems precisely from the executive getting around the legislative ckeck, either by taking unilateral action, undermining the independence of the legislature, or "buying" votes with pork. The lesson that may appear to have drawn from the prevalence of such dysfunction is that little attention need be paid to the legislature. The proximal explanations for democratic breakdown seem to revolve around the president's (mis)behavior, hence the analytical focus should be on the president.

What this conclusion misses is that most Latin American presidents at one time or another *do* make policy concessions as a part of their overall strategy for getting their way. Even if one continues to view the president as the central actor in the civilian political universe, his anticipation of a (possible) legislative veto should in theory condition most of his actions. The optimal strategy for even the most autocratically-minded president is not to pretend the legislature does not exist and propose whatever policies he likes, then react spasmodically when the legislature refuses its assent. Rather, the "cheapest" strategy will often be to cobble together as many legislative votes as possible purely on the merits, conserving other assets (such as pork and patronage) for securing any necessary marginal votes.

So how do Latin American legislatures actually operate when they are in the policy-bargaining mode, as opposed to the supine, venal or horrified-onlooker modes? Most of the essays in this volume have addressed one aspect or another of the actual *legislative functioning* of assemblies in Latin America. The essays in part I focused on executive-legislative relations. The essays in part II examined some organizational and behavioral features of Latin American parties-in-the-legislature. Finally, the essays in part III undertook case studies of particular legislative battles. All these essays adopt a rational choice perspective in the minimalist sense that they are concerned with the strategic interaction of various actor on the legislative stage. Several approach their topics from the perspective of "ambition theory", especially as it pertains to models of legislative organization, sketched in the introduction.

Rather than provide any sequential summary of the preceding chapters, we shall here expand on two themes that many of these essays touch on (bringing in other literature when appropriate as well). The first theme is

simply that the venerable "rule of anticipated reactions" makes even primarily reactive institutions, such as Latin American legislatures, relevant. The second theme, which occupies the bulk of our attention and expands on the first, is that the ordinary (non-crisis) policy-making process in Latin America is a distinctive form of a bilateral veto game, which in many ways exhibits features intermediate between those characteristic of US presidentialism and European parliamentarism.

I. Anticipated Reactions and the Influence of Latin American Legislatures

Carl Friedrich's "law of anticipated reactions" expresses the simple idea that if X's actions will be subject to review by Y, with Y capable of rewarding good actions and/or punishing bad ones, then X will likely anticipate and consider what it is that Y wants (Friedrich, 1963). In the end, X may not accommodate Y's desires. That depends on how large Y's potential rewards and punishments are relative to other considerations in X's decision. But Y will at least be considered.

A straightforward application of this idea suggests that an important role in the legislative process does not always require *proactive powers* —the ability to initiate legislation and set the agenda. It should also stem from the ability to shape or kill executive proposals. These *reactive powers*, which seem to characterize the Latin American cases, invite anticipation by the president. If he finds it costly to dispense enough pork to buy every vote, or enough patronage to buy every legislator, or enough money to buy the election; and if it is costly also to rule by decree; then even authoritarian presidents should consider cutting a deal with the assembly.

In our four cases there is substantial evidence that the legislatures *are* primarily reactive. Even in Chile, probably the most proactive legislature in our small sample, the president initiates most bills.

Despite their reactive status, however, there is also evidence that our four assemblies influence the policy process substantially —because the president sometimes attempts to rule through the legislature, rather than around it. This point is clearest in Chile, and will be developed at greater length when we consider our third theme below. For now, it will suffice to note some examples from the three countries where presidential antici-

pation and accommodation of legislative preferences might seem least likely: Argentina, Brazil, and Mexico.

In Argentina, much is written about Menem's thwarting of Congress through his use and abuse of decree authority. Eaton's chapter, however, makes clear that the legislature is not as supine as most studies suggest. While the executive has been the focal point of tax policy changes in Argentina, Menem gained legislative support for these changes due to the perceived electoral benefits to members of his party, rather than simply through the distribution of pork. Further, Eaton shows that when legislators opposed Menem's specific initiatives (such as the formula for redistributing funds to the provinces), they altered the proposals.

Brazil too has gained fame for its decree-wielding presidents. Ames's chapter, however, makes clear that the legislature is instrumental in shaping the president's agenda. Ames shows this by surveying the president's stated goals and tracing the flow of his proposals through the policy process. He finds that almost no major proposal goes through congress unchanged, and that many are rejected.

As regards Mexico, the three relevant chapters of this book make clear that the legislature made virtually no attempt prior to 1994 to legislate on its own, and was not much more active in terms of modifying, much less rejecting, presidential proposals. When Zedillo came to office, however, he granted the Congress an autonomy it had not known since the founding of the PRN (the forerunner of the PRI) in 1992 (Cornelius, 1996). The formal powers of the legislature did not change but its political status changed considerably. As a consequence, the post-1994 legislature has rearranged its leadership structure (Nacif) and it has had an important hand in shaping the new social security law, the value added tax, the relationship with the Zapatista rebels, and even the president's "secret" discretionary budget. Perhaps most strikingly, in the budget adopted in December of 1997, legislative pressure led to a rough doubling of the funds earmarked for transfer to state and local governments.

II. Reactive Legislatures and Proactive Presidents: Latin American Variations on the Theme

In the remainder of this conclusion, we focus on the large amount of both cross-national and cross-temporal variation we find within the broad category of reactive legislatures. Our starting point is simply to note that

assemblies and presidents in Latin America are engaged in one or another of a distinctive subfamily of bilateral veto games. In games of this subfamily, the policy process is asymmetric, in that (for the most part) only the president proposes. The sequence of moves in the statutory process is typically as follows:

1) First, the president proposes one or more new policies (bills);
2) Second, the legislature either accepts, amends or rejects the president's proposals;
3) Third, if the legislature amends or rejects (some of) his proposals, the president can either bargain, take unilateral action, or seek to undermine the assembly's ability to veto proposals. By bargaining, we mean that the president makes actual concessions in proposed policies in order to gain legislative acquiescence or "buys" votes with pork and patronage. By unilateral action, we mean that the president emits decrees, uses the rule-making authority of the bureaucracy, or uses other unilateral powers to implement as much of his desired policies as possible. By undermining the assembly's independence, we mean that the president seeks to win the next legislative election (by fair or foul means), control the career paths of assembly members, and so forth.

Below we will employ a partial-equilibrium analysis to explain one player's (the president's) best response to the other player's (the legislature's) type. But before turning to the president's best-response reactions, it is necessary to say what we mean by a legislature's type. Basically, a legislature's type refers to two things: the percentage of the legislature's seats occupied by members supporting the president; and the percentage of the legislature's seats occupied by members with largely parochial interest (who see their careers as continuing at a local level and their duties as primarily the protection of local prerogatives). Both of these factors are viewed as exogenous or pre-determined factors that the president cannot change in the short-term; both are also viewed as largely determining the legislature's likely response to presidential initiatives. We do not wish to say that, once a legislature is elected, and these two percentages are fixed, the legislature never varies its strategy. But here we will take the legislature's type as a good enough clue to its likely strategy for presi-

dents to act as "Stackleberg leaders" —initiating legislation with a clear notion of, and in light of, the legislature's likely response.

1. *Determinants of Legislatures' Types*

Combining the two factors noted above, we envision four basic legislative types, ranging along a continuum from a torpid body (characterized by the pre-1997 Mexican legislature) that does not act or even really react to the president, at one extreme, to an obstreperous body that challenges the president on most every bill (Allende's legislature), on the other extreme. In the middle we have two types that demand the president's attention since the president can neither dominate nor evade them. The first of these two types is more ideal-typically democratic, bargaining with the president over policy issues. The other is more stereotypically Latin American, more interested in personal or parochial issues than national policy. The two extreme types are easily explained by variations in the level of allegiance or opposition to the president. But, why does a legislature move from a parochial to a policy orientation? Ambition theory provides a ready answer.

As most studies in this volume show, career ambitions strongly influence legislators' strategies. Where legislative turnover is higher, legislators have shorter time horizons and seek shorter term gains from their legislative stints. Thus the legislators in Mexico, Argentina, and Brazil (where there were respectively 0, 20, and 35 percent of legislators returning to their posts in recent elections) should be looking to grab what they can and run. 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 (i.e. Chile, where about 70 percent of members return to their posts and another 10-15 percent attempt a move to the senate) should also be worried about policy outcomes. This concern can be solely electoral; since elections turn on a combination of candidate qualities and policy (Cox and McCubbins), reelection minded legislators should involve themselves in the policy process.

Another variable influencing legislative type is partisan ideology. Strong ideological parties should be less venal than a diverse coalition of politicians seeking fame, fortune, and power. Again, Chilean parties are

distinct from our other three cases. On the center-left, the two post-dictatorship Chilean presidents have enjoyed support of a coalition banded together for its strong opposition against Pinochet. The Chilean right, alternatively, is strongly associated with Pinochet (who is now a lifetime senator, albeit one apparently soon to be extradited from his hospital in England to Spain) and his regime. One of the two main rightist parties is intensely ideological; most of its legislators were mayors during the Pinochet regime and many were personally trained by a charismatic and rabidly anti-communist recent martyr (Jaime Guzman). This party is unlikely to bend on crucial policy issues for an extra bridge in their district.

In contast, presidents in Argentina and Brazil are neither supported nor opposed by such ideologically driven and organized parties. In none of these countries has any single party or group of parties won the anti-authoritarian banner, and the PT in Brazil, which currenly has only ten percent of the legislative seats, is the only significant class-based party.[1] The Peronists in Argentina had an ideological root based on their populist history, but Menem has effectively destroyed that party's legacy and there is little left, except Menem's largesse, to bind the party.

Mexico may well produce the next policy-oriented assembly. The two opposition parties are reasonably ideological, associating themselves as democratic alternatives to the PRI, though differing on social and economic issues. This ideological bent may be sufficient to override the venal effects of no reelection, especially since many legislators do rely on their parties to support their future career moves.

In what follows, we shall simplify matters by imagining that the president anticipates one of four legislative types and pursues a strategy that is optimal in light of such a legislature's likely responses to his initiatives. Specifically, the president anticipates that the majority in the assembly will either be *recalcitrant, workable, parochial-venal*, or *subservient*. Recalcitrant majorities (very low percentages of members supporting the president) will reject essentially all the proposals the president really wants. Subservient majorities (very high percentages of members thoroughly beholden to the president) will accept essentially any proposal the president makes. Between these extremes of support, the president can face two types of more manageable majorities, one which demands a

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

seat at the policy table (workable) and the other that is willing to concede policy issues in exchange for access to pork or other resources (parochial-venal). Depending on which sort of assembly the president anticipates, he or she will undertake different strategies and use different institutional powers to implement those strategies. That is, strategy and tactics will oscillate with legislative type.

2. *The Central Oscillation*

In this section, we explore the oscillation just noted —the president's changing use of his constitutional and other powers, in response to changes in actual or anticipated asembly support— which has some claim to be central oscillation in Latin American politics. Latin American executives typically have greater powers of unilateral action than either US presidents or European prime ministers; but they occupy an intermediate position as regards executive penetration of the legislative process within the assembly. This distinctive combination of institutional strengths, along two separate dimensions, leads to a distinctive "oscillation" in presidential strategy in response to variations in assembly types. Below we consider firs the presidente's changing use of "unilateral" powers, and then the changing use of "integrative" powers.

A. *Changing use of Unilateral Powers*

One way in which presidents change their strategies has to do with their unilateral powers. By *unilateral* powers we mean something close to what Carey and Shugart (1998) mean by proactive powers: those powers that can be used a) without the concurrence of the legislature to b) change policy. The clearest examples are constitutional decrees but other sorts of decrees, regulatory rule-making, and even vetoes[2] can sometimes feature in pushing through a new policy.

The main point to make about presidential use of unilateral powers is just this: When the president is politically weaker, he typically resorts more frequently to his unilateral powers; in contrast, when he is politically stronger, he resorts to these powers less often.[3]

2 In Argentina, for example, presidents can emit decrees that the Congress can only overturn with statutory proposals; those proposals themselves subject to the usual veto process.

3 Various authors have made similar points, both about Latin America and about the US. For Latin America, see Mustapic, this volume; Amorim-Neto, 1998; for the US, see Cox and Kermell, 1990; Tiefer, 1994.

This point can be illustrated by considering Collor, Menem, Frei and Salinas. Collor, politically the weakest, ended up pushing the limits of the constitutional powers of the Brazilian presidency. Menem had the putative support of the largest single party in the Argentine system but, having reversed field on several key issues, could not rely on consistent support. He too ended up pushing the limits of his constitutionally defined powers, seeking only enough support in the assembly to prevent the override of his decrees. Frei, with a workable majority in Chile's lower house and a large minority in the upper house, avoided controversial use of his substantial unilateral powers. Finally, Salinas, presiding over the last years of a one-party regime, could get whatever statutes he wanted —as soon as the ducks were lined up within the PRI— and so did no need decrees, vetoes, or other unilateral tools used by presidents in more competitive systems. Everything could happen off-stage, with the formal procedures a *pro forma* ratification of decisions made elsewhere.

The logic behind this declining use of formal constitutional powers as the president's legislative support increases can be indicated by considering presidential strategy at three levels of assembly support: weak (the president faces a hostile majority in the assembly), medium (the president has a workable majority), and strong (the president has a large and subservient majority). When the president faces a hostile majority in the assembly, he will often have no chance of implementing his policy goals via statute. In these cases, his only recourse will be to take such unilateral action as he can manage, perhaps "pushing the envelope" of his powers in constitutionally provocative ways. When the president has a workable majority in the assembly, in contrast, he may be able to get his statutes passed with the aid of urgency provisions, the judicious allocation of cabinet positions to solidify legislative support, and a liberal distribution of pork. Since statutes can override conflicting decrees, are harder to overturn once enacted, and are constitutionally sounder instruments for many purposes, politically stronger presidents will more often prefer trying for statutes than issuing decrees. Finally, some presidents —e.g., those in Taiwan and Mexico until recently— may be able to count on a large and subservient majority in the assembly. These presidents —who typically appear only in authoriarian regimes for any extended length of time— can routinley expect to get just the statutes that the, want and hence have no political need to employ vetoes or decrees. The may occasionally find it convenient to use decrees or administrative rule-making powers rather

than statutes, but they are not usually constrained in this choice by any lack of support in the assembly. The separation of powers has been overridden, so to speak, by the president's political strenght (usualy based on his ability to control candidate selection and elections to the assembly, the distribution of pork to members of the assembly, and the post-assembly career prospects of sitting legislators).

B. *Changing use of Integrative Powers*

Latin American presidents are not confined to unilateral powers. They also deploy powers, such as urgency decrees or the appointment of ministers, that can help the president integrate himself into the legislative process of the assembly. As explained further below, integrative powers allow the president to set the policy agenda not just by sending proposals to Congress but also by prioritizing bills in the internal procedures of Congress or empowering assembly allies. Use of potentially integrative powers for actually integrative purposes responds to variations in presidential support in the assembly in precisely the opposite pattern to that noted above for unilateral powers: they are used more when the president is politically stronger, less when he is politically weaker. As this dimension of Latin American presidential power has received less attention in the previous literature (for an exception, see Amorim Neto, 1998), we shall have more to say about it below.

C. *Evidence that use of Powers does vary with Assembly Support*

Evidence that Latin American presidents *do* vary their strategy in response to their prospects of support in the assembly and their institutional powers can be culled from the wealth of case studies in the Latin American literature. The best currently available systematic evidence is provided by Amorim-Neto (1998), in a study of 75 cabinets, appointed by 57 Latin American presidents from 10 countries over the period 1946-1995. The logic of Amorim-Neto's study is that presidents who have decided to implement their policy goals via statute will lay the groundwork for this by appointing party leaders who can help solidify assembly support. In contrast, those who seek to rule by decree can pack their cabinets with cronies and technocrats. Amorim-Neto finds, among other things, that the percentage of partisan ministers in a president's cabinet increases: 1) as the percentage of seats held by the president's party in the assembly in-

creases; and 2) as the president's decree powers decline. In other words, presidents with a better political base in the assembly, and with poorer institutional powers to pursue a unilateral strategy, are more likely to seek to govern through, rather than around, the assembly.

D. *A Typology of Presidents and Assemblies*

In sum, a president's level of support in the assembly will have a large impact on his or her overall policy-making strategy —whether to seek mostly a statutory implementation of goals (governing through the assembly) or to seek mostly a non-statutory implementation (governing around the assembly). This overarching strategic decision about the optimal mix of statutory and non-statutory effort in turn influences presidential tactis— which powers to use and how to use them. These tactis are also influenced by the president's institutional powers, and thus, even for presidents in similar circumstances, the tactis could reveal presidents that range from impotent to imperial, as a comparison between Collor and Mitterand might show.

To encapsulate the gist of how president's strategies and tactis change with their anticipated level of assembly support, we briefly introduced above four adjectives quite familiar in describing the Latin American (and North American) legislatures: *recalcitrant, workable, venal-parochial,* and *subservient.* The president has a rather clear best response to each of these types, and thus we match the four legislative adjectives with four presidential adjetives. First, if the president believes the assembly is recalcitrant —i.e., will reject most of his proposals and refuse to compromise— then (assuming he has unilateral powers at his disposal) his best strategy is to seek ways of getting around the assembly veto by using his unilateral powers: this is the *imperial* president (if he lacks such powers, he would be *impotent*). At the other end of the scale, where the president believes the assembly is subservient —i.e., will accept most of his proposals without the need of bargaining— then his best strategy is to dictate terms: this is the *dominant* president.

The third and fourth types of presidents face workable majorities and they bargain with legislatives actors over the course of policy. The dividing line between these two types is what the presidents offer the legislators in return for their support. The types is therefore a function of the how frequently the president uses four key bargaining chips: 1) particu-

laristic payoffs (pork and patronage); 2) positional payoffs (ministerial portfolios); 3) policy concessions, and 4) agenda setting.

Where the president finds that his best response to a particular legislature is to buy support with pork and patronage, he is facing a venal or parochial assembly. These legislatures, may be due to short legislative time horizons (i.e. low reelection rates), or career paths that reflect their pork-winning success prefer the president to play a *nationally-oriented* role, focusing on and taking the heat for national policy (Shugart, 1998). Thus, in return for particularistic payoffs, we expect these legislatures to offer (in a manner that is probably closer to abdication than delegation) the president broad authority over policy through grants of decree powers, and to sponsor few important initiatives.

We have termed assemblies that are involved in the policy process —in the sense that 1) the president heads a coalition that includes assembly actors; 2) seeks to implement coalitional policies via statutes; and 3) designs the strategy for getting these statutes passed in consultation with his assembly allies— workable. Their foil, the *coalitional* president, may also use particularistic payoffs to clinch deals, but pork will be used to get the last few votes needed to clinch deals, not as the main bargaining technique. The coalitional president thus makes more extensive use of his other three bargaining chips, all of which involve the assembly more intimately in actual policy decision-making. Clearly policy concessions bring the assembly into the policy process. But so do the allocation of ministerial portfolios to party leaders (these positions do not carry with them influence over pork alone) and the setting of the legislative agenda (which the president has influence over but can more effectively control with the help of assembly actors).

In sum, every imperial president has a recalcitrant Congress as his antagonist, whose actual or anticipated refusal to support his statutory initiatives drives him to use his unilateral powers. Every dominant president has a subservient Congress that meekly acquiesces to most of his policies (typically because the president has previously established political dominance over the Congress by control of nominations, elections, or post-assembly career options). And finally, if the president believes the assembly is workable —i.e., can be bargained with— then his best strategy depends on what bargaining mechanism are most propitious. If he is better off using his integrative powers to work through the statutory process, he is a coalition president. If, on the other hand, legislators are less in-

terested in policy than pork, the president can pay off the parochial or venal legislature, the president becomes nationally-oriented.

E. *Types and best responses*

The four pairs of corresponding (executive, legislative) types —(imperial, recalcitrant), (nationally-oriented, parochial), (coalitional, workable), and (dominant, subservient)— are displayed in Table 1 below.[4] One way to interpret this table is simply as summarizing or stylizing story lines that are familiar in the case study literature. Another way to interpret the table, however, is as an informal elaboration of the bilateral veto game mentioned at the outset. Suppose that the assembly has four strategies in response to presidential initiatives— reject, bargain for policy or pork, or acquiesce. The president, meanwhile, has four strategies too: abandon the statutory negotiation and undertake unilateral action; bargain (with either type of resource); or attempt to dictate terms. Do the four pairings then emerge as "equilibria" in this game? We have already noted that the president's best response to a recalcitrant assembly is to undertake unilateral action, to a workable assembly is to bargain, to a parochial-venal assembly is to buy votes, and to a subservient assembly is to dictate terms. What if we consider things from the assembly's point of view?

As soon as any move is made toward considering both sides to the game as full actors, matters become more complicated than we can deal with satisfactorily here. For example, the imperial president might not rely on unilateral powers if he thought the assembly would acquiesce with a little more bargaining. Similarly, the assembly might not continue to be recalcitrant if it thought the president was prepared to push his unilateral powers farther than a certain limit. So, the frequent appearance in case studies of conflict between imperial presidents and recalcitrant assemblies implies that 1) the assembly was willing to take a calculated gamble regarding how far the president would go unilaterally (and hence continued to withhold assent), and 2) the president was pessimistic about the chances of the assembly ever agreeing to his statutory proposals (and hence continued along an imperial path).

Having said this, we shall reiterate that here we take legislative types as resulting from largely pre-determined factors —the president's level of support in the assembly, the nature of legislators' career ambitions, and

4 We have excluded the impotent president here.

party ideology. As such, legislative types should not oscillate much (though some issues may be more relavant to ambition and ideology than others) and thus our use of a partial-equilibrum analysis, in wich the president responds to a fixed legislative type, is warranted.

Table 1
Presidential and Assembly Strategies

Presidential strategies	Assembly Strategies Reject	Bargain	Demand Payments	Acquiesce
Undertake unilateral action	Imperial president, Recalcitrant assembly			
Bargain		Coalitional president, workable assembly		
Pay off			Nationally-oriented president, venal or parochial assembly	
Dictate				Dominant president, subservient assembly

Despite these complications —one would need a fully specified game to navigate them— the paired types that appear over and over again in the literature do seem to correspond to bargaining equilibria of a fairly familiar sort.[5] Having made this point, we shall continue for the most part to

5 The preceding account was written to suggest the optimal strategies and responses given a "typical" legislature and president. Obviously, many other variables enter into the analysis and thus typologies suggest ideal types or equilibria under particular conditions. To more fully identify the categories or specify the equilibria, we would have to take into account such variables as the varying

take a partial (non-equilibrium) view in what follows— that is, to consider the president's strategies in light of particular hypotheses about the assembly, or the assembly's strategies in light of particular hypotheses about the president.

F. *Strategy Stability*

While we have argued that legislative types are largely pre-determined by legislators ambition and ideology, legislators do have varying interests in regards to some policy issues. For example, while Allende faced a consistently recalcitrant legislature and thus played a single strategy drying his whole (shortened) term, other presidents face legislatures that are less consistently recalcitrant or workable, and vary their strategies accordingly. Though most accounts portray Menem as riding roughshod over either a subservient or recalcitrant legislature, Eaton's chapter shows Menem in a relatively coalitional mode, bargaining with the legislature over tax policy. The implication is that either Menem's support base and/or his preferences for applying his broad decree powers varied according to the specific issue at hand.[6] Thus neither he nor the legislature were forced to play a similar strategy all the time: they could oscillate daily.

3. *The Amplitude of Oscillation*

What distinguishes Latin American presidential systems from the US model is not the existence of an oscillation in presidential strategy and tactics of the sort described above but rather its amplitude. Most Latin American presidents have greater powers of unilateral action than their American counterpart, greater ability to "penetrate" the internal legislative process of the assembly, and more variable political support. This combination of more variable legislative support with institutionally stronger presiden-

range of unilateral and integrative powers available to the president, presidential preferences for quick action versus interbranch bargaining, and how the party system affects the ability and willingness of the legislature to bargain (or take other collective action).

6 The transition from Salinas to Zedillo could provide another example. Zedillo came to power with a subservient majority still intact. He stated, however, that he wanted the Congress to assert its constitutional independence and he allowed it to do so. In short, his preference for negotiation (which changed over time) was more determinant in changing the role of the legislature than the changing level of support (until 1997).

cies (along two dimensions) has meant that many Latin American presidencies are outside the relatively narrow range of experience in the US.

In the remainder of this section, we discuss in greater detail the three key elements that jointly produce a greater implitude of oscillation in the modality of presidential action in Latin America. The amplitude of oscillation is certainly greater in Latin America if one includes the cross-national variation— in which case one can range from the dominant presidencies of Mexico to the coalitional presidencies of Uruguay or Chile to the imperial presidencies of Argentina, Brazil or Peru. We mean to assert also that the amplitude of oscillation is larger *within* many of these systems. Thus, for example, Allende pushed further in the imperial direction than did Nixon or Reagan, while Aylwin and Frei have pushed further in the coalitional direction than did Wilson.

Outside of Mexico, the oscillation throughout the Western hemisphere is mostly between imperial and coalitional presidencies, and so we shall focus on these types. We beging with the greater variability of presidential support in the assembly, the "engine" that drives variations in presidential strategy. We then consider the two sorts of institutional constraints discussed above, those having to do with the president's powers to penetrate the internal legislative process of the assembly, and those that affect his or her powers to act unilaterally.

A. *Variability in Presidential Support*

Some indication that Latin American presidents do experience greater variability in assembly support than their North American counterparts is given in Table 2. The table is based mostly on Deheza's (1997) attempt to identify the coalitions supporting each president in a number of Latin American countries. Although one might have qualms about her numbers in particular cases,[7] her work appears to be the best and most systematic available. As can be seen, in six of the nine Latin American countries covered in the table, the maximum assembly support for the president (observed over the period from the 1950s to the 1990s) is greater than the

7 For example, Betancur's 99 percent level correctly implies that both primary parties gave some support to the president, but ignores the lack of party discipline and the intense inter-party rivalry (Betancur won only 47 percent of the vote). Similarly, the 41 percent support of Sanguinetti overestimates his support, as factions in his party frequently withheld support. Her numbers do lend weight to our hypothesis of shifting powers, however, as she breaks presidencies into periods, showing changing levels of support for the same president.

US maximum; in seven of the nine cases, the minimum support is less than the US minimum; and, in eight of the nine cases, the standard deviation of presidential support in the assembly is greater thant the US figure. Thus, in most Latin American countries, presidential support in the assembly varies more widely than it does in the US.

Table 2
Variability of presidential support in the asembly, 1950s-1990s

Country	Average support for president, Not periods	Standard deviation of support for president	Minimum support for president in Lower House	Maximum support for president in Lower House
Argentina	50.64 (15)	8.56	35.9 (Illia)	71.1 (Frondisi)
Bolivia	49.60 (14)	21.43	22.3 (Siles S)	85.9 (Paz E.)
Brazil	69.10 (15)	17.40	33.0 (Collor)	92.7 (Quadros)
Chile	42.35 (14)	11.87	15.6 (Frei)	58.7 (Frei)
Colombia	72.33 (15)	16.95	49.2 (Barco)	99.4 (Betancur)
Ecuador	32.10 (16)	16.18	01.4 (Hurtado)	52.0 (Arosmena)
France	55.5 (8)	10.31	38.0 (Mitterand)	74.0 (Pompidou)
Peru	41.37 (7)	16.71	17.7 (Fujimori)	60.3 (Belaunde)
U. States	50.66 (27)	9.92	36.3 (Reagan)	67.8 (Johnson)
Uruguay	56.9 (7)	14.74	41.4 (Sanguine)	80.3 (Bordabe
Venezuela	53.71 (13)	23.18	12.6 (Caldera)	95.7 (Perez)

Source: Deheza, 1997, Statistical Abstract of the US 1997; Historical Statistics.

In terms of Table 1, what this means is that the Latin American cases vary more widely across the columns of the table. Thus, there are more cases of potentially dominant presidents (with particulary subservient legislatures) and more cases of potentially imperial presidents (facing particularly recalcitrant assemblies). Whether these potential cases turn into the real thing depends both in the solidity of the nominal support levels reported by Deheza and on the institutional powers of the presidency in each case.

B. *Executive Integration in the Legislative Process of the Assembly*

In parliamentary systems, the executive is deeply involved in the internal legislative process of the legislature. Simultaneous occupancy of ministerial and legislative office is typically allowed. Even when it is not, ministers often appear personally in the legislature, participate in debate, answer questions and so forth. Ministers also typically have superior a bilities to set the legislative agenda of the assembly itself. In the U.K., for example, only ministers can propose tax increases and the cabinet dominates the legislative agenda through such powers as the vote of confidence and the guillotine procedure.

These two factors —executive participation in, and executive agenda power over, the legislative process of the assembly— together indicate what we shall call the degree of executive *integration* in the legislative process. We shall discuss each in turn, contrasting the US and the modal Latin American case.

The US president cannot appoint a sitting member of congress to his cabinet, unless that person chooses to relinquish his or her seat in Congress, because the constitution (Article I, section 6) forbids the simultaneous occupancy of cabinet and legislative office. Although cabinet ministers in the US do give testimony in congressional hearings, by custom they do not participate in debate.[8] These restrictions mean that executive personnel are not personally involved in the legislative process within Congress. They also make it difficult for a US president to use cabinet appointments to build legislative support, as is routinely done in parliamentary systems.

In some Latin American cases, simultaneous occupancy of cabinet and legislative office is not prohibited (e.g., under the Peruvian constitution of 1933). In others, the *suplente* system —whereby an elected member of congress can yield his seat temporarily to a *suplente*, or replacement, but then reassume the seat later— means that a minister can reclaim his legis-

8 Even the one executive officer who has a constitutional mandate to participate in legislative affairs —the Vice President (*ex officio* presiding officer of the senate)— is limited in his ability to participate. By constitutional prescription, the Vice President can cast a vote only in the event of a tie and partly for this reason he rarely appears in the chamber. Even when he does appear, however, the Senate has a long-standing custom that physically confines him to the dais. When Vice President Spiro Agnew unwittingly violated this rule, the Senate expressed its displeasure at this violation of the separation of powers by passing a resolution specifically enforcing this restriction on Agnew's whereabouts.

lative seat at any time he or she wishes. In Brazil, ministers will occasionally resign their ministerial positions just before an important vote in the assembly, resume their legislative seats, vote, then resign their legislative seats and resume their ministerial posts again. When one adds the possibility that *suplentes* may be pliant, Brazilian ministers can effectively be considered members of the assembly. Other cases in which similar *suplente* system are used include Bolivia, Colombia (Hartlyn, 1994, 301), El Salvador, Honduras, Paraguay, Uruguay, and Venezuela. Finally, Latin American presidents can sometimes appoint recognized party leaders who are not themselves elected legislators but still bring with them assembly support. In Argentina, for example, there is a quite pronounced pattern of legislative party leaders "graduating" to ministerial positions once their service in the legislature comes to an end. For example, the two Peronist bloc leaders in the Lower Chamber became Interior Minister and Vice-Minister, and clearly were used in the executive branch for their political skill and connections in Congress. Something similar seems to occur in Chile. Latin American presidents, unlike their US counterpart, can thus more often use cabinet appointments as prime ministers do to build legislative support.

The US president does not have the right directly to introduce legislation in either House of Congress. Even the president's budget must be introduced by a member of Congress. In contrast, most Latin American chief executives have the power to introduce legislation directly and some (in Brazil, Chile, Colombia prior to 1991, Uruguay) have exclusive powers of introduction in designated areas. Latin American presidents' powers of initiative are thus closer to those typically wielded by prime ministers.[9]

The US president does not have the right directly to determine the measures that Congress will consider to accelerate bills pending on congressional calendars, or otherwise to affect the legislative agenda. In contrast, Brazilian, Colombian and Peruvian presidents can send "urgent" bills to Congress that take precedence over every other legislative matter, while in Chile, Ecuador, Paraguay and Uruguay presidential urgency powers are even greater — the president's bill automatically becomes law if

9 It is true that the mere power to introduce bills is no by itself very consequential. But in combination with agenda power it is important. A president with substantial agenda power but no formal right to introduce bills might in some cases face a more complicated bargain than one that could just introduce the bill directly.

Congress does not formally reject it within a specified time period. Latin American president's powers of agenda-setting pale in comparison to those of the typical prime minister, who disposes of votes of confidence and (sometimes) other effective agenda-setting techniques, but they are nonetheless substantially greater than the US president's.

All told, the separation of powers is much more thorough-going in the US than it is in Latin America. The president can veto legislation but he is not of much use in pushing legislation through the internal procedures of Congress. At best, he can "go public" (Kernell, 1986) and apply *external* pressure. The US congress's extraordinary abilities to initiate legislation have long been recognized. What is less well recognized is that the flip side of these abilities is the absence of executive powers to appoint legislators to the cabinet, initiate legislation, and control the congressional agenda.

In contrast, Latin American presidents can reach inside the assembly, appointing its members to his cabinet, directly proposing bills, and accelerating their consideration. Thus, when a president has good prospects of legislative support, cabinets are constructed to maintain that support (Amorim-Neto), initiative powers and urgency provisions are used in concert with coalition partners (Siavelis), and the president relates to the Congress more like a prime minister relates to a parliament (Mustapic).

C. *Imperial Prerogatives*

When the president has little legislative support, however, cabinets are filled with cronies and technocrats, initiative powers and urgency provisions are used on an *ad hoc* basis, and the president relates to Congress more like English monarchs used to relate to their parliaments. In the US, where Congress regularly takes the legislative initiative, presidents with weak legislative support —i.e., those facing divided government— make greater use of the veto power (Cameron, n.d.) and more often attempt to implement policy without congressional authorization (Tiefer, 1994). A similar syndrome is visible in Latin America but presidents there start with wider unilateral powers and seem prepared to push the envelope of constitutional action harder.

In addition to reactive powers such as the veto, presidents can also wield proactive or unilateral powers (Carey an Shugart, 1998). First, presidents almost always have rule-making or interpretative authority.

Second, many constitutions also allow the president wide authority to appoint ministers, judges, and other high officials, though their appointments often need congressional assent. Third, explicit legislative delegations of power to the executive expand many president's repertoire of action. In these cases, the legislature will generally set a specific task and timeline for the executive, retaining the right to review or change the president's decisions. Fourth, some presidents are constitutionally endowed with decree powers. These provisions can include the power to suspend civil liberties and other parts of the constitution in time of emergency, in addition to making policy via decree. Finally, there are what Carey and Shugart call "paraconstitutional" decree powers, which can allow the president to change laws by using the pen or sword.

While there are important exceptions (Siavelis, this volume), Latin American presidents have generally taken much more advantage of their delegated, constitutional, and paraconstitutional powers than have US presidents. There are certainly cases of presidential unilateralism in the US, but presidents in Latin America regularly make policy decisions almost unilaterally. Presidents in Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay, and Venezuela have tremendous advantages in structuring the national budget, as their legislatures are constitutionally restricted from making significant changes (Baldes and Carey, nd; Morgenstern and Domingo, nd). Moreover, Latin American legislatures are hindered by a lack of time, resources, and experience. This combination of constitutional and organizational limits has converted many Latin American presidents into virtual budget dictators. If we take into account paraconstitutional powers as well, we find even more presidential impositions. The Mexican president has frequently used his paraconstitutional powers to move funds among budget categories, remove irreverent governors, and impose tremendous policy shifts almost overnight (e.g. nationalization and then re-privatization of the banks). In Argentina, the limited delegation of power to president Alfonsin to deal with their economic crisis was later interpreted by Menem (and the courts) as an almost open-ended and very difficult-to-check power to decree whatever type of law that Menem preferred no to send to the legislature. Similary, Fujimori and Collor made extremely free use of decree powers.

4. *Coalitional Presidents and Workable Assemblies*

Both dominant presidents and imperial presidents are more or less familiar types from the literature. What is more novel about the discussion above is the characterization of presidents with intermediate levels of political strength in the assembly. Given the appropriate institutional strengths, presidents with workable but not subservient majorities in the assembly can become what we have calle *coalitional* presidents, integrating themselves into the legislative process of the assembly to a much greater degree than is typical in the US. The corresponding assembly type, which is brought into some degree of partnership in the policy-making process, we call *workable*.

The coalitional president and the workable assembly are important and understudied types. We know a lot about Latin American failures the dominant presidents who have managed to neutralize democratic checks and balances by virtue of their control over elections and the future career prospects of legislators; and the imperial presidents who emerge from the dangerous combination of political weakness and institutional strength. But we know much less about how these systems work when presidents attempt to forge coalitions with assembly actors. While the other modalities may meet a minimal definition of democracy, they call into question the ideals of functioning checks and balances and limited executives. In this section, we consider some aspects of the more clearly democratic coalitional/workable pairing further by comparing the Latin American experience to that in the US and Europe.

A. *Latin American Systems as Intermediate Between Pure Presidentialism and Pure Parliamentarism*

The intermediate status of executive-legislative relations in Latin America can be seen by first sketching the main features of two polar opposites we shall call pure parliamentarism and pure presidentialism.

In pure parliamentary systems, the head of government is chosen by, and can be dismissed by, the assembly. The second of these defining characteristics —the possibility of dismissal— leads to two corollary features of the legislative process and party system. First, because the government can be dismissed if it loses a vote of confidence, parties, put a high premium on, and are generally successful at securing cohesion in their voting behavior in the floor. Second, in order to attain and maintain

the high levels of voting cohesion required to avoid losing votes of confidence, parties in the majority coalition put a premium on, and are generally successful at securing, control of the legislative agenda in the assembly.[10] In terms of Cox and McCubbins' (1993) terminology, these two points can be rephrased as saying that legislative parties in parliamentary systems have strong incentives to be cohesive as "floor voting coalitions" and can help to ensure such cohesion by acting also as "procedural coalitions". The first point has been widely noted in the literature; the second —wich stresses that protecting members of the majority coalition from embarrassing votes, scheduling votes at the politically right times, and other abilities conferred by agenda power are important in preventing open disagreements within the majority coalition— has not.

The first defining feauture of parliamentarism— the choice of the head of government by the assembly— has a profound impact on the organizational structure of political parties. In particular, parliamentary parties are fully integrated with the executive personnel in the party, whether ministers or shadow ministers. There is nothing like the separation visible in the US, with one organization for the House of Representatives, one for the Senate, and one for the presidential wing of the party. Parliamentary parties thus unify the executive and assembly, reflecting both the greater confidence that the legislative rank and file can have in leaders that they choose (and who are dependent for their continuance in power on the aggregate electoral success of their followers) and the necessity to organize strongly in support of the executive. The natural consequence, in combination with the points made above, is that ministers are often given substantial control over the legislative agenda of the assembly. Executive, as opposed to purely legislative, actors exert the agenda power.

A very different outcome ensues in a pure presidential system such as the US. First, the head of government cannot be dismissed by the assembly (outside of impeachment proceedings). Thus, there is less need for voting cohesion on the floor and, hence, less need for strong agenda powers to support that cohesion. Second, the head of government is not chosen by the assembly and does not depend for continuance in office on

10 In some parliamentary systems, such as Ireland, France and the U.K., the government's control over the parliamentary agenda is clearly established in the standing orders. In other cases, the government's powers are less clearly delineated but the government nonetheless seems able to use its majority to dominate the agenda. Perhaps the case that least conforms to this generalization is Denmark (Doring, 1995).

the electoral success of his supporters in the assembly. Those supporters thus have need of their own leaders and their own organization. With reference to Schlesinger's notion of party nuclei —the organizations devoted to securing particular offices— the separate election of the president naturally gives rise to two party-nuclei-in government, one for the Congress and one for the president, where there had been only one in the parliamentary case.[11] Finally, putting these two points together, the natural locus of agenda power in a pure presidential system is *within* the Congress. It will not be the presiden, or his ministers who wield agenda power. Rather, it will be the leaders of the congressional parties —especially the majority— who wield such power.[12]

B. *Coalitional Presidents: Latin America and the US Model*

Latin American politics do not differ much from the pure presidential system in terms of its two defining characteristic. Although the assembly in some Latin American systems (particulary, Bolivia) has a substantial say in the selection of the president, in most the involvement is even less than it is in the US case (where the possibility of presidential contests being decided by Congress exists). Similarly, although the theoretical possibility has existed in a few Latin American systems of removing the president other than by impeachment, in practice this has not amounted to much.

The real differences between the US and Latin American styles of presidentialism —at least as regards the level of executive integration with the legislature— are that 1) ministers cannot sit in the assembly in the US and typicaly are not appointed with an eye to building assembly support, whereas they can often sit in the assembly (practically speaking) in Latin America and are often appointed with an eye to solidifying assembly support; 2) ministers and the president wield important powers in setting the assembly's internal legislative agenda in Latin America but not in the US; and 3) the integration of the executive and legislative

11 The strength of the incentive to create separate party nuclei would appear to depend on the details of electoral law: is the presidential election concurrent with the legislative? Is there a fused vote? And so on.

12 Moreover, the purpose of agenda power will not be to help keep a government, since governments cannot fall on congressional votes. Instead, it will be to help establihs a record on which the party can run in the next election (*cfr.* Cox and McCubbins, 1993).

branches of the parties is often greater in Latin America (e.g., Costa Rica, Uruguay, and Venezuela) than in the US.[13]

These differences strongly affect the locus of political power, setting the Latin American legislatures in a category separate from the US (ideal-typical) model. While certainly not irrelevant to the policy process, Latin American legislatures initiate less legislation than does the US Congress (Siavelis, Casar, this volume) and their amendments are generally less weighty. Further, though Ames (Ch. 7) shows the recalcitrance of the Brazilian Congress, the success rates for executive initiatives is generally quite high in Latin America (over 90% in Argentina, Chile, and Mexico), as contrasted with a low success rate for bills that start in the legislature. Clinton, on the other hand, won only 36.2 percent of his congressional battles in 1995.[14]

C. *Coalitional Presidents: Latin America and the 18th -Century British Model*

Of the three features suggested above as most clearly distinguishing Latin American from North American presidentialism, the value of ministerial appointments in securing support in the assembly is the most important. This feature, combined with the sometimes great power of the president, reminds one of the 18th —century British model of president—parliamentarism (in which the King played the role of president).[15] Although the British were famously fond of praising the balance of their constitution, it was a balance that both King and Commons often sought to redress to their own advantage.

The King, saddled by past beheadings and constitutional settlements with a powerful and independent assembly, sought continually to control it by two methods entirely familiar to Latin American presidents: influencing legislative elections; and "buying" support in the assembly with offers of employment and other favors. Ford (1947, pp. 488, 495, 496) reviewed some of the techniques of royal influence as follows:

13 Other differences, noted above, include the strength of the president's "imperial prerogatives".

14 US presidents cannot formally introduce legislation, but Congressional Quarterly does track presidential success rates. While success rates above 70 percent have been common, every president since Nixon, with the exception of Carter, has had success rates in the 50s or lower for one or more years.

15 Following Shugart and Carey (1992), in president-parliamentary regimes the president has unilateral appointment and dismissal power, but cabinets must also maintain parliamentary confidence.

> Government funds were used to subsidize the ministerial press, to provide pensions, to purchase close boroughs, and to carry on such electioneering devices as parades, free beer for electors, and the patronising of local tradesmen. Patronage provided jobs for electors, employment for parliamentary placemen, and positions for the friends, relatives, and dependents of those who could supply the government with votes in parliament and the constituencies. Honours atracted the 'many who cannot be caught by the bait of covetousness [but] are caught by the bait of vanity'... Many of the most profitable contracts were under the management of the treasury, the headquarters for the distribution of government patronage, and the treasury's practice was to award contracts largely on the basis of political 'recommendations'... Financiers sought seats in parliament, and when government credit was sound, they eagerly applied for a 'slice' of governmental loans... [M]ore than eighty members of lords and commons rented royal property [needless to say, on favorable terms].

From the Restoration (1660) through to the early decades of the 19th century, the House of Commons was constantly on guard against these royal tactics (Kemp, 1959; Foord, 1947). To circumscribe the crown's ability to influence elections, the Commons sought to regulate the power of dissolution, the conduct of elections, the right of peers and crown officials to vote or interfere in elections, and even the right of the crown to participate in the market for the sale and purchase of rotten boroughs. To circumscribe the crown's ability to "buy" its members, the Commons passed a long parade of "Place Bills", forbidding those who had accepted crown offices from sitting in the legislature (or requiring them to resign and submit to reelection).

The King was not the only one actively seeking to redress the balance of the constitution in his favor. Ministers increasingly parlayed their role as conveyors of votes in the Commons, and their obligation to countersing all royal acts into political dominance. The King fades increasingly from the political scene until, by the 19th century, premier-presidentialism has given way to pure parliamentarism.

The inherent tension in 18th -century Britain's balanced constitution between leaders of the assembly (attempting to force their way into the Ministry and force the King to take their advice) and the King (attempting to control the assembly directly, so as to obviate the need for appointing assembly leaders as Ministers) is similar to tensions observable in many Latin American cases. Consider two examples: Mexico and Peru.

The Mexican president used the same basic strategy as the British King but succeeded where the King failed. As Casar and Weldon describe in their chapters, both the electoral incentives of assembly members and their post-assembly employment opportunities came increasingly to be dominated by the president until, eventually, an independent assembly ceased to exist.

The Peruvian constitution of 1933 seems to have attempted to recreate the British policy in the immediate aftermath of the Glorious Revolution. It required that all official acts be countersigned by a minister and that ministers resign if censured by the assembly; at the same time, it explicitly allowed ministers to sit in the assembly. These constitutional stipulations did not, however, lead to any noticeable movement toward parliamentarism in Peru. The reason, suggested by an acute analysis by Needler (1965), seems to be precisely the failure of Peruvian legislative elites to mount effective defenses to Peruvian presidents' pursuit of the same two strategies pursued by the British King and Mexican president.

A key difference between most of Latin America and Britain is that civilian control of the military has not been established in the former cases but had in the latter case. But the central civilian tension in the systems is similar. Moreover, one does not have to be too Whiggish to argue that the best outcomes for these systems entail either maintaining the balance between the executive and the legislative powers, or redressing it in favor of the assembly (moving more toward premier-presidentialism).