WHAT SORT OF STRONG PRESIDENT?

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SUMMARY: I. *Introduction*. II. *Presidents and party strength*. III. *The strong party ideal and its critics*. IV. *What sorts of legislatures and parties?* V. *What sort of president?* VI. *Conclusion*. VII. *References*.

I. Introduction

The central question posed to this panel is "When is a strong president a benefit?" My response, in short, is "When presidential power can be configured so as to encourage deliberation within legislatures and bargaining between the branches of government, rather than as a substitute for or deterrent to legislative policymaking". The rationale for this answer is that presidents, and presidentialism as a system of government, can weaken political parties, and that maintaining some measure of party strength within legislatures is desirable.

By presidential strength, I mean the ability of a directly elected chief executive to mobilize resources —whether dollars in a budget, jobs in a bureaucracy, influence over legislative votes, or public opinion— on behalf of her (or his) political goals. Because this conference is concerned with the design and engineering of institutions, I focus my discussion of presidential strength/weakness on the set of authorities formally vested in the presidency.

By party strength/weakness, I mean the ability of parties to act in concert on behalf of their collective goals, whether to maximize control over political offices or to pursue policy ends, or both. Empirically, for a mea-

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sure of party strength that is observable and comparable across many countries, I focus on the tendency of representatives from the same party group to vote in unison in the national legislature, particularly when doing so is pivotal to legislative victory.

Much of the academic literature emphasizes the importance of strong parties to the performance of democracy. Parties play a critical role in articulating national policy platforms and presenting voters with meaningful options in elections. Nevertheless, the concentration of power within national parties can also pose a threat to accountability, and there is evidence that citizens are skeptical about strong parties as well. My position is akin to that of Goldilocks, from the children's tale, who favors parties that are neither "too weak" nor "too strong", although unlike Goldilocks, I am acutely aware of the difficulty in identifying the level of party strength that is "just right".

The paper proceeds as follows. First, I present some data on the strength of political parties in presidential and in parliamentary systems, contrasting the effects of being in government or out of government in these different institutional contexts. Next, I discuss the desirability of strong parties, drawing on the academic literature on the topic as well as surveys of citizens and political elites. I show that citizens are skeptical about parties, yet also committed to the idea both parties and legislatures are indispensable to democracy. I conclude that presidential powers should be configured so as to foster deliberation within legislatures and to encourage compromise between the branches, and I illustrate the point with reference to the veto power, some form of which is wielded by most popularly elected presidents.

II. Presidents and party strength

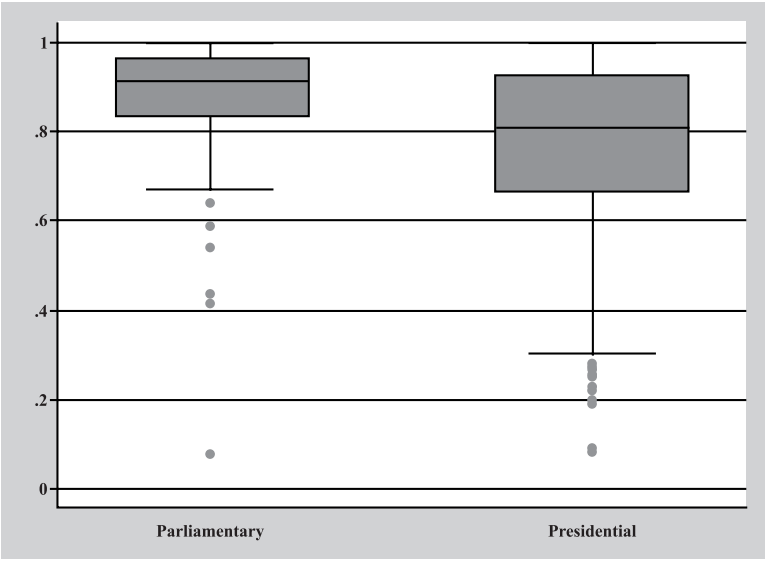
Presidentialism as a system of government, and presidents themselves, affect the nature of parties and the representation they provide. Presidentialism weakens parties, and even *within* presidential systems, presidents tend to undermine the unity of the parties and coalitions of legislators with which they are allied.

The proposition that presidentialism undermines party strength is not new (Linz 1994; Lijphart 1999), although collecting systematic data to demonstrate the claim cross-nationally is a challenge. One way to do so is to measure legislative voting unity. Figure 1 describes Rice Indices of

voting unity for 360 distinct party groups in 41 separate legislative sessions from the lower houses in the following 19 countries, 6 of which are parliamentary and 13 of which are presidential: Argentina (1980s-1990s), Australia (1990s), Brazil (1980s-1990s), Canada (1990s), Chile (1990s-2000), Czech Republic (1990s), Ecuador (1990s-2002), France IV Republic (1940s-1950s), Guatemala (1990s), Israel (1990s-2000), Mexico (1990s-2000), New Zealand (1990s), Nicaragua (2000), Peru (1990s-2001), Philippines (1990s), Poland (1990s), Russia (1990s), United States (1990s), Uruguay (1980s-1990s). The Rice score ranges from zero, when legislators from a given party are evenly divided on a given vote, to one, when all copartisans vote the same way (aye or nay). The indices are a weighted average (by how narrowly the vote was decided within the legislature as a whole) of Rice scores. The key point here is that Rice Indices are lower, by and large among parties in presidential systems than parliamentary ones.

Figure 1

DISTRIBUTIONS OF RICE INDICES OF LEGISLATIVE VOTING UNITY ACROSS 360 PARTY GROUPS IN 19 COUNTRIES, BY PARLIAMENARY VERSUS PRESIDENTIAL REGIMES



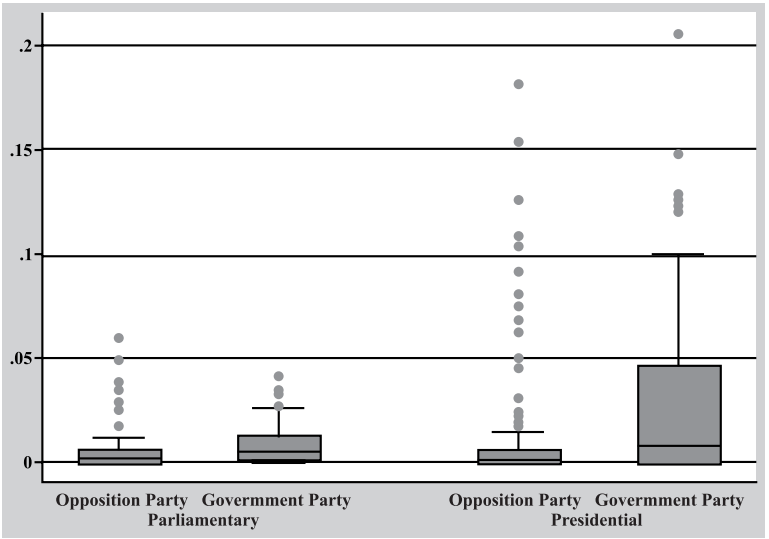
Source: Carey, 2008b.

This much, Linz and many other critics of presidentialism could have predicted. What is perhaps more surprising, however, is that presidents appear to be particularly disruptive to their own partisan and coalitional allies. Whereas being in government is a legislative asset in parliamenatary systems, it confers no such advantage in presidential regimes. For example, consider the Workers' Party (PT) of Brazil, long regarded as the country's strongest in terms of party organization and most unified in terms of legislative voting. In the last legislative period before Luiz Ignacion da Silva (Lula) won the presidency, the PT's Rice Index was a near-perfect .98. PT legislators almost never voted against their copartisans. During the first two years of Lula's presidency, however, the PT's index fell to .91, and qualitative accounts suggest that divisions within the PT, between legislators loyal to Lula's and those who objected to the president's centrist governing strategy, drove PT unity levels down further still as Lula's presidency wore on (Fleischer, 2004).

Next, consider a more sensitive measure of legislative disunity than the Rice Index – the rate of avoidable legislative losses. By losses, I mean any vote on which the plurality of a party's legislators vote on the losing side. By 'avoidable losses,' I refer to the narrower sub-set of votes where the party *could have won* the vote had all its members voted as the plurality of copartisans did. This is a relatively rare event, especially given that on most votes in most legislatures, most parties are not pivotal, so could not suffer an 'avoidable loss' under any circumstances. Figure 2 shows the rate of avoidable losses among parties in the same set of legislatures as above, this time broken down not only by regime type, but by whether parties are members of government. Not only are avoidable losses more common in presidential than parliamentary systems generally; within presidential systems, they are more common among parties allied with the president than among those in opposition.

Figure 2

RATES OF AVOIDABLE LOSSES AMONG PARTY GROUPS ON LEGISLATIVE VOTES, BY REGIME TYPE AND GOVERNMENT —VERSUS— OPPOSITION STATUS



Source: Carey, 2008b.

Patterns such as those shown in these figures could, of course, be the product of complex combinations of factors. For example, presidential parties tend to be large, and large parties may be less unified than small ones. Omission of such factors from the graphical representations of the data could lead us to mistaken inferences. However, multivariate analyses using multi-level models to account for the nesting of party groups within legislatures confirm that, other things equal, Rice Indices are lower in presidential systems by a full standard deviation (.19) and that parties in government in presidential systems suffer avoidable losses on nearly 1% more votes than opposition parties in presidential systems – a considerable difference when the mean level of avoidable losses across all parties in presidential systems is 1.6% (Carey, 2008).[1]

[1] The analogous rate in parliamentary systems is .8%.

All this is in contrast to parliamentary systems, where participation in government is a legislative asset rather than a liability. For example, the larger the share of legislative seats a party holds, the greater share of votes it can be expected to win, whether in parliamentary or presidential systems. But in parliamentary systems, parties in government reap a 25% bonus in win rate, above whatever they may be expected to win based on seat share. In presidential systems, there is no such bonus – once seat shares are controlled, the win rates of government and opposition parties are statistically indistinguishable (*idem*).

Why are parties weaker in presidential systems, and why are government parties under presidentialism weaker than one might expect? First, virtually all modern democratic politics is organized along party lines, such that most legislators are subject to the demands of party leaders within their assemblies. Under parliametarism, these same leaders control the executive when in government, and so wield an expanded set of tools (greater rewards, stronger punishments) to encourage party unity. Under presidentialism, by contrast, when a party controls the executive, there is no guarantee that the resources of the executive will be used to reinforce the direction of party leaders in the legislature. They might, but it is not uncommon for popularly elected presidents to conflict with their own parties, or parts of them. When they do so, the president pulls legislative copartisans in the opposite direction from legislative party leaders, dividing parties and coalitions.

III. The strong party ideal and its critics

Is the disruption to party unity caused by presidents unequivocally a bad thing? The prevailing current of academic reasoning on party government would suggest it is, although the judgments citizens, and of politicians themselves, are more difficult to discern.

The normative desirability of strong party government is often taken as axiomatic among academics. In 1950, the American Political Science Association published a widely read report urging reforms to strengthen the two major U.S. parties in the name of enhancing collective accountability, or what the APSA called “responsible party government”. In doing so, the APSA was itself hearkening back to a vision of party-led parliamentary government espoused almost a century earlier by British

journalist and scholar, Walter Bagehot (1867). As the APSA put it: "An effective party system requires, first, that the parties are able to bring forth programs to which they commit themselves and, second, that the parties possess sufficient internal cohesion to carry out these programs" (1950,1).

The norm is even more widely held among academic observers of legislatures outside the United States. A recent study of discipline in parliamentary systems opens with the premise that:

> The maintenance of a cohesive voting bloc inside a legislative body is a crucially important feature of parliamentary life. Without the existence of a readily identifiable bloc of governing politicians, the accountability of the executive to both legislature and voters falls flat. It can be seen, then, as a necessary condition for the existence of responsible party government (Bowler *et al*., 1999, 3).

The call for strong parties is familiar as well among students of presidentialism. Wrapping up a broad survey of the state of political parties in Latin America in the 1990s, Mainwaring and Scully lamented the apparent indifference of presidents to cultivating strong parties (1995, 473 y 474):

> As electoral democracy becomes accepted as *the* mode of forming governments in most Latin American countries, and as the enormous costs of weak party systems become apparent, perhaps leaders will pay more attention to the challenge of building democratic institutions and will govern through parties and with them. Without a reasonably institutionalized party system, the future of democracy is bleak.

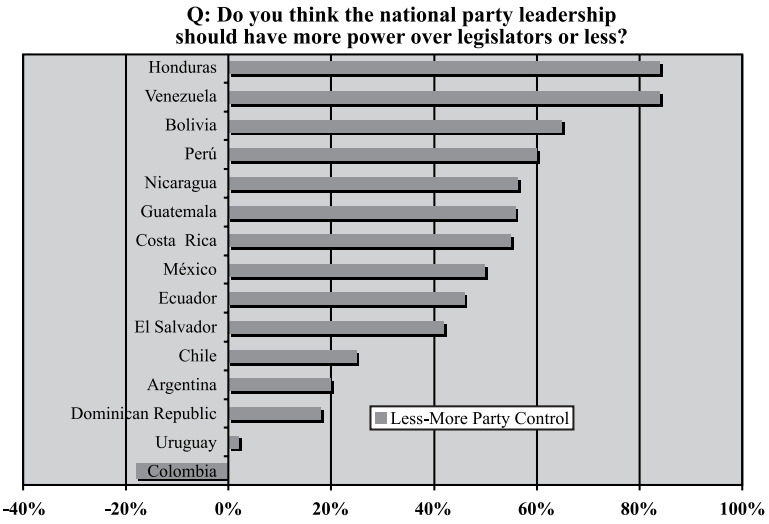
In short, strong parties are widely held in high academic esteem, particularly because academics tend to value the collective brand of accountability that only strong parties can deliver – the ability to articulate national policy programs during campaigns, pursue them while governing, and ultimately be judged by voters according to the results of those policies.

Outside the academy, however, the normative ideal of collective accountability confronts some measure of skepticism, at least with regard to legislative representation. Many political reformers subscribe to the idea that accountability of individual politicians to citizens must be enhanced even if doing so undermines the strong-party ideal. Throughout Latin America,

a number of political reform efforts in recent years have aimed to disconnect legislators from national party leadership when the demands of leaders conflict with responsiveness to local constituencies (Carey, 2003). Reform advocates describe popular disenchantment with disciplined parties directed by leaders who are insulated from punishment by voters (Rachadell, 1991, 207-28; Mayorga, 2001). Moreover, when surveyed on the matter, legislators from throughout Latin America indicated strong preferences for less control over their actions from their parties, and greater discretion to pursue the interests of voters from their districts. Figure 3 shows the difference between the percentage of legislators preferring stronger party control to greater individual discretion over legislative decisions, across 15 Latin American legislatures in the early part of this decade.

Figure 3

PREFERENCES FOR MORE, OR LESS, CONTROL BY NATIONAL PARTY LEADERSHIP AMONG LEGISLATORS IN LATIN AMERICA



Source: Proyecto Elites Parlamentarias Latinoamericanas 2006.

Measuring citizen opinion about the proper balance between strong parties and independence among individual politicians is difficult, as region-wide public opinion data do not exist. Nevertheless, some surveys tap into the issue, as do data from elections in countries where ballots offer voters the choice of casting a party or an individual preference vote. These eclectic sources support the proposition that there is a reservoir of public support for independence from party discipline. In a rare public opinion poll addressing the matter of legislative individualism directly, 1,505 Chileans were asked in 2007 whether, in general, deputies and senators in Congress ought to vote according to their own preferences or the preferences of their parties. Nearly twice as many respondents (50%) wanted legislators to vote their own preferences rather than with their parties (28%) (Centro de Estudios Públicos, 2007).[2]

A 2006 survey in Bolivia tapped into the same sentiment, albeit indirectly, during the lead-up to elections for a constituent assembly, which was widely expected to declare itself sovereign and appropriate the powers of the existing legislature. In this context, 3,013 Bolivians were asked how members of such an assembly should be elected. The options included: by political parties; by citizens groups; by indigenous groups; by labor unions; by municipal committees; in single-member districts; and none of the above.[3] The two alternatives with which survey respondents were most familiar were by parties, and in SMDs, because Bolivian democracy used closed party list PR elections up through the mid-1990s, and a mixed-member system combining SMDs with closed-list PR thereafter. Of these two options, SMDs are widely associated with individual-level accountability and election by parties with collective accountability. More than twice as many survey respondents preferred election in SMDs (19%) to election by political parties (7%) (Seligson *et al*., 2007, 106 y107).[4]

Finally, consider that, in the current decade, both the Dominican Republic and Colombia adopted ballots that allow voters the option of casting a preference vote for an individual candidate or endorsing a single slate

[2] Another 11% each said it depended on the circumstances, or offered no opinion.

[3] The menu is, admittedly, a bit ambiguous, in that the details of selection within these groups were not spelled out.

[4] The plurality choice was by citizen group (34%), with municipal committees (11%), indigenous groups (6%), unions (5%), and no opinion (15%) filling out the pack.

presented by their party.[5] Given the choice, voters overwhelmingly used the individual candidate preference vote. In the Dominican Republic's 2006 election, its first with the preference vote, 80% of voters exercised that option (Morgan *et al*., 2006, 135). Colombian ballots first offered the preference vote in 2005, and 80% of voters used it there as well (Shugart *et al*., 2006, table 7.9). In Brazil, which has offered the list-versus-preference option longer, between 82-92% of voters exercised the preference vote option in elections from 1990-2002 (Nicolau, 2007, 108).

IV. What sorts of legislatures and parties?

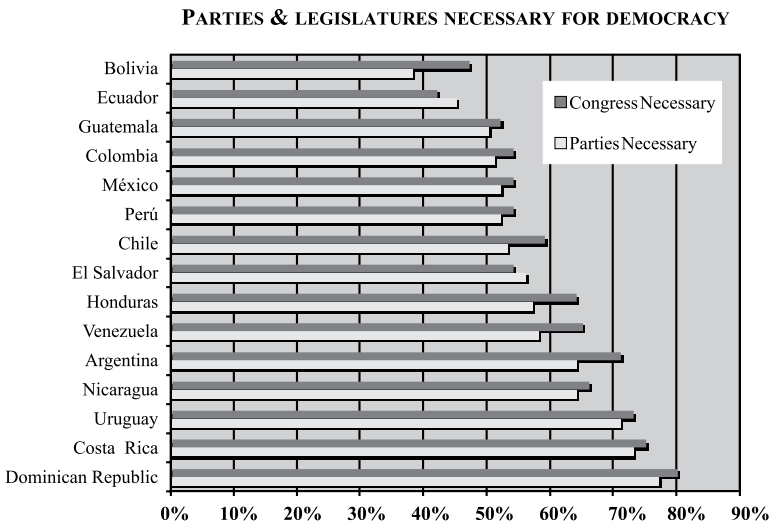
There is clearly a trade-off between demanding that legislators toe the party line, and allowing copartisans flexibility to respond to the diverse interest of voters. Academic observers of Latin American politics often call for stronger parties, but contemporary political reformers, legislators, and citizens demand more —not less— independence of legislators from central party leaders. Are these apparently competing demands irreconcilable?

First, it would be misguided to conclude that the strongest presidency possible —that is, one that might disrupt party unity most thoroughly— would be an asset to democracy. Notwithstanding support for legislative individualism, public opinion in Latin America still regards parties as central to democracy. In the Latinobarometro 2006 series of polls, an average of 55% of survey respondents across 15 countries subscribed to the idea that democracy is not possible without parties. As Figure 4 shows, an even larger proportion, 59%, supported the statement that democracy cannot exist without a legislature.

[5] The Dominican Republic previously used closed list PR. Colombian lists were also closed, although each party was allowed to present multiple lists, injecting substantial individualism into Colombian elections.

Figure 4

PERCENTAGE OF SURVEY RESPONDENTS WHO REGARD POLITICAL PARTIES (BLUE) AND A LEGISLATURE (RED) TO BE NECESSARY FOR DEMOCRACY

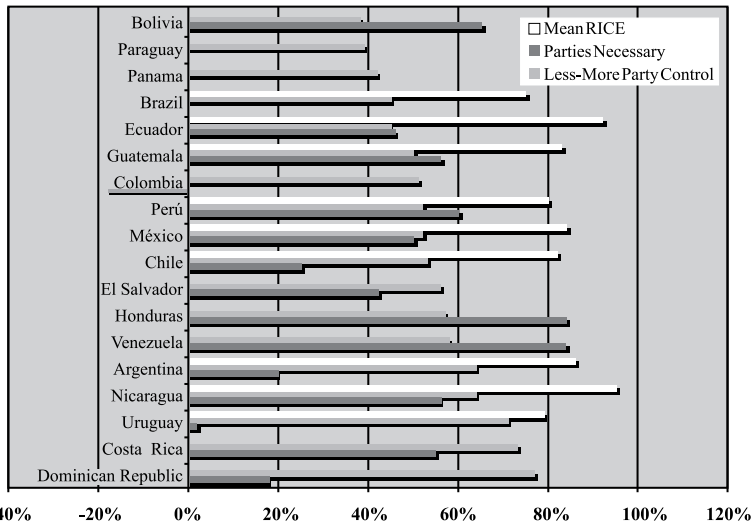


Source: Latinobarómetro, 2006.

So Latin American citizens are largely committed to political parties as vehicles for political representation —and to legislatures, which are the "natural habitat" of parties— even while they regard parties and legislatures with deep suspicion (Latinobarometro, 2007, 94). Perhaps more interesting, public support for parties in principle appears to be uncorrelated with party strength. Figure 5 juxtaposes citizen commitment to the importance of parties (with countries ranked from least to most) with legislators' expressed desire for less control by party leaders, and with RICE indices of party voting unity, where available. The graph suggests no relationship between citizens' support for parties in principle and either legislators' predisposition toward party discipline or demonstrated levels of voting unity.

Figure 5

PARTIES NECESSARY FOR DEMOCRACY CONTRASTED WITH LEGISLATORS' DESIRE FOR LESS PARTY CONTROL, AND RICE INDICES OF PARTY VOTING UNITY



Sources: Latinobarómetro, 2006; Proyecto Elites Parlamentarias Latinoamericanas, 2006; Carey, 2008b.

V. WHAT SORT OF PRESIDENT?

Most citizens want some measure of party representation and also for legislatures to be active participants in democratic politics, while at the same time harboring doubts about party discipline and too much centralization of power within parties. Are there implications for how presidential powers ought to be configured? I suggest that presidents can best complement legislative representation when their powers encourage deliberation within legislatures rather than adversarial bargaining between the branches. An example, involving the most common of formal presidential powers, illustrates this point.

Aleman and Schwartz (2006) provide a comprehensive review of the scope of veto powers across 18 countries according to the:

- Threshold for legislative override.
- Existence of a deletional veto.
- Existence of a constructive veto.

A deletional veto allows the president to reject part of a bill while enacting the rest. A constructive veto allows the president to offer an amended version of a bill to the legislature.[6]

One of the key insights from Aleman and Schwartz's analysis is that greater formal veto powers can discourage inter-branch compromise, even when such compromise outcomes would be preferable to the president than no legislative action at all. In particular, configurations of veto power that prevent presidents from tampering with compromises struck within the legislature tend to produce outcomes preferred both by legislative majorities and by presidents. By contrast, veto powers that allow presidents to pull apart intra-legislative bargains discourage legislative action and promote deadlock between the branches.

Aleman and Schwartz (2006) provide a wealth of insight into institutional design and bargaining strategy, but the general point can be illustrated with a simple example comparing legislative-executive bargaining under the deletional veto with bargaining under the most constrained form of veto – one that allows a president either to accept or reject a bill in its entirety.

Imagine a legislative majority confronting a president, and deliberating over a legislative proposal that has two potential parts – an administrative reform, for example, some elements of which (A) affect the organization of the judiciary and other elements of which (B) affect the central bank. Table describes each branch's preferences over alternative policies.

[6] In the presence of a constructive veto, constitutions further stipulate whether presidential counter-proposals are subject to privileged legislative procedures – for example, whether they are automatically approved unless rejected by a legislative majority, or whether the legislature must vote on the counter-proposal before considering other variants of the bill.

Table

HYPOTHETICAL LEGISLATIVE AND PRESIDENTIAL PREFERENCES

	Legislative Majority	*President*
1st Choice	AB	A
2nd Choice	Ø	AB
3rd Choice	A	Ø
4th Choice	B	B

A legislative majority consisting of advocates of (A) and advocates of (B) has agreed to a comprehensive reform bill (AB), but neither subgroup would support reform on just one dimension without the other. Thus the majority prefers no action (Ø) to either (A) or (B) alone. Like the legislative majority, the president prefers comprehensive reform to no action, although her ideal would be to reform the judiciary (A) while leaving the central bank alone.

If the legislature sends the comprehensive reform to the president, the president can use the partial veto to "unpack" the bill, promulgating only (A). Anticipating this, and preferring (Ø) over (A), the legislature should take no action. By contrast, if the president were armed with a package veto —one that allowed her only to accept or reject the reform bill in its entirety— the legislature would pass (AB), the president would approve, and both actors would be better off. In this instance, the more sweeping power of the partial veto discourages compromise that would make both branches better off.

VI. CONCLUSION

Presidentialism presents a particular challenge insofar as the very existence of a popularly elected chief executive complicates the legislative bargaining environment. Scholars and citizens concur that political parties and legislatures are essential cornerstones of democracy; yet surveys suggest that citizens, and politicians, are circumspect about strong party discipline. This difference may account, in part, for the trend in recent decades toward presidentialist constitutions, despite widespread academic reservations (Linz, 1994; Valenzuela, 1994; Lijphart, 1999; Gerring

et al., 2005). On democratic grounds, there is a gut-level attractiveness to allowing for popular election of the chief executive – and presidentialism's more fractious parties may be widely regarded as an asset, rather than a drawback.

That said, the reservoir of commitment to parties and legislatures suggests against designing presidencies that can effectively dictate policy. The strength of legislatures is that they are public forums for deliberation and compromise. Parties, in turn, are essential to resolving the collective action problems that can afflict legislative decision-making (Carroll *et al*., 2006). The challenge of institutional design in presidential systems is to provide for a presidency that can co-exist with legislative parties without marginalizing them or undermining them completely.

Presidential decree powers can be particularly dangerous in this latter regard, tempting presidents to by-pass legislatures altogether, but in so doing undermining transparency and, quite likely, policy stability (Ferreira Rubio and Goretti, 1998; Parrish, 1998; Power, 1998). Vetos can be configured to foster bargaining, but also to deter it (Aleman and Schwartz, 2006). Presidential authority over budgets may be effective as a means of limiting overall spending (Baldez and Carey, 1999), but allowing legislatures to determine the distribution of funds across programs, within some ceiling determined by the president, can foster compromise and also take advantage of legislators' responsiveness to constituents' particularistic demands (Carey, 2000). The ideal, therefore, must be for presidential powers that foster legislative deliberation and bargaining between the branches rather than discouraging or replacing them.

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