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Plurality parties, plurality cartels, and legislative success

In multi-party legislatures, the largest party or coalition can fall short of controlling a majority of seats. However, plurality-led congresses generally endow the largest party with extensive agenda-setting prerogatives, even when plenary majorities are lacking. How do plurality parties adjust to such partisan environments? Is the result more pronounced legislative gridlock or a change in the partisan composition of the legislation to be considered by the plenary and obtaining final approval? What is the effect of more fragmented partisan environments on the legislative success of individual representatives?

In this book I use the term *plurality cartels* to define a legislative party or coalition that is endowed with the authority to restrict the menu of bills that can be proposed to the plenary but lacks the votes to pass legislation with the sole support of its members. As is also the case with their majority siblings, I plurality cartels benefit from extensive institutional resources to restrict the set of bills reported from committee and debated on the floor. Plurality cartels also seek to guarantee that their congressional delegation will not split on a floor vote, thereby preventing the depreciation of the party label. Finally, plurality cartels also seek to prevent the reconsideration of policies whose current status quo is preferred by at least some senior party members (Cox and McCubbins 2005a).

¹ Cox and McCubbins (2005) coined the term *majority cartel* to describe how modern parties coordinate the legislative activities of their members, where senior partners with agenda-setting control bear the responsibility for advancing bills that neither divide the party on a floor vote nor will result in a vote defeat and, consequently, the depreciation of the party label. While in the United States Congress the largest party always controls a majority of the chamber seats, multi-party legislatures routinely grant agenda-setting authority to parties that control just a plurality of seats. As shown by Strøm (1990) in his analysis of minority governments in parliamentary regimes, minority-led governments operate within institutional constraints and advance strategic goals that differ from majority-led counterparts.

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However, plurality cartels in fragmented legislatures still need support from allies to approve the legislation they sponsor on the plenary floor. After all, defeats are costly to the party label even if all of its members vote together. In plurality-led congresses, I will argue, committee chairmen delegate broader authority on pre-floor institutions charged with the responsibility of bargaining for plenary support. Pre-floor party meetings (*reunion del bloque*) and the Chamber Directorate (*Comisión de Labor Parlamentaria*) become critical institutions that further restrict the sample of bills reaching the floor when *rational anticipation* by committee authorities is unlikely or unfeasible.²

When committee authorities are unable to anticipate costly defeats that reduce the value of the party label, they open the committee gates and endow party leaders with resources to negotiate for support, prior to a drafting of the floor schedule. The loss of majority control consequently shapes the behavior of plurality cartels and enhances the value of a more centralized management style geared towards building consensual legislative strategies.

Majority parties, plurality parties, and minority parties

Twenty years ago, Kaare Strøm stated that "undersized (minority) cabinets are a surprisingly common occurrence across a number of parliamentary democracies." (Strøm 1990) For researchers interested in explaining the origin and survival of cabinets in parliamentary regimes, the existence of minority governments was puzzling. Why would opposition parties that collectively held more than 50 percent of the seats allow minority cabinets to form? How could governments with less than 50 percent support in parliament survive? After all, wouldn't members of the opposition benefit from forming a winning coalition – no matter how ideologically diverse – rather than forfeiting all policy initiative to minority cabinets? When Strøm was writing his seminal *Minority Governments and Majority Rule*, roughly 35 percent of all cabinets were formed *in minority*. A significant contribution in the writings of Strøm, therefore, was to call the attention of researchers to a phenomenon long considered both a theoretical anomaly and an empirical regularity.

² In the description of the procedural cartel model, Cox and McCubbins (1993, 2005) highlight that in the decentralized United States committee system, committee authorities are delegated the fiduciary responsibility of preventing legislation that divides the party from being reported to the floor. Because gatekeeping authority at the committee level is unchecked by later institutions, at least in the streamlined model, rational anticipation by committee chairs provides the sole safeguard preventing the reconsideration of policies when the status quo is preferred to the proposal by the median voter of the majority party. In many congresses in Latin America, however, other intermediate institutions may restrict the sample of bills after the committee stage. Delegated gatekeeping authority to committees consequently is subject to review in later stages. There are other interpretations of the committee system, as an institution that facilitates parochial exchanges among house members or as an institution servicing the median voter of their parent chamber (Krehbiel 1991; Shepsle and Weingast 1984, 1987). In a similar vein, Carson, Finnocchiaro, and Rohde (2010) emphasize the selection role of committees, which make most decisions in regards to proposals approved under unanimous consent rules. I return to this latter point in Chapters 5 and 6.



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Less understandable is the lack of attention in current comparative research to an equally prominent empirical regularity: plurality-led congresses in presidential regimes. In contrast with minority cabinets in parliaments, the institutional origins of plurality-led congresses – and minority presidents—are not difficult to explain (Burden and Kimball 2002; Fiorina 1994; Jacobson 1990). As separate races decide the political fates of presidents and the composition of legislatures, voters in presidential regimes around the world frequently elect presidents whose parties fail to control one or both chambers of congress (Mainwaring and Shugart 1997). Given that coalition governments are neither necessary nor mandated, the largest legislative bloc in a wide number of multiparty legislatures often controls fewer than 50 percent of the seats.

Informed by the United States Congress as a case, a significant comparative scholarship has sought to explain the approval of the legislative agendas of minority presidents (Alesina and Rosenthal 1995; Cox and Kernell 1991; Fiorina 1992; Howell 2000; Mayhew 1991; Shugart 1995; Londregan 2000); explain the approval of law initiatives in legislatures with multiple veto points (Alemán and Tsebelis 2005a; Cheibub, Przeworski, and Saiegh 2004; Saiegh 2009a, 2011; Tsebelis 1999; Figueiredo, Lopez Salles, and Martins Viera 2009); and account for legitimacy deficits that may induce democratic breakdowns (Linz and Stepan 1978).

Minority-led congresses, however, are very different from plurality-led congresses. While much research analyzes legislatures in which the opposition controls a majority of seats and is able to limit the policies of the executive, less is known about congresses in which no party or coalition has an outright majority. Legislatures in which a single party controls a majority of seats – as observed in the United States – differ from those in which a coalition controls a majority of seats – as is often observed in Uruguay and Chile–and from congresses in which the largest party or coalition controls a bare plurality of seats – as is often the case in Argentina.

Plurality-led congresses, however, are far more common than those led by a single majority party or a coalition majority. Table 1.1 shows that plurality-led legislatures are extremely common, representing 39 percent of all presidential democracies since 1980. They also represent 42 percent of all presidential democracies in Latin America. Much less common are legislatures where a minority president faces an opposition that controls a majority of seats (5 percent) as in the United States or a coalition opposition (4 percent).

- ³ John B. Londregan's (2000) seminal work provides one of the first at-length analyses of the spatial preferences of legislators in any Latin American congress. His research, however, focuses on the limits to the authority of *Concertación* presidents when the senate opposition holds a majority of votes.
- 4 Notice that in the literature researchers use the term "minority-led" to describe congresses in which the majority of seats is controlled by parties from a different political color than that of the president.



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TABLE 1.1: Plurality-led, coalition majority, and single party majority congresses: presidential democracies, world, 1980–2008

		Is Largest Party in the Government or Government Coalition?		
		Opposition-Led Congress	Government-Led Congress	Total
Type of Legislative Majority	Plurality-Led	47	117	164
	Congress	11%	28%	39%
	Coalition	14	102	116
	Majority	3%	24%	28%
	Single Party	18	123	141
	Majority	4%	29%	33%
	Total	79 19%	342 81%	421

Note: Entries describe the partisan context in the legislatures of presidential regimes around the world for every year between 1980 and 2008. Elaborated using data from Saiegh (2009a, 2011).

As this book shows, plurality-led congresses differ in fundamental ways from majority-led congresses. Differences between plurality- and majority-led congresses are observed in the behavior of members of congress in committee, in pre-floor party meetings, and in the strategic use of motions submitted for the consideration of the plenary. In particular, this book shows differences between majority- and plurality-led congresses shape the gatekeeping strategies of senior party leaders on whom has been delegated the responsibility of preventing the depreciation of the party label.

PLURALITY PARTIES VS. PLURALITY CARTELS

In this book I make a distinction between plurality parties and plurality cartels. As described previously, plurality cartels result from a party or coalition failing to gain a majority of seats but remaining firmly in control of the legislative gates. In the case of the Argentina, for example, formal and informal House rules allocate key authoritative positions to senior members of the plurality party, such as the Chamber Presidency and the chairmanship of the most important committees.⁵ These authority posts wield considerable power, allowing senior

⁵ There was a single exception in 2009, after major conflicts with the agricultural sector, when all opposition legislators joined to take away the chairmanship of the budget committee to the plurality party, the Peronist *Frente para la Victoria* (FPV). Even then, the opposition still decided



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party members to administer the consideration and approval of bills at each legislative stage. Formal and informal rules allow senior party members to administer the flow of legislation that will be considered by fellow members in committee and on the plenary floor, even if they fail to gather a majority of Chamber seats.

However, not all gatekeeping responsibilities are delegated to members of the largest party or coalition nor are committee and scheduling prerogatives equally extensive in legislatures around the world. In Uruguay, for example, scheduling decisions are not formally delegated to presidents and chairs but, instead, result from informal interparty agreements and decisions reached by committee and plenary majorities (Chasquetti 2012). In Uruguay informal rules allow party authorities to draft a preliminary plenary schedule; however, the order of consideration of legislative proposals is fixed by reporting rules and can only be altered by majority vote during debate. The loss of majority support consequently imposes a greater burden on house leaders in Uruguay than in Argentina, given that authorities have little capacity to muscle legislation out of committee or to regulate debate. In contrast to the Argentine case, plurality parties in Uruguay have limited capacity to restrict the consideration and reporting of legislation that would be disliked by their own median voter.⁶

The distinction between plurality parties and plurality cartels is consistent with characterizations of majority parties and majority cartels that have been previously noted in the literature. In describing cross-national differences in formal agenda setting power, ⁷ Cox and McCubbins (2011) argue:

The first dimension measures the ability of the governing coalition to block bills from reaching the plenary agenda. At one end of this dimension are cases in which governing coalitions have no special powers to block and lack the discipline to reliably marshal a majority of assembly votes to block; an example that approximates this pole is the U.K. House of Commons in the 1830s. . . At the other end of this dimension are cases in which governing majorities either have special agenda-setting powers, so that they can block a bill even if they would not be able to marshal a majority on the floor against it, or are sufficiently disciplined to marshal a majority on the floor, or both. An example of a majority that has strong blocking power more by virtue of special privileges given to the

to accept tradition and gave the presidency of the chamber to the plurality party. Finally, less than a year later, the Chamber Directorate turned the chairmanship of the budget committee back to the plurality party.

- ⁶ As described by Chasquetti (2012), in Uruguay authorities are unable to prevent the consideration of bills even when requested by relatively small groups of legislators. Authorities therefore have little capacity to alter the order of consideration of bills without majority votes in committee or the floor. Success in the House of Representatives of Uruguay is overwhelmingly explained by committee and plenary bottlenecks that emerge in this relatively unregulated legislative environment.
- Where the first dimension describes the capacity of the government to prevent the consideration of bills by the plenary and the second dimension describes that of the opposition (Cox and McCubbins, 2011).



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government arises in the French National Assembly of the Fifth Republic (Huber 1996). An example of a majority that has strong blocking power more by virtue of iron discipline arises in the Netherlands in the twentieth century (Cox and McCubbins 2011, 456).

In this book I make a clear distinction between a *plurality party* – a party holding a plurality of seats – and a *plurality cartel* – a party holding a plurality of seats whose senior partners have the authority to administer the legislative gates.

THE LEGISLATIVE SUCCESS OF MCS AS A RESEARCH AGENDA

To describe the behavior of plurality cartels, this book focuses on a most important output: legislative success. That is, the approval rate of law initiatives sponsored by members of congress (MC).⁸ Success in advancing the legislative agenda of MCs is measured in three different – and critical – legislative stages: (i) success in reporting bills from committee; (ii) success in gaining approval for bills in the chamber of origin; and (iii) success in approving legislation in the alternate chamber. Success in each of these legislative stages, I argue, provides a map of the distribution of political power in congress and demonstrates how gatekeeping authority is exercised by majority and plurality cartels. In each of these different stages – the committee, the floor, the alternate chamber — there are opportunities for minority parties to slow down the legislative process and force majority and plurality cartels into more consensual scheduling strategies.⁹

Success in each of these stages requires MCs to invest political capital to raise the visibility of the issues addressed in their proposals, to recruit co-sponsors and supporters in the house and senate, and to work feasible amendments that minimize dissent in the early legislative stages. In short, as I will show, MCs need to get party members involved in the promotion and approval of each other's bill initiatives.

- In recent years there has been considerably more research measuring legislative success, although most attention has been devoted to floor-level success. There are, however, a limited number of articles dealing with legislative success in committee (Anderson, Box-Steffensmeier, and Sinclair-Chapman 2003; Krehbiel 1999b; Krutz 2005; Volden and Wiseman 2009; Volden, Wiseman, and Wittmer 2010). Throughout this book I use the term *success in committee* to describe the MCs' ability to successfully discharge their preferred legislation to the floor. Success in committee therefore is different and should not be confused with committee success, the capacity of committees to impose their own policy preferences onto their parent chamber (Diermeier 1995; Krehbiel, Shepsle, and Weingast 1987; Krehbiel 1996; Maltzman 1998; Sheingate 2006; Shepsle and Weingast 1987; Weingast 1989). A more significant literature exists on legislative success in general. The use of co-sponsorship data to measure legislative success has recently been proposed by Fowler and Tam Cho (Tam Cho and Fowler 2010). Some recent scholarship has analyzed legislative success on the plenary floor in Latin America, including Aleman and Navia (2009), Cheibub et al. (2004), Figueiredo et al. (2009) Taylor-Robinson et al. (2010), and Saiegh (2009b, 2011).
- ⁹ The minority party strategy in plurality-led congresses, as I will show, shares a family resemblance to the "dual-veto model" that preceded the introduction of the Reed Rules in the United States House and to the institution of the filibuster in the United States Senate (Cox and McCubbins, 2005: 61).



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As initiatives compete for scarce plenary time, success in each legislative stage is further explained by a variety of bill, MC, partisan, and congress-level variables. The determinants of success in committee, however, are not necessarily those that explain floor level approval or guarantee final passage.

As I will show, a number of different mechanisms explain success (or the lack of) at each legislative stage. In some cases failure to pass legislation results from senior party members being able to control the committee gates but still unable to further their goals in the pre-floor party meeting, the chamber directorate, or the plenary. In other cases, legislative success depends on finding allies in the alternate chamber or defusing opposition to their proposals among members of smaller parties.

WHY DO LEGISLATORS LEGISLATE?

In this book I show that the loss of majority control affects success at each legislative stage and, consequently, the makeup of the legislation receiving final passage. More importantly, different contextual and institutional features affect success in each of these different stages. Plenary bottlenecks in the heavily regulated Argentine committees, for example, contrast sharply with the relatively porous committee system in Uruguay. Variation in legislative success, I will show, is systematically explained by the rules, procedures, and partisan configurations that determine the consideration and approval of legislation at each stage. ¹⁰

A focus on the legislative success of initiatives sponsored by MCs differs in some fundamental ways from previous congressional research conducted in Latin America. First, most prior comparative research in the region single-mindedly studies the legislative agenda of the president. This emphasis has led to important scholarship measuring, for example, whether minority presidents in Latin America are less successful than majority presidents in advancing their preferred legislation and spurred a significant literature on executive delegation and executive decree authority (Alemán and Tsebelis 2005b; Alemán 2006; Ames 2001; Amorim Neto, Cox, and McCubbins 2003; Chasquetti 2012; Cheibub 2007; Cheibub, Przeworski, and Saiegh 2004; Figueiredo, Cheibub, and Limongi 2000; Jones and Hwang 2005; Llanos 2002; Morgenstern and Nacif 2002; Negretto 2004; Shugart and Carey 1992; Saiegh 2009b; Pereira and Mueller 2004; Rodriguez and Bonvecchi 2004; Figueiredo, Lopez Salles, and Martins Viera 2009; Londregan 2000; Pérez Liñan 2007).

¹⁰ A related point is made by Londregan (2000), analyzing how gatekeeping authority and valence allow the Chilean president to propose "take-it-or-leave-it" legislation that dominates the preferences of the median voter.

A few notable exceptions include Taylor-Robinson and Diaz (1999), Crisp et al. (2004), and Carey (2007).



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The separation-of-powers approach to the study of Latin American congresses, however, has overlooked the importance that legislative parties (*bloques*) and MCs attach to advancing a legislative agenda of their own. In every interview I conducted for this book, MCs made abundantly clear that proposing initiatives to congress was of paramount importance. Credit claiming, it was argued, was not restricted to position-taking and posturing vis-à-vis the legislation sponsored by presidents.

The approval of sponsored legislation in the United States was eloquently described by Clem Miller as the "life-blood of individual congressman." Just as well, in Argentina and Uruguay political careers require advancing public, private, and symbolic bill initiatives that target constituencies such as the governors, local voters, businesses, unions, etc., which are often below the radar of the president's office. ¹³

Advancing a separate legislative agenda is of particular importance for opposition MCs, providing a mechanism to cultivate voters, party leaders, and local principals (Carey 2007), by signaling policy profiles that are not purely reactive or reflective of the president's preferences. As described by Carey (2007), under the proportional representation (PR) electoral rules common in Latin America, the political careers of legislators are often in the hands of party leaders who are in position to control the nomination of candidates in electable positions of the party lists. In the cases of Argentina and Uruguay, legislators act as delegates of voters and local party leaders, entering a very large number of initiatives in the house and senate. In Argentina, each legislator proposes an average of 16.1 law initiatives every congressional period. These policies could be as trivial as declaring public interest in a cultural event such as La Fiesta de la Empanada, or as important as proposing landmark revenue sharing legislation or amendments to the Argentine penal code.

Second, the separation-of-powers approach to congress has prevented a serious understanding of the determinants of legislative success by parties that fail to control a majority of seats but are still able to further their legislative goals. Failure to control a majority of seats affects in different ways plurality cartels, plurality parties, and minority parties with legislative contingents of various sizes. Previous research has been unable to account for the determinants of legislative success by minority parties and therefore cannot explain the effect that the loss of majority support has on the behavior of all relevant actors in congress. Although opposition parties routinely propose legislative initiatives in most presidential regimes, there is almost no research explaining the legislative success of opposition parties.

¹² Cited in Cox and McCubbins (1993: 240).

¹³ A related argument is made by Figueiredo and Limongi when they analyze budgetary amendments by MCs in the Brazilian Congress (Figueiredo and Limongi 2008). See also Ames (Ames 1995, 2001). While legislators in these analyses are proposing individual amendments to budgetary bills, the content of the proposals is clearly distinct from that of the Brazilian executive.



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In the particular cases of Argentina and Uruguay, legislation sponsored by minority parties represents roughly between a third and one-half of all initiatives approved in any given congressional period. As I will show in this book, the loss of majority control has very different effect on the legislative success of MCs belonging to the majority, the plurality, or minority parties with different delegation sizes.

Third, prior congressional research in Latin America has failed to explain how the sequential organization of the legislative process provides authorities not only with multiple opportunities to restrict the sample of bills reaching the plenary but, more importantly, multiple opportunities to accomplish binding agreements with minority party partners. As described by Cox and McCubbins in their seminal *Legislative Leviathan*, "The committee system is not simply an impediment to responsible party government; it is a tool through which a rather different species of party government can be implemented." (1993: 8) Although nearly all bills that fail to be approved by congresses across Latin America are killed without ever being considered by the plenary, almost all research concentrates on floor strategies and plenary voting procedures. By contrast, this book devotes most attention to three institutions that precede plenary consideration of a bill: committees, pre-floor party meetings, and the chamber's directorate. These three institutions, I will argue, are of the utmost importance for determining legislative success in the legislatures of Latin America.

WHAT CAN WE LEARN FROM ANALYZING THE ARGENTINE AND URUGUAYAN CONGRESSES?

To understand the effect that the loss of majority support has on legislative success, I study in great detail twenty-five years of congressional politics in Argentina. I then replicate these analyses to study committee and plenary success over a fifteen-year period in the House of Representatives of Uruguay. Results from this research, however, inform broadly on the politics of plurality-led congresses in other countries of the world. Let me then explain in further detail what comparative politics' scholars should expect to gain from analyzing legislative success in Argentina and Uruguay.

Legislatures in Latin America differ in some fundamental ways from the standard model developed with the United States Congress in mind: Unlike the United States Congress, almost all countries of Latin America have multi-party elections and multi-party congresses, which require that plurality parties form majority coalitions, gain the support of legislators of minority parties, or navigate through congressional strategies to approve legislation with less than majority support.¹⁴

¹⁴ The lack of attention to minority governments in parliamentary regimes was forcefully made by Kaare Strøm (1990).



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Very little research, however, has been conducted to understand the legislative strategies of plurality parties in these fragmented environments. As argued by Kitschelt et al. (2010) and Garcia Montero (2009), and described previously in this chapter, Latin American voters routinely elect minority presidents and plurality-led congresses. These minority presidents and plurality-led congresses are neither required to form majority-led cabinets nor need to recast legislative majorities. This argument is forcefully made by Cheibub, Przeworski, and Saiegh (2004), showing that coalition governments are far less common in presidential regimes than in parliamentary ones.

Most research conducted in Latin America, however, reifies majority-led congresses and presumes that failure to do so will simply yield further legislative gridlock.¹⁵ However, there is little evidence that plurality parties and coalitions behave like majority cartels or that plurality congresses see a decline in productivity.¹⁶

Through the Argentine and Uruguayan cases I put these propositions to the test and provide a different intuition of the determinants of legislative success in plurality-led congresses. As I will show, the change from majority- to plurality-led congresses also results in changes in the scheduling strategies of plurality and minority parties, rather than leading to the formation of majority coalitions or gridlock. Conditional on the capacity of the plurality party to administer the legislative gates, success in more fragmented congresses results in the approval of legislation with quite a different partisan makeup rather than gridlock or outright majority-coalition rule.

Secondly, in all presidential regimes in Latin America, the executive has the status of a co-legislator, endowed with the authority to propose legislation to congress to advance a policy agenda of its own. Most legislatures in Latin America, consequently, have special mechanisms to deal with legislation that is proposed by the office of the president. This feature is important when trying to assess the relative weight or importance of the executive in the legislative process (Alemán and Calvo 2010; Mainwaring and Shugart 1997; Figueiredo, Cheibub, and Limongi 2000; Pereira and Mueller 2004; Zucco 2009).

A separation of the legislative goals advanced by the president and by her/his fellow MCs has substantive and empirical implications. Substantively, it allows the president and her/his co-partisans to strategically decide which proposal venue better serves the needs of the party. Legislative specialization, both

¹⁵ See for example Amorim Neto et al. (2003). While the authors correctly note that fragmented legislative environments do not necessarily promote gridlock, their argument hinges on the party of the president being able to form enduring alliances with small parties. However, the mechanism through which this "coalition" allocates authority posts to members and coordinates their floor behavior is far from clear.

A notable exception is Cheibub, Przeworski, and Saiegh's (2004) excellent article on the legislative success of the executive in presidential and parliamentary regimes. While the authors concentrate on the legislative agenda of the national executive, some of their findings are consistent with results presented in this book.