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Conclusions

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Control over the legislative agenda provides advantages that impact how bills become law and how some fail in the process. The chapters in this volume have examined those legislative rules that affect opportunities for influencing bills, discussed the positions of relevant partisan players, and investigated how they work together to affect various aspects of lawmaking. Overall, they expand our understanding of how legislatures work, confirming some aspects of the conventional wisdom while also shedding light on understudied features of legislative politics. The chapters addressed the characteristics of bill introduction and approval, the influence of the president as lawmaker, and the significance of legislative amendment activity. We do not find dominant or deadlocked presidents; instead we observe differences in the extent to which presidents succeed in enacting their programs and, perhaps more interestingly, how this is achieved.

Our concluding remarks discuss four aspects of the chapters of this volume. First, we discuss some findings that reflect why changes in the positions of major actors matter. Second, we comment on those findings that reflect on the influence of chief executives over the congressional agenda. Third, we address findings related to legislative success and productivity. Lastly, we conclude by connecting some of the relevant findings to our introductory chapter.

CHANGES IN POSITIONS

Several of the chapters have stressed the implications of losing or lacking a partisan majority in congress. The results show that within countries, increasing the number of legislative players beyond those in government increases the complexity of bargaining and makes changing the status quo more difficult. Yet, presidents have been able to navigate the lack of majority without facing

the perils of deadlock. This is partly the result of both agenda setting prerogatives in the hands of the president and legislators' ability to amend presidential bills to reflect congressional preferences.

The change in government status from majority to plurality is underscored in Calvo and Sagarzazu's chapter on Argentina. The authors address how the loss of a majority in the chamber affects legislative outcomes. They note that in the Argentine Chamber of Deputies the largest party retains a significant share of important committees, even after losing a majority, which allows it to continue to exert gatekeeping power over a wide range of policies. The loss of a majority, however, has a series of consequences. Committee bargaining becomes more difficult, fewer executive bills are reported out of committee, and those bills that are reported from committee are the product of complex cross-partisan bargains which are protected by party leaders during floor debates.¹ In addition, they show that the number of amendments increases when different political parties control each chamber of the Argentine Congress.

In the introductory chapter we argued that agenda setters are more likely to get outcomes closer to their position the more centrally located they are in the policy space (keeping institutional details constant). This is consistent with Calvo and Sagarzazu's findings that (a) under majority government, the closer the Argentine president is to the median of the majority party the fewer the number of amendments introduced to his bills, and (b) after the majority becomes a plurality, moving towards the median of the chamber has the effect of reducing amendments. In the end, the success rate of bills introduced by Argentine presidents is not significantly hurt by losing a majority.² Plurality presidents have been able to get small parties, independents, and dissidents from the opposition to support their bills at more or less the same rate as majority presidents.

As in Argentina, when the president in Uruguay loses a partisan majority in Congress, negotiations between legislative parties become key to move bills forward. But unlike the case of Argentina, where the lack of a majority enhances the relevance of committee bargains, in Uruguay it shifts power from committee chairs to the party leadership. In the absence of a majority party, bills tend to be reported after the government's legislative faction has reached an agreement that can deliver floor passage. For the president, this means an increase in unwanted amendments passed by Congress. Chasquetti shows that the loss of congressional support increases the number of presidential vetoes. Presidents lacking a partisan majority make greater use of vetoes, including amendatory observations that allow them to fight unwanted amendments to government bills.

But the impact of losing a partisan majority is nowhere more evident than in Mexico. Casar's chapter shows drastic changes since the era of single-

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majority party under the PRI. The president's legislative program shrank, the success rate of presidential bills dropped, amendments to presidential bills became commonplace, and the incidence of presidential vetoes went up. Despite all of these changes, Mexican presidents have not been confronted with deadlock. Instead, Casar shows, lawmaking power has shifted from the executive to political parties, which in Congress amend most major presidential proposals and initiate most laws.

The end of majority-party dominance and alternation in the presidency worked to increase the relevance of the median party, which has become the most frequent partner on the floor of the Mexican Congress. Before 2000, a regime dimension also affected the position of parties, which worked to bring the leftist PRD and rightist PAN closer to each other. Between 2000 and 2012, the Mexican presidency was held by a minority president on the center-right, who most often allied with the centrist party. Casar shows that during this period the president's party (PAN) regularly allied with the median party (PRI) to pass most initiatives.³

As in Mexico, the lack of a majority party in the Peruvian Congress has worked to favor centrist parties and has not impeded the passage of most government bills. According to Ponce's chapter, the reason for this is that, since 2001, Peruvian presidents have been both centrists and in possession of substantial legislative prerogatives. Congressional amending of executive bills has also helped.

Differences between outcomes in a majority-controlled chamber and those in an evenly split chamber were underscored in Alemán and Navia's chapter on Chilean legislative politics. During the Concertación era (1990–2010), governing parties had a majority in the lower chamber but never captured full control of the upper chamber. The analysis of legislative votes shows that in the Chamber of Deputies, where agenda setting offices were in the hands of government parties, successful legislation consistently received the support of most members in the majority. Meanwhile, members of the opposition were more often on the losing side of these bills. However, when neither the opposition nor government coalitions had full agenda control, as in the Senate, cross-coalition support was more common, if not routine for those bills that ultimately passed. This seems to have favored moderate members of the governing coalition (Christian Democrats) more than their leftist allies who, like the right-wing non-elected senators, ended up on the losing side more frequently.

Compared to those in Chile, Colombian coalitions are more unstable and parties are much weaker, more volatile, and less ideological. Presidents Santos, Uribe, and Pastrana had to govern amid high party fragmentation and built majority coalitions in both chambers.⁴ According to Carroll and Pachón, the

government coalitions these presidents formed were unable to ensure that executive bills received floor consideration, and not always reliable in ensuring that bills opposed by the president did not reach the floor. During his second term in office, President Uribe faced a particularly low rate of legislative success. The authors link this outcome to Uribe's challenges in organizing his congressional coalition, hit hard by a criminal scandal, and to the opposition that his attempt at a third presidential term generated within his coalition. While the ability to build more stable and party-based government coalitions has grown considerably following the 2003 electoral reforms, executives continue to face considerable challenges to control the legislative agenda. According to Carroll and Pachón, the main reason for this is that congressional rules continue to empower individual legislators at the expense of parties.

Brazilian Presidents Cardoso, Da Silva, and Rouseff also formed majority coalitions (often oversized) and regularly used a battery of agenda setting tools at their disposal. The evidence presented by Hiroi and Rennó in the chapter on Brazil shows the government on the winning side in the overwhelming majority of votes. Proportionally allocated cabinets accelerate the approval of bills and a cohesive opposition appears to slow it down. The cohesion of the government coalition does not appear to have an effect on the timing of bill approval. But it is difficult to evaluate positional changes in Brazilian legislative politics. While the extent to which parties can be pinned down ideologically varies, the range of these oversized government coalitions has been large. Coalitions formed by both Da Silva and Rouseff included left-wing parties as well as right-wing parties.

PRESIDENTIAL INFLUENCE OVER THE LEGISLATIVE AGENDA

As expected, the president's involvement in the lawmaking process varies considerably across the countries analyzed. On the one hand, we have Chile and Brazil, where executives play an active role influencing the content of the congressional agenda. In Uruguay this is more evident in the Senate, given the vice president's role. Presidents in Colombia and Peru are also engaged, but to a lesser degree than in the prior countries. On the other hand, we have the presidents of Mexico and Argentina, which are less directly involved.⁵ Presidents in these two countries rely more on their partisan allies in congress to move their proposed legislation to the plenary floor and to respond appropriately to the hostile amendments offered to their preferred legislation. They become involved—although comparatively less often—at the veto stage.

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Presidents in Chile, Brazil, Colombia, Peru, and Uruguay use urgency motions to prioritize bills in the congressional calendar. In the case of Peru, the urgency procedure is used very frequently but it is rather toothless; in Uruguay, the urgency power included in the constitution is very robust but it is a norm to use it sparingly. In contrast, presidents in Brazil and Chile use their urgency prerogatives frequently to push bills to the floor of congress. As a result, the congressional agenda in these two countries is, to a significant extent, dictated by the priorities of the executive branch. Presidents in Colombia also use urgency procedures to accelerate the discussion of legislation, although apparently less often than in Chile and Brazil. The lack of this procedure in Argentina and Mexico limits the influence of the executive branch on the congressional schedule and prevents presidents from compelling legislators to take a stand on a particular bill.

In Brazil and Peru presidents frequently “move first” by enacting decrees to pass new policies. Their impact over the legislative agenda, however, is very different. In Brazil, decrees are provisional measures that are forced into the congressional agenda after a given deadline. Congress is compelled to address the president’s decrees, and, in most occasions, it ends up turning such temporary measures into law (over three-quarters of the time).⁶ At least since the early 2000s, Brazilian presidents have had a better record at getting their measures into law via decrees than via ordinary statutes. But members of Congress have a chance to amend such executive decrees before converting them into permanent law, and they do it a majority of the time.⁷

The situation is very different in Peru, where executive decrees become law immediately and Congress is not compelled to take a stand. The congressional committee in charge of reviewing presidential decrees may recommend their nullification but cannot amend them.⁸ The vast majority of executive decrees issued by Peruvian presidents are not overturned. Presidents are limited to issuing urgent decrees in financial and economic matters (although the interpretation of this is rather loose), but those are precisely the areas of policy where members of Congress face the greatest restrictions in terms of bill initiation. In Argentina, decrees of urgency were used regularly by presidents between 1989 and 2007. To nullify an urgent decree, which as in Peru becomes law right away, a resolution must pass both chambers of Congress. In 2010, the Argentine Supreme Court further limited the instances under which the government can claim the need to issue an urgent decree.

In the seven countries examined in this volume, it is customary for presidents to use their veto powers. As we hypothesized in the introductory chapter, presidents are more likely to use this opportunity to construct a modified version of the bill than to reject it entirely.

In the countries where presidents can introduce amendments (observations) to vetoed bills—Chile, Peru, Uruguay, and Mexico—presidents typically use this stage of the lawmaking process to propose final changes. Alemán and Navia's chapter describes how Chilean presidents use them on various occasions to modify major bills and that such amendments were accepted by the Chilean Congress the vast majority of the time. Chasquetti's chapter notes that in Uruguay minority presidents are more likely to introduce amendments to vetoed bills than majority presidents, and that they are used most often during the last two years of the president's administration. In Peru, amendatory observations are common on presidential legislation amended in Congress. Vetoes have been used more sparingly in Mexico, although more often than under one-party rule. Casar's chapter notes that in Mexico amendatory vetoes have been used more often than bloc vetoes that reject the entire bill, which is also the case in the other three countries that allow this procedure.

In the other countries—Argentina, Brazil, and Colombia—presidents can use the partial veto as a tool to delete sections of a bill. In Brazil and Colombia presidents most often prefer partial vetoes over rejecting the entire bill, and make use of them rather frequently.⁹ In Argentina, vetoes are used less frequently. It is the only country of the seven studied in this volume where presidents use partial and bloc vetoes in roughly the same proportion.¹⁰

LAWMAKERS

In the seven countries studied in this volume most bills are introduced by members of congress and not the president. However, there is wide cross-national variation in the total number of bills introduced in each congress. For instance, in Chile the number of bills introduced each year is on average close to one per member, while in Argentina and Peru, that yearly average is greater than four per member. In Argentina, Chile, and Mexico, the number of bills initiated by members of congress has increased since the transition to democratic rule. The most striking change took place in Mexico's Congress. During the period 1991–7, the total number of bills introduced was less than one per member for the entire six-year period. In contrast, during the 2009–12 legislative period the average was close to two bills per member a year.

Most bills introduced by members of congress fail to become law. The success rate of bills initiated by legislators oscillates between a low of around 5 percent in Argentina to a high of around 27 percent in Peru.¹¹ Legislators' bills also have a relatively high passage rate (26 percent) in Uruguay, where legislators initiate

fewer bills a year than in the prior two countries (about one-third in terms of bills per legislator). In the middle of the distribution we find Chile's Congress, where the approval rate of members' bills is around 15 percent, and Colombia's Congress, where it hovers around 17 percent. In Mexico, the sharp increase in the number of initiated bills partly explains the reduction in the passage rate of bills initiated by members of Congress since the end of one-party dominance.

Despite the apparent low levels of approval, we observe that in most chambers many (if not most) legislators come to the end of their term having authored or co-authored a bill that became law. Proposals introduced by members of congress send low-cost signals regarding their policy stances, and while most proposals die before reaching a plenary vote, they frequently become a realistic alternative to the status quo. Although many bills fail to make it out of committee, members of congress still initiate a significant share of those bills that actually become law.

In Colombia and Mexico, the vast majority of laws (two-thirds or more) originate with congress, not the president. In Peru, a majority of laws also comes from legislators' initiatives. Congress and the executive more or less split law production in Argentina and Brazil. Only in Chile and Uruguay is the share of laws originating with members of congress much lower, closer to one-third of all laws. These numbers defy the views that in Latin America executives practically monopolize the introduction of potentially successful bills and that members of congress are primarily reactive actors. However, presidential bills are fewer in quantity but have higher chance of approval than those initiated by legislators. Executive proposals also tend to be approved faster than bills initiated by members of congress; evidence of this was presented in the chapters on Brazil, Chile, and Uruguay.

Among the presidents examined in this volume, those in Chile, Mexico, and Uruguay have a comparatively high rate of legislative success.¹² Typically more than 70 percent of presidential bills became law.¹³ It is also notable that since the re-establishment of democratic elections, executive-initiated bills in Chile and Uruguay have had a high rate of approval and have also made up a large majority of all laws (about two-thirds of all bills passed). In these two countries presidents play a preponderant role in lawmaking.

In contrast, presidents in Brazil and Argentina have been less successful at getting their bills enacted into law. Their passage rates fall below the median for presidential countries and are lower than those of other presidents examined in this volume.¹⁴ The results for Brazil presented by Hiroi and Rennó contrast with earlier characterizations of Brazilian presidents as highly successful in terms of bill approval (e.g., Figueiredo and Limongi 2000). They show that the approval rate of ordinary bills introduced by Brazilian presidents has been relatively low since the late 1990s (less than 50 percent), and

much lower than the approval rate of the temporary executive decrees regularly issued, which has been greater than 75 percent following the 2001 reform.¹⁵ In Argentina, the average passage rate for executive bills has been below 60 percent, despite the recurrence of single-party governments.

In Colombia, the approval rate of executive bills has hovered around 66 percent, which is, according to Saiegh (2011), the average for coalition governments in presidential countries. The bills introduced by Peruvian executives have a similar rate of approval, but neither one of the two Peruvian presidents during the period 2001–11 had a congressional majority.

The president's legislative program typically attracts greater attention than congressional bills. In this regard, the chapters lend some support to the commonly held view that in Latin America most "major" bills are introduced by the president. When looking at the sample of bills that become front-page news, we see that in five of the seven countries examined in this volume a majority of these legislative proposals originated with the executive.¹⁶ Why do presidents originate most major bills? This is partly the result of institutional powers, such as the exclusive right to initiate bills in some relevant policy areas. In addition, the president's staff and technical resources contribute to make presidential initiatives particularly attractive when dealing with complex policy issues, which may discourage legislators from proposing bills on similar topics and encourage amendments. Electoral campaigns in winner-take-all elections, which enhance the role of presidential candidates and their policy programs, may also contribute to the finding that most major bills are executive proposals.

Presidents play a more visible role, but legislators also originate a fair number of major bills. In places like Peru, legislators appear rather active, initiating just over half of the major bills in Ponce's sample and succeeding in their enactment close to two-thirds of the time. In Uruguay, legislators initiate a high share of major bills but are a lot less successful than presidents at turning them into law. Overall, the information presented on bill initiation illustrates legislators' proactive behavior.

Another important finding from the chapters of this volume is that most major bills initiated by the president are amended in congress before becoming law. The amendment process in Latin American legislatures has yet to be fully scrutinized. The preliminary evidence presented in this volume is consistent with prior findings from the US Congress, which show that a substantial share of the president's program is ultimately enacted with modifications introduced by members of Congress.

In Chile, major presidential bills are passed faster than others, but almost always with modifications introduced by Congress. The few that are not amended are either very short or the result of a wide consensus. In Peru, two-thirds of major bills initiated by the president and passed by Congress

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were amended on the plenary floor of Congress. The proportion amended in committee was likely higher. In Mexico, the end of one-party dominance resulted in a steep increase in the number of amendments presented by legislators. Nowadays major presidential bills are regularly subject to substantive modifications in the Mexican Congress. In Brazil, where presidents appear more successful at changing the status quo via temporary decrees rather than through regular statutes, major presidential bills that are passed by Congress typically include substantive amendments introduced by legislators. Chasqueti finds that in Uruguay the vast majority of major bills examined (70 percent) passed with substantive congressional amendments. The proportion of major bills that are amended in the Uruguayan Congress is far higher than the proportion of other laws that are amended. The chapters on Argentina and Colombia also highlight that major presidential bills are significantly more likely to be amended than other bills.

FINAL REMARKS

The emerging literature on Latin American legislatures has brought into light the impact of a variety of institutional mechanisms that affect the bill-to-law process in presidential countries, such as amendatory and partial vetoes, executive urgencies, and decrees. It has also underlined the implications of multi-party coalitions and plurality governments in fragmented congresses, which are not common to the US context.¹⁷ The study of legislatures in Latin America has enriched both the legislative politics literature and the study of Latin American institutions.

In the introduction of this book we argued that control of the legislative agenda depends on legislative prerogatives as well as on the positions of relevant legislative actors. We discussed differences between proposal and veto power and how some actors can influence the scheduling of bills. For each country, the chapters in this book described which offices benefit from such prerogatives and some of the main traits of the legislative parties that bargain over offices and policies. We underscored that legislative actors with significant prerogatives can be limited by the need to reach an agreement with other legislative players whose policy positions are relatively distant. Thus, institutional power can be checked by the need to build coalitions.

The chapters showed various implications of this positional constraint, such as amendments to accommodate ideologically disparate actors (e.g., Chile and Colombia), low passage rates for ordinary bills and frequent use of temporary decrees (e.g., Brazil), or more frequent use of vetoes and amendatory

observations (e.g., Uruguay and Mexico). In the introduction we also argued that weak agenda setting prerogatives might be overcome by positional advantage. When lacking a majority in congress, presidents can benefit from moving to the center by, for example, reducing amendments to their bills (e.g., Argentina). As expected, the lack of a majority government also tends to favor centrist parties (e.g., Peru and Mexico).

The chapters of this book have shown not only variation in the authority of committees, but how their influence can be affected by the presence or absence of a majority. Committees' ability to act as gatekeepers or to restrict amendments varies considerably across countries. For instance, committee power in Argentina is primarily negative—to veto proposals—whereas in Chile and Brazil it is primarily positive—to propose bills and amendments. Colombia's committees, which are less numerous than in the other countries, possess some degree of both gatekeeping and proposal power, whereas in Uruguay, Mexico, and Peru, congressional committees are comparatively weaker in terms of gatekeeping and proposal power.

This book sought to examine the potential for and consequences of presidential and legislative influence in lawmaking. While numerous studies have addressed the inner workings of the US Congress and European parliamentary democracies, studies that focus on agenda setting or the internal organization of Latin American congresses remain comparatively thin. We believe this volume contributes to the understanding of how political institutions and legislative actors impact lawmaking in presidential democracies, and hope that it moves forward the study of legislative politics in Latin America.

Between them the seven country studies presented in this volume demonstrate the vitality and pivotal importance of congressional activity in the political life of these now quite well established democratic regimes. The executive dominance and top-down style of governance that characterized their periods of authoritarian rule should not lead analysts to underestimate the legislative processes that now occupy such a central place in public affairs. While the various cases display an important range of variation, it is striking how far they can all be analyzed using the tools and concepts of the established legislative studies literature. These seven include the largest and most influential democratic regimes of Latin America. However, it should be noted that not all the congresses of the region are represented here. In particular, the "refounded" constitutional regimes of Venezuela, Bolivia, and Ecuador do not display the same degree of congressional autonomy, nor do several of the smaller and more traditionally presidentialist regimes of the region. There is scope to further widen the range of comparative legislative studies in the western hemisphere, in order to establish the full "scope conditions" for the type of analysis proposed here. It is also worth noting that not all the institutional systems included in this

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collection are equally consolidated. Colombia is still undergoing a difficult peace process that could result in further constitutional innovations, for example, while Peru has yet to fully absorb the legacy of the Fujimori period of executive dominance, and current conflicts in Brazil suggest that there too the equilibrium between the branches of government could be further tested. More generally, Latinobarometro surveys indicate that most congresses are held in low repute at present, as are professional politicians and their parties. Their important legislative work is not always understood or respected by the general public to the extent that our case material suggests it should be. Even in the more impressively institution-alized of these newly democratized regimes there are still shadows from the past that persist, and could weaken the prestige and effectiveness of these congresses.

Notwithstanding these provisos, the main thrust of democratic development over the past couple of decades has been towards the strengthening of congressional autonomy and the maturing of sophisticated legislative procedures. This volume therefore highlights that under-appreciated aspect of Latin American democratization, and offers a framework for understanding the politics and policies in these countries.

NOTES

1. Palanza and Sin (2013) show that moving from a majority to a plurality increases the incidence of vetoes.
2. However, shifting to a plurality hurts the approval rate of the president's party (Alemán and Calvo 2010).
3. This finding is consistent with the pattern of roll rates found by Alemán (2006).
4. Pastrana lost the majority briefly in 2001.
5. Of course, they maneuver behind the scenes to get their programs enacted, particularly in Mexico.
6. See Pereira et al. (2005).
7. To roughly 56 percent of decrees according to Rodrigues Cunha (2012).
8. Since 2007, the related committee most often does not debate the decrees.
9. About 22 percent of bills passed. See Pachón and Aroca (2013) for Colombia, and Grohmann (2003) for Brazil between 1990 and 2000.
10. About 11 percent of bills passed according to Palanza and Sin (2013).
11. The passage rate of legislators' bills is very low in Brazil as well. Hiroi and Rennó, in their chapter on Brazil, do not count bills that did not come out of committee. Thus, the overall rates of approval are actually much lower than the ones they report in their chapter.

12. The average for single-party majority governments in presidential countries is around 70 percent (Saiegh 2011).
13. Within each of these countries, the share of legislative seats for government parties seems to have a positive relation with approval rates of presidential bills. For evidence on Chile see Alemán and Navia (2009).
14. See Saiegh (2011) for summary passage rates across governments and regime types.
15. See also Pereira et al. (2008).
16. Hiroi and Rennó speculate that the low number of major executive bills in their sample from Brazil is probably due to presidents advancing several salient proposals as decrees, which were not counted in their sample.
17. Studies focused on Latin American legislatures have also contributed to testing and improving theories developed primarily to explain the US case. Examples include arguments about legislators' "electoral connection," the lawmaking implications of the electoral cycle, the control of partisan cartels, and the power of committees (Alemán 2013).