Patterns of Executive-Legislative Conflict in

Latin America and the U.S.*

a dissertation in progress

by

Eric Magar
Department of Political Science
University of California, San Diego
La Jolla, CA 92093-0521
emagar@weber.ucsd.edu

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(Vetopol6.) *Comments very welcome.*

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Dept. of Political Science, UCSD
Mentors: Gary W. Cox and Paul W. Drake

Abstract: Are there predictable patterns in executive-legislative conflict in Latin American democracies? I make a theoretical argument in favor of the existence of such patterns, just as they have been found in the U.S. I explain the occurrence of conflict between the president and Congress with three factors: the institutions governing relations between the executive and legislative branches; the profile of preferences among those who play by these rules; and the imperative of position-taking among elected officials. I am in the process of retrieving information about executive-legislative policy-making in Latin America and in U.S. states in order to construct tests of my theoretical argument.

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Introduction

Is the form of government prescribed by the constitutions of Latin America's nations the reason why they have frequently fluctuated between democracy and dictatorship over the last 70 years? Explaining this recurrent authoritarian tendency has remained a distinguished agenda among Latin American specialists—and political scientists more generally—for, at least, the last four decades (see, e.g., Lipset 1959; Huntington 1968; O'Donnell 1973; Linz and Stepan 1978; Cohen 1994). A prominent literature in the field of comparative politics, largely associated with the figure of Juan Linz, has recently argued that *presidentialism*—the separation of power characteristic of the region's governments—is at the root of Latin America's sadly famous tendency toward democratic breakdown (see Linz 1990; as well as the collection of essays included in Linz and Valenzuela 1994).

A tale of two stories and a contradiction. A presidential constitution differs from a parliamentary one in that the executive and legislative branches of government are both popularly elected, and in that they each have a fixed term of office. Linz (1994) has hypothesized the destabilizing potential of this combination. On the one hand, the separate election of the president and the assembly engenders a system of "dual democratic legitimacy" (p. 6) which makes divided government and policy gridlock an

open possibility. On the other, this dysfunctional duality is worsened by fixed terms causing the system to become inherently "rigid" (p. 7) in face of executive-legislative conflict. In the absence of a constitutional mechanism to overcome deadlock and the resulting immobilism in policy players are tempted to break the rules, opening the door to military intervention (see also McCoy 1971; Suárez 1982; Núñez 1985). In short: separation of power, by permitting deadlock to occur, spells democratic breakdown.

The Linzian explanation raises an interesting puzzle when considered from the perspective of another prominent body of literature which argues Latin America is a land with a strong man tradition, and this trait is the origin of many political peculiarities, including a propensity to democratic breakdown. "No appraisal of the democratic and liberal character or operation of a regime of this nature should be based on the effectiveness of congressional checks on the president's broad powers. Such a criterion, which is valid for the United States, is not for Latin America" (Lambert 1971, p. 19; see alsoTena Ramírez 1949; Jorrín 1953; Mecham 1959; Anderson 1967; Carpizo 1978). Stories of executive predominance are abundant in textbooks and research published thirty five years ago—some do not hesitate in depicting Latin American presidents as "viceroys" (Scott 1958, p. 291), "monarchs" (Edelmann 1969, p. 410), or even "czars" (Pierson and Gil 1957, p. 225).

A conundrum. The puzzle lies in that separation of power cannot simultaneously be (a) mere democratic window-dressing covering an authoritarian reality of presidential predominance, as suggested by the strong man tradition literature, and (b) problematic because operating too well too often, hence frequently depriving the president of

legislative support to govern, as suggested by the institutional corpus of literature. This contradiction, highlighted by Mainwaring (1990) some years ago, generates the research questions that guide my dissertation.

Research questions. Is the separation of powers a real, functioning, part of Latin American political systems, or is it just for show? If this part—dear to Montesquieu (1748) and to Madison (1788)—is real, what effects does it produce? If the fundamental constitutional provisions serve more than "a decorative function in a *caudillo*'s palace" (Lambert and Gandolfi 1987, p. 399) then executive-legislative conflict should follow systematic patterns produced by the necessity of bargaining between an executive and a legislature that are independent from each other. Ample evidence of these systematic patterns has been found in other systems of separation of power: the U.S. and its states (see, e.g., Cox and Kernell. 1991; Alt and Lowry 1994; Poterba 1994; Cameron 1996). Is Latin American separation of power fundamentally different from the system that inspired it 180 years ago? To what extent can we consider North and Latin American political systems to be alike?

Research proposal. One approach to answering these research questions is to explicitly model the separation of powers, predict patterns of conflict under different conditions, and test with evidence from relevant empirical referents. This is the path that I follow. The dependent variable throughout my dissertation is *the incidence and nature of executive-legislative conflict*. I pay attention to three classes of explanatory factors of this phenomenon. Firstly, the formal rules that govern policy making in different systems

of separation of power (cf. Shugart and Carey 1992; Mainwaring and Shugart 1997b), in particular the rules that govern the rejection of legislative proposals made by the other branch (legislative and executive vetoes) and rules that establish means to overcome such rejections (executive decrees and veto overrides). Secondly, the alignment of preferences among those who play by these rules (cf. Cox and McCubbins n.d.; Mainwaring and Scully 1995), particularly the partisan composition of the branches. Thirdly the impetus of elected officials towards position-taking (cf. Mayhew 1974), in particular the urgency raised by nearing elections to advocate and loudly voice policy positions palatable to constituents. I will be interested in testing the extent to which these three classes of factors shape the occurrence of executive-legislative conflict in systems of separation of power in the Americas. Formal rules, the partisan alignment, and the electoral timetable thus become the specific details of strategic game forms allowing me to draw testable predictions.

The *Systematic Effects hypothesis*. Presidents should veto a bill when that veto might be sustained, or to stake out an electorally advantageous position; otherwise, the assembly gets its way, through threatened or actual override. Assemblies should veto when they might succeed, or to stake out an electorally advantageous position; otherwise, the president gets his way, through threatened or actual decrees. Vetoes should vary systematically with veto override requirements, with the strength in the incentive to advertise a position, with the partisan profile of the branches of government, with each side's uncertainty about the other's preferences, and so forth. All of these sorts of patterns have been found in the U.S., where democracy is the 'only game in town' and

politicians for the most part play by the rules. Does 'real politics' in Latin American systems flow around or behind the separation of power, so that the sort of careful and systematic navigating around vetoes that one observes in the U.S. is unnecessary, hence unobserved?

The empirical scrutiny. I will rely on two sources of evidence to test the theory from which I draw my hypothesis. I have begun working on a cross-sectional cut of different presidential systems, pooling together information from U.S. states and Latin American governments. Cross-sectional data will offer variation in all the different explanatory factors highlighted above—institutions, preferences, electoral timing—and, as such, should offer enough leverage to evaluate operational versions of the Systematic Effects hypothesis. Moreover, a cross-section of this nature should allow me to give a preliminary assessment of the similarity between North and Latin American systems of separation of power.

The unit of analysis for the cross-section is a legislative period, with information aggregated for a specified time period—data such as number of bills introduced; number passed; number vetoed; number of vetoes overridden; etc. This information is readily compiled for the U.S. states; for Latin American nations it can be gathered through archival research, from the *diarios de sesiones*, *diarios oficiales*, and related publications from different nations—many of which may be retrieved from U.S. libraries, at least in microfiche format.

My second source of evidence will be a couple of case studies, Chile and Argentina, to complement the somewhat coarse (and, unfortunately, incomplete) cross-

sectional information. Longitudinal cuts of the legislative process in a couple of cases will uncover bargaining episodes offering substantive empirical content to produce interesting legislative histories. This will bring more flesh to the skeletal spatial model I devise in my dissertation, allowing to highlight actual instances of conflict and cooperation between real presidents and the legislative majorities they faced at the time.

The motivation to pay attention to Chile and Argentina is the following. In Chile I will try to reconstruct what was occurring in the legislative front during the presidency of Salvador Allende, whose socialist government was overthrown by a military coup in 1973. One can hardly find a setting involving more tension than the three *Unidad Popular* years in Chile: the coup culminated a long-term process of increasingly centrifugal tendencies which led party system and social groups to extreme levels of polarization (see the excellent recount of this process in Valenzuela 1978). As such, this period represents a crucial case to study executive-legislative relations. Anecdotes of continuous and augmenting struggles between the president and the fractionalized Congress have been detailed by many (see, e.g., Valenzuela and Wilde 1979; Faúndez 1988; Kaufman 1988); yet no one, to my knowledge, has carried a systematic reconstruction of the legislative battles over policy in this crucial period.

The motivation behind Argentina's selection as a case study is that it offers a nice setting to compare executive-legislative relations under unified and divided government. I plan to collect data to compare legislation bargaining between the 1989-1997 period— when president's party enjoyed a majority in both houses of Congress—and the 1997-1999 period—when the unified opposition captured control of the lower house. The fact that the presidency remained in the hands not only of the same party—the *Justicialista*—

but the very same person—Carlos Saúl Menem—serves as a control for the purposes of my comparison.

Case studies will offer instances in which two different sets of institutions are held constant, while the other two explanatory factors—preferences and the electoral timing—are followed in their variation. Field trips to collect this evidence are still a project: I have requested funds to retrieve this information in the coming Summer or Fall.

The unit of analysis for the case studies will be individual bills introduced in the legislature. The data I aim to collect includes, among other indicators of conflict and cooperation between the branches: Who introduced the bill? What was the nature of the bill? What series of amendments did it suffer as it proceeded through the legislative maze? Who supported and opposed the bill in committee and in the floor? Under what rules was it voted? Did the president threaten to veto certain versions of bills if passed by the legislature? Did he actually veto? Did the assembly threaten to override a presidential veto? Was it successful? I plan to concentrate my attention on bills introduced in Congress by the executive and how the president reacted as his bill evolved in different environments. This kind of information should be available at the archives of the *Biblioteca del Congreso Nacional* in each proposed country. (I present, in an appendix to this introduction, a more detailed list of indicators of inter-branch conflict and cooperation that I can collect during my field trips.)

Why focus on executive bills? One peculiarity of Latin American systems is that the president introduces a significant—though variable—portion of bills in Congress (see, e.g., Baker 1971; Siavelis 1998; Amorim Neto 1998; Power 1998). Another documented fact is that Latin American presidents do use their veto faculty, though

frequency of usage is—even more so—variable (Valenzuela and Wilde 1979; Molinelli 1991; Jones 1994b; Morgenstern 1996, who else?). And there are some reports that vetoes sometimes involve bills they themselves introduced in the legislature (Mustapic 1998, who else?).

Why would a president veto a bill introduced by himself? One reason is that the president changed his mind since the bill was introduced (Menem seems to have done this recently on a few occasions in Argentina, see Mustapic 1998). Another reason is that the bill was delayed by the legislature, and by the time it came to the president's desk for signature it was outdated—or, in an extreme setting, perhaps even a predecessor had introduced it. A third reason is that the original bill was mutated beyond recognition by the legislature. The second and third explanations (for which see, e.g., Jones 1994b; Amorim Neto 1998) make the legislature a meaningful player in the policy-making process. A study of this nature should prove very informative about the policy-making process in Latin American political systems.

My dissertation stands at the intersection of two major academic avenues in contemporary political science. On the one hand, there is a notable literature in the field of American Politics concerned with the consequences (however defined) of Divided Government in the U.S. (e.g. Cox and Kernell. 1991; Alesina and Rosenthal 1995). On the other, a growing tradition in the field of Comparative Politics, initiated with the work of Shugart and Carey (1992) and continued in Mainwaring and Shugart (1997a) and in Carey and Shugart (1998), is aimed at understanding how the institutional differences between presidential regimes affect their performance (however defined). In both

avenues the original emphases in the perverse consequences of divided government in the U.S. (e.g. Sundquist 1986) and presidentialism in Latin America (e.g. Linz 1990) have been followed by important critiques reaching more agnostic conclusions. Revisionism in the American side of the literature, however, is much more advanced than in Comparative Politics. My dissertation seeks to apply some of the lessons of the former to a comparative endeavor.

An important literature connects executive-legislative deadlock and democratic breakdown in Latin America. Our understanding of this connection is still pretty vague—if anything, the relation is not deterministic but a probabilistic one. I aims to shed some new light onto this obscure connection, hopefully improving our understanding of the occurrence of democratic breakdown, through a more complete knowledge of policy bargaining in separation of power regimes.

Road map of the construction site. What follows is a series of building blocks for the construction of my argument. I briefly describe each chapter in this series. For some chapters I have completed a draft, others are still projects of which I provide a rough sketch only.

In chapter 1 I talk about deadlock and inter-branch bargaining, making a critical assessment of the recent literature on executive-legislative relations in Latin America. I claim that deadlock—the recurring theme through this literature—should not be interpreted necessarily as an end-of-the-game occurrence followed by open fighting between the branches. Analysis is more fruitful if deadlock is construed as a bargaining

phenomenon, as a chip used by presidents and legislators in their competition for policy concessions. This brings the notions of *genuine* and *fake* deadlock.

Chapter 2 provides a justification for the need to rely on a bargaining approach to deadlock. Using a spatial analogy of politics—a simplified version of the *setter model* (Romer and Rosenthal 1978)—I produce a set of necessary and sufficient conditions for genuine deadlock to occur. This set of conditions boils down to a situation of extreme polarization of the executive and the legislature vis-à-vis the status quo—i.e. a single dominant line of conflict from which players are unwilling to make any concessions or tradeoffs. The restrictive nature of this scenario (possible but extremely unlikely) suggests that genuine deadlock is a pretty rare bird; frequent deadlock actions, I argue, need to be interpreted as part of a bluffing strategy—what I refer to as fake deadlock.

In chapter 3 I introduce the first theoretical contribution of my dissertation. I make the setter model—often used in the analysis of policy bargaining in American politics—capable of representing presidents with different formal power vis-à-vis the legislature. This addition makes this popular model capable of travelling beyond the federal government of the U.S. I introduce a simple framework that summarizes the institutions of veto politics—i.e. the presence/absence of a veto faculty, as well as different requirements to override vetoes—into a simple institutional variable that I call q. I finally show that there is some empirical referent along most of the range of q.

In chapter 4 (with only very preliminary work carried so far) I plan to test some predictions derived from the model using a cross-sectional dataset I described above. I have begun exploring the information for U.S. states. The bulk of the work here still needs to be done.

Chapter 5 (only a rough sketch is included) will make my second theoretical contribution by seeking an explanation for the occurrence of vetoes. The setter model predicts that no veto whatsoever should occur in equilibrium. The reality is, of course, pretty different, since vetoes and overrides are relatively frequent occurrences in many polities. I plan to change the motivation of players from single ('bring policy close to my ideal point') to dual ('publicize my position among my constituents' and 'bring policy close to my ideal point'). At moments these motivations run counter to each other, making legislatures send bills for the president to veto, and making presidents veto bills that will nonetheless be overridden with certainty.

I also include information of budgetary delays, another potential operational dependent variable (see the information towards Chapter 6). Delay in the passage of the appropriations law is one item of information that should not be too hard to obtain, making it a potentially fruitful element of the cross-sectional sample.

The executive veto-legislative override pair is mirrored by the legislative rejections-executive decrees institutional pairing. I began sketching what this side of the argument might look like in Chapter 7.

Appendix. A list of indicators of conflict and cooperation between the legislative and executive powers that I can possibly gather in my field trips. The list is organized in two groups.

Group I: Information concerning the legislative histories of each bill (this is the unit of analysis) in a given period.
(1) History of each bill:
    (a) Who introduced it to which chamber?
    (b) To which committee(s) was the bill referred?
    (c) Was the bill withdrawn, rejected, approved, or did it remain pending?
    (d) Was the bill tagged urgent?
(2) Number of legislative steps taken by each bill.
(3) Full text of each bill:
    (a) What kind of bill was it? Relevance?
    (b) List of amendments it suffers at each step.
(4) Votes in committee:
    (a) Number of ayes, nays, abstentions.
    (b) Who voted for and against?
    (c) What was the composition and chair of the relevant committee(s)?
(5) Votes in the floor:
    (a) Under what rules did voting take place in the initiating and reviewing chambers (*votación económica*, nominal voting, secret vote)?
    (b) Number of ayes, nays, and abstentions in the floor of each chamber.
    (c) Who voted for and against in each chamber?
(6) Resolution of inter-chamber differences:
    (a) What amendments did the bill suffer in the reviewing chamber?
    (b) Who voted aye, nay, or abstained in the *comisión mixta*?
    (c) Who sat on the *comisión mixta*?
    (d) Did the executive intervene in the resolution of inter-chamber differences?
    (e) How did each chamber vote after the *comisión mixta*? ¿Any overrides of one chamber to the other?
(7) Executive response:
    (a) Did the executive issue a veto threat over a bill approved by Congress?
    (b) Did the veto actually occur?
    (c) Were there any attempts to override the presidential veto?
    (d) Who voted in favor or against the override in each chamber?
(8) Full text of each decree (DFL) issued by the executive.
(9) Longevity of each decree:
    (a) Were there cases in which the legislature rescinded or amended an executive decree?
    (b) Was the decree power explicitly delegated by the legislature?
(10) *Tribunal Constitucional* rulings, favorable to whom?

Group II: information concerning the history of each legislature (this is the unit of analysis) in a given period.

(11) Total number of bills introduced to each chamber in a given legislature.

    (a) Percent according to origin: How many bills came from the executive? From each party in the floor?

    (b) Percent according to the committee to which the bill was referred to.

    (c) Percent bills that were withdrawn, rejected, approved, or remained pending.

    (d) Percent according to the type of bill (financial, etc.) and bill relevance.

(12) Percent bills in each legislature that underwent a single legislative step; two steps; three, etc.

(13) Percent bills of executive origin that did not suffer any amendments and became law; minor amendments; major amendments, etc.

(14) Votes in the floor:

    (a) Percent bills in each legislature according to the kind of rule with which they were handled (*votación económica*, nominal vote, secret vote).

    (b) Percent bills approved, rejected, pending.

(15) Resolution of inter-chamber differences:

    (a) Percent bills that went to the *comisión mixta*.

    (b) Percent overrides in the originating chamber after disagreement in the *comisión mixta*.

(16) Executive response:

    (a) Percent bills approved by Congress that were vetoed by the executive.

    (b) Percent vetoes where legislature attempted an overridde.

    (c) Percent successful and failed override attempts.

(17) Number of decrees (DFL) issued by the executive.

(18) Longevity of decrees:

    (a) Percent decrees that were rescinded or amended by the legislature.

    (b) Percent decrees that were explicitly delegated by the legislature.

(19) Number of *Tribunal Constitucional* rulings during the legislature, and outcome.

Two comments may be added. First, if I only obtained information on the first listing (or some of its components) this, on its own, would allow me to reconstruct all the information of the second listing (or the corresponding components); this is not true the other way round. That is, elements in the first listing contain much richer information than those of the second and, as such, are way preferable for me. Second, richness has its tradeoffs. Unless, of course, the information is found in a readily available electronic format, obtaining data in the first listing would require hours and hours of archival work, a luxury I will not be capable of affording during my short trips. Thus, the smaller the volume of electronic sources the more I will have to rely on information of the type listed in the second group.

Chapter 1.—The deadlock of democracy revisited: the safety valves of separation of powers

In this chapter I situate the discussion of executive-legislative conflict under a presidential form of government in the context of separation of powers and the dilemmas it raises for constitutional designers. I claim that a prominent story in the literature (the "*Linzian*" story) grossly oversimplifies presidentialism by stripping it to a game of *pure* veto between a president and an assembly. I depart from Linz's story in two directions. First, I pay attention to the details of presidentialism highlighted by Shugart and collaborators because some of these overlooked institutional details in fact contain the safety valves of the system—features that permit to liberate steam and avoid overheating in the system. Second, I argue in favor of a bargaining approach to executive-legislative conflict and deadlock: players need not be recalcitrant, and can conceivably engage in mutual concessions. Under this interpretation, deadlocking actions by presidents and assemblies, such as threats of veto and actual vetoes, may well be part of a family of bluffing plots focused at getting the larger end of a deal with the other branch. This introduces the notions of *genuine* and *fake* deadlock.

Power: separation or fusion?

In framing a government which is to be administered by men over men,
the great difficulty lies in this: you must first enable the government to
control the governed; and in the next place oblige it to control itself
—Madison (1788, *Federalist* LI).

Political theorists for at least the last two and a half centuries have been seeking institutional devices to constrain the capacity of government to violate the rights of the citizenry. Two famous milestones in this literature, Montesquieu (1748) and Madison (1788), favored separation of policy-making power as an effective formula to curb the all too human inclination of rulers to exploit the ruled—"*il faut que le pouvoir arrête le pouvoir*" suggested the former (p. 163), which the latter translated as "ambition must be made to counteract ambition" (p. 322). Yet these thinkers were also the first to recognize what their detractors have boldly emphasized (e.g. Bagehot 1867; Wilson 1884; Romero 1893): if separation of power results in an increase in the *representativeness* of policy it also implies an inevitable loss in the government's *decisiveness*—"perhaps the central dilemma in democratic theory" claim Cox and McCubbins (n.d., p. 6) in the spirit of Madison's dilemma.

Constitution-writers in the independent nations of the American continent, by following the example set forth by the U.S. at the turn of the 19th century, seem to have valued increased representativeness more than they feared the possibility of governmental indecisiveness. In drafting the institutions of government they chose to include checks and balances in some or all of four common modalities: separation of legislative and executive powers; separation of legislative power between two chambers that represent different constituencies; breaking policy into national and sub-national jurisdictions; and

separation of the enactment from the interpretation of law (Tsebelis 1995, Cox, n.d. #128). In this project I focus attention on one of these checks and balances: the separation of the faculty to pass policy from the faculty to enact it into law.

Separation of executive and legislative powers gives each branch of government a veto of some sort over the actions of the other: change in policy requires simultaneous acceptance by both branches. Many students of comparative politics have taken issue with this feature that distinguishes presidential systems from their parliamentary counterparts.

Deadlock and the perils of presidential democracy

Linz (1990) rejuvenated the question of constitutional engineering by emphasizing the existence of a logical and empirical connection between a constitutional choice—presidentialism—and the poor record of stability among most Latin American democracies, yielding the disputed claim that new democracies should opt for a parliamentary form of government instead. This is the debate about the perils of presidentialism, a debate well represented on one side by the collection of essays included in Linz and Valenzuela's *The Failure of Presidential Democracy* (1994) and on the other by the essays collected in Mainwaring and Shugart's (1997) *Presidentialism and Democracy in Latin America*.

On the logical side argumentation begins with the presentation of two crucial differences that, in combination, distinguish a parliamentary government from a presidential one (cf. Lijphart 1984, pp. 68-69). First, in presidential governments the executive—almost always called the president—is elected for a fixed, constitutionally prescribed term of office, whereas in parliamentary forms of government the executive—

most often called the prime minister—and his or her cabinet are dependent on the confidence of the legislature and can be dismissed from office by a legislative vote of no confidence. Second, presidential executives are popularly elected, whereas parliamentary ones are selected by a majority of legislators and are subject to their continued confidence.

Linz hypothesized the destabilizing potential of this combination. The separate election of the president and the legislature results in a system of "dual democratic legitimacy" (1994, p. 6) which opens a margin for each arm of government to advocate a different policy purpose. To make this dysfunctional duality worse, fixed terms render the system inherently "rigid" (p. 7) in face of conflict between the executive and the legislature.

In short, critiques of presidential democracy revolve around the notion of executive-legislative *deadlock* (cf. Lijphart 1984, p. 76). Separation of the authority to make policy among the branches of government opens the possibility of stalemate or immobilism whenever branches disagree.[1] Once the policy-making process is deadlocked, the argument proceeds, each branch of government is tempted to impose its

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[1] The literature seems to use the following terms interchangeably: *deadlock* Lijphart, Arend. 1984. *Democracies: Patterns of Majoritarian and Consensus Government in Twenty-One Countries.* New Haven: Yale University Press.
Shugart, Matthew Soberg, and John M. Carey. 1992. *Presidents and Assemblies: Constitutional Design and Electoral Dynamics.* Cambridge: Cambridge University Press., *stalemate* Linz, Juan J. 1994. "Presidential or Parliamentary Democracy: Does it Make a Difference?" In *The Failure of Presidential Democracy: Comparative Perspectives*, edited by J. J. Linz and A. Valenzuela. Baltimore: Johns Hopkins University Press., *gridlock* Krehbiel, Keith. 1996. "Institutional and Partisan Sources of Gridlock: A Theory of Divided and Unified Government." *Journal of Theoretical Politics* 8 (1):7-40.
Brady, David W., and Craig Volden. 1998. *Revolving Gridlock: Politics and Policy from Carter to Clinton.* Boulder: Westview., *impasse* [e.g. \[Valenzuela, 1994 #37; *], *immobilism* [e.g. \Mainwaring, Scott. 1990. "Presidentialism in Latin America." *Latin American Research Review* 25 (1):157-179.
Cox, Gary W., and Mathew D. McCubbins. n.d. "Political Structure and Economic Policy: The Institutional Determinants of Policy Outcomes." In *Political Institutions and the Determinants of Public Policy: When Do Institutions Matter?*, edited by S. Haggard and M. D. McCubbins: Forthcoming..

preferred policy unilaterally, in an effort to bypass the opposition of the other. Should they be followed, these anti-constitutional impulses may well prompt the military to intervene as a referee, shutting off the democratic game.

On the empirical side of the debate the most ambitious investigation of this connection has probably been carried by Stepan and Skach (1994). Their study uncovered a significant correlation between presidential constitutions and democratic breakdown in a large cross-section of countries, with appropriate controls for other relevant factors. This finding has been downplayed by Shugart (1995), on the grounds that the evidence presented by Stepan and Skach is flawed by a problem of selection bias. The omission of many (existent) cases of failed parliamentarism rigs the contest against presidentialism. Samples typically fail to include cases before 1945, or restrict attention to Latin America, thereby placing temporal or geographical restrictions on the sample that thwart its representativeness. Cases such as those of Italy, the Weimar Republic, and the Spanish Second Republic in the 1920s and 30s, the French Fourth Republic in the late 1950s, Greece, Turkey, and some African nations in the 1960s—all cases of the failure of parliamentary democracy—are typically omitted from the empirical debate.

If the cross-sectional evidence in the literature is questionable, several case studies have sought to bring support to the hypothesis that executive-legislative conflict is a crucial factor in triggering military intervention and democratic breakdown in Latin America. Valenzuela (1994), for example, has asserted that in Chile in 1970-73,

> Allende as a minority president was incapable of structuring a majority coalition in the parliament to implement his policies and yet was able to make use of ample executive authority to implement many of his measures. When the legislature balked at cooperating with the president, reacting strongly to what they viewed as a clear usurpation of executive authority, Chile's presidential constitution provided

> no mechanism to resolve the impasse except to wait for the next election in hope that the voters would provide a solution… [Had Chile been parliamentary,] rather than facing increased polarization, which reduced the scope of moderate politics, the centrist leaders would have had much more leeway and the system as a whole would have had institutional solutions for resolving political deadlock. In Chile, the logic of presidentialism in a minority government simply led to a spiral of polarization that left the country with little alternative to a military coup (p. 136).

In another example González and Gillespie (1994) relate that the factionalization of the two major parties in Uruguay

> precluded the formation of stable legislative majorities. This was indeed the case before the 1933 and 1973 democratic breakdowns… The resulting deadlock may pose a serious risk for democratic stability; the Uruguayan experience illustrates some of those circumstances. The country's two democratic breakdowns occurred when men of weak democratic faith became president. Although these men had the direct personal support of only a quarter of the electorate or less, they felt that the system blocked their presidential rights and duties and began to ignore the rules, opening the road to authoritarianism (p. 166).

These and several other case studies are all telling the same 'Linzian' story I presented above, for different presidential systems: e.g. Brazil (Santos 1986); Peru (McCoy 1971; Kenney 1998); *others?. The typical Linzian story lacks a precise definition of deadlock, but I do not think it is unfair to say that all have a common meaning for the term. It may be defined as follows: *Deadlock arises when the status quo cannot be replaced by an alternative policy because the president objects any change acceptable to the legislature, and vice versa*. With this definition the Linzian story can be reduced to one claim commonly found in the comparative literature on executive-legislative relations: Separation of policy-making power among the branches of government, by allowing deadlock to occur, has (more) often led to democratic breakdown.

The pressure boiler and the safety valves

The Linzian story does not elaborate the institutional details on which it rests, explicitly omitting them to keep the argumentation at a general level:

> Without going into the complexities of the relationship between the executive and the legislature in different presidential regimes, the relative dangers of predominance of one or the other, and the capacity to veto or stalemate decisions on legislation, there can be no doubt that presidential regimes are based on a dual democratic legitimacy… (Linz 1994, p. 7).

On the other side of the debate, one of the principal claims of Shugart and Carey (1992)—who look at various dimensions in which presidential regimes differ—and of Mainwaring and Shugart (1997b)—who analyze the array of different legislative powers that presidents have—is that one cannot really understand if this double legitimacy is problematic, and to what extent, without paying attention to these details.

It is not difficult to flesh out the (somewhat) implicit institutional scenario without doing an injustice to the Linzian story. The detractors of presidentialism seem to have in mind a sort of *pure dual veto game* between the executive and the legislative branches. The president and the legislature are in a position to veto the decisions of one another and, whenever deadlock arises, there is no mechanism to break the resulting immobilism in policy.

A good analogy for the system of policy-making portrayed in the Linzian story seems to be a pressure boiler with no safety valves.[2] Opposition between the executive and the legislature puts the system under pressure, and pressure increases the longer the branches maintain a disagreement about legislation. In the absence of constitutional

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[2] This evocative analogy was suggested to me by Gary Cox.

safety valves—mechanisms to shut off the system in case of recalcitrance between the branches of government—the only way to bring pressure back to control is by reaching an agreement between the branches. If no such agreement is reached then the whole system eventually blows up in a democratic breakdown. Unfortunately, for various reasons, it has not always been possible for the branches to reach an agreement in Latin America. Linz's (1994, p. 7) terms are pretty suggestive of this pressure boiler with missing safety valves:

> who, on the basis of democratic principles, is better legitimated to speak in the name of the people: the president, or the congressional majority that opposes his policies? [C]onflict is always latent and sometimes likely to erupt dramatically; there is no democratic principle to resolve it… It is therefore no accident that in some of those situations the military intervenes as *"poder moderador"*.

Opposition between the legislature and the executive regarding policy is a common enough occurrence in any democracy. Parliamentary democracies, Linz argues, are at an advantage because they feature a safety valve to avoid accidents. When executive-legislative pressure becomes sizeable in a parliamentary system, the prime minister loses the support of the majority that sustains him or her in the legislature, leading to a vote of no confidence or to new elections. This government crisis reunifies policy purpose between the executive and the legislature, 'depressurizing' the system. This constitutional safety valve brings pressure back to normality, hence avoiding the meltdown of democracy.

The truth is, however, that presidential systems in fact have different sorts of safety valves to avoid explosions. Presidential safety valves are different than in parliamentary systems, but their function is the same: to provide means to break deadlock in policy. A presidential veto, for example, after being issued, can typically be

overridden by a qualified majority of legislators; this override faculty allows the legislature to impose new policy, hence it may overcome deadlock. Another example is the decree power enjoyed by some presidents, a faculty allowing them to enact policy by decree subject to variable constraints; executive decree power offers a unilateral—but constitutional nonetheless—way out of deadlock. Legislative overrides, executive decrees, and other "complexities" that the Linzian story overlooks need to be brought back in because they constitute the very safety valves of the executive-legislative pressure boiler.[3]

My story brings the safety valves of presidentialism back in; this is one deviation from the Linzian story. The details of deadlock in presidential systems are in whether these different safety valves can operate or not; if they do, in whether they are used or not. If separation of powers is really a functioning part of Latin American systems—and not just show, as some seem to claim (e.g. O'Donnell 1994)—then there should be systematic patterns in executive-legislative conflict.

Deadlock, genuine and fake

My story deviates from Linz's in another respect, in the very way deadlock is construed. Even if there were none of the safety valves in the system, the conditions that need to be met for deadlock to occur are pretty restrictive. Deadlock in a game of pure dual veto means that the president and the assembly have such opposed preferences—a single dominant line of conflict—that they have absolutely no room for agreement (the next chapter is devoted to showing this logically). They are in a zero-sum situation: increasing the payoff of any player has to be done at the expense of the other player's

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[3] *Domingo and Morgenstern (n.d.) list at least a dozen of formal and informal "road-clearing devices".

welfare. In this case there is nothing else to do but fight. Such degree of polarization is, presumably, a very rare occurrence.

Far more likely is that the president and the assembly do have room to maneuver, that there is mutual gain to be made on the status quo, the question being which player gets the larger share of the gain. In this case, observable deadlock actions are all part of a bluffing strategy whereby a player tries to extract larger concessions from the opponent. Vetoes, long delays, wrangling, and public excoriation are all members of a family of bargaining ploys continually used by presidents and legislators in their struggle for influence over the products of legislation (cf. Cameron 1996).

This discussion suggests that deadlock can be genuine or it can be fake. The Linzian story construes deadlock as a *genuine* finality, in the sense that it represents the end of executive-legislative negotiations: genuine deadlock entails the beginning of sheer battle between the branches.[4] In this project I will construe deadlock in the second sense, as a stratagem used in the development of political bargaining—i.e. as possibly *fake* deadlock.

If deadlock is a bargaining phenomenon, the details of it are in how the safety valves operate: Are they usable or not? If yes, are they actually used or not? A full understanding of all the 'safety valves' in the presidential system we need to look at four things: presidential and legislative vetoes, overrides and decrees. In this dissertation I will focus on the incidence and nature of executive-legislative conflict—mostly on vetoes and overrides, secondly on rejections and unilateralism. If separation of powers is really

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[4] Magar Magar, Eric. 1998. "The Deadlock of Democracy Revisited: A model of Executive-Legislative Relations in Separation-of-Power Regimes." Paper read at the annual meeting of the American Political Science Association, September 3-6, at Boston. also uses this view of deadlock.

a functioning part of Latin American systems, and not just show, then there should be systematic patterns to executive-legislative conflict.

[*I still have two discussions in vetopol4 that may have a place here: Mainwaring+Jones and policy stability.]

*To sum up, executive-legislative deadlock is seen as the Achilles' heel of presidential democracy by its detractors. These scholars however, in their argumentation, are overlooking the existence of institutional mechanisms—'safety valves'—expressly designed to cope with government indecisiveness. The Linzian story about the perils of presidential democracy presents deadlock as an end-of-the-game phenomenon; it is also possible to view deadlock as a bargaining phenomenon. In my dissertation I take the latter perspective, interpreting observable deadlock actions, such as presidential vetoes and legislative overrides as bargaining chips.

Chapter 2.—Pure dual-veto games: the conditions for genuine deadlock.

In this chapter I forget momentarily the discussion of the safety valves of presidential democracy. Doing so will allow me to accomplish three interrelated goals. First, I flesh out a plausible institutional combination that underlies the Linzian story discussed in the previous chapter: a form of pure dual-veto game between a president and a legislature. This exercise renders explicit some of the premises in Linz's story. Second, I provide theoretical justification for the need to construe deadlock as a bargaining phenomenon (*fake* deadlock) instead of deadlock as a finality (*genuine* deadlock). The spatial model that accompanies the pure dual-veto game will allow me to present a set of necessary and sufficient conditions for genuine deadlock, the restrictive nature of which suggests that deadlock as a finality is a very rare occurrence. Third, I present a simple model of executive-legislative relations that will serve as a baseline for further modifications. The model is a close kin to another commonly used in the American branch of the literature: Romer and Rosenthal's 'setter-model' (1978).

2.1.-Spatial models. The principal tool I use to analyze executive-legislative relations is the spatial analogy of politics. Models in this tradition have been relying on (and, of course, extending) Hotelling's (1929) seminal work, and have been used extensively in the discipline for several decades now. Downs's "median voter theorem" (1957) is probably the first widely publicized conclusion in political science drawn from

a spatial analogy. The social choice literature (cf. Schwartz 1987 for a short general review), as well as many studies of electoral dynamics (e.g. Cox 1990) and the analysis of inter-chamber relations in bicameral legislatures (e.g. Tsebelis and Money 1997) have all relied on a spatial model to draw their theoretical conclusions. Relations between the branches in separation-of-power regimes are yet another instance in which the spatial analogy can be used as the apparatus of analysis. And indeed it has been used, in studies about the president, the legislature and the court (e.g. McNollgast 1994); about the legislature and executive bureaus (e.g. Calvert, McCubbins, and Weingast 1989); about the president, the House and the Senate (e.g. *Tsebelis and Lin n.d., Brady and Volden 1998); about legislators and constituents (e.g. Gerber 1996); and about the president and the legislature (e.g. Romer and Rosenthal 1978; Kiewiet and McCubbins 1988; Krehbiel 1996; Cameron 1996).

A spatial model is a very crude simplification of the world. In the process of simplification, much (if not all) of the flesh of the story of interest is necessarily omitted, in order to retain a few elements that are thought to be especially relevant to the process being studied. This loss of detail, however, conveys the advantage of simplifying the logical deduction of a wide range of testable propositions, an advantage that explains at least in part the popularity of the spatial analogy in contemporary political science. The explanatory power of spatial models, of course, needs then to be evaluated by pitting the logical propositions against the empirical record.

2.2.-The ingredients. All spatial models have at least the following three ingredients. First, any such model starts by reducing the world to a "space" that

represents the set of all possible policy outcomes. Models vary in the number of

dimensions they allow the *policy space* to have, but all share this basic way of

representing the outcomes of political bargaining. In Figure 1 I represent a two-

dimensional reduction: it consists of a 'size-of-government' continuum on the one hand,

and an 'openness-of-the-economy' continuum on the other. In the exemplified space, a

neo-classical policy arrangement (with a small government and relatively free trade)

would be represented on the lower left part of the space in Figure 1; a Keynesian policy

combination (with a large government and tariffs to international trade) would fall on the

upper right area of the figure. I chose these two specific dimensions for heuristic

convenience; spatial models allow any type of relevant dimensions to be considered.

Although many models found in the literature extend their arguments to any

multidimensional setting, I will stick to the two-dimensional version, which is easier to

understand because the argument can be "drawn" on a two-dimensional page of paper

instead of requiring a mathematical derivation.

[Figure 1]

The second element common to all spatial models is the notion of *ideal points*.

Each player involved in the story is assumed to have a specific preference in each of the

dimensions of policy, the combination of which intersects in a single point in space. This

intersection represents that player's *ideal point*, that location in space where he or she

would like to see the final policy outcome fall. In Figure 1 the point labeled P represents

a hypothetical president's ideal policy combination. In addition to this president my

model will consider two other players, each with its own ideal point in the same space:

the legislature (whose ideal point is labeled L), and the veto-override-pivot (pivot for

short, labeled V).[5] I will often refer to these players by the label of their ideal point: P, L,

and V.

The third and final element common to spatial models is a mechanism allowing

each player to compare any two alternative policies and establish a *preference relation*

between them. Players in these models are typically assumed to be instrumental: they

only care for how close an outcome falls to their ideal point.[6] A preference mechanism

widely used in the literature, and on which my model shall rely, is this: assume that a

player prefers alternative A to alternative B if, and only if, alternative A lies closer to his

or her ideal point than alternative B, regardless of the direction in which distance from

the ideal point is considered.[7] This simple mechanism produces, for every player,

circular indifference sets in two dimensions, called Euclidean in the literature.[8] In figure

1 the circle with center P and radius d $(=\|P\text{-}SQ\|)$ connects the points that the player with

ideal point P—following my notation, this is the president—finds indistinguishable from

the status quo SQ in terms of his or her welfare. All points falling inside the circle are

preferred by the president to SQ (because they are all closer to the ideal); but SQ is

preferable than the points outside the circle (because they are further away from the

ideal).

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[5] I will clarify who this player is in chapter 3.

[6] Factors that cannot be represented in the policy space are assumed not to be considered by players in the determination of preference. Any factor having an impact in a player's preferences ought, as such, to be considered as an additional dimension in the model.

[7] More precisely, a player's utility is assumed to reach a maximum level at his or her ideal point, decreasing monotonically and symmetrically as outcomes gain distance from that ideal.

[8] Euclidean indifference sets are spheres in three dimensions, and hyper-spheres in more dimensions.

These three ingredients—a two-dimensional policy space, the president-legislature-pivot triad of players with ideal points in space, and Euclidean preferences—are the basis of the models of executive-legislative relations I use at this stage of the project. This basis allows me to analyze the strategic interaction of players under alternative institutional settings by changing the rules that govern the game. Different rules allow different sets of players to play, in variable order of play, and with alternative 'legal' actions available to the players.

Separation of executive and legislative powers is portrayed very simply in these spatial model. I accomplish this separation in two steps. First, I allow the players in the game to have each his or her own ideal point, which may or may not overlap in space with other players's; allowing different ideals for the president and the legislature is my representation of separate branches.[9] Second, I introduce a rule in every game specifying that any change to the status quo requires the consent of the legislature and at least another player—in the simplest game this other player is the president.

Before I start the analysis of inter-branch bargaining over policy, I want to make two caveats.

The first one is that I am modeling the legislature as a *unitary* actor, an assumption that is problematic for at least two reasons. On the one hand is is problematic in light of the theorems about the instability of majority rule that form the gist of the social choice literature (Plott 1967; McKelvey 1976; Schofield 1983). Collective choice, these theorems suggest, cannot be analogized to individual choice. On the other hand,

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[9] In regimes of fused branches the executive and the legislature should presumably be modeled as sharing the same ideal point. This is, actually, the virtue of parliamentarism highlighted in the Linzean story: no

this unitary legislature assumption is problematic because of bicameralism. Tsebelis and Money (1997) have raised the claim that a unitary depiction of a bicameral legislature brings a significant bias into the results. In this proposal I work with this problematic characterization of the legislature because this simplification permits to capture more clearly the mechanics of my story. I will nonetheless consider in the future the value added of pushing the modeling exercise further, incorporating some lessons and tools from the social choice literature (namely the concepts of the yolk and q-core of the legislature). The essence of the argument, I believe, will remain the same.

The second caveat is that I will derive the logical propositions of this dissertation proposal with, essentially, a geometric representation. The propositions could be mathematically derived to ensure their logical soundness, but this would unnecessarily complicate the exposition of my story at this stage. In the future I should also consider the possibility of including a more rigorous derivation of conclusions, or at least of referring the reader to proofs of comparable claims already carried in the literature.

2.3.-The conditions for genuine deadlock. I will begin the analysis of inter-branch bargaining over legislation by fleshing out the institutional structure of the Linzian story. I do with a very simple game: the pure-veto setter game. This game is essentially a pure-dual veto game, but makes the veto power of players asymmetric: the

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dual democratic legitimacy. The spatial model captures the tradeoff in representativeness: parliamentarism allows to represent only one point in the policy space, instead of two.

legislature plays as an agenda-setter, offering take-it-or-leave-it choices to the president.[10] Equilibrium outcomes, however, are the same in both games.

The sequence of play in the pure-veto setter game is the following: the legislature may propose a change in the status quo, the president may veto the proposal—illustrated in Game Tree 1. The game starts with a decision by the legislature to retain the status quo or try to change it by sending a new proposal (called x in Game Tree 1; x may take any value in a continuum of feasible policies). The president is then faced with a choice between accepting x as the new policy, or vetoing it to revert policy back to the status quo.

[Game Tree 1]

With these simple rules I start analyzing the dynamics of separation of executive and legislative powers in Figure 2. Recall that I define genuine deadlock as a situation in which the status quo cannot be replaced by an alternative policy because either the legislature or the executive blocks the change. For example, if the legislature in the figure were to make a proposal to change the status quo to its ideal point L, the president would veto such proposal in order to retain the preferable SQ (because L is out of the circle centered in P that passes through SQ). However the figure also allows to see that a set of proposals exists that leaves both the president and the legislature better-off than under the status quo. The "petal" formed by the intersection of the two circles in Figure 2 represents the set of points that are closer than SQ to the ideal points of *both* players.

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[10] The name 'pure-*dual* veto' suggests that this asymmetry should be absent, giving the president the

Any point within the petal will increase the welfare of both veto players, and as such will not be opposed by any of them. The petal thus represents the compromise area of the pure-veto setter game.

[Figure 2]

The Linzian story does not focus on compromise but on conflict between the branches, suggesting the next step in the argument. It consists of asking under what conditions would bargaining between the legislature and the president be blocked by an impasse? Such impasse—which corresponds to the situation of deadlock I defined—*obtains when the compromise petal is an empty set*. In Figure 2 whenever the status quo lies on the straight segment that connects the ideal points of the executive and the legislature the compromise petal is necessarily empty; this is so because SQ happens to be the point in which both indifference curves touch tangentially. Such a setting, illustrated in Figure 3, shuts the possibility of reaching a mutually beneficial agreement. The situation is then characterized by what economists call Pareto-optimality and game theorists zero-sum payoffs: the gains of one player come inevitably at the expense of the other player's welfare.

[Figure 3]

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faculty to make proposals as well.

Figure 3 allows me to introduce two conditions that are necessary for genuine deadlock to be the outcome of the pure-veto setter game. The first of these conditions is that *there must be a single dominant line of conflict*. In other words a unique dimension of conflict over policy must overwhelm all other dimensions from the perspective of players.[11] The other condition is that *the status quo must lie on that line, between the ideal points of the president and the legislature*. The combination of these two conditions renders players's preferences exactly polarized vis-à-vis the status quo: there is no room for agreement because there is no proposal under which both players make some gain relative to the status quo.[12]

A return to Figure 2 permits to see how the violation of the unidimensionality condition undermines the possibility of deadlock. Any movement of the status quo away from the LP segment makes the bargaining petal non-empty, thus allowing some compromise to be reached between the players.

Summing up, in this chapter I have used a simple setter model in order to provide a characterization of the institutional setting that underlies the Linzian story: the pure-veto setter game. This simple scenario has allowed me to uncover three necessary

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[11] This is not necessarily a dimension that "makes sense." It could be, for example, a 45° line in a 2-dimensional plane, i.e. a linear combination of other dimensions.

[12] This situation entails a hard budgetary constraint. If the budget constraint were soft, the projects of both sides could be logrolled, resulting in increasing budget deficits Cox, Gary W., and Mathew D. McCubbins. n.d. "Political Structure and Economic Policy: The Institutional Determinants of Policy Outcomes." In *Political Institutions and the Determinants of Public Policy: When Do Institutions Matter?*, edited by S. Haggard and M. D. McCubbins: Forthcoming.
McCubbins, Mathew D. 1991. "Governments on Lay-Away: Federal Spending and Deficits under Divided Party Control." In *The Politics of Divided Government*, edited by G. W. Cox and S. Kernell. Boulder: Westview..

conditions that, in combination, are sufficient to obtain genuine deadlock. The conditions are the following:

Condition 1—*Separation of powers*. Legislative and executive powers are separate.
Condition 2—*Unidimensionality*. There is a single dominant line of conflict.
Condition 3—*Polarization*. The status quo is located between the ideal points of the president and the legislature.

Failing to meet any one of these conditions results in the end of genuine deadlock. Non-fulfillment of conditions 2 or 3 opens room for negotiation between the president and the legislature (based on preference homogeneity). And indeed, the unidimensionality condition is pretty restrictive; to be met players must be totally unwilling to make tradeoffs between the dominant dimension and other dimensions of policy. If this extreme situation obtains, then there is nothing more to for the president and the legislature but sit and wait, or fight. But it is not unreasonable to assume that this is a very rare occurrence.

It seems more likely that the president and the legislature do have some room to maneuver, that there is some mutual gain to be made vis-à-vis the status quo. If deadlock actions such as vetoes are observed under these circumstances, one can safely interpret them as actions by which players try to signal toughness to the opponent in order to receive a larger share of the mutual gain. Hence the necessity of the concept of *fake* deadlock: not all deadlocks are made the same, some are not genuine.

In addition to fleshing out the tacit Linzian institutional scenario and justifying the need for fake deadlock, the model I introduced in this chapter will serve as a baseline for alterations in subsequent chapters. Changes in the rules of the game will allow me to

capture other institutional settings that govern relations between the executive and the legislature. With these alterations I hope to bring a better understanding of the safety valves in presidential systems.

Chapter 3.—The rules of veto politics: variation in the safety valves

In this chapter I introduce the first modification to the basic model by allowing the assembly to override an executive veto. Veto overrides are a factor typically considered in the American literature (e.g. Kiewiet and McCubbins 1988; Cameron 1996) but ignored by an important branch of the comparative literature (see the discussion in chapter 1). Omitting overrides overlooks the existence of a very important safety valve of presidentialism, and biases results in favor of the occurrence of genuine deadlock.

I will specify the institutions or rules governing veto politics and show how variations in them affect the president's reactive legislative power. I will also make the model capable of capturing these variable rules with a simple framework (what I will call the q variable). The addition to the model of variable veto structures will uncover yet another necessary condition for genuine deadlock to arise.

Adding veto overrides.

Every Bill which shall have passed the House of Representatives and Senate, shall, before it becomes a Law, be presented to the President… If he approve he shall sign it, but if not he shall return it… to that House in which it shall have originated… If after reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent… to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law—U.S. constitution (art. I, sect. 7).

The sequence of play in the modified model—the override setter game—is an extension of the sequence in the basic pure-veto setter game introduced last chapter. The

new sequence, illustrated in Game Tree 2, is the following: the legislature may propose a change to the status quo, the president may veto the proposal, the pivot may override the presidential veto. The difference with the earlier model is the addition of a player, the override-pivot V. In case the president vetoes a proposal x, V gets to decide between *sustaining* the veto (thus retaining SQ as the policy outcome), or *overriding* it (thus establishing x as the new outcome). I will now clarify the identity of this new player.

[Game Tree 2]

Constitutions typically allow the legislature a final say after the president has issued a veto to a proposal. If a qualified majority of legislators—typically 2/3 of the assembly, as in the U.S. constitution quoted above—agrees to retain a policy proposal that has been vetoed, that proposal must be signed by the president into law, the presidential veto notwithstanding. If, on the other hand, the proposal comes short of that qualified support in the legislature, the president's veto is sustained, the proposal is killed, and the status quo is retained.

The consideration of overrides will bring in additional restrictions to the claims about genuine deadlock, because a (possibly influential) additional player V with his or her own preferences over outcomes is brought into the story. This override-pivot is that player without whom a coalition of legislators falls short of one vote to reach a qualified requirement. A one-dimensional setting allows to exemplify with clarity the concept and identity of pivots. Consider a nine-member legislative body, with members' ideal points distributed along a single dimension, as in Figure 4. It follows from the spatial

assumptions I have been using that alternative A is preferred to SQ by five members (1, 2, 3, 4, and 5), while SQ is preferred to A by four members (6, 7, 8, and 9). If the legislature has to choose by simple majority rule between alternatives A and SQ, alternative A—corresponding to the median member's ideal policy—would clearly win. Now, that is no longer the case if the decision rule is changed from simple majority to a qualified 2/3 majority rule (i.e. 67% or more of votes needed)? Alternative A is preferred to SQ by five out of nine members, i.e. 5/9=56% of the members, a proportion that is below the super-majority requirement. Alternative B, however, is preferred to SQ by 6 members (1 through 5, plus 6), representing 6/9=67% of members' votes. Thus, if a qualified 2/3 vote is necessary to change the status quo, proposal A would be defeated by the status quo—member 6 rejects it—whereas proposal B would defeat the status quo— member 6 accepts it. Member 6 is pivotal to obtain the qualified majority.

[Figure 4]

This is the situation that a legislature with a 2/3 override requirement faces after the president has issued a veto. Suppose that, in Figure 4, the median legislator (i.e. member 5) has agenda setting power in the legislature, and also that the president's ideal policy is located to the right of SQ. In such a situation, the president would veto any proposal to change policy to the left of SQ. Thus, if the median member were to propose alternative A, a presidential veto would follow. As seen in the previous paragraph, member 6 is necessary to form a coalition that is capable of overriding a presidential veto: accommodating his or her preferences is a central issue. Member 6 would prefer to

retain the status quo instead of adopting alternative A as the new policy. So if the median-agenda-setter made A its proposal, the presidential veto that follows would be *sustained*, reverting policy to SQ.[13] On the other hand, if the median member proposed alternative B instead of A, such change would again be vetoed by the president. But unlike the previous situation the pivot now prefers B (at his or her ideal) to the status quo. When presented with a take-it-or-leave-it offer between alternative B and the status quo, the pivot represented in Figure 4 would *support an override* of the presidential veto, in order to retain B as the new policy outcome.

Overrides can be modeled fairly simply, by introducing the pivot as an additional player in the separation-of-power game (Kiewiet and McCubbins 1988).[14] The location of the pivot's ideal point becomes an additional element to be considered in determining the equilibrium of the game: some proposals may be veto-proof. A veto-proof proposal is that proposal that is simultaneously preferred by the median and the pivot.

This means that the consideration of overrides in the model introduces an additional condition for the existence of genuine deadlock, and brings in an additional player that may use his or her authority to extract concessions in bargaining. To see this, I will begin by assuming that the necessary conditions for deadlock derived previously are met—i.e. separation of power; unidimensionality; and polarization. I show that, with overrides in the story, genuine deadlock may still be avoided. In Figure 5, I illustrate

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[13] The model could easily be adapted to revert to policies other than the status quo, as in Kiewiet and McCubbins Kiewiet, D. Roderick, and Mathew D. McCubbins. 1988. "Presidential Influence on Congressional Appropriations." *American Journal of Political Science* 32:713-36..

how the location of the pivot's ideal point (called V) determines whether a presidential

veto is sustained or overridden, thus determining whether a new proposal or the status

quo ensues.

[Figure 5]

If, as in Figure 5.a, the pivot and the president lie on the same side of the status

quo, presidential vetoes shall always be sustained. The reason for this is that any

acceptable proposal for the legislature leaves not only the president worse-off, but the

pivot as well. The pivot can reject such proposal and retain the preferable status quo by

sustaining the presidential veto. On the contrary, if the pivot lies on the same side of the

status quo as the legislature, as in Figure 5.b, there is a way for the median-agenda-setter

to accommodate his or her preferences. Under this scenario not all the acceptable

proposals for the legislature are deemed unacceptable by the pivot. When the pivot is of

this compromising type, there is a range of outcomes that are preferred by the legislature

and by the pivot simultaneously—in figure 5.b, the set included between SQ and its

symmetric projection on V. Presidential vetoes of proposals that fall within this range

will always be overridden. If the median-agenda-setter understands this, he or she may

obtain an outcome preferable to the status quo by proposing a policy at the point within

the pivot's preferred-set of the status quo that is closest to L.

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[14] In Figure 4, members 4 and 6 both represent super-majority pivots using a qualified 2/3 majority
requirement. Analysis needs only focus on the pivot player who is located on the same side of the median
legislator as the president's ideal point, because the other super-majority pivot does not get to play.

Figure 5 fulfils the conditions for deadlock derived above, yet deadlock is broken with a new policy outcome, hence suggesting an additional condition for deadlock to occur. *Vetoes will only be sustained when the ideal points of the pivot and the president are both located on the same side of the status quo.* Violating this condition results in overrides to presidential vetoes, which break a situation of genuine deadlock. Moreover, if the pivot's ideal point is closer to the legislature's ideal than to the status quo, the legislature may even obtain its ideal policy in equilibrium, because such proposal is veto-proof.

Recapitulating, the override setter game just introduced has allowed me to uncover four conditions that are necessary for genuine deadlock in a stylized version of the legislative process in presidential polities. The conditions for genuine deadlock are the following:

Condition 1—*Separation of powers*. Legislative and executive powers are separate.
Condition 2—*Unidimensionality*. There is a single dominant line of conflict.
Condition 3—*Polarization*. The status quo is located between the ideal points of the president and the legislature.
Condition 4—*Recalcitrant pivot*. The ideal points of the pivot and the president are both located on the same side of the status quo.

The president's reactive powers allow him or her to defend the status quo from attempts by the legislature to overturn it (Mainwaring and Shugart 1997b, p. 41). In the context of my model, the president *reacts* by vetoing a legislative proposal; but the success of this reaction, after all, requires that veto to be sustained in the assembly. If the veto is overridden the president's reaction becomes inconsequential. The Recalcitrant pivot condition suggests the next step in the analysis: find what factors affect the location of the pivot's ideal point (which determines whether a veto is sustained or overridden).

There are two ways in which the location of the pivot's ideal point in space (V in Figure 5) may change. One is when the *identity* of the pivot player changes to a member whose ideal is closer or further away from the ideal point of the median member. This identity change ensues when, all else constant, the super-majority requirement to override is decreased or increased. The other is when the *location* of a given pivot's ideal policy moves closer or further away from that of the median member. This type of change ensues when, all else constant, the heterogeneity of the legislature is heightened or lowered.

I address the first of these sources of change in V's location at length below. I will only briefly consider the second source in the end of this section, as a reminder that these factors will need to be controlled for in any empirical evaluation of the claims.

Variable veto and override requirements

Thus far, the model has assumed that the president possesses a veto over legislative proposals, that the legislature may override that presidential veto, and that the support of two-thirds of the members in the legislature is necessary for that override to be effective. These three assumptions characterize a stylized version of the policy-making process prescribed by the U.S. constitution. Recent literature, however, has emphasized the existence of a diversity of presidential regimes: separation-of-power constitutions differ in several dimensions, and these differences have significant policy consequences (Shugart and Carey 1992; Mainwaring and Shugart 1997b). One particular difference regards the capacity of the president to influence legislation and the easiness with which

the legislature may protects its policy from presidential intervention: these are the institutions of veto politics.

The model needs to be able to capture three types of variations in the rules that govern veto politics. Two of these institutional variations are discrete: (1) whether the president has or not the faculty to veto legislation, and (2) whether the legislature has or not the faculty to override that veto. The third institutional variation is continuous: (3) what is the super-majority required to override the presidential veto? I will refer to the 'override majority requirement of the constitution' as a new variable in the model, called q. q is simply the proportion of members of the legislative body that need to support an override of the president' veto for that override to be effective. I will allow q to take any value in the range of positive numbers—i.e. $q \in [0,+\infty)$. At this point it may seem odd for me not to constrain q to the [0,1] interval: q greater than one ($q>1$) translates to "more than 100% of assembly members needed to override". However, I show below that this peculiar range of q allows me to summarize the three types of variation in the institutions of vetoes into a *single* variable.

I will start by assuming that Conditions 1, 2, and 3 are met. I do not stick to Condition 4 because it is one of the factors that determine its fulfillment that is being discussed here. I also assume, for ease of exposition, that the median legislator has agenda-setting power.

With the addition of the q notation, the override requirement assumed until now can be characterized as $q=2/3$. Also, the pivot member may be said to be that legislator who has q (in this case 2/3) of the members short of one vote (his or hers) to his or her left. This means that a relaxation of the super-majority requirement, all else constant,

shifts the identity of the pivot closer to the median member.[15] This reduces the size of the

concession that the agenda setter needs to make to the pivot to obtain his or her support

for an override. In other words, reducing q makes the pivot less and less moderate vis-à-

vis the status quo, hence more similar to the median member in his or her willingness to

change the status quo. Actually, a reduction of the q-requirement to a mere absolute

majority (which I will note q="½+1" until I find a better term) makes the median member

become the pivot member as well. This median-pivot needs to make no concessions in

order to obtain a veto-proof proposal: the same coalition that supported the passage of a

proposal in the first place can override a presidential veto. All the president can do by

vetoing a proposal is delay its signature and promulgation.[16]

Note that q="½+1" looks very similar to a situation in which the president does

not have the faculty to veto legislative proposals. In both settings, an absolute majority

of legislators may establish a new status quo regardless of the president's preferences.[17]

q=0 translates to "zero legislators are sufficient to override a veto"; since the thing in

quotes looks exactly like a situation where the president lacks a veto—a veto is

[15] Unless, of course, enough members are bunched at the same point as the q=2/3 pivot; if this were the case, a reduction in q could leave the location of V unchanged.

[16] Delay is not a factor affecting the equilibrium strategies and outcome in the present model. At least in the domain of budget bargaining, this assumption seems pretty unrealistic, for delay may entail shutting down government indefinitely. Cox and Kernell Cox, Gary W., and Samuel Kernell. 1991. "Conclusion." In *The Politics of Divided Government*, edited by G. W. Cox and S. Kernell. Boulder: Westview. suggest that executive-legislative bargaining over budgetary appropriations resembles a game of chicken: "the worst outcome for both is no agreement, but neither wants to be the one to back down first. As the fiscal year deadline nears, the risk of the "no-agreement" outcome increases, and the side that fears this outcome more backs down. Willingness to delay—and thereby increase the risk of the "no-agreement" outcome—is the primary mechanism for demonstrating toughness (and for bluffing)." The situation could alternatively be modeled as a war of attrition game, something like a game of chicken stretched over time. These models, however, are fundamentally different from the one I endorse in this project.

[17] The difference between no-veto and q="½+1" is that, in the former, the absolute majority coalition is called to vote only once, whereas in the latter, it is called twice to vote. Again, in this simple model it makes no difference how many times a coalition is called to vote (and how much time lapses from the first to the last vote). A tentative direction the model could take is the addition of factors such as players'

overridden the very moment is issued—I do not consider it too odd to refer to an institution of no-veto as $q=0$.

Symmetrically, an increase in q forces the agenda setter to make additional concessions in order to see a proposal accepted by the now more distant pivot (more conservative with regards to changes in the status quo). The extreme scenario on this side would be a requirement of unanimous consent in the legislature to override a presidential veto—i.e. $q=1$. Note that $q>1$ translates to "more than 100 percent of the members of the legislature are needed to override a veto"; since the thing in quotes looks exactly like a situation where the legislature does not have the faculty to override a presidential veto, I can safely characterize the institution of no-override as $q>1$.

So the oddness of allowing q—the proportion of legislators needed to override a veto—to stretch from zero to infinity is understandable: it permits to analyze both the presence/absence of a veto faculty, and the presence/absence of an override faculty, in conjunction with variable override requirements. My framework, thus, allows to "blend" three sources of institutional variation in the structure of vetoes into a simple variable q.

Empirical referents. It is important to show that the three sources of variation captured by my variable q are not simply a theoretical curiosity, but do in fact resemble, in a stylized fashion, some separation-of-power constitutions existent in the world. With this in mind, I now turn to present some empirical referents of different values adopted by q.

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impatience, uncertainty, risk-aversion, increasing salience after a veto, etc., all of which seem to be potential candidates to alter the equilibrium of the game.

As suggested above, one extreme setting in the structure of vetoes obtains when the president has no-veto, $q=0$ in the terminology of my model. This institutional setting is partially found in Costa Rica, Ecuador, Honduras, and Mexico, where the president cannot veto budgetary bills.[18] The purest case fulfilling $q=0$ I found, however, is the U.S. state of North Carolina, where the governor cannot veto legislation of *any* class.

The addition of a veto that may nonetheless be overridden by absolute majority—i.e. $q=$"½+1"—does not increase the president's influence in the legislative bargaining process, as concluded in the previous section. This veto-structure is found in the constitutions of Brazil (after 1988), Colombia, Nicaragua, Paraguay, Peru, and Venezuela. Alabama, Arkansas, Indiana, Kentucky, Tennessee, and West Virginia[19] are U.S. states whose constitutions prescribe it as well.

Under both of these veto structures—$q=0$ and $q=$"½+1"—the president can be considered as a mere observer in the legislative bargaining process: in this model he just awaits, cross-armed, the proposal produced by the legislature, which he will eventually have to sign into law, like it or not. This, in a sense, looks a lot like a parliamentary regime.[20] It follows that:

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[18] I compiled all the information about the constitutions of Latin American nations from: Argentina Argentina. 1994. *Constitución de la Nación Argentina*. Buenos Aires: Parada-Errecaborde.; UNAM UNAM. 1994. *Las constituciones latinoamericanas: el constitucionalismo en las postrimerías del siglo XX*. Vol. 1-2. Mexico City: Universidad Nacional Autónoma de México-Instituto de Investigaciones Jurídicas.; and Carey, Amorim Neto, and Shugart Carey, John M., Octávio Amorim Neto, and Matthew Soberg Shugart. 1997. "Appendix: Outline of the Constitutional Powers in Latin America." In *Presidentialism and Democracy in Latin America*, edited by S. Mainwaring and M. S. Shugart. Cambridge: Cambridge University Press.. For the U.S. states, the information comes from various issues of Council of State Governments 1986-1994CSG. 1982-1994. *The Book of the States*. Vol. 24-30. Lexington KY: Council of State Governments..

[19] Except revenue and appropriations bills in West Virginia, where the override requirement is 2/3.

[20] Interesting questions suggested by Gary: Is the executive really weak in the legislative process under $q \in [0,$"½+1"]? Does he make proposals? Does he have exclusive introduction faculties? Does he have some agenda-setting power to compensate the weakness of his veto? Does he appoint partisan cabinets Amorim Neto, Octávio. 1998. "Of Presidents, Parties, and Ministers: Cabinet Formation and Legislative

Prediction 1: Under a situation in which the president has no veto (i.e. q=0), as well as under a situation in which an absolute majority is sufficient to override a presidential veto (i.e. q="½+1"), the legislature will always be able to impose a new status quo regardless of the type of president it faces. Hence genuine executive-legislative deadlock never ensues when 0⊠q⊠"½+1".

Increase now the override requirement to q=3/5. The Uruguayan constitution establishes this q-requirement. In the U.S., the states of Delaware, Illinois, Maryland, Nebraska, Ohio, and Rhode Island share this same structure. As I hope is clear at this point in the discussion, as soon as the override requirement exceeds the threshold of absolute majority (i.e. q>"½+1"), both the president's and the pivotal override player's types become factors that may influence the equilibrium strategies and outcome. More to the point, *when the q-requirement falls above an absolute majority, genuine deadlock may be the outcome of the game*.

Further increasing the override requirement to q=2/3 reflects the veto structure that is modal among separation-of-power constitutions. The U.S. is of course the first case—both historically and in the degree to which it has been studied—meeting this situation, and most U.S. states do as well (all those states that are not explicitly mentioned in the ongoing discussion establish q=2/3 in their constitutions). In the world of presidential systems, I have identified a dozen countries with this veto structure apart from the U.S.: Argentina, Bolivia, Brazil (before 1988), Chile, the Dominican Republic, El Salvador, Guatemala, Panama, and Venezuela for all classes of legislation; Costa Rica, Honduras, and Mexico for all non-budgetary legislation.

Decision-Making under Separation of Powers." Ph.D. dissertation, University of California, San Diego.? Does the speaker/legislative leaders look more powerful to serve as a powerful legislator in the absence of the executive? All these are potential areas for empirical study.

Additional increase in the override requirement is theoretically possible. To my knowledge, however, no country serves as an empirical referent to this range of veto structures. Only three states in the U.S. have a higher override requirement, applicable to some classes of bills only: Alaska, Illinois, and Oklahoma require a $q=¾$ override on revenue and appropriations bills.

On the other hand, the world does offer one case (possibly two) in which the legislature lacks the faculty to override presidential vetoes, a situation that I characterize as $q>1$. $q>1$ is only approximated by the veto structure of the Ecuadorian constitution for all non-budgetary legislation,[21] and perhaps by France under divided control of the branches.[22]

Under $q>1$ the president enjoys the maximal degree of influence over the legislative bargaining process. His or her preferences necessarily need to be accommodated if any change to the status quo is to be made effective. This suggests an additional prediction:

Prediction 2: The likelihood of genuine deadlock, all else constant, increases with q when q>"½+1". The likelihood of genuine deadlock reaches a maximum when q>1.

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[21] In Ecuador the legislature may never override presidential vetoes (which the president may issue in any area except the budget). $q>1$ is, however, just an approximation of the Ecuadorian constitution, because the legislature in Ecuador may request a popular referendum on the vetoed bill (an eventuality that this model cannot capture).

[22] In France, the constitution provides the president with 15 days to return a bill to the legislature for reconsideration, and Parliament may not refuse such reconsideration; there is no article (I still haven't found one) specifying what the president is to do after the legislature has reconsidered the bill. Can he send the proposal back for a new reconsideration (i.e. q>1)? Or does he have to promulgate the proposal (i.e. q="½+1")? Lijphart and Shugart, in personal communication, suggested to me that the latter seems to be a better characterization of the French case. *See Suleiman.

Table 1 summarizes the structure of veto politics, classifying the empirical referents along the values of q; it also incorporates Predictions 1 and 2. It is clear from table 1 that polities with separation of power in their constitution come in many different flavors, as emphatically advanced by Shugart and Carey (1992). The whole range of the variable q is covered by some case from the world. If $q=2/3$ is the modal veto structure, it must also be noted that numerous cases are bunched in the first two columns of the table. In these two columns, as claimed in Prediction 1, the presidential influence over the legislative bargaining process is nil, eliminating from the outset the possibility of deadlock. One case seems especially interesting from the table, that of Ecuador. Depending on the class of legislation, the Ecuadorian president either has no influence on the legislative bargaining process (for budgetary legislation, $q=0$), or has maximal influence over the legislative bargaining process (for all non-budgetary legislation, $q>1$). Although less extreme than Ecuador, the cases of Costa Rica, Honduras, and Mexico also fit this mixed structure of veto politics. I further research I will try to pay close attention to these cases: they represent particularly interesting instances to test predictions from the model.

[Table 1]

Finally, the ongoing discussion permits me to deduce an additional condition necessary for deadlock to occur in a separation-of-power regime. As I claimed in Prediction 1, when the president either has no veto ($q=0$) or when his or her veto may be overridden by an absolute majority ($q=$"½+1"), deadlock never ensues. Thus:

Condition 5—*Biting veto power*. Genuine deadlock necessitates that the override requirement be strictly above the absolute majority: q>"½+1".

Factors affecting heterogeneity

Different locations of the pivot in space can also be the result of sliding the location of a given pivot's ideal policy closer or further away from that of the median legislator. This ensues when, all else constant, the heterogeneity of the legislature is heightened or lowered.

By the *heterogeneity* of the legislature, I refer to the spread in the distribution of members' ideal points. If many ideal points are bunched close to that of the median member, the legislature is more homogeneous than if points are spread away from the the ideal of the median member. Returning to the picture in Figure 5, an increase in the homogeneity of the legislature, all else constant, pulls V towards L; increasing heterogeneity, on the other hand, pulls V away from L. Thus, *ceteris paribus*, homogeneity reduces the size of the concessions that the agenda setter has to make to the pivot in order to get a veto-proof proposal. Homogeneity reduces the president's influence in the legislative bargaining process (see also Tsebelis 1995).

The degree of heterogeneity in the legislature is a factor comparable to what Cox and McCubbins (n.d.) call separation of purpose in the system. "The … more individual politicians who control their own electoral fates, more factions, and more parties [in short, a more fragmented party system] mean[s] more independent participants in the legislative bargaining process that produces public policy, thus making it harder to initiate and sustain collective action in pursuit of public goods" (p. 18). Numerous

independent actors translate to more veto players (Tsebelis 1995) in the system, increasing the likelihood of deadlock.

The degree of separation of purpose in the system may be thought of as the end result of two interactive factors: the rules that govern elections, and the underlying cleavages in the society (Cox 1997). The different features of the electoral system have a well studied impact on the number and independence of players in the legislative arena. District magnitude, for example, sets an upper bound to the number of parties that will compete for representation (Duverger 1951 Taagepera and Shugart 1989; Cox 1997); district magnitude also affects the degree of over-representation of large parties (Rae 1967; Lijphart 1990), which determines the fragmentation within the legislature and the chance that a single party will enjoy a majority in the legislature. The rules governing entry, or access to the ballot (e.g. primaries or closed lists) determine to a large extent the degree of independence that members enjoy from their party leadership (Mayhew 1974; Mainwaring 1991). Finally, different electoral rules (majority, PR, etc.) create different incentives for parties/candidates to compete towards the center of the political spectrum or to adopt non-centrist positions (Downs 1957; Cox 1990; Magar, Rosenblum, and Samuels 1998). On the other hand, social cleavages determine the nature of conflict in the polity, the start point for electoral competition (Lipset and Rokkan 1967; Riker 1982; Cox 1997).

The empirical side of this project will need to address how to control for the factors identified in the literature as driving heterogeneity. These factors affect the likelihood of deadlock (as seen from Condition 4), and make it harder to isolate the independent effect of different veto institutions.

Chapter 4.—A very rough sketch of an empirical chapter

Empirical chapters are forthcoming because I am in the process of retrieving the information.

Vetoes in the U.S. states. Some very preliminary evidence to back up predictions 1 and 2. Evidence concerns the occurrence of vetoes in a sample of U.S. states.

With vetoes as my indicator of deadlock, the operational version of the predictions derived in the last chapter look as follows:

Prediction 1-bis: Under $q=0$, as well as under $q=.5$, no veto ensues.
Prediction 2-bis: The number of vetoes, all else constant, increases with q when $q>.5$.

In search of the institutional determinants of vetoes, I try to control for one fundamental factor driving the occurrence of vetoes (deadlock): separation of purpose between the president and the legislature. A popular measure of this in the literature has been *divided government*—i.e. instances in which a party other than the president's commands a majority in the legislature. Divided Government is a popular measure due to its simplicity and availability; however, it is not without its own problems.

First of all, unified government (when the president's party commands a majority in the assembly) is not sufficient to have unified purpose. Members of the coalition backing the president in the assembly need to share more than a party label: they need to

act *cohesively*. That is, the president's party needs a certain degree of discipline to support the leader's legislative program; else purpose may still be separate. Moreover, even if the majority party is cohesive, all members need to acknowledge the president's role as their leader—the party machine in the legislature has to legislate in favor of the platform on which the president got elected.

On the other hand, having a party (or coalition) other than the president's in command of the majority of seats in the assembly is not sufficient to have separation of purpose. The majority party platform needs to be significantly different from the president's, and again that majority of legislators needs to act with relative cohesiveness to effectively oppose presidential actions.

The successful use of divided government to indicate separation of purpose (and unified government to indicate unified purpose) requires the fulfillment of three assumptions: (1) *polarization*—different parties espouse significantly different policy programs; (2) *cohesiveness*—parties are internally disciplines to their leadership; and (3) *presidential leadership*—the president is the leader of his or her party.[23] The closer these assumptions are to being fulfilled, the better divided government is a measure of separation of purpose.

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[23] See Weldon Weldon, Jeffrey. 1997. "The Political Sources of Presidencialismo in Mexico." In *Presidentialism and Democracy in Latin America*, edited by S. M. a. M. S. Shugart. Cambridge: Cambridge University Press. for a similar framework applied to Mexico's *presidencialismo*; C. Jones Jones, Charles O. 1994a. *The Presidency in a Separated System*. Washington: Brookings. for a somewhat different approach.

With this warning, I proceed to use divided government as one of the explanatory variables. I analyze the occurrence of executive vetoes of legislative proposals in a sample of U.S. states.[24] The information, unfortunately, is aggregated in yearly totals.

Table 2 provides a first look at the occurrence of vetoes in selected U.S. states. The number of vetoes during a legislative year is dichotomized into zero and positive; it is crosstabulated with the variable q that summarizes the veto structure. The first thing to note in Table 2 is that few legislative years (the units of analysis) obtain zero executive vetoes (less than 15% of the sample). When $q=0$ the number of vetoes during a legislative year is never greater than zero—which is hardly surprising since the executive lacks a faculty to issue veto legislative proposals. When $q=.5$, however, most of the observations (81% of 62) present at least one veto, contrary to (part of) Prediction 1: zero vetoes occur under $q=0$ but not under $q=.5$. This evidence suggests that my model is missing some factor that renders hopeless vetoes—hopeless because the same coalition that passed bill in the first place can also override the veto—of some use to presidents. (Also in Venezuela, which has a $q=.5$ according to my coding in Table 1, Amorim Neto (1998, p. 140) records 16 vetoes out of a total * bills in the period 1959-1994.)[25]

Two-thirds of the observations of no-veto occurred in settings in which $q>0$. Table 2 also suggests that there is a positive association between the occurrence of a positive number of vetoes and the structural variable q.

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[24] The sampled states (and their q) are Alabama (.5), Alaska (.66), Arkansas (.5), California (.66), Connecticut (.66), Delaware (.6), Georgia (.66), Idaho (.66), Illinois (.6), Indiana (.5), Kentucky (.5), Louisiana (.66), Maryland (.6), Massachusetts (.66), Michigan (.66), New Jersey (.66), New York (.66), North Carolina (0), Ohio (.6), Tennessee (.5), Texas (.66), Virginia (.66), West Virginia (.5), and Wisconsin (.66).

[Table 2]

In search for some evidence of this positive correlation, I regressed the total

number of vetoes observed during a legislative year in the same sample of U.S. states on

some simple variables. The regressors in this analysis were: (a) a CONSTANT, (b) a

DIVIDED GOVERNMENT dummy, (c) the TOTAL BILLS APPROVED during the legislative year,

and (d) the structural variable q.[26] DIVIDED GOVERNMENT intends to capture the existence

of separation of purpose in the system, a factor that drives the occurrence of vetoes in the

model; I hence expect this coefficient to be positive. I also control for the total number of

bills approved: the more bills are passed in the legislature, all else constant, the more

chances does the president have to increase the number of vetoes (hence I expect a

positive coefficient in this variable). The central regressor in the model is the variable q

which, as suggested by Prediction 2, should be positively associated with the occurrence

of vetoes. Table 3 presents the estimated (OLS) coefficients of the regression.

[Table 3]

Overall, this simple statistical model does not perform bad. All the estimated

coefficients have the expected sign, and are statistically significant at the .05 level. All

else constant, divided government significantly increases the number of yearly vetoes by

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[25] Octavio Amorim Neto and myself are in the process of coding some important characteristics of
Venezuelan legislation, which I will use in future steps of the project.
[26] DIVIDED GOVERNMENT is equal to zero if the state executive, and both the lower and upper chambers of
the state legislature are controlled by the same party, equal to one otherwise. TOTAL NUMBER OF APPROVED
BILLS is simply that total during the legislative year. $q \in [0,.66]$ as described in section 3.1.

35—which represents a doubling of the average number of vetoes in a year. Ten more total bills approved in a year add, all else constant, approximately one additional veto/year. With respect to the central variable in the model, it obtains a coefficient of nearly 50, significant at the .05 level. This means that increasing q by 10% (from say .5 to .6) adds, all else constant, 5 vetoes a year.

This analysis is very crude for at least two reasons. First, it seems unlikely that OLS is the appropriate estimation procedure. An estimation technique from the family of event-count models will surely be better. Second, it would be more informative to know some of the characteristics of each of the bills passed, in order to estimate the locations of the president and legislature in space. But the uncovered effect, though relatively small, lends credence to my Prediction 2: the number of yearly vetoes is significantly associated with the structure of vetoes. q seems to matter.

Chapter 5.—Position-taking as an explanation of vetoes (rough draft)

In this chapter I plan to make a fundamental alteration to the setter model. I will change the assumption underlying players's motivations, making goals more elaborate than has been assumed so far. I will carry this modification in order to accommodate the occurrence of vetoes.

In Romer and Rosenthal's setter model, which serves as a basis to the models presented here, vetoes are an out-of-equilibrium occurrence: players are interested solely in how close the policy outcome falls from their respective ideal points. A veto does not influence this distance, *only the credible threat of a veto*.

This is, of course, pretty unrealistic. Vetoes do occur in day to day politics. Presidential vetoes are more than exceptions in the U.S., a case that has received most attention. In Latin America they also occur, though our knowledge is very dim in this case. In Argentina, for example, Molinelli (1991, p. 166) reports thousands of presidential vetoes from the 1860s to the late 1980s. In Venezuela several bills have been vetoed by the executive since 1958 (cf. Amorim Neto 1998). Weldon has told me that he has recorded hundreds of vetoes occurring in Mexico in the 1920s, before the Revolutionary Family struck the PRI deal.

Why does the setter model predict no vetoes in equilibrium? The answer has to do with the law of anticipated reactions. By this law, and in accordance with the model's assumptions, if (a) the legislature knew with certainty that a given range of proposals will be vetoed by the executive with no possibility of override, then (b) because there is

nothing to win from such long ways back to the status quo, the legislature would refrain from sending a proposal in that range in the first place. By the same token, if (a) the president knew with certainty that his or her veto over a given proposal would be overridden in the legislature, then (b) because there is nothing to win from seeing the legislature override his or her veto, he or she would refrain from vetoing it. A veto can follow if the (a) clause in each of the sentences above is not true—i.e. if uncertainty is introduced into the model. This modification of the setter model has been performed in Cameron's model of incomplete information (1996).

Another possibility to account for vetoes and overrides is that the (b) clause in the sentences above is not true: there might be conditions under which a veto or an override *per se* is a valuable thing for some player(s). One possible way this can happen is when position-taking—one of three strategies attributed to reelection-minded legislators in Mayhew's (1974) classic model—is included among the goals of players. Sending a bill to be killed by the president allows the sponsors in the assembly to advertise "what we really stand for" in the face of certain constituents. This explanation for the occurrence of vetoes has been suggested (but not carried) by Kiewiet and McCubbins (1988).

Adding a position-taking motivation consists basically of switching from a model in which actors pursue a single goal (in this case, influence in policy) to a model in which actors have dual goals (influence in policy + publicize a policy position). These two goals, under certain conditions, might conflict with each other.

In the basic model, players are single-minded seekers of policy influence. All they care for is how close the policy outcome falls to their ideal point. Underneath this

characterization of players are several assumptions. On of these underlying premises is that players are responding to the wishes of their core constituents (political survival depends on a player's capacity to be responsive to the policy wishes of core constituents). Another assumption is that core constituents understand the backwards-induction logic of the game. This understanding makes them only care for the final result of the game, not the specific set of actions that were carried by their representative. An example should clarify.

Suppose constituents wish policy Z from the legislature, but policy Z will be vetoed by the president with no chance of override whatsoever. Under this scenario the model predicts that the legislature will refrain from sending hopeless bill Z to the president, a bill that will only take time from more productive endeavors. The basic model is assuming that the legislator's constituents are happy with this situation: they understand that the policy they wish is not feasible and this explains the passivity of their representative in fighting for their interest.

It seems plausible to assume that not every constituent will have this degree of sophistication. Some sophisticated constituents may well understand this strategic interaction, but most constituents might well buy the argument that they did not get Z because their representative remained passive about it. Since all constituents may vote in the general election, the more non-sophisticated constituents there are, the more chances there will be that a 'responsive' representative will lose their support if an opponent advertised his or her Z-passivity.

Once the two types of constituents are brought into the picture, a reelection-minded player will have dual goals:

(a) To be responsive to the sophisticated constituents by bringing them the policy they want—this translates to bring policy as close to the ideal point as possible.

(b) As elections near, to be responsive to the non-sophisticated constituents who care for policy *advocacy*—this translates to making clear statements and notorious attempts to promote policy at the ideal point.

[*Max pi(xi, x~i)[policy] + (1-pi(xi, x~i))[policy]

where pi(xi) = player i's probability of reelection given actions xi, etc.]

Justification for the need to add position-taking.

My model, if performed successfully, will be an alternative to Cameron's bargaining model with incomplete information. This might raise the question: What factor is more important, incomplete information or position-taking? Both factors press in the same direction, towards the occurrence of vetoes in equilibrium. Disentangling the effect of the two factors from each other seems tricky.

At this point my *q* variable introduced in an earlier chapter becomes particularly handy: it allows to disentangle the effect of incomplete information from other ones.

To see this, imagine a polity where *q*="50%+1". Assuming 100% assistance in the assembly—i.e. ignoring the possibility that a bill may be passed by a plurality (if there are enough absences in the quorum)—then the same coalition that passed the original proposal is capable of overriding a presidential veto. Under this setting, uncertainty about the feasibility of an override is no longer a factor affecting players' strategic choices. If a veto is observed under this scenario, its occurrence may

confidently be tied to position-taking (or at least factors other than incomplete information).

I have some information about vetoes and overrides in U.S. states where q="50%+1". This evidence could serve as the basis of a chapter that tests the 'no-veto' prediction of the setter model.

Chapter 6.—Budgetary politics in comparative perspective (very rough sketch)

Another possible operational version of the dependent variable: when the fiscal year starts and no budget has been approved. This seems to be a measure that should not be too complicated to obtain for a number of countries. If I could also obtain budgetary requests made by the executive in addition to the appropriation, it would be possible to replicate Kiewiet and McCubbins's (1988) tests of the theory for a number of countries.

As of now I only have some information on the dates the budgetary law was passed in Venezuela and in Argentina. The following tables contain this information.

Argentina: Delays and non-delays in budgetary appropriations law, 1917-1987.

FY	President	FY begins	Budget law passed	Delay?	Duodécimo?
1917	Yrigoyen	1/1/17	Feb 1917	Yes	Yes Jan-17
1918	Yrigoyen	1/1/18	none	Yes	Yes Jan-18
1919	Yrigoyen	1/1/19	Jul 1919	Yes	Yes Jan-19
1920	Yrigoyen	1/1/20	Jun 1920	Yes	Yes Jan-20
1921	Yrigoyen	1/1/21	Sept 1921	Yes	Yes Jan-21
1922	Yrigoyen	1/1/22	Sept 1922	Yes	Yes Jan-22

1923	Alvear	1/1/23	Oct 1923	Yes	Yes Jan-23
1924	Alvear	1/1/24	Dec 1924	Yes	
1925	Alvear	1/1/25	Dec 1924	No	
1926	Alvear	1/1/26	Aug 1926	Yes	Yes Jan 26
1927	Alvear	1/1/27	Jan 1927	Yes	
1928	Alvear	1/1/28	Sept 1927	No	
1929	Yrigoyen	1/1/29	Sept 1928	No	
1930	Yrigoyen	1/1/30	Jan 1930	Yes	
Dictatorship FYs 1931-32					
1933	Justo	1/1/33	Dec 1932	No	
1934	Justo	1/1/34	Sept 1933	No	
1935	Justo	1/1/35	Jan 1935	Yes	
1936	Justo	1/1/36	Sept 1935	No	
1937	Justo	1/1/37	Dec 1936	No	
1938	Justo	1/1/38	Jan 1938	Yes	
1939	Ortiz	1/1/39	Jan 1939	Yes	
1940	Ortiz	1/1/40	Sept 1939	No	
1941	Ortiz	1/1/41	Jul 1941	Yes	
1942	Ortiz	1/1/42	Sept 1942	Yes	
1943	Castillo	1/1/43	Sept 1942	No	
Dictatorship FYs 1944-46					
1947	Perón	1/1/47	Dec 1946	No	
1948	Perón	1/1/48	Sept 1947	No	

1949	Perón	1/1/49	Sept 1948	No	
1950	Perón	1/1/50	Sept 1949	No	
1951-52	Perón	1/1/51	Aug 1950	No	
1953-54	Perón	1/1/53	Sept 1952	No	
1955-56	Perón	1/1/55	Dec 1954	No	
Dictatorship FYs 1957-59					
1960	Frondizi	11/1/60	Dec 1960	Yes	
1961	Frondizi	11/1/61	Jan 1962	Yes	
1962	Frondizi	11/1/62	Dec 1962	Yes	
Dictatorship FYs 1963-64					
1965	Illía	11/1/65	Mar 1966	Yes	
Dictatorship FYs 1966-73					
1974	Perón	1/1/74	Apr 1974	Yes	
1975	Mtz de Perón	1/1/75	Dec 1974	No	
Dictatorship FYs 1976-83					
1984	Alfonsín	1/1/84	Sept 1984	Yes	
1985	Alfonsín	1/1/85	Sept 1985	Yes	
1986	Alfonsín	1/1/86	Sept 1986	Yes	
1987	Alfonsín	1/1/87	Jun 1987	Yes	

Note: I need to figure out what exactly duodécimos are; sounds like a temporary agreement to do something with the 'twelfth' something—perhaps continue on the budgtetary allocation of the last month in the previous FY?

Source: Prepared with data from Molinelli (1991), pp. 123-27, 168-71.

Venezuela: Delays in appropriations to ministries (*Ley del presupuesto*), 1959-1995

Fiscal Year	Date budgetary law was passed by Congress	Date Fiscal Year began (check this)	Budget delayed?	Delay length (days)	Budget passed __ days before deadline
1959-60	6/29/59	7/1/59	No		2
1960-61	6/29/60	7/1/60	No		2
2nd semester 1961	6/30/61	7/1/61	No		1
1962	12/12/61	1/1/62	No		20
1963	11/28/62	1/1/63	No		34
1964	8/15/63	1/1/64	No		139
1965	12/10/64	1/1/65	No		22
1966	12/9/65	1/1/66	No		23
1967	12/13/66	1/1/67	No		19
1968	12/14/67	1/1/68	No		18
1969	8/29/68	1/1/69	No		125
1970	12/19/69	1/1/70	No		13
1971	12/20/70	1/1/71	No		12
1972	10/6/71	1/1/72	No		87
1973	12/22/72	1/1/73	No		10
1974	11/22/73	1/1/74	No		40
1975	12/19/74	1/1/75	No		13
1976	12/19/75	1/1/76	No		13
1977	12/23/76	1/1/77	No		9

1978	12/27/77	1/1/78	No		5
1979	8/23/78	1/1/79	No		131
1980	12/20/79	1/1/80	No		12
1981	12/20/80	1/1/81	No		12
1982	12/20/81	1/1/82	No		12
1983	3/24/83	1/1/83	YES	82	
1984	9/9/83	1/1/84	No		114
1985	11/29/84	1/1/85	No		33
1986	12/18/85	1/1/86	No		14
1987	12/27/86	1/1/87	No		5
1988	12/23/87	1/1/88	No		9
1989	8/24/88	1/1/89	No		130
1990	12/21/89	1/1/90	No		11
1991	12/21/90	1/1/91	No		11
1992	11/29/91	1/1/92	No		33
1993	11/30/92	1/1/93	No		32
1994	8/15/93	1/1/94	No		139
1995	11/30/94	1/1/95	No		32

Note: I thank Octavio Amorim Neto for sharing this data with me.
Source: *Venezuela. 1959-1994. "Resumen del Presupuesto de Ingresos y Gastos Públicos para el Año Fiscal 1959-1995." In Gaceta Oficial de la República de Venezuela. Caracas: Imprenta Nacional y Gaceta Oficial.

Chapter 7.—Legislative vetoes and executive decrees (rough sketch)

In this chapter I make the model capable of analyzing variable constitutionally

mandated decree powers, and how this affects the proactive power of the president. I still

have not figured out what exactly I want to do with this aspect of the model. The

introduction of decree power slightly modifies Condition 4, making it more restrictive.

In the legislative bargaining process presented thus far, the sequence of play is

such that the legislature plays the role of an agenda setter (Romer and Rosenthal 1978).

The legislature can propose an alternative—a change in the status quo—which the

president may only accept or reject in a take-it-or-leave-it choice. Even though this

purely reactive power provides the president with some influence over legislation, as

suggested in the game discussed above, the legislature retains the possibility of "keeping

the gates closed" to any alteration of the status quo by simply *not proposing an

alternative* (à la Shepsle and Weingast 1987, p. *).

There are a few polities that prescribe a different sequence of play in their

constitutions. In these cases the president can initiate a change in the status quo, and then

wait for a reaction by the legislature. That is, the president is *constitutionally* entitled to

change the status quo unilaterally by *decree*. The change is temporal and easily

overridden by legislative majorities, yet the change does indeed survive without

legislative consent for some (pre-specified) time. Intuitively, granting the president with

a faculty to issue decrees seems to augment his influence in the legislative bargaining process.

The president's influence would be maximal if his decree power were absolute. A decree power is absolute if, after a decree establishing a new status quo is signed by the president, the legislature lacks the capacity to overturn it. Under such a hypothetical setting, the president is free to impose his ideal policy as the new outcome, regardless of the preferences of legislators. Such hypothetical scenario, however, implies a violation of the principle of division of power: the executive is entitled to legislate independently of the legislature. Indeed, this setting looks very similar to an absolute monarchy. Not surprisingly, to my knowledge there are no empirical referents of this arrangement among the universe of polities with separation of power.

There are, however, a few constitutions that provide the president with a relative power to issue decrees: after some time, the legislature can rescind any unilateral change in the status quo made by the president. This situation is illustrated in Game Tree 3. The game starts with a choice by the president to retain the status quo or to issue a decree; thereafter, the separation-of-power game proceeds. With this game sequence I assume that after a decree is signed by the president, the normal legislative bargaining process follows. That is, the president is establishing a new status quo that becomes the reversionary policy in case of disagreement. Another alternative is to leave the *status quo ante* as the reversionary policy—if V sustains the veto the outcome is SQ instead of d in Game Tree 3.[27]

[Game Tree 3]

The analysis of the impact of this constitutionally mandated decree power is easier to carry by assuming that Conditions 1 through 5 are met, as in Figure 6. Figure 6 is a replica of the situation portrayed in Figure 5.b. Recall that under this setting, deadlock ensued because any proposal deemed acceptable for the median legislator leaves both the president and the pivot worse off; presidential vetoes are thus sustained. The addition of a decree power changes this conclusion. If the president decided to unilaterally change the status quo (i.e. by decree) to his ideal point P, this change would last for some pre-determined time. After that time has elapsed, however, the legislature is free to amend the decree by sending a new legislative proposal. Since this amendment may be vetoed by the president under the game sequence I assume, the median agenda setter is obliged to accommodate the preferences of the pivot. In Figure 6, an amendment of the decree slightly to the right of V_P (the projection of P on V) would be veto-proof. The end result of this decree at P, from the standpoint of the president, is even less desirable than the original status quo.

[Figure 6]

Note however that, if the president had issued a more moderate decree at V instead of P, then the median agenda setter, after the decree has expired, can no longer amend it. The reason is that any new amendment will be unacceptable to the pivot. Thus

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[27] It is hard to establish, from the constitutions I revised, what exactly the sequence of play is after a decree

a veto of the amendment would be sustained, imposing V as the new status quo. The end result of this decree is an improvement from the standpoint of the president. The optimal strategy for the president seems to be a decree located at the pivot's ideal point.[28]

One implication from this discussion is that Condition 4 needs to be modified for deadlock to be the outcome of the game. The setting portrayed in Figure 6 fulfills Conditions 1 to 5, and yet deadlock does not ensue when the president possesses a constitutionally mandated faculty to issue decrees. Thus, Condition 4 needs to be supplanted by a more restrictive one:

> **Condition 4-bis**. The ideal points of the pivot and the president are both located on the same side of the status quo, and the president does not have a constitutionally mandated decree power.

This condition suggests what much of the literature has already pointed: unilateralism is a way to break immobilism (Cox and McCubbins n.d.). Many presidents who lack a decree faculty actually have attempted changes in the status quo by pushing their powers to the verge of constitutionality (Nixon and impoundments; Reagan and Nicaragua; above quotes by Valenzuela, Gillespie and González, etc.)

Empirical referents. Most polities with division-of-power in the world do not entitle the president to unilaterally set a new status quo by decree. In most countries (as well as in all U.S. states, to my knowledge) decree powers need to be explicitly delegated by the legislature to the president, with a specific policy in mind. In contrast with the constitutionally mandated decree prerogative, what the legislature delegates in this case it can retract, or it can choose not to delegate in the first place.

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has been issued.

But a handful of presidents enjoy a constitutional decree power: those of Brazil, Colombia, Argentina, Peru, and Ecuador, as far as I know. Such presidential faculty is usually labeled an 'emergency measure'.

The new (1988) Brazilian constitution allows the president to take 'provisional measures', allowing him to unilaterally change the status quo in any policy area by decree; the change, however, loses effect if it is not converted into law by the legislature within thirty days.[29]

In Colombia, the new (1991) constitution allows the president to declare the state of emergency for a limited 90-day period in case of events that disrupt the economic, social, or ecological order. Under the state of emergency, the president may issue decrees with force of law in any area. As soon as the state of emergency is lifted, however, the legislature may repeal or amend those decrees (Carey, Amorim Neto, and Shugart 1997, p. 448).

Argentina's new (1994) constitution codifies what had previously been a de facto decree power held by the president. The president may, under "unusual circumstances", issue decrees with force of law in most policy areas, that nonetheless need to be submitted to the legislature for discussion within 10 days of the signature.[30]

In Peru's new (1993) constitution, the president's decree authority is restricted to economic and financial matters, and decrees may be rescinded by the legislature. In

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[28] I think that this would also be the equilibrium outcome if the reversion point were the ex-ante status quo (SQ) instead of the ex-post one (d).

[29] Although the 62nd constitutional article is ambivalent as to whether the president may reissue a decree that has previously been rescinded by the legislature, a Supreme Court ruling forbid president Collor of doing so in *1991 (*Power 1994).

[30] Article 99.3 of the constitution. The president may not issue such decrees to make penal, tax, electoral, or political parties regulations.

addition, if the budget is not passed by the end of the fiscal year, the president's proposal is promulgated by decree.[31]

Finally, in Ecuador the president may declare an economic measure urgent, and it becomes law in 15 days unless the legislature votes to reject it. Ecuadorian decrees, however, differ from the previous ones in that the new status quo established by the president does not become law the moment it is signed. Such status is only achieved if the legislature fails to reject the decree (Mainwaring and Shugart 1997b, p. 46).

The description of decree power in these polities suggests that my model is disregarding two features of decrees that seem pretty important—their temporality (how long do they last), and whether they have force of law the moment they are signed or not. I should perhaps try to incorporate these features into the model.

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[31] Article 118.19 and article 80.

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Table 1: The structure of vetoes and the likelihood of executive vetoes

Veto structure (q):	No veto (q=0)	q="½+1"	q=3/5	q=2/3	q=3/4	No override (q>1)
Probabi-lity that president blocks a legislative decision he or she dislikes	p=0		Lower p	Middle p	Higher p	p=1
Likelihood of vetoes, all else constant:	Nil		Increasing			Maximal
Empirical referents:	Costa Rica (budget), Ecuador (budget), Honduras (budget), Mexico (budget)	Brazil post-88, Colombia, Nicaragua, Paraguay, Peru, Venezuela	Uruguay	Argentina, Bolivia, Brazil pre-88, Chile, Dominican Republic, El Salvador, Guatemala, Panama, U.S., Costa Rica (~budget), Honduras (~budget), Mexico (~budget)		Ecuador (~budget)
	North Carolina	Alabama, Arkansas, Indiana, Kentucky, Tennessee, West Virginia (~rev&app)	Delaware, Illinois (~rev&app), Maryland, Nebraska, Ohio, Rhode Island	Alaska (~rev&app), Oklahoma (~rev&app), West Virginia (rev&app), all other U.S. states	Alaska (rev&app), Illinois (rev&app), Oklahoma (rev&app)	

Sources: Argentina (1994); UNAM (1994); Carey, Amorim Neto, and Shugart (1997); Council of State Governments 1986-1994.

Table 2. Veto institutions and the number of vetoes by legislative year,

selected U.S. states, 1983-1993.

```
            |    q=0      q=.5      q=.6     q=.66 |    Total
------------+--------------------------------------+--------
No vetoes   |     11        12         3        10 |       36
observed    |  30.56     33.33      8.33     27.78 |   100.00
            | 100.00     19.35      6.98      7.09 |    14.01
------------+--------------------------------------+--------
At least    |      0        50        40       131 |      221
one veto    |   0.00     22.62     18.10     59.28 |   100.00
observed    |   0.00     80.65     93.02     92.91 |    85.99
------------+--------------------------------------+--------
    Total   |     11        62        43       141 |      257
            |   4.28     24.12     16.73     54.86 |   100.00
            | 100.00    100.00    100.00    100.00 |   100.00
```

Each cell contains: number of cases (top), row percentage (middle), and column percentage (bottom).
Source: Table prepared with data from Council of State Governments 1982-1994.

Table 3. A model of the total number of vetoes by legislative year (DV),

selected U.S. states, 1983-1993.

Independent variable	Estimated coefficient	Standard error	t
CONSTANT	-74.50 *	13.12	-5.68
DIVIDED GOVERNMENT	35.16 *	5.85	6.01
TOTAL BILLS APPROVED	.11 *	.01	16.07
VETO STRUCTURE (q)	49.92 *	20.9	2.39

Number of obs   =   257
R^2 =   .54
F   =   98.7
Prob[F>$F_{(3, 253)}$]   =   0.00

Method of Estimation: OLS.
* Estimate is significant at the .05 level, 2-tailed test.

Summary statistics of the variables in the model:

```
          Variable |   Mean   Std. Dev.   Min      Max
-------------------+------------------------------------
  Number of vetoes |  33.56    68.19       0       465
                 q |    .58      .14       0       .66
 Divided government |    .54      .50       0         1
Total bills approved |  545.69   429.74     0      3128
```
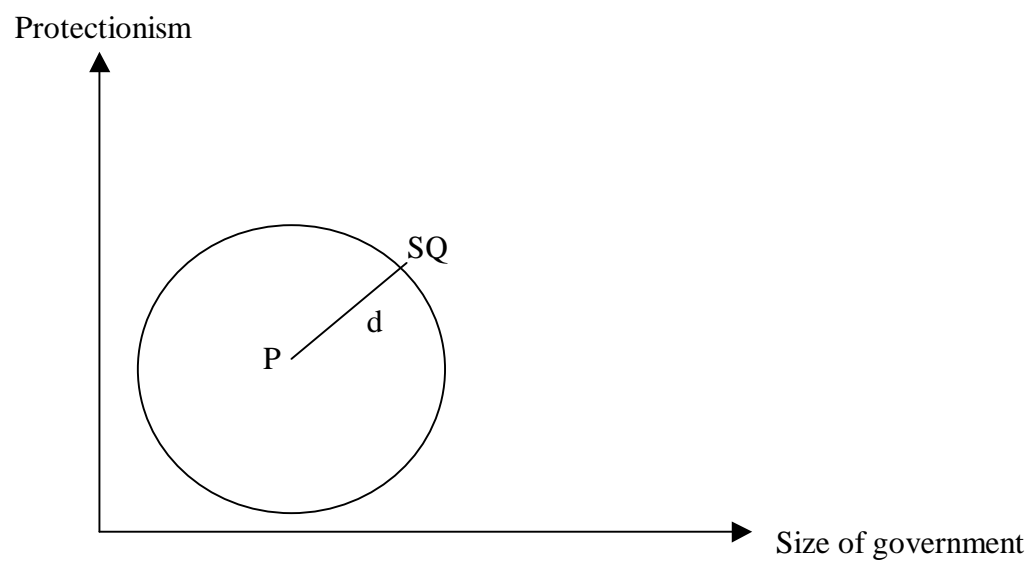
Figure 1

An example of a two-dimensional policy space

Protectionism

SQ

d

P

Size of government

Figure 2

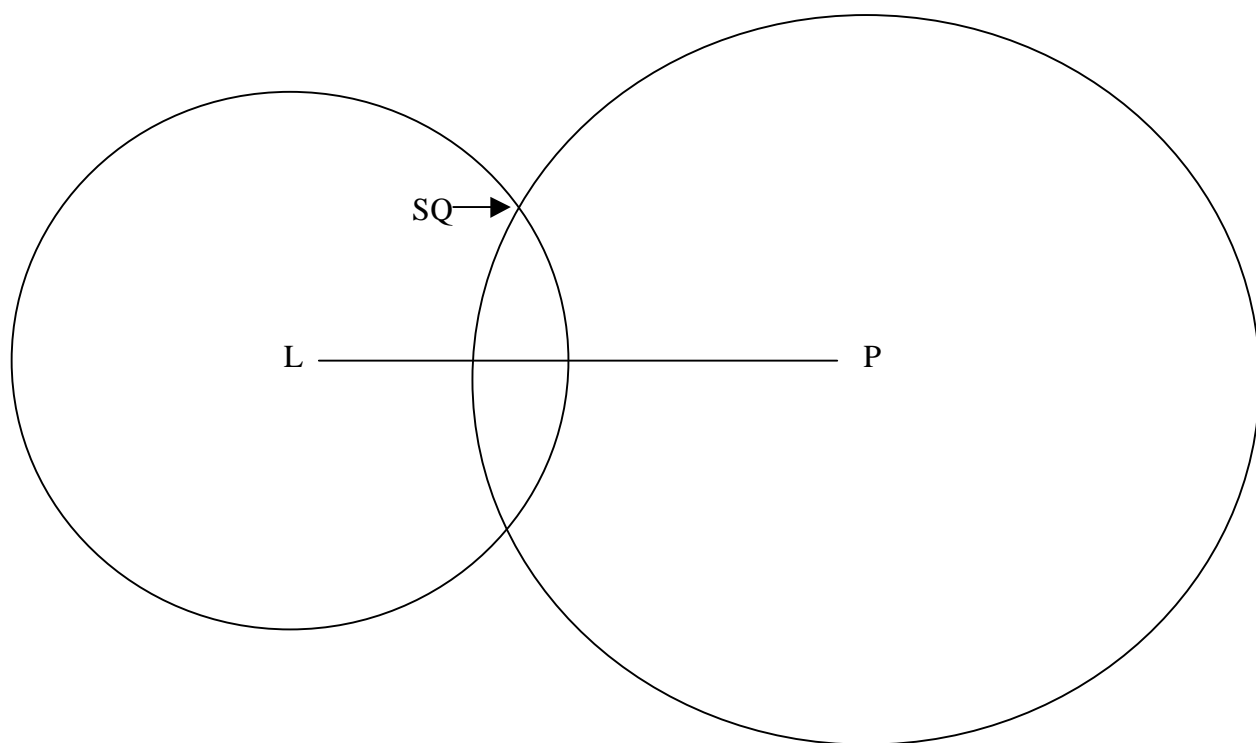**A president and a legislature with a (non-empty) compromise petal**

Figure 3

A president and a legislature with an empty compromise petal

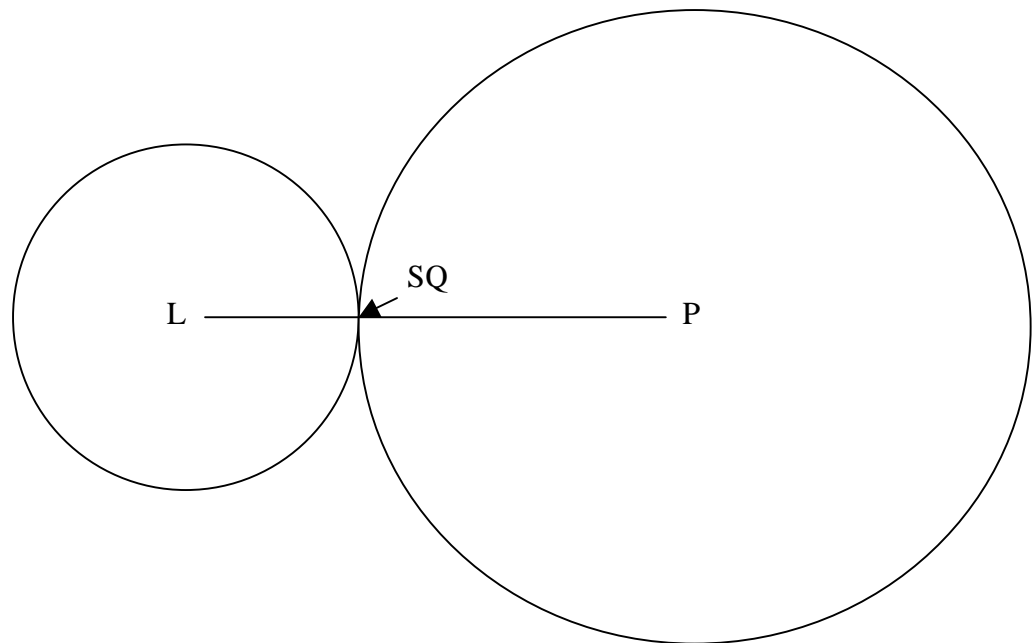**(the initial conditions for genuine deadlock)**

Figure 4
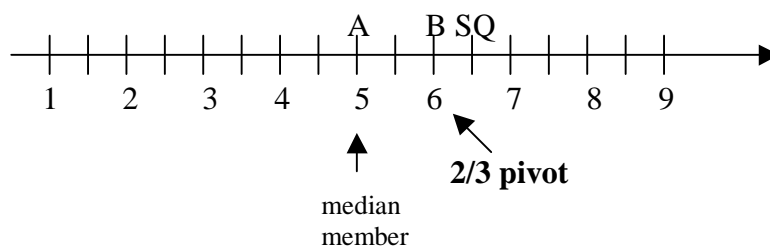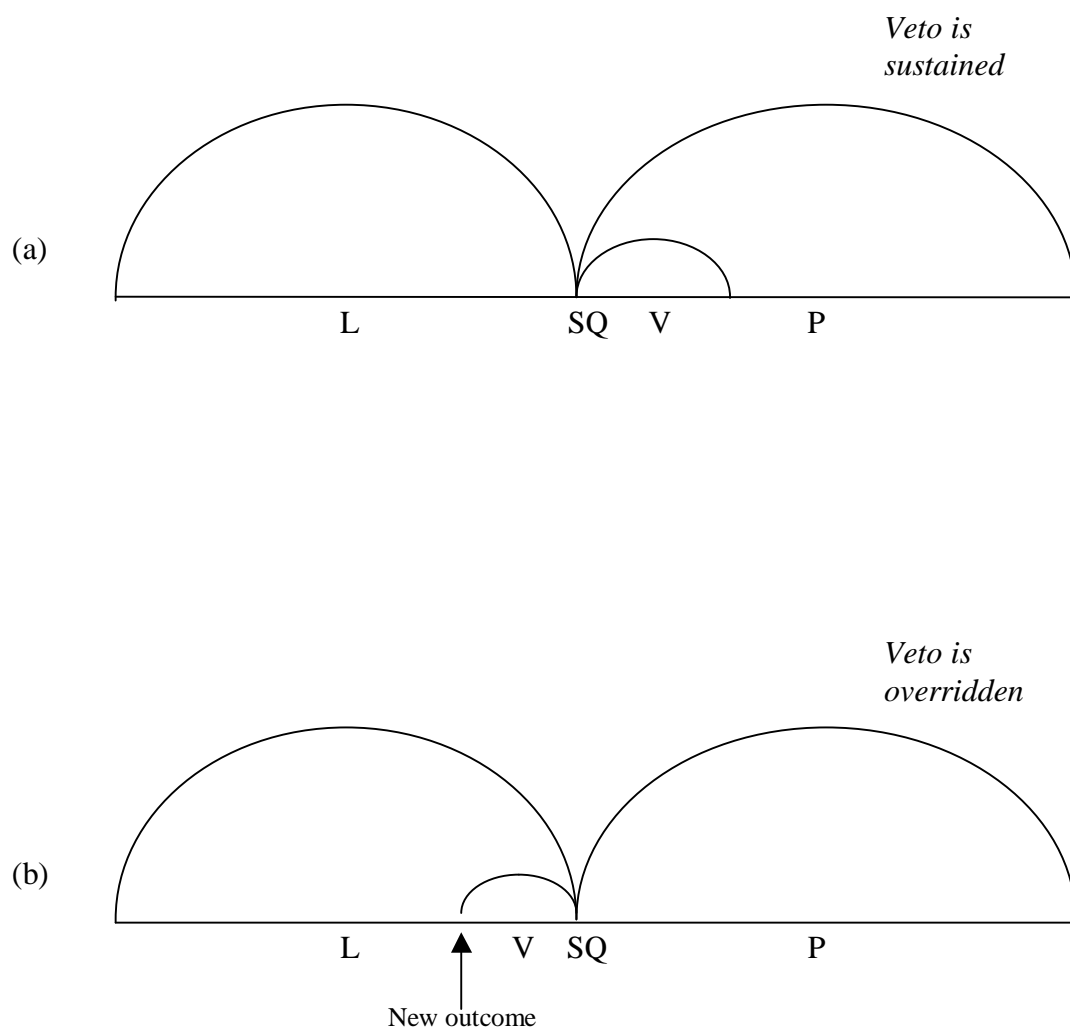
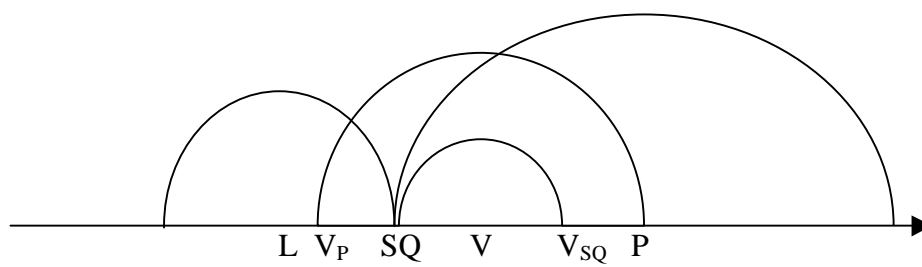***The 2/3-override-pivot in a nine-member assembly***

Figure 5

The location of the pivot's ideal determines the outcome of a veto

Veto is sustained

(a)

L   SQ   V   P

Veto is overridden

(b)

L   V   SQ   P

New outcome

Figure 6

Game tree 1

The pure-veto setter game
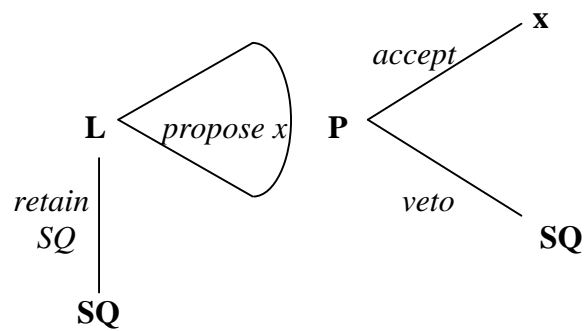
Game tree 2

The override setter game

L — *propose x* → P

retain SQ (from L) → SQ

P — *accept* → x

P — *veto* → V

V — *sustain* → SQ

V — *over-ride* → x
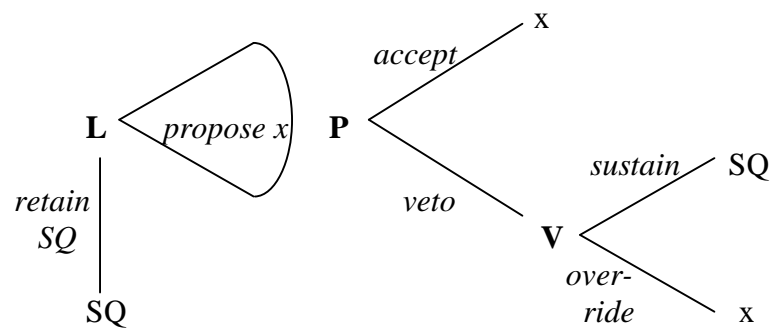
Game tree 3

The decree setter game