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Patterns of Legislative Politics

Identifiability and Flexibility

Democracy is not to be found *in* the parties but *between* the parties.
(Schattschneider, 1942, p. 60)

An effective party system requires, first, that the parties are able to bring forth programs to which they commit themselves and, second, that the parties possess sufficient internal cohesion to carry out these programs. In such a system, the party program becomes the work program of the party, so recognized by the party leaders in and out of the government, by the party body as a whole, and by the public.
(American Political Science Association, Committee on Political Parties, 1950, p. 18)

Immoderate and ideological politics is conducive to sheer paralysis or to a disorderly sequence of ill-calculated reforms that end in failure.
(Sartori, 1976, p. 140)

Shackled with dominant presidents and frequent interruptions by military governments, the legislatures have been generally overshadowed in discussions of Latin American politics. These institutions, however, are the cornerstones of democracy. When open, they provide arenas for debates, representation of societal interests, oversight of governmental processes, a source from which to recruit political leadership, a place in which to form political coalitions, as well as a legal institution in which the represented interests can debate and reach decisions on policy directions. Theoretically they, along with the executive, also provide citizens a target at which to address their wrath if government direction or performance run askance.

Aside from Cuba, the legislatures throughout Latin America have been open for some time. Most Latin American legislators still face daunting presidents, but many have not recoiled from their responsibilities, acting forcefully

to reform policies, oversee corrupt practices, and serve their constituents. Clearly others have, instead, bowed to executive demands, sought private gains, or served pork to clients. Either way, however, the region's legislatures are clearly central to politics, policy, and democracy.

Though it is common to talk about the role of legislatures, it is the legislators who inhabit the institutions and the interactions among them that define the patterns of legislative politics. The issues involved in this definition are complex, but they can be grouped into two general themes. The first is the shape and structure of the groups that the legislators form and the relation of these collective structures to representative democracy. The second is the propensity of those groups to compromise and work with one another in approving policy decisions.

identifiability and democracy

Legislatures are the institutional cornerstone of democracy because they embody the principles of representative government. In a representative democracy, voters choose delegates to a law-making body and hold those delegates responsible for their actions. Burke (1774) taught that these responsible delegates could take either of two paths to serve their constituents: acting as a reflection of their constituents' *desires* or taking independent discretionary yet fiduciary action to serve those same constituents' *interests*. Regardless of the path, however, constituents were able to judge their representatives every few years and either reward them with another term or replace them.

In practice, delegates in most representative democracies have formed into groups, generally labeled parties, factions, and coalitions. The theory of representative government, therefore, focuses on the *collective* responsibility and accountability of these groups, rather than on the *individual* accountability of isolated elected officials. A key assumption of the model of "responsible party government" is that voters can identify which groups are responsible for political decisions and target their votes toward those groups. In the simplest Westminster version of the model, two parties compete by promulgating clear and divergent platforms containing their promises and plans for governance. Then, whichever party wins faithfully implements its platform by utilizing its unified majority in parliament.

Under this model the parties are responsible in two senses. First, there is no doubt about which party is responsible for the actions of the government; thus, the governing party can be held fully accountable for its actions. As the voters can identify "who dunnit," I will label this notion of responsibility *identifiability*. Second, because there is so little uncertainty in allocating blame and credit, each governing party faithfully implements its platform. To do otherwise would incur sure electoral retribution for breaking a promise made to voters.

Not all legislatures, however, provide voters equal opportunities for assessing credit or blame. Schattschneider (1942; 1960), whom I quoted to open this chapter, was particularly concerned that parties in the United States did not follow this prescription, which he saw as critical to the development of responsible party government. His Committee on Political Parties railed against the parties' incoherent platforms and insufficient internal unity to carry out their programs. In short, the parties lacked identifiability. Without the ability to really tell which group of politicians controls government policy, voters can hardly hold anyone accountable for poor performance; this inability to mete out electoral pain in turn leaves politicians without an electoral incentive to be faithful to any promises made. Identifiability, thus, is a necessary condition for faithfulness or responsibility.

Though fear of the voters' sword helps ensure a responsible government, not all swords are sharp and not all voters can find (identify) their targets. As discussed in Chapter 3, some balloting systems identify just a candidate or a party, while others direct voters to coalitions or factions. The ability to identify a group on the ballot redounds to the voters' ability to hold accountable those groups that they may have identified as responsible.

On top of the problem of where voters can direct their votes, Powell (1999) argues that without a unified majority party the "clarity of responsibility" suffers (pp. 11–12). Following Olson (1993), there should also be concern about individual politicians who seek only short-term plunder instead of long careers in elected office, since these politicians will have little fear of electoral retribution. Long-term banditry does not worry Olson because he found that kings and presidents (and by implication legislators) could maximize their plunder (which includes power and prestige in addition to gold and silver) by protecting their citizens and ensuring their economic success. In previous epochs this meant that warlords and kings worked to maintain their positions by protecting their subjects from "roving bandits" who had no interest in the welfare (and hence tax base) of the community. In modern democracies, representatives who want to maximize their plunder (for selfish or altruistic ends) must work to maintain their electoral popularity.

However, as I note in Chapter 4, not all elected representatives can become stationary bandits (due to term limits), and others willingly leave their offices (or fail to seek reelection). These representatives, therefore, need not be responsive to voters.

Democracy can help mitigate this problem because the factions, parties, or coalitions to which the bandits belong do generally seek political survival. That is, if voters can attribute responsibility to these electorally motivated groups, then the democratic ideal of voter demands and government response can survive even if individual legislators are beyond the reach of voters. Short-term bandits in the legislature are most dangerous, then, when the groups to which they adhere lack unity and hence collective accountability.

Collective accountability does not ensure that an empowered group will abstain from providing particularistic goods and focus solely on legislation affecting the nation as a whole. Olson's argument, however, is that stationary bandits have a strong incentive to provide public goods, such as beneficial economic policy, in order to survive political competition. Bandits who fail to do so will see their resource base fall, and they will be unable to provide for their clients. Further, the opposition can promote new policies and claim that they will be able to provide more pork as the result of the larger resource base that they will generate. This argument counters several game-theoretic perspectives that suggest that voters always have an incentive to choose representatives that promise pork over policy. My goal here is not to enter into that debate in detail but instead to suggest that whether voters are choosing pork or policy (or more likely a combination of the two), retrospective choices require voters to identify the group of legislators responsible for the current state of affairs. The converse of this statement is perhaps stronger: where voters cannot identify a group responsible for current conditions, policy pronouncements should play a lesser role in voters' decisions. This level of accountability works best when there is an identifiable and coherent majority, and it becomes progressively more problematic as the number of groups increases and the unity of those groups decreases. It also assumes that where legislators act independently of parties or other groups, their impact on policy or their claim on the national budget is necessarily less than where they act in concert with others. This leads us back to the conclusion that for national policy to enter into the voters' calculus when considering their choice for legislative representation, voters must be able to identify coherent groups of legislators.

Voters can identify the collective intention and will of legislative groups when the members of those groups act in concert – repeatedly and predictably. When the groups act as such, the voters, as well as lobbyists, the executive, or other groups can view the group as a legislative *agent*. As defined more carefully in Chapter 2, an agent is the subordinate in a hierarchical relationship with a principal (here the voters). To have agency also implies the ability to take concerted action, and thus I apply the term to those groups of legislators – often factions, parties, or coalitions – who make collective decisions and act as a coherent body. I also apply the term "agent system" to the totality of these groups, in order to avoid a singular focus on parties that the common term, party system, connotes.

Publicly available roll-call votes provide a concrete gauge for the degree to which groups of legislators act in harmony. Patterns of roll-call voting thus indicate whether voters can reasonably attribute successes or failures to a group (such as a party or faction) or whether individual legislators should be the focus of the voters' attention. In most cases, individual voters will not calculate their representatives' unity scores, but daily political dialogue will contain information about the behavior of representatives and the groups

that they form. Roll call data thus give the researcher a tool to capture an impression of legislators' actions that voters absorb from the media, social organizations, and general conversations. These data also provide the press and watchdog groups with specific information that they can feed to voters. Thus, while voters may not directly access and analyze roll-call data before making their voting choices, the data are a good proxy for the information that voters do use in identifying and judging their agents.

This book makes extensive use of roll-call data from Argentina, Brazil, Chile, Uruguay, and the United States and applies it first to the relation between voters and accountable legislative agents in these countries. With respect to these five countries, Chapter 3 addresses the two aspects of the accountability of a party, faction, or coalition: the identifiability of groups as collective actors and the ability of the voters to identify those actors on the ballot. The chapter first details these countries' electoral systems to analyze the latter issue, concluding that voters can target parties and provincial or state delegations in Argentina and Brazil, coalitions and parties in Chile, and parties and factions in Uruguay. Then after a historical review to show the continuing political relevance of these same groups, I analyze the roll-call voting data to explore the regularity with which the groups behave as collective actors. The chapter shows that although the frequency with which these groups achieve high levels of unity varies significantly both among and within the countries, all display enough unity, at least on a limited set of issues, to allow voters to consider them collectively responsible agents.

Roll-call data would be unnecessary in exploring legislative behavior in canonical Westminster systems, as the political parties vote as unitary blocs. Indeed, unity rates of some parties are so great that roll-call votes would not reveal underlying tendencies. In the countries that are the main focus of this book, however, the degree of voting unity – and hence the array of potentially responsible agents – is far more diverse. In the United States, voters are aided in attributing blame by the two-party system, but the average level of unity of those parties is much less than most of the agents representing the voters in our other four countries. Of the other countries considered here, only in Argentina have there been two primary and unified political parties, and that system seems to be breaking down. In Chile there are two long-lasting and relatively unified alliances, but the data show that coalition politics has not subsumed the parties' identities.[1] In Uruguay there are well-organized factions, which as the voting unity attests, act independently of the parties. Finally, Brazil lacks durable coalitions, and most parties are not highly unified. All of the parties, however, do unite on an important subset of issues, and several do exhibit quite high degrees of overall unity. There is also evidence that the party delegations from some states are good candidates

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[1] Generally I use the terms "coalition" and "alliance" interchangeably. Chapter 6, however, gives a specific definition to the term "policy coalitions."

for agency. In sum, while there are many distinct patterns, the roll-call data
make clear whether parties or sub- or supraparty actors consistently act as
coherent and hence identifiable groups.

The data also allow tests for the sources of voting unity. The explanation
I develop in Chapters 4 and 5 revolves around two broad themes: leaders'
ability to *discipline* the rank-and-file and the common beliefs and interests
among groups of legislators that drive *cohesion*. I argue that because elec-
toral systems determine whether elected legislators owe debts to leaders for
nominating them as candidates, they are central to explaining a leader's dis-
ciplinary power. But, because the electoral system has a blanket affect on all
parties, factions, and coalitions in a given country, that variable cannot ex-
plain the important differences among groups within a single country. More
importantly, leadership powers are only one of the many factors that can
influence legislators' voting patterns. These patterns are also driven by the
legislators' ideology, their electoral goals, and other interests. This classifi-
cation of variables leads me to refer generally to the voting *unity* of a party,
faction, or coalition, while I reserve the terms "discipline" and "cohesion"
for explanations of the specific sources of that unity.

FLEXIBILITY AND DEMOCRACY

Democracy implies majority rule, but sustainable democracy requires com-
promise. Identifiability and responsibility, therefore, are insufficient to ensure
the continuance of democratic governance. Where mass actors have stood
their ground too firmly, rulers have turned to nonpeaceful dispute resolution.
Where democratically chosen rulers have failed to calm these situations, the
military has often stepped in, ending democracy. Democracy also fails where
leaders of social movements, the armed forces, labor and business groups,
and political parties fail to work with one another. The converse is also true:
pacts and negotiations fortify democracies.

In order to gain viability and win adherence, such pacts – whether formal
or informal – require ratification by politicians. If the politicians are left
out, then the compromisers will continually worry about new laws that will
abrogate their deals. Further, since legislatures are supposed to represent
society and provide a forum for debating and resolving conflicts, legislative
compromise holds a privileged place among all the negotiating spaces that
must take place to ensure democratic continuity. In short, pacts must be
sealed by legislators.

Therefore, in addition to an investigation of identifiable legislative agents,
this book considers the patterns of compromises among these agents in a
region where questions of democratic survival or consolidation are most
pertinent. As noted previously, with the exception of Cuba, freely elected
presidents and legislatures currently rule all of Latin America. But, this is
a quite recent picture. Only about ten years ago we would have included

Mexico, Paraguay, Chile, and Peru alongside Cuba, and going back about twenty years we would have had only a small handful of democratic states (Colombia, Venezuela, and Costa Rica). The region as a whole, in short, is still struggling to consolidate democratic governance.

The legislators in this region on whom compromise and democratic sustainability depend do not have a great track record. Their poor public standing is unsurprising given that they have been marred by charges of corruption, failure to represent their constituents, clientelism, and obsession with the porkbarrel. Further, their predecessors have been blamed for gridlocking the political system – albeit at a time when they have also been charged with such weakness that they helped foster domineering presidencies.[2]

Often with references to the breakdown of Chilean democracy in 1973, the propensity of legislatures toward obstreperousness has generated great concern. Many authors – including Sartori (1976), Valenzuela (1978; 1994), Pasquino (1990), Shugart and Carey (1992), Coppedge (1994), Mainwaring and Scully (1995), Pridham (1995), and Przeworski (1995) – discuss specific aspects of parties, party systems, or other legislative groups that help ensure against democratic breakdown. Among others, these authors cite the importance of the number of parties in a system, the level of party institutionalization, the degree of polarization among the parties, and internal party fragmentation as important factors in determining the sustainability of a democratic system. Though it is seldom an explicit argument, these discussions frequently revolve around the importance of identifiability or accountability. The concern with polarization and interbranch stalemate, however, is more pronounced. Perhaps most prominently Sartori argued that "Polarized multipartism . . . [is] characterized by centrifugal drives, irresponsible opposition, and unfair competition." As a result, it is "hardly a viable system" (1976, p. 140). Linz (1990; 1994) and Mainwaring (1993) add that multipartism is especially problematic when combined with presidentialism.

Many examples illustrate the danger of rigid politics and the benefits of compromise. Smith's studies (1969; 1974) of Argentina in the first half of the twentieth century show not only that increased levels of polarization were evident in rising levels of party-line voting (i.e., identifiability) in Argentina, but that these changes also presaged the fall of democracy. Similarly, the failure of Chilean President Balmaceda and his supporters in the Congress to reach a compromise with the congressional majority over the budget and executive powers generally led to civil war in that country at the end of the nineteenth century. More recently, Chile's 1973 democratic downfall was precipitated by the lack of compromise between the president

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[2] Linz (1990; 1994) argues that multiparty legislatures are a danger because they can generate executive–legislative stalemate but paradoxically adds that presidentialism creates winner-take-all (i.e., very strong) presidents.

and his leftist supporters on the one side and the center and rightist groups on the other; Brazil's downfall in 1964 was caused by a president unwilling to work through the newly imposed limitations of his powers that would have necessitated coalition building; and Argentina's falls in 1966 and 1973 were the result of wide-scale disputes between the parties, the military, and the classes.

Outside of the Southern Cone is the example of Colombia, where long and intense interparty civil wars were left behind when the two main parties formed the Frente Nacional in 1958. Similarly, the foundational pact in Venezuela, also signed in 1958, is credited with allowing that country to develop a democracy that has now survived for over forty years. Spain, which has completed one of the world's most successful transitions and consolidations, offers another important example. In addition to the well-known deals at the time of democracy's foundation in the 1970s (Tezanos, Cotarelo, and de Blas, 1989; Linz and Stepan, 1996), parties have continued to make important compromises and seek consensus on what they term "organic laws," but which we might term rules of the game. Though the Spanish parties divide and fight each other over economic and social issues, interviews and a review of parliamentary records confirm that the parties seek consensus when debating organic laws that deal with issues such as the electoral system or the banking system.[3] This spirit of inclusion, it seems, keeps the parties who are currently out of government within the democratic game.

These examples of successful compromises suggest that not all multi-agent systems are doomed to failure. Leaving aside the question about electoral fraud, Sartori and Linz's arguments are based on the assumption that extremists will not follow the model of a loyal opposition, which would oppose some – but not all – legislation and attack policy choices without threatening the political system. Linz (1994) and Foweraker (1998) also discuss this issue, with a concern about the willingness of highly ideological and disciplined parties (agents) to join coalitions.

These concerns imply that democracy requires that identifiability be complemented with *flexibility*, the willingness of politicians and political groups to compromise in order to avoid stalemates. Clearly, if the agents are so highly ideological (and identifiable) that they resist compromise, polarization can threaten democracy.

This issue was not lost to Sartori, who discusses it with reference to the Italian Communist Party (PCI). His fear was of parties (agents) that formed part of the "permanent opposition" because such groups had little stake in the system. He found, however, that even though the PCI was never considered a potential coalition partner in the government, they were "semi-responsible." This he attributes to his finding that "no bill is even submitted to parliament without being previously bargained with the PCI" (p. 142).

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[3] Interviews conducted with Spanish legislators in the summer of 1998.

There is some question about the importance of many of these bills, and he notes that most of the interparty cooperation occurs in closed-door sessions. Still, the fact that the PCI was at least partially integrated into the process favored democratic stability. In Sartori's words, "the centripetal convergence that may be said to exist among Communist and bourgeois party leaders at the invisible levels goes to explain how the Italian polity [has] enjoy[ed] the longest record of survival of the [polarized pluralist] type" (p. 145).

Most Latin American democracies are teeming with parties (as well as factions and coalitions), thus apparently running the risk of generating polarized and irresponsible groups of legislators. Among the Southern Cone cases, the Argentines appear to have the fewest number of parties, but their two longstanding parties (the Radicals and the Peronists) are actually amalgams of different provincial parties. Further, the two parties have not monopolized the vote or the legislature, as together they garnered an average of only about 70 percent of the vote for the elections of 1991, 1993, and 1995. Since that time the Radicals have merged with others, and new alliances have gained prominence. Uruguay's longstanding two-party system devolved into a three-party system just before the dictatorship, and a fourth party has been growing since the mid-1990s. This number, as alluded to earlier, hides a multitude of significant factions. Next, Chile has maintained five primary parties in the legislature, and the Brazilian legislature has housed even more. This relatively large number of significant parties and other legislative groups is also evident in much of the rest of Latin America.

Brazil's Workers' Party (PT), Uruguay's Broad Front (Frente Amplio), and Chile's Independent Democratic Union (UDI) are in potentially similar situations to the Italian Communists. These three strong electoral parties have been on the ideological fringe and could have pushed the countries toward polarization.[4] The UDI, for example, is closely tied to the Pinochet regime, and its reaction to his arrest in England in 1998 could have led the country into crisis. After relatively short protests including a walkout from the legislature, however, the party members returned to their posts and have voiced their opinions without threatening the democratic institutions. On the opposite end of the spectrum, Uruguay's Frente Amplio has members who were imprisoned, exiled, and tortured during the military government. They opposed the amnesty of the military leaders in 1986 but accepted their defeat without mobilizing their forces.

In sum, unlike earlier periods, these legislative groups today have been more open to pragmatism and bargaining than their polarized forerunners. For the countries under study in this book, the roll-call data displayed in Chapter 6 show that even the relatively extremist agents in the Southern Cone are frequent winners in the legislative arena. These agents commonly

[4] The political moderation and ideological position of the Frente Amplio and the UDI are discussed in later chapters.

vote with the center on the winning side of issues, and, on occasion, even vote with their polar opposites.

Though pragmatism is an important trait of the systems, politics still determines the coalitions of agents that come together in support of new legislation. Chapter 6 therefore also considers how cabinet membership, electoral alliances, ideology, and electoral cycles affect which groups form "policy coalitions" on the legislative floor.

THE OBJECTS OF STUDY: LEGISLATURES AND
LEGISLATIVE ACTORS

Instead of presidents and parties, this book focuses on legislatures and legislative agents. Because the former are often (at best) in the shadow of the president and the latter is an important shift in terminology, it is necessary to validate the importance of the Latin American legislatures and justify the reason for developing the new terminology. It is also necessary to explain the book's focus on the United States and Latin America's Southern Cone.

The Choice of Cases

This book explores legislative politics in Argentina, Brazil, Chile, and Uruguay in the 1990s, using the United States for a comparative perspective. In addition to the intercountry focus, the book also undertakes comparisons among the most prominent parties, factions, and coalitions within these countries. As a result, the study is both case-oriented and comparative. By working neither within a strict case study or large-n framework, the study necessarily loses some attention to detail and some degree of broad applicability (Ragin, 1987). The advantage of this mixed approach, however, is that it allows a detailed, if not complete, exploration of each case, as well as an orientation to variables that focuses attention on the applicability of the theories and findings to a wider set of cases.

The Southern Cone cases were not chosen randomly but were included for both practical and theoretical reasons. As King, Keohane, and Verba (1994) teach, testing the validity of comparisons requires choosing cases that exhibit a range of values on the key independent variables but that are similar in terms of other possibly confounding factors. Though it is not difficult to find cases that fulfill the first necessity, all comparative studies open themselves to challenges about untreated variables and assumed similarities. My defense of the comparison is based on the countries' similarities on two key variables.

First, the four Latin American countries are geographically proximal with similar political histories. These countries share an unfortunate recent past, all having suffered dictatorial rule for extended periods of time. The Brazilian dictators were the first to arrive (in 1964), but in 1967 Argentina's troubled