



Journal of Politics in Latin America

Inácio, Magna, and Mariana Llanos (2013), New Directions in Legislative Politics. Introduction, in: *Journal of Politics in Latin America*, 5, 1, 3-13.
ISSN: 1868-4890 (online), ISSN: 1866-802X (print)

The online version of this article can be found at: <www.jpla.org>

Published by
GIGA German Institute of Global and Area Studies, Institute of Latin American Studies and Hamburg University Press.

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Introduction

New Directions in Legislative Politics

Magna Inácio and Mariana Llanos

After the democratization processes of the 1980s, a research agenda began to grow in Latin America that dealt with representative institutions and the institutional functioning of the consolidating democracies. Within the democratic framework, Latin American legislatures sparked the interests of political scientists, and studies on congresses and on executive–legislative relations began to flourish all over the region. The apogee of the paradigm of new institutionalism in political science gave further impulse to the legislative studies. As a consequence, over the past twenty years this area of research has been growing steadily and it is likely that the scientific production on legislatures will continue increasing in the near future (see Alemán, this volume). Meanwhile, life has not been easy for the Latin American legislatures in the real world. They do not enjoy high levels of confidence among the citizens of the region, a persistent finding in existing polls (such as the *Latinobarómetro* and *LAPOP*). This indicates deficits in their function of representation in spite of the adoption of more inclusive electoral rules in many countries (Negretto 2011). Legislatures do not seem to have done much better regarding their legislative prerogatives, as numerous post-1979 constitutional reforms have featured the concentration of lawmaking authority in the executive. This trend has occurred over time in many political systems but has been especially pronounced in Latin America (Cheibub et al. 2012). However, legislatures have simultaneously retained and even increased their oversight functions. These apparently contradictory orientations in constitutional reforms and political realities have laid the groundwork for empirical endeavors to explore the actual role of Latin American legislatures. So far, the existing research within the field of legislative studies has contributed a more complex picture than that of weak, inefficient, government-dominated legislatures that initially prevailed. Above all, the comparative research undertaken throughout these years has shown that there is a great variation in the ways in which Latin American legislatures organize and operate.

This special issue, “New Directions in Legislative Politics,” comes at a crossroads in a research field that, on one hand, has already contributed substantial empirical knowledge and been engaged with theory-building, and on the other hand, still remains in its early stages. If the proliferation of studies has opened our eyes to the ways in which legislatures operate in

presidential systems different from the U.S. system, not a single topic can be considered to be sufficiently studied at this time. Similarly, the majority of Latin American countries continue to be, for the most part, underexplored. This acknowledgement motivated the first meeting of the Legislative Studies Group of the Latin American Association of Political Science (GEL-ALACIP), at which the articles in this special issue were first presented and discussed. In this introduction we briefly revise these contributions by showing both how representative they are of the state of the art in the field of legislative studies and how inspiring their analyses are for future research endeavors.

The State of the Art

A perfect starting point for this collection is Eduardo Alemán's survey of the articles on Latin American legislative politics published in English in 12 well-established academic journals (see list of journals in article) between 2000 and 2010. Eighty-eight articles were published during these years, showing an increasing tendency in the number of publications towards the middle and end of the first decade of the 2000s. Regarding the authors of these articles, Alemán shows that most of them are affiliated with universities in the United States, but a quarter of the articles have at least one author affiliated with a Latin American university. His article also contributes an assessment on the country focus and the topics with which these articles deal. Two-thirds of the articles focused on the legislative politics of just one country, and there is an imbalance with regard to the studied countries: half of the 88 articles address legislative politics in Brazil. Cross-national studies very often include Brazil, which also ranks first among single-country studies. Next in the ranking appears Argentina, which is included in more than one-third of the articles; Chile, Mexico, and Colombia follow. Venezuela, Costa Rica and Uruguay rank above the median in terms of frequency, but they are mostly examined in comparison to other Latin American countries. Overall, there are few works on the legislative politics of Central American and Caribbean countries. In terms of topics, legislative behavior and executive-legislative relations are the two most-researched areas. The next main area of research is political careers; studies of legislators' attitudes, bicameralism and institutionalization account for the rest of the articles in the study. Alemán's article is much more than a survey of existing English publications on Latin American legislatures. It not only shows us that these works have contributed greatly to theory-building, but it also demonstrates that authors have been engaging in a permanent dialogue with the academic production on legislatures of other regions.

At the beginning, Alemán's article also acknowledges a number of important – today, classic – English books with great influence on the development of the field of legislative studies in the region and beyond (see Alemán, page 17). As a matter of fact, a number of these and other influential works were first published and continue to be published in the region's languages: Figueiredo and Limongi's groundbreaking article was originally published in Portuguese in 1999 (Figueiredo and Limongi 1999); Salamanca University's project on parliamentary elites (Alcántara Sáez n.y.) has been running since the mid-1990s and has given rise to a number of publications in several languages (for example, Alcántara Sáez 2008). The regional production on legislatures has been persistent throughout the years in Latin American political research journals; many of those contributions are cited throughout this issue. Even recently, non-English monographs (García Montero 2009) and collections including many case studies (Alcántara Sáez and García Montero 2010), or ones particularly focusing on Brazil (Inácio and Renno 2009) and Argentina (Mustapic et al. 2012), stand out.

The remaining four articles gathered in this issue include two on Argentina, one on Brazil and, last but not least, one on Uruguay, a case that has received comparatively little attention in the literature. Our articles deal with the most commonly researched topics as well. According to Morgenstern and Negri (2009), the literature on Latin American legislatures can be classified into four broad topics: executive–legislative relations, electoral politics and parties, representation and democratic support, and internal organization. The articles presented in this special issue address topics located within two of these research areas: executive–legislative relations (an area that also stands out in Alemán's article) and political representation. In short, the four remaining articles revolve around topics belonging to established areas of legislative research but, as elaborated below, they tackle novel issues, fill important gaps in the research, and suggest new directions for future research.

Executive–Legislative Relations

Indeed, the study of executive–legislative relations has been one of the most prolific areas of research in Latin America for the past two decades. Seminal works by Linz and Mainwaring argued that separation-of-power systems, especially when presidents faced a fragmented multiparty legislature, were prone to policy deadlock and even democratic breakdown because there were no institutional incentives to create sustainable cooperation between the two branches (Mainwaring 1993, Linz 1994). However, the resilience of Latin American democracies shifted scholars' attention to explaining how

presidents actually managed their relations with congress. Some authors examined the distribution of formal constitutional prerogatives that intervene in the legislative process (Carey and Shugart 1998; Mainwaring and Shugart 1997; Shugart and Carey 1992), and several indexes of these powers were built to compare the extent of formal presidential powers in the region (such as in Shugart and Carey 1992 and Payne et al. 2007). Others studied the use of presidential constitutional powers, such as decrees and vetoes, as agenda-setting mechanisms used to advance legislative proposals (Figueiredo and Limongi 2000). Finally, scholars turned to the use of other formal and informal practices (such as cabinet appointments or clientelistic allocations) through which presidents were likely to build multiparty coalition governments, and this study gave rise to a flourishing literature on “coalition presidentialism” (Power 2010). All these works have located Latin American presidentialism as a type midway between the “pure” presidential U.S. model and the European multiparty parliamentary system (Cox and Morgerstern 2002: 465). They have also inspired research on executive–legislative relations beyond the Latin American region (see, for instance, Kasuya 2013).

In this issue we present two articles located within the broad subfield of executive–legislative relations. Palanza and Sin’s article deals with the constitutional presidential prerogative to veto and the congressional prerogative to override vetoes, particularly focusing on the bargaining process between the two powers. Daniel Chasquetti’s article is framed within the literature on coalition cabinets and deals with cabinets and legislative cartels in Uruguay.

Even though the relevance of the presidential veto has been stressed by the comparative literature and research has been conducted on the different types of veto powers existing in the region (Alemán and Schwartz 2006), less attention has been paid to the actual use of the veto and the bargaining process that takes place between president and congress when a veto is issued, a topic that Palanza and Sin address in this issue for the case of Argentina. They concentrate on the dynamics of veto overrides and their connection to total and partial (or line-item) vetoes. In Argentina (as in Brazil, Ecuador and Uruguay) the partially vetoed bills are not required to undergo a second round of voting in Congress, which adds to the ample legislative prerogatives Argentine presidents enjoy (total and partial veto power, decrees with the force of law, exclusive proposal power on key legislative areas). Similarly, veto overrides are also difficult because they need the approval of two-thirds of each the House and the Senate. However, overrides have occurred in the Argentine Congress: Palanza and Sin count 62 override attempts in the 24-year period they study, 42 of which were successful. This implies that Congress took steps to sustain initially passed legislation in 17 percent of the (vetoed) cases. Although total and partial vetoes are distribut-

ed evenly, and while in most cases Congress does not attempt to override vetoes, it does so even less often when those vetoes are partial. Override attempts are thus more likely to occur in cases of total vetoes and in situations of plurality – that is, when the president’s party in Congress holds a plurality of the seats in at least one of the chambers. Although we theoretically would expect more overrides when the distance between the president and congress is greatest (minority governments), this article shows that the requirement of special majorities makes it unlikely that overrides will occur in a multiparty legislature without the support of the president’s party.

These results characterize Congress as an active actor that is able to coordinate and, probably, as the authors suggest, to re-passage vetoed legislation, something that would be worth looking at in future works. In sum, Palanza and Sin’s contribution stresses that executive–legislative relations are a complex game in multiparty legislatures and that the relation between the president and his/her own party is one of the sources of such complexity. We know that parties play a central role in solving coordination problems within legislatures, but it still remains a challenge to specify the conditions under which party moves push the legislature away from a reactive position and towards a more balanced inter-branch relationship. In particular, the behavior of the president’s legislative party is important for students of coalition governments, as Chasquetti’s article in this issue shows.

Chasquetti addresses the legislative performance of cabinets in Uruguay by testing the cartel-party theory in a multiparty setting. Following the main assumptions of this framework, Chasquetti’s findings reiterate the centrality of legislative parties in congressional dynamics. His analysis explores the cartel-party hypotheses in an innovative way and with very interesting results: First, it tests the ability of different types of cabinets, all in the same institutional setting, to avoid being rolled. Second, it brings the intraparty game into the analysis, particularly in terms of the moves of partisan fractions around agenda control and vote decisions. This is a contribution to the literature on Latin American cabinets, which has paid little attention to intraparty dynamics as a potential source of conflict that could affect cartel performance. Third, the framework of analysis incorporates additional dimensions that could potentially impact the legislative process: the presidential style of government, and the ideological orientation of the president’s legislative agenda. In a descriptive way, Chasquetti discusses how these dimensions can help us better understand the varieties of legislative performance of cabinets. Thus, the article not only translates presidential influences into a diversified set of variables, but also drives attention towards different presidential governmental tools, both formal and informal. Finally, this article explores the cartel-party theory in multiparty systems. The hy-

pothesis of the plurality cartel should become the object of further analytical endeavors, particularly to the end of better capturing the conditions under which we should expect a plurality instead of a cartel party to occur.

To sum up, the specificities of the presidential systems of Latin America stimulated the development of a research agenda on executive–legislative relations in the region. Certainly, the literature on the U.S. Congress and president–congress relations in the U.S. provided the general guidelines for this task, but the much wider array of formal legislative powers held by Latin American presidents have posed new and different questions. Similarly, while U.S. presidentialism features single-party governments, Latin America’s experience with coalition presidentialism required the construction of new interpretative frameworks on legislative behavior, legislative parties, and the internal organization of the legislatures. Interestingly, the powerful Latin American presidencies fostered a research agenda on executive–legislative relations instead of one focusing solely on the executive branch. It was probably the intense early debate on the perils of presidentialism that paved the way for analyses more interested in the exchanges between the branches of governments than on executive politics. The latter constitutes a promising area of research that remains underexplored. However, even the fertile area of executive–legislative relations still needs to be pushed forward. Above all, we need more analyses focusing on the least-researched Latin American cases, particularly those in Central America, as well as more studies undertaking both intra- and interregional comparisons.

Representation

The remaining two papers examine two institutions that have the potential to greatly impact legislative representation: gender quotas and malapportionment. In this section, we summarize their contributions and comment on the implications of their analyses for comparative politics. We conclude by referring to the study of Latin American bicameralism, a further topic to which these articles contribute.

Htun, Lacalle and Micozzi’s article deals with the case of Argentina, the first country in Latin America to adopt a national gender-quota law. Specifically, it requires that women make up at least 30 percent of the candidates in national legislative elections. The article investigates whether a greater number of female elected officials leads to greater deliberation in the legislature over gender equality and increases the chances of legal changes occurring that would expand women’s rights. Argentina is an ideal case to explore these questions because the phased implementation of the gender-quota law offers scholars the opportunity to evaluate legislative behavior in environ-

ments with significant variation in the number of women in each chamber. For these purposes, the paper deals with all women's rights bills submitted after democratization, and the analysis confirms expectations that greater numbers of women in legislatures correlates with growth in the introduction of bills related to women's rights. The gains are most dramatic after 2002, when gender quotas were applied to upper house elections and the presence of women exceeded a critical mass in both chambers. However, the analysis also shows that the huge jump in the presence of women in the legislative branch, secured by gender quotas, has made passage of any individual piece of legislation relating to women's issues less likely. To a certain extent, this is the arithmetical result of the inflation in bill submission with the consequence that women's growing numbers produce a backlash against women that thwarts legislative activity on gender issues. The authors connect these results with previous research that has shown that a greater presence of women has not prevented male party leaders from marginalizing them from the leading legislative positions into less-important and less-prestigious committees (Heath, Schwindt-Bayer and Taylor-Robinson 2005). Similarly, the results relate to previous research on Argentina, stressing the importance of party politics for legislative behavior. Partisan dominance seems to have little impact on the process of introducing a bill, but being a member of a large and national party is associated with increased chances of one's bill being approved.

In general terms, this article confirms that women are still weak as a group despite the introduction of quota laws. They remain individual members of different parties who owe their positions to party leaders. If party politics prevails in the Argentine Congress – the power of party leaders over agenda-setting, the committee structure, and the partisan discipline imposed at voting time – women still have a long way to travel on the path to power. In any case, the continuity in the implementation of gender quotas for legislative elections is remarkable on a continent where institutional changes occur rather frequently. It allows us today to more accurately assess the particulars of institutional design, and to compare its outcomes across countries. Gender quotas for Latin American legislatures also inspired a flourishing literature that focused on their impact; however, new, similar legislative rules in many other countries in the region (such as Ecuador and Bolivia) that have increased the number of political minorities in their legislatures have not received the same amount of attention in the literature. We need more research on the impact of those rules on legislative processes and outcomes, particularly if we are concerned with better understanding the problems that legislatures have with legitimacy.

Let us now turn to the malapportionment question. Malapportionment is an institutional feature indicating a disproportionality between the allocation of legislative seats and population size. A consequence of this feature is that some electoral districts are overrepresented and others underrepresented in the legislature. In some countries, such as Argentina, Brazil and the United States, this disproportionality is particularly pronounced in the respective senates due to the constitutional provision establishing equality of representation among each unit of the federation despite marked differences in terms of their population size. In fact, the Argentine and Brazilian Senates (where each state or province has three representatives) are the most malapportioned legislative bodies in the world (Samuels and Snyder 2001). As Hiroi and Neiva highlight in this issue, there are a number of problems that the existing literature associates to malapportionment. Above all, it is said to contribute to the “politics of backwardness” by way of overrepresenting politically conservative, rural interests and agricultural sectors to the detriment of urban, progressive interests. In addition, it facilitates clientelistic politics, reduces electoral competition, and produces geographically concentrated patterns of votes. Further, malapportionment has an impact on law production. It has been noted that, in Brazil, senators from smaller, overrepresented states hold, combined, enough seats in the Senate to veto any legislation; in addition, senators from those states give more support to the presidential agenda than do senators from underrepresented states. Therefore, Hiroi and Neiva’s article deals with an institution with important consequences for legislative politics, one that has not been thoroughly analyzed until now. In our view, the main contribution of this article is that it helps to disentangle malapportionment from other factors, such as underdevelopment and traditional politics. Malapportionment here is measured using the relative population size of the states (the percentage share of the total population of the country). The authors control for economic development, degree of urbanization, and regional political culture, which as pointed out, gauges more accurately the independent impact of malapportionment not only on the senator’s electoral share of key municipalities but also on the spatial distribution of his/her votes. The analysis indicates that malapportionment is a key factor in explaining senatorial election results. It also finds that overrepresented states are less likely to elect candidates from leftist parties, thus confirming that malapportionment also influences what kind of senators will be elected. This study examines the ways in which malapportionment influences the election of senators; future studies could investigate the impact of this particular measure of malapportionment on legislative processes and outcomes.

The two articles commented on in this section show the impact of two different institutions connected to different aspects of legislative representation. However, the works converge in that they acknowledge and provide evidence for the importance of bicameralism in Argentina and Brazil, something that would have been difficult to imagine thinking about some years ago. At the beginning of this century, research on bicameralism and the upper chambers of the region was rare. This was striking because, after all, Latin American bicameral legislatures had a long tradition in the region, prevailed in half of the region's countries, and embraced strong upper houses (Llanos and Nolte 2003). In perspective, the empirical study of legislatures is a recent development in the region's political science sphere, and the gradual attention that bicameralism and second chambers have begun garnering among specialists is another indicator of how much progress this field of study has made in recent years. There is still a long way to go, but today our view of the Latin American legislatures is more varied, rich and complex than it was some twenty years ago.

References

- Alcántara Sáez, Manuel (n.y.), *PELA. Proyecto Élités Latinoamericanas (1994-2015)*, Universidad de Salamanca, online: <<http://americano.usal.es/oir/elites/>> (14 April 2013).
- Alcántara Sáez, Manuel (ed.) (2008), *Politicians and Politics in Latin America*, Boulder: Lynne Rienner Pub.
- Alcántara Sáez, Manuel, and Mercedes García Montero (2010), *Algo más que presidentes. El papel del Poder Legislativo en América Latina*, Zaragoza: Fundación Manuel Jiménez Abad.
- Alemán, Eduardo, and Thomas Schwartz (2006), Presidential Vetos in Latin American Constitutions, in: *Journal of Theoretical Politics*, 18, 1, 98–120.
- Carey, John M., and Matthew Soberg Shugart (eds) (1998), *Executive decree authority*, Cambridge: Cambridge University Press.
- Cheibub, Jose A., Zachary S. Elkins, and Tom Ginsburg (2012), Still the Land of Presidentialism? Executives and the Latin American Constitution, in: Detlef Nolte and Almut Schilling-Vacaflor (eds), *New Constitutionalism in Latin America: Promises and Practices*, United Kingdom: Ashgate, 73–98.
- Cox, Gary, and Scott Morgenstern (2002), Epilogue: Latin America's Reactive Assemblies and Proactive Presidents, in: Scott Morgenstern and Benito Nacif (eds), *Legislative Politics in Latin America*, Cambridge: Cambridge University Press, 446–469.

- Cheibub Figueiredo, Argelina, and Fernando Limongi (2000), Presidential Power, Legislative Organization, and Party Behavior in Brazil, in: *Comparative Politics*, 32, 2, 151–170.
- Cheibub Figueiredo, Argelina, and Fernando Limongi (1999), *Executivo e legislativo na nova ordem constitucional*, Rio de Janeiro: Editora FGV.
- García Montero, Mercedes (2009), *Presidentes y parlamentos, ¿quién controla la actividad legislativa en América Latina?*, Madrid: Centro de Investigaciones Sociológicas.
- Heath, Roseanna M., Leslie A. Schwindt-Bayer, and Michelle M. Taylor-Robinson (2005), Women on the Sidelines: Women's Representation on Committees in Latin American Legislatures, in: *American Journal of Political Science*, 49, 2, 420–436.
- Inácio, Magna, and Lucio Rennó (eds) (2009), *Legislativo Brasileiro em Perspectiva Comparada*, Belo horizonte: Editora UFMG.
- Kasuya, Yuko (ed.) (2013), *Presidents, Assemblies and Policy-making in Asia*, New York: Palgrave Macmillan.
- Linz, Juan J. (1994), Presidential or Parliamentary Democracy: Does It Make a Difference?, in: Juan J. Linz and A. Valenzuela (eds), *The Failure of Presidential Democracy*, Baltimore: Johns Hopkins University Press, 3–30.
- Llanos, Mariana, and Detlef Nolte (2003), Bicameralism in the Americas: Around the Extremes of Symmetry and Incongruence, in: *The Journal of Legislative Studies*, 9, 3, 54–86.
- Mainwaring, Scott (1993), Presidentialism, Multipartism, and Democracy: The Difficult Combination, in: *Comparative Political Studies*, 26, 2, 198–228.
- Mainwaring, Scott, and Matthew Soberg Shugart (eds) (1997), *Presidentialism and Democracy in Latin America*, Cambridge: Cambridge University Press.
- Morgenstern, Scott, and Juan Negri (2009), Metas e desafios do estudo comparativo de legislativos, in: Magna Inácio and Lucio Rennó (eds), *Legislativo Brasileiro em Perspectiva Comparada*, Belo horizonte: Editora UFMG, 33–51.
- Mustapic, Ana M., Alejandro Bonvecchi, and Javier Zelaknik (2012), *Los legisladores en el Congreso argentino. Prácticas y estrategias*, Buenos Aires: Instituto Torcuato Di Tella.
- Negreto, Gabriel (2011), Shifting Constitutional Designs in Latin America: A Two-Level Explanation, in: *Texas Law Review*, 89, 7, 1777–1805.
- Payne, Mark, Daniel Zovatto G., and Mercedes Mateo Díaz (2007), *Democracies in Development. Politics and Reform in Latin America*, Washington D.C.: Inter-American Development Bank, the International Institute for Democracy and Electoral Assistance, and the David Rockefeller Center for Latin American Studies, Harvard University.

- Power, Timothy (2010), Optimism, Pessimism, and Coalitional Presidentialism: Debating the Institutional Design of Brazilian Democracy, in: *Bulletin of Latin American Research*, 29, 1, 18–33.
- Samuels, David, and Richard Snyder (2001), The Value of a Vote: Malapportionment in Comparative Perspective, in: *British Journal of Political Science*, 31, 4, 651–671.
- Shugart, Matthew S., and John M. Carey (1992), *Presidents and Assemblies: Constitutional Design and Electoral Dynamics*, Cambridge: Cambridge University Press.

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Introducción. Nuevas direcciones en los estudios legislativos

Keywords: Latin America, executive–legislative relations, presidentialism, representation

Palabras clave: América Latina, relaciones ejecutivo-legislativo, presidencialismo, representación