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The deadlock of democracy revisited: A model of executive-legislative relations in separation-of-power regimes

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Abstract: Executive-legislative *deadlock* is perceived as the Achilles' heel of presidential democracy, because its occurrence has been associated with democratic breakdown in Latin America. Given the centrality of deadlock in the literature, I propose a simple spatial model of executive-legislative policy-making in separation-of-power regimes that takes deadlock as its dependent variable. The model allows me to formalize a set of necessary and sufficient conditions for deadlock, filling a lacuna in the literature. I also address some methodological difficulties in the empirical study of deadlock, and provide some initial evidence about vetoes in U.S. states to back-up some of the claims derived from the model.

The deadlock of democracy revisited: A Model of executive-legislative relations in separation-of-power regimes¹

Constitutional designers of all times have debated the virtues and vices of different forms of government. Classics debated the relative advantages of the government of one (e.g. Bodin), the government of the few (e.g. Aristotle), and the government of the many (e.g. Rousseau). Contemporary debate compares different forms of democracy and their performance (e.g. Powell 1982; Lijphart 1984, 1994).

The question driving the debate is this: What is the most important factor that explains democratic stability?² One answer to this question, commonly found in the comparative literature, involves the rules that govern the relationship between the executive and the legislature—either *fusion* under a parliamentary constitution, or *separation* under a presidential constitution.³ Many find evidence that presidential government is less conducive to democratic stability than parliamentary government. For example, Stepan and Skach (1994) analyzed more than a hundred independent nations since W.W.II, concluding that “data [from different sources] point in the direction of a much stronger correlation between democratic consolidation and pure parliamentarism than between democratic consolidation and pure presidentialism” (p. 120). Riggs (1988, p. 249) is eloquent:

Almost universally [presidential] polities have endured disruptive catastrophes, usually in the form of one or more coups d'état whereby conspiratorial... military officers seize power, suspend the constitution, displace elected officials, impose martial law and promote authoritarian rule: recent examples in Korea, South Vietnam, Liberia and many Latin American countries come to mind. Sometimes an elected president dissolves Congress and rules by martial law, as Ferdinand Marcos did in the Philippines... No country following the presidentialist model, except the U.S., has been able to avoid at least one such disruptive experience. In many, the disruptions are frequent.

In short, presidentialism spells democratic breakdown; avoid it. Under presidentialism, new policy requires the consent of the executive and the legislature. When the executive and the legislature diverge about the direction policy should take—a common enough occurrence in any democracy—presidential constitutions are in disadvantage because they lack a mechanism to avoid policy *deadlock*. The occurrence of deadlock, in turn, tempts someone to impose an outcome unilaterally, most likely by force or threat: the breakdown of democracy. Parliamentarism, on the other hand, offers the missing mechanism: deadlock is avoided by replacing the executive with one

¹ I thank the numerous people who have read and commented this manuscript. I am particularly indebted to Gary Cox for the incredible amount of time and effort he has given to me and my project. Marc Rosenblum and Matthew Shugart made tons of useful comments to an earlier version of the manuscript.

² Another (related) question is what factors affect government performance.

³ “[P]robably the most important institutional difference among [democracies]” (Lijphart 1992, p. 1).

palatable to the legislative majority, or by calling new elections. Government crises of this sort avoid the regime crisis.

For analytical clarity, I break the argument about presidentialism and breakdown into two related but separable questions. (1) Under what conditions does executive-legislative deadlock occur under separation-of-power constitutions? And (2) Under what conditions does deadlock result in democratic breakdown? In this paper I deal only with the first question, leaving the second for future work. With this paper I try to fill a lacuna in the comparative politics literature on executive-legislative relations: I use a simple spatial model in order to formalize the conditions that drive the occurrence of deadlock in a stylized version of separation-of-power constitutions.⁴ That is, I turn deadlock into the dependent variable of my analysis. My work is mostly theoretical, though I also begin to bring some preliminary evidence of vetoes in some U.S. states to back some of my claims. In the future I plan to bring systematic evidence to validate the theory in my work—a second lacuna in the comparative literature on executive-legislative relations.

The remainder of this paper proceeds as follows. In the first section I review the standard argument about executive-legislative relations in polities with separation of power, showing the centrality of deadlock in the literature and providing a definition of it. This review sets the research agenda for my paper: to my knowledge no one in the comparative politics literature has looked for a set of necessary and sufficient conditions to get to deadlock. In section 2 I produce these conditions with a spatial model of executive-legislative relations inspired from the American politics literature—where models of inter-branch bargaining are common. In section 3 I make the model capable of representing presidents with different formal power vis-à-vis the legislature, hence allowing the model to travel beyond the federal government of the U.S. and making my project comparative. This theoretical innovation permits to summarize the institutions of veto politics—i.e. the presence/absence of an executive veto faculty, as well as different requirements to override executive vetoes—into a simple framework. In addition, the discussion in section 3 uncovers an additional condition for deadlock to occur. Section 4 discusses the methodological difficulties that an empirical analyst needs to face when dealing with a non-observable phenomenon such as deadlock; in this section I include a preliminary assessment of the occurrence of vetoes in a sample of U.S. states. Section 5 concludes with a discussion of some implications of the model.

⁴ The model I will present only captures part of the story about separation of power, in that only the executive and the legislature are considered as players in the model. I am ignoring at least two other key actors in a separation-of-power regime: upper chambers and the courts. Strong arguments have been made in recent literature in favor of their inclusion in order to avoid biased conclusions. For the urge to consider second chambers, see Tsebelis and Money 1997; for the centrality of courts, see McNollgast 1994). Adding these additional players is beyond the scope of my project. After all, the arguments I am responding to (Linz, Sundquist, etc.), as well as those I use as inspiration for my own model (Kiewiet and McCubbins, Cameron, etc.), all deal only with the analysis of executive-legislative interaction.

1.-Constitutional separation of power, policy deadlock, and the breakdown of democracy

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

Critiques of presidential democracy have revolved around the notion of executive-legislative deadlock. Presidential constitutions, by separating policy-making power among the branches of government, open the possibility for stalemate or immobilism in policy.⁵ Once the policy-making process is deadlocked, the argument goes, each branch of government is tempted to impose its preferred policy unilaterally, in an effort to bypass the opposition of the other. The anti-constitutionality of these impulses, should they be followed, has prompted the military to intervene as a referee, shutting off the democratic game. This simple yet widely accepted argument rests, tacitly or explicitly, at the core of the debate on the perils of presidentialism—a debate well represented on one side by the collection of essays included in Linz and Valenzuela's *The Failure of Presidential Democracy* (1994), and on the other by the works of Shugart and Carey (1992) and Mainwaring and Shugart (1997).

For two centuries political theorists have been seeking institutional ways to constrain the capacity of government to violate the rights of the citizenry. Montesquieu (1748) and Madison (1788), two milestones in this intellectual tradition, advanced arguments favoring separation of policy-making power as an effective way to curb the all too human inclination of rulers to exploit the ruled—“*il faut que le pouvoir arrête le pouvoir*” suggested the former (p. 163), “ambition must be made to counteract ambition” added the latter (p. 322). Yet they also recognized (and detractors have boldly emphasized, e.g. Bagehot 1867; Wilson 1884) that if this implies an increase in the *representativeness* of policy, it also implies an inevitable loss in the government's *decisiveness*—“perhaps the central dilemma in democratic theory” claim Cox and McCubbins (1996, p. 6) following Madison's quote above.

Constitution-writers in the independent nations the American continent valued increased representativeness more than they disliked the possibility of deadlock. They opted to separate the faculties to pass and enact policy into two separate and distinct branches of government—the legislative and the executive—while simultaneously requiring any change in policy to be accepted by both branches (or, at least, not vetoed by any).⁶ And many in the comparative literature, starting with Linz (1990), have suggested

⁵ I use the following terms interchangeably (as the literature seems to do): *deadlock* (used by e.g. Lijphart 1984; Shugart and Carey 1992), *stalemate* (e.g. Linz 1994), *gridlock* (e.g. Krehbiel 1996; Brady and Volden 1998), *impasse* (e.g. Valenzuela 1994; *), *immobilism* (Mainwaring 1990; Cox and McCubbins 1996).

⁶ In addition to separation of executive from legislative power, checks and balances have been instituted by breaking legislative power between two chambers that represent different constituencies, by breaking policy into national and sub-national jurisdictions, and by separating the enactment from the interpretation of law (Tsebelis 1995; Cox and McCubbins 1996). Yet the ‘presidential’ character of government that the literature criticizes involves only the relations between the executive and the legislature;⁶ the argument could, it seems, be made more general, but I do not intend to do that here.

a connection between the poor record of stability among most Latin American democracies and their constitutional structure.⁷

Two crucial differences, in combination, distinguish a parliamentary government from a presidential one (Lijphart 1984, p. 68). First, in presidential governments the executive—almost always called the president—is elected for a fixed, constitutionally prescribed term of office, whereas in parliamentary forms of government, the executive—most often called the prime minister—and his or her cabinet are dependent on the confidence of the legislature and can be dismissed from office by a legislative vote of no confidence. Second, presidential executives are popularly elected, whereas parliamentary ones are selected by a majority of legislators and are subject to their continued confidence.

Linz hypothesizes the destabilizing potential of this combination, giving birth to a long debate in the field of comparative politics. The separate election of the president and the legislature results in a system of “dual democratic legitimacy” (1994, p. 6), thus opening a margin for different policy purposes between the arms of government. To make things worse, fixed terms render the system inherently rigid in face of a crisis between the executive and the legislature:

who, on the basis of democratic principles, is better legitimated to speak in the name of the people: the president, or the congressional majority that opposes his policies? [A] conflict is always latent and sometimes likely to erupt dramatically; there is no democratic principle to resolve it... It is therefore no accident that in some of those situations the military intervenes as “*poder moderador*” (p. 7). [W]hen polarization has reached an intensity that threatens violence and an illegal overthrow, ...an embattled president is tempted to, and can, use his powers in such a way that his opponents might not be willing to wait until the end of his term to oust him (p. 10).

Case studies have sought to illuminate the hypothesis that executive-legislative conflict is a crucial factor in triggering military intervention and democratic breakdown in Latin America. Valenzuela (1994), for example, has asserted that in Chile in 1970-73,

Allende as a minority president was incapable of structuring a majority coalition in the parliament to implement his policies and yet was able to make use of ample executive authority to implement many of his measures. When the legislature balked at cooperating with the president, reacting strongly to what they viewed as a clear usurpation of executive authority, Chile’s presidential constitution provided no mechanism to resolve the *impasse* except to wait for the next election in hope that the voters would provide a solution (p. 136, italics added).

⁷ Shugart 1995 has downplayed the correlation between presidentialism and democratic breakdown: the evidence presented by most of the detractors of presidentialism suffers from a selective bias. That is, they fail to include many cases of failed parliamentarism (e.g. post-WWI Italy, the Weimar Republic, and the Spanish Second Republic in the 1920s and 30s; the French Fourth Republic in the late 1950s; Greece, Turkey, and some African nations in the 1960s.)

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

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

Definition-wise, deadlock is for me a situation in which the status quo cannot be replaced by an alternative policy because the president objects any change acceptable to the legislature, and vice versa. With this definition, the quotes above⁸ suggest that a claim commonly found in the comparative literature on executive-legislative relations looks something like "Separation of policy-making power among the branches of government has often led to deadlock, which in turn has often led to democratic breakdown"; or the shorthand version "separation-of-power (X) has often led to breakdown (Y)." In the sake of understanding better when X leads to Y and when it leads to not-Y, I find it convenient to break this claim in its two related yet distinct arguments (as schematized in Figure 0): (1) under what conditions does separation of power lead to deadlock? and (2) what is the connection between deadlock and democratic breakdown?⁹

[Figure 0]

In this paper I only address the first of these questions. If the reader believes that the synthesis I did is a fair characterization of the comparative literature on executive-legislative relations, then the reader should also find it puzzling that, with few exceptions, this literature has failed to hypothesize some conditions under which deadlock will occur. Without hypotheses, the comparative literature has also failed to bring in systematic evidence about explanations of executive-legislative deadlock.

One exception in the literature is Mainwaring (1993), who suggested the possibility that the liabilities of presidentialism may actually follow from multipartism, not from presidentialism per se. The size of the president's party in the legislature is one (imperfect, I argue below) operational indicator of deadlock: deadlock is easier to avoid when the president's party holds the majority in the legislature because this may well unify policy purpose between the branches. An increase in the effective number of parties in the assembly reduces the chances that the president's party (any party, for that matter) enjoys majority status in the assembly. Stable presidential democracies (excluding Chile) average between 1.9 and 2.6 effective legislative parties, and in all of them the president's party tends to command a majority in the assembly (p. 213t).

⁸ Similar quotes can be found in Santos 1986 on Goulart in Brazil; Suárez 1982 on Peru, etc.*

⁹ [*Reminder: I am not including the disc. of policy stability as a choice of policy: the status quo.]

With this work, Mainwaring took the argument about the peril of presidentialism one logical step behind, seeking some conditions that affect the likelihood of deadlock-as-breakdown. M. Jones (1995) took the argument another logical step behind by introducing a book-length examination of the relationship between four key electoral rules and the relative propensity of a system to provide the president with sufficient partisan support in the legislature.¹⁰

My paper follows the examples set forth by Mainwaring and Jones: I try to fill some logical holes in the argumentation about the perils of presidentialism. I do so by means of an abstract representation of policy-making under a separation of power inspired by the American politics literature. The model I present in the next section allows me to make an argument about the occurrence of deadlock, my dependent variable. In this way I produce a set of necessary and sufficient conditions for deadlock to occur under separation of power.

2.-A spatial model of separation of power.

The principal tool I use to analyze executive-legislative relations is the spatial analogy of politics. Models in this tradition have been relying on (and, of course, extending) Hotelling's (1929) seminal work, and have been used extensively in the discipline for several decades now. Downs's "median voter theorem" (1957) is probably the first widely publicized conclusion in political science drawn from a spatial analogy. The social choice literature (Schwartz 1987 is a short general review), as well as many studies of electoral dynamics (e.g. Cox 1990) and the analysis of inter-chamber relations in bicameral legislatures (Tsebelis and Money 1997) have all relied on a spatial model to draw their theoretical conclusions. Relations between the branches in separation-of-power regimes are yet another instance in which the spatial analogy can be used as the apparatus of analysis. And indeed it has been used, in studies about the president, the legislature and the court (e.g. McNollgast 1994); about the legislature and executive bureaus (e.g. Calvert, McCubbins and Weingast 1989); about the president, the House and the Senate (Tsebelis and Lin n.d.; Brady and Volden 1998); and about the president and the legislature (e.g. Romer and Rosenthal 1978; Kiewiet and McCubbins 1988; Krehbiel 1996; Cameron 1996).

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

2.1.-The ingredients. All spatial models have at least the following three ingredients. First, any such model starts by reducing the world to a "space" that represents the set of all possible policy outcomes. Models vary in the number of

¹⁰ [*Read DG outline, pres-parl outline, focus exam to see what I should add here from the American literature or from comparative things I am missing.]

dimensions they allow the *policy space* to have, but all share this basic way of representing the outcomes of political bargaining. In Figure 1 I represent a two-dimensional reduction. It consists of a ‘size-of-government’ continuum on the one hand, and an ‘openness-of-the-economy’ continuum on the other. In the exemplified space, a neo-classical policy arrangement (with little government intervention and relatively free trade) would be represented on the lower left part of the space in Figure 1; a Keynesian policy combination (with an interventionist government and a higher level of tariffs to international trade) would fall on the upper right area of the figure. I chose these two specific dimensions for heuristic convenience; spatial models allow any type of relevant dimensions to be considered. Although many of the models in the literature extend their arguments to any multidimensional setting, I will stick to the two-dimensional version, which is easier to understand because the argument can be “drawn” on a two-dimensional page of paper, instead of requiring a mathematical derivation.

[Figure 1]

The second element common to all spatial models is the notion of *ideal points*: each player involved in the story is assumed to have a specific preference in each of the dimensions considered, the combination of which intersects in a single point in the policy space. This intersection represents that player’s *ideal point*, that location in space where he or she would like to see the final policy outcome fall. In Figure 1, the point labeled P represents a hypothetical president’s ideal policy combination. My model will consider, in addition to this president, two additional players, each with its own ideal point in the same space: the legislature (whose ideal point is labeled L), and the veto-override-pivot (pivot for short, labeled V).¹¹ I will often refer to these players by the label of their ideal point: P, L, and V.

The third and final element common to spatial models is a mechanism allowing each player to compare any two alternative policies and establish a *preference relation* between them. Players in these models are typically assumed to be instrumental, in that they only care for how close an outcome falls to their ideal point.¹² A simple preference mechanism—widely used in the literature, and on which my model shall rely—consists of assuming that a player prefers alternative A to alternative B if, and only if, alternative A lies closer to his or her ideal point than alternative B, regardless of the direction in which distance from the ideal point is considered.¹³ This simple mechanism produces, for every player, circular indifference sets in two dimensions, called Euclidean in the literature.¹⁴ In figure 1, the circle with center P and radius d ($=\|P-SQ\|$) connects the points that the player with ideal point P—following my notation, this is the president—finds indistinguishable from the status quo SQ in terms of his or her welfare. All points falling inside the circle are preferred by the president to SQ (because they are all closer to

¹¹ I will clarify who this player is below.

¹² Factors that cannot be represented in the policy space are assumed not to be considered by players in the determination of preference. Any factor having an impact in a player’s preferences ought, as such, to be considered as an additional dimension in the model.

¹³ More precisely, a player’s utility is assumed to reach a maximum level at his or her ideal point, decreasing monotonically and symmetrically as outcomes gain distance from that ideal.

¹⁴ Euclidean indifference sets are spheres in three dimensions, and hyper-spheres in more dimensions.

the ideal); but SQ is preferable than the points outside the circle (because they are further away from the ideal).

These three ingredients—a two-dimensional policy space, the president-legislature-pivot triad of players with ideal points in space, and Euclidean preferences—are the basis of the model of executive-legislative relations I introduce. I turn my model into a separation-of-power game in two steps. First, I allow each player in the game to have his or her own ideal point, which may or may not overlap in space with another player's ideal; this is my representation of separate branches.¹⁵ Second, I introduce specific rules to make any change to the status quo: (a) any change to the status quo requires the consent of the legislature and at least another player; and (b) the sequence of play is the legislature may propose a change in the status quo, the president may veto the proposal, the pivot may override the presidential veto.

Game Tree 1 illustrates the decision rules of the game of separation-of-power. The game starts with a decision by the legislature to retain the status quo or try to change it by sending a new proposal (called x in Game Tree 1; x may take any value in a continuum of feasible policies). The president is then faced with a choice between accepting x as the new policy, or vetoing it. In case the president vetoes, the veto-override-pivot decides to either *sustain* the veto (retaining SQ as the policy outcome), or to *override* it (establishing x as the new outcome).

[Game Tree 1]

Before deriving some propositions from the analysis of inter-branch bargaining over policy, I want to make two caveats. First, I am modeling the legislature as a *unitary* actor. This assumption is a problematic one, especially in light of the theorems about the instability of majority rule that form the gist of the social choice literature (Plott 1967; McKelvey 1976; Schofield 1983). Collective choice, these theorems suggest, cannot be analogized to individual choice. In this paper I work with this problematic characterization of the legislature because this simplification permits to capture more clearly the mechanics of my story. I nonetheless plan to push the modeling exercise in a later paper in order may incorporate some lessons and tools from the social choice literature (namely the concepts of the yolk and q -core of the legislature) into the model, making the story look more like the one Tsebelis and Money (1997) tell for bicameral legislatures. The essence of the argument, I believe, remains the same.

The second caveat: I derive the logical propositions of this paper with, essentially, a geometric representation. The propositions could be mathematically derived to ensure their logical soundness, but this would unnecessarily complicate the exposition of my story. The projected paper would also include a more rigorous derivation of conclusions, or at least refer the reader to proofs of comparable claims already carried in the literature.

¹⁵ In regime of fused branches, the executive and the legislature should presumably be modeled as sharing the same ideal point. This is actually the virtue of parliamentarism more often pointed by the detractors of presidentialism: no dual democratic legitimacy. But this brings us back to the inevitable trade-off: increasing government's decisiveness comes at the expense of the degree of representativeness of government (see Cox and McCubbins 1996).

2.2.-The basic conditions for deadlock. Having made these warnings, I start making my point that separation of powers is not a sufficient condition for deadlock in Figure 2. Recall that I define deadlock as a situation in which the status quo cannot be replaced by an alternative policy because either the legislature or the executive blocks the change. For example, if the legislature in the figure were to make a proposal to change the status quo to its ideal point L, the president would veto such proposal in order to retain the preferable SQ (because L is out of the circle centered in P that passes through SQ). However, the figure also allows to see that there exists a set of proposals that leave both the president and the legislature better off than under the status quo. The “petal” formed by the intersection of the two circles in Figure 2 represents the set of points that are closer than SQ to the ideal points of *both* players. Any point within the petal will increase the welfare of both, and as such will not be opposed by any of them. The petal thus represents the compromise area of the separation-of-power game.

[Figure 2]

An obvious next step in the argument consists of asking under what conditions would bargaining between the legislature and the president be blocked by an impasse? Such impasse—which corresponds to the situation of deadlock I defined—*obtains when the compromise petal is an empty set*. In Figure 2, whenever the status quo lies on the straight segment that connects the ideal points of the executive and the legislature, the compromise petal is necessarily empty; this is so because SQ happens to be the point in which both indifference curves touch tangentially. Such a setting, illustrated in Figure 3, shuts the possibility of reaching a mutually beneficial agreement. The situation is then characterized by pure conflict between the executive and the legislature—a zero-sum (or Pareto-optimal) situation, where the gains of one player come inevitably at the expense of the other player’s welfare.

[Figure 3]

Figure 3 allows me to introduce two conditions that are necessary for deadlock to be the outcome of the separation-of-power game. The first of these conditions is that *there must be a single dimension of conflict that overwhelms all others*.¹⁶ The other condition is that *the status quo must lie on that dimension, between the ideal points of the president and the legislature*. There are times when players in politics are unwilling to make tradeoffs between this dimension and others.¹⁷ Whenever such a polarization occurs, the world of politics can be effectively characterized by a unique dimension that overwhelms all other dimensions.

In addition to uni-dimensionality, the status quo needs to be located between the players’ ideals, because if this were not the case—i.e., if the status quo were to lie to the

¹⁶ This is not necessarily a dimension that “makes sense.” It could be, for example, a 45° line in a 2-dimensional plane, i.e. a linear combination of other dimensions.

¹⁷ Perhaps players are willing but incapable, because of a hard budgetary concern. If the budget constraint is soft, the projects of both sides can be logrolled, resulting in increasing budget deficits. This feature could be added to the model (see Cox and McCubbins 1996, p. 10; McCubbins 1991).

left of L, or to the right of P in Figure 3—there exists a set of proposals that both players find preferable to SQ, thus breaking deadlock.

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

2.3.-Adding veto overrides. A closer look at the rules governing veto politics will allow me to derive an additional condition for deadlock. Recall that in the sequence of play I depicted in Game tree 1, after the legislature has issued a proposal and the president has decided to veto such proposal, the pivot faces a choice to sustain or override the presidential veto. I elaborate the model with the addition of the politics of veto-overrides. This addition is of particular interest, because the legislative faculty to override presidential vetoes—a faculty typically present in separation-of-power constitutions—is more often than not ignored in the comparative literature (exceptions are Shugart and Carey 1992; Mainwaring and Shugart 1997a). Ignoring overrides, I show, introduces a bias in favor of deadlock as the outcome of the game.

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

The consideration of override will bring in additional restrictions to the claims about deadlock, because a (possibly influential) additional player—with his or her own preferences over outcomes—is brought to the story: the pivotal veto-override player. pivot is that player without which a coalition of legislators falls short of one vote to reach a qualified requirement. A one-dimensional setting allows to exemplify with clarity the concept and identity of pivots. Consider a nine-member legislative body, with members' ideal points distributed along a single dimension, as in Figure 4. It follows from the spatial assumptions that alternative A is preferred to SQ by five members (1, 2, 3, 4, and 5), while SQ is preferred to A by four members (6, 7, 8, and 9). If the legislature has to choose by simple majority rule between alternatives A and SQ, alternative A—corresponding to the median member's ideal policy—would clearly win. Now, that is no longer the case if the decision rule is changed from simple majority to a qualified $2/3$ majority rule (i.e. 67% or more of votes needed)? Alternative A is preferred to SQ by five out of nine members, i.e. $5/9=56\%$ of the members, a proportion that is below the super-majority requirement. Alternative B, however, is preferred to SQ by 6 members (1 through 5, plus 6), representing $6/9=67\%$ of members' votes. Thus, if a qualified $2/3$ vote is necessary to change the status quo, proposal A would be defeated by the status quo—member 6 rejects it—whereas proposal B would defeat the status quo—member 6 accepts it. Member 6 is pivotal to obtain the qualified majority.

[Figure 4]

This is the situation that a legislature with a 2/3 override requirement faces after the president has issued a veto. Suppose that, in Figure 4, the median legislator (i.e. member 5) has agenda setting power in the legislature, and also that the president's ideal policy is located to the right of SQ. In such a situation, the president would veto any proposal to change policy to the left of SQ. Thus, if the median member were to propose alternative A, a presidential veto would follow. As seen in the previous paragraph, member 6 is necessary to form a coalition that is capable of overriding a presidential veto; accommodating his or her preferences is a central issue. Member 6 would prefer to retain the status quo instead of adopting alternative A as the new policy. So if the median-agenda-setter made A its proposal, the presidential veto that follows would be *sustained*, reverting policy to SQ.¹⁸ On the other hand, if the median member proposed alternative B instead of A, such change would again be vetoed by the president. But unlike the previous situation the pivot now prefers B (at his or her ideal) to the status quo. When presented with a take-it-or-leave-it offer between alternative B and the status quo, the pivot represented in Figure 4 would *support an override* of the presidential veto, in order to retain B as the new policy outcome.

Overrides can thus be modeled fairly simply, by introducing the pivot as an additional player in the separation-of-power game (Kiewiet and McCubbins 1988).¹⁹ The location of the pivot's ideal point becomes an additional element to be considered in determining the equilibrium of the game: some proposals may be veto-proof. A veto-proof proposal is that proposal that is simultaneously preferred by the median and the pivot.

More to my point, this means that the consideration of overrides in the model introduces an additional condition for the existence of deadlock. To see this, I will begin by assuming that the necessary conditions for deadlock derived previously are met—i.e. (1) executive and legislative powers are separate, (2) one dimension dominates conflict, and (3) the status quo is located in between the ideal policies of the legislature and the president. I show that, with overrides in the story, deadlock may still be avoided. In Figure 5, I illustrate how the location of the pivot's ideal point (called V) determines whether a presidential veto is sustained or overridden, thus determining whether a new proposal or the status quo ensues.

[Figure 5]

If, as in Figure 5.a, the pivot and the president lie on the same side of the status quo, presidential vetoes shall always be sustained. The reason for this is that any acceptable proposal for the legislature leaves not only the president worse-off, but the pivot as well. The pivot can reject such proposal and retain the preferable status quo by *sustaining* the presidential veto. On the contrary, if the pivot lies on the same side of the status quo as the legislature, as if Figure 5.b, there is a way for the median-agenda-setter to accommodate his or her preferences. Under this scenario not all the acceptable

¹⁸ The model could easily be adapted to revert to policies other than the status quo, as in Kiewiet and McCubbins 1988.

¹⁹ In Figure 4, members 4 and 6 both represent super-majority pivots using a qualified 2/3 majority requirement. Analysis needs only focus on the pivot player who is located on the same side of the median legislator as the president's ideal point, because the other super-majority pivot does not get to play.

proposals for the legislature are deemed unacceptable by the pivot. When the pivot is of this compromising type, there is a range of outcomes that are preferred by the legislature and by the pivot simultaneously—in figure 5.b, the set included between SQ and its projection on V. Presidential vetoes of proposals that fall within this range will always be overridden. If the median-agenda-setter understands this, he or she may obtain an outcome that is preferable to the status quo by proposing a policy at the point within the pivot’s preferred-set of the status quo that is closest to L.

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

Recapitulating, the model just introduced has allowed me to uncover four conditions that are necessary for deadlock in a stylized version of the legislative process of the U.S. and several Latin American polities. The basic conditions for deadlock derived from the model are the following:

Condition 1. The powers of government are separate.

Condition 2. Conflict is dominated by a single dimension.

Condition 3. The status quo is located between the ideal points of the president and the legislature.

Condition 4. The ideal points of the pivot and the president are both located on the same side of the status quo.

With regards to the main question of my paper, the violation of *any one* of these conditions results in the end of deadlock.²⁰

In the section immediately below I will introduce a small twist to the model in order to make it capable of capturing different institutional settings in polities with separation of power. Up to this point, the model I introduced is very similar other in the literature, especially those of Kiewiet and McCubbins (1988) and Cameron (1996). The addition of a twist to capture different institutions of veto and override politics is, I believe, a contribution of this paper. By the end of the following section I should be capable of testing some logical propositions with evidence from polities that could not be covered with the model presented so far.

3.-The institutions of veto politics

In this section I clarify the institutions or rules governing veto politics, and show how variations affect the president’s reactive legislative power. The addition to the

²⁰ In this model only two “veto players” (in the sense of Tsebelis 1995) interact, the president and the legislature, with a third player that gets to play in certain circumstances. Adding more veto players, I believe, allows to maintain deadlock in multidimensional settings, so long as there are more veto players than dimensions.

model of variable veto (including variations in override requirements) structures will uncover yet another necessary condition for deadlock to arise.

The president's reactive powers allow him to defend the status quo from attempts by the legislature to overturn it (Mainwaring and Shugart 1997a, p. 41). In the context of the model, the president *reacts* by vetoing a legislative proposal; but the success of this reaction, after all, requires that veto to be sustained in the assembly. If the veto is overridden the president's reaction becomes inconsequential. Condition 4—requiring that the ideal points of the president and the pivot lie on the same side of the status quo—suggests the next step in the analysis: What factors affect the location of the pivot's ideal policy (which determines whether a veto is sustained or overridden)?

There are two ways in which the location of the pivot's ideal point in space (V in Figure 5) may change:

- (1) When the *identity* of the pivot player changes to a member whose ideal is closer or further away from the ideal point of the median member. This identity change ensues when, all else constant, the super-majority requirement to override is decreased or increased.
- (2) When the *location* of a given pivot's ideal policy moves closer or further away from that of the median member. This type of change ensues when, all else constant, the heterogeneity of the legislature is heightened or lowered.

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

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

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

override). However, I show below that this range of q allows me to capture the three types of variation in the institutions of vetoes into a *single* variable.

I will start by assuming that Conditions 1, 2, and 3 are met. I do not stick to Condition 4 because it is one of the factors that determine its fulfillment that is being discussed here. I also assume that the median legislator has agenda-setting power. With the addition of the q notation, the override requirement assumed until now can be characterized as $q=2/3$. Also, the pivot member may be said to be that legislator who has q (in this case $2/3$) of the members short of one vote (his or hers) to his or her left. This means that a relaxation of the super-majority requirement, all else constant, shifts the identity of the pivot closer to the median member.²¹ This reduces the size of the concession that the agenda setter needs to make to the pivot to obtain his or her support for an override. In other words, reducing q makes the pivot less and less moderate vis-à-vis the status quo, hence more similar to the median member in his or her willingness to change the status quo. Actually, a reduction of the q -requirement to a mere absolute majority (which I will note $q="1/2+1"$) makes the median member become the pivot member as well. This median-pivot needs to make no concessions in order to obtain a veto proof proposal: the same coalition that supported the passage of a proposal in the first place can override a presidential veto. All the president can do by vetoing a proposal is delay its signature and promulgation.²²

Note that $q="1/2+1"$ looks very similar to a situation in which the president does not have the faculty to veto legislative proposals. In both settings, an absolute majority coalition of legislators may establish a new status quo regardless of the president's preferences.²³ $q=0$ translates to "zero legislators are sufficient to override a veto"; since the thing in quotes looks exactly like a situation where the president lacks a veto—a veto is overridden the very moment it is issued—I do not consider it too odd to refer to an institution of no-veto as $q=0$.

Symmetrically, an increase in q forces the agenda setter to make additional concessions in order to see a proposal accepted by the now more distant pivot (more conservative with regards to changes in the status quo). The extreme scenario on this side would be a requirement of unanimous consent in the legislature to override a

²¹ Unless, of course, enough members are bunched at the same point as the $q=2/3$ pivot; if this were the case, a reduction in q could leave the location of V unchanged.

²² Delay is not a factor affecting the equilibrium strategies and outcome in the present model. At least in the domain of budget bargaining, this assumption seems pretty unrealistic, for delay may entail shutting down government indefinitely. Cox and Kernell (1991, p. 243) suggest that executive-legislative bargaining over budgetary appropriations resembles a game of chicken: "the worst outcome for both is no agreement, but neither wants to be the one to back down first. As the fiscal year deadline nears, the risk of the "no-agreement" outcome increases, and the side that fears this outcome more backs down. Willingness to delay—and thereby increase the risk of the "no-agreement" outcome—is the primary mechanism for demonstrating toughness (and for bluffing)." The situation could alternatively be modeled as a war of attrition game, something like a game of chicken stretched over time. These models, however, are fundamentally different from the one I endorse in this project.

²³ The difference between no-veto and $q="1/2+1"$ is that, in the former, the absolute majority coalition is called to vote only once, whereas in the latter, it is called twice to vote. Again, in this simple model it makes no difference how many times a coalition is called to vote (and how much time lapses from the first to the last vote). A tentative direction the model could take is the addition of factors such as players' impatience, uncertainty, risk-aversion, increasing salience after a veto, etc., all of which seem to be potential candidates to alter the equilibrium of the game.

presidential veto—i.e. $q=1$. Note that $q>1$ translates to “more than 100 percent of the members of the legislature are needed to override a veto”; since the thing in quotes looks exactly like a situation where the legislature does not have the faculty to override a presidential veto, I can safely characterize the institution of no-override as $q>1$.

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

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

As suggested above, one extreme setting in the structure of vetoes obtains when the president has no-veto, $q=0$ in the terminology of my model. This institutional setting is partially found in Costa Rica, Ecuador, Honduras, and Mexico, where the president cannot veto budgetary bills.²⁴ The purest case fulfilling $q=0$ I found, however, is the U.S. state of North Carolina, where the governor cannot veto legislation of *any* class.

The addition of a veto that may nonetheless be overridden by absolute majority—i.e. $q=“\frac{1}{2}+1”$ —does not increase the president’s influence in the legislative bargaining process, as concluded in the previous section. This veto-structure is found in the constitutions of Brazil (after 1988), Colombia, Nicaragua, Paraguay, Peru, and Venezuela. Alabama, Arkansas, Indiana, Kentucky, Tennessee, and West Virginia²⁵ are U.S. states whose constitutions prescribe it as well.

Under both of these veto structures— $q=0$ and $q=“\frac{1}{2}+1”$ —the president can be considered as a mere observer in the legislative bargaining process: in this model he just awaits, cross-armed, the proposal produced by the legislature, which he will eventually have to sign into law, like it or not. This, in a sense, looks a lot like a parliamentary regime.²⁶ It follows that:

Prediction 1: Under a situation in which the president has no veto (i.e. $q=0$), as well as under a situation in which an absolute majority is sufficient to override a presidential veto (i.e. $q=“\frac{1}{2}+1”$), the legislature will always be able to impose a new status quo regardless of the type of president it faces. Hence executive-legislative deadlock never ensues when $0 \leq q \leq “\frac{1}{2}+1”$.

²⁴ I compiled all the information about the constitutions of Latin American nations from: Argentina 1994; UNAM 1994; and Carey *et al.* 1997. For the U.S. states, the information comes from various issues of Council of State Governments 1986-1994.

²⁵ Except revenue and appropriations bills in West Virginia, where the override requirement is 2/3.

²⁶ Interesting questions suggested by Cox: Is the executive really weak in the legislative process under $q \in [0, “\frac{1}{2}+1”]$? Does he make proposals? Does he have exclusive introduction faculties? Does he have some agenda-setting power to compensate the weakness of his veto? Does he appoint partisan cabinets (à la Amorim Neto 1998)? Does the speaker/legislative leaders look more powerful to serve as a powerful legislator in the absence of the executive? All these are potential areas for empirical study.

Increase now the override requirement to $q=3/5$. The Uruguayan constitution establishes this q -requirement. In the U.S., the states of Delaware, Illinois, Maryland, Nebraska, Ohio, and Rhode Island share this same structure. As I hope is clear at this point in the discussion, as soon as the override requirement exceeds the threshold of absolute majority (i.e. $q>“\frac{1}{2}+1”$), both the president’s and the pivotal override player’s types become factors that may influence the equilibrium strategies and outcome. More to the point, *when the q -requirement falls above an absolute majority, deadlock may be the outcome of the game.*

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

Further increasing the override requirement is theoretically possible. To my knowledge, however, no country serves as an empirical referent to this range of veto structures. Only three states in the U.S. have a higher override requirement, applicable to some classes of bills only: Alaska, Illinois, and Oklahoma require a $q=3/4$ override on revenue and appropriations bills.

On the other hand, the world does offer one case (possibly two) in which the legislature lacks the faculty to override presidential vetoes, a situation that I characterize as $q>1$. $q>1$ is only approximated by the veto structure of the Ecuadorian constitution for all non-budgetary legislation,²⁷ and perhaps by France under divided control of the branches.²⁸

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

Prediction 2: The likelihood of deadlock, all else constant, increases with q when $q>“\frac{1}{2}+1”$. The likelihood of deadlock reaches a maximum when $q>1$.

²⁷ In Ecuador the legislature may never override presidential vetoes (which the president may issue in any area except the budget). $q>1$ is, however, just an approximation of the Ecuadorian constitution, because the legislature in Ecuador may request a popular referendum on the vetoed bill (an eventuality that this model cannot capture).

²⁸ In France, the constitution provides the president with 15 days to return a bill to the legislature for reconsideration, and Parliament may not refuse such reconsideration; there is no article (I still haven’t found one) specifying what the president is to do after the legislature has reconsidered the bill. Can he send the proposal back for a new reconsideration (i.e. $q>1$)? Or does he have to promulgate the proposal (i.e. $q=“\frac{1}{2}+1”$)? Lijphart and Shugart, in personal communication, suggested to me that the latter seems to be a better characterization of the French case.

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

[Table 1]

Finally, the ongoing discussion permits me to deduce an additional condition necessary for deadlock to occur in a separation-of-power regime. As I claimed in Prediction 1, when the president either has no veto ($q=0$) or when his or her veto may be overridden by an absolute majority ($q="1/2+1"$), deadlock never ensues. Thus:

Condition 5. Deadlock necessitates that the override requirement be strictly above the absolute majority: $q>"1/2+1"$.

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

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

The degree of heterogeneity in the legislature is a factor comparable to what Cox and McCubbins (1996) call separation of purpose in the system. "The ... more individual politicians who control their own electoral fates, more factions, and more parties [in short, a more fragmented party system] mean[s] more independent participants in the legislative bargaining process that produces public policy, thus making it harder to initiate and sustain collective action in pursuit of public goods" (p. 18). Numerous

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

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

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

4.-Some empirical issues and preliminary evidence

The usefulness of this model needs to be evaluated with real-world data, something I only do in a preliminary fashion in this paper. Additional logical propositions can be derived from the model and then pitted against the empirical record. In the future I plan to continue this project in this direction. In this section I introduce some evidence to back up the two theoretical propositions I derived in the previous section.

Stepping to the empirical side of this project requires to face one difficulty: *deadlock is unobservable*. Deadlock, according to my definition, is a situation where the president and the legislature *want* different policy changes; the *purpose* of individuals, unfortunately, belongs in their heads, out of the sight of the external observer. Whenever the phenomenon at hand cannot be observed, the analyst is forced to work with some observable implications derived from his or her theory—a real exercise in creativity. Policy stability, for example, is an observable implication of deadlock, but not a very useful one because deadlock is not necessary for the implication to happen: policy stability could well be the result of the president and legislature having the same purpose vis-à-vis the status quo. In other words, from the standpoint of policy stability there is a problem of observational equivalence between separate and unified purpose. Policy stability can hardly serve to test predictions from the model.

I rely on the occurrence of vetoes in my search for some empirical backing to my Predictions 1 and 2. Vetoes are not without their own problems from a methodological

point of view;²⁹ yet their observation, in this model, coincides with instances of deadlock. Not in every deadlock would there be a veto, but a veto follows any legislative proposal in case of deadlock. Hence, I take vetoes as my indicator of deadlock. With vetoes as my operational indicator, my predictions look as follows:

Prediction 1-bis: Under $q=0$, as well as under $q=.5$, no veto ensues.

Prediction 2-bis: The number of vetoes, all else constant, increases with q when $q>.5$.

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

First of all, unified government (when the president's party commands a majority in the assembly) is not sufficient to avoid deadlock. Members of the coalition backing the president in the assembly need to share more than a party label: they need to act *cohesively*. That is, the president's party needs a certain degree of discipline to support the leader's legislative program; else deadlock may ensue. Moreover, even if the majority party is cohesive, all members need to acknowledge the president's role as their leader—the party machine in the legislature has to legislate in favor of the platform on which the president got elected.

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

The successful use of divided government to indicate separation of purpose (and unified government to indicate unified purpose) requires the fulfillment of three assumptions: (1) polarization—different parties espouse significantly different policy programs; (2) cohesiveness—parties are internally disciplined to their leadership; and (3) presidential leadership—the president is the leader of his or her party.³⁰ The closer these assumptions are to being fulfilled, the better divided government is a measure of separation of purpose.

With this caveat, I proceed to use divided government as one of the explanatory variables. I analyze the occurrence of executive vetoes of legislative proposals in a sample of U.S. states.³¹ The information, unfortunately, is aggregated in yearly totals.

²⁹ The biggest problem is that in this 'setter model' (Romer and Rosenthal *) vetoes are an out-of-equilibrium occurrence. If the president were to veto a range of proposals, an instrumental legislature would avoid making that proposal falling in that range. See Cameron 1996.

³⁰ See Weldon 1994 for a similar framework applied to Mexico's *presidencialismo*; C. Jones 1994 for a somewhat different approach.

³¹ The sampled states (and their q) are Alabama (.5), Alaska (.66), Arkansas (.5), California (.66), Connecticut (.66), Delaware (.6), Georgia (.66), Idaho (.66), Illinois (.6), Indiana (.5), Kentucky (.5), Louisiana (.66), Maryland (.6), Massachusetts (.66), Michigan (.66), New Jersey (.66), New York (.66),

Table 2 provides a first look at the occurrence of vetoes in selected U.S. states. The number of vetoes during a legislative year is dichotomized into zero and positive; it is crosstabulated with the variable q that summarizes the veto structure. The first thing to note in Table 2 is that few legislative years (the units of analysis) obtain zero executive vetoes (less than 15% of the sample). When $q=0$ the number of vetoes during a legislative year is never greater than zero—which is hardly surprising since the executive lacks a faculty to issue veto legislative proposals. When $q=.5$, however, most of the observations (81% of 62) present at least one veto, contrary to (part of) Prediction 1: only zero vetoes occur under $q=0$ but not under $q=.5$). This evidence suggests that the model misses some factor that renders hopeless vetoes (because same coalition that passed bill in the first place can also override the veto) of some use to presidents. Likely candidates are position-taking (Mayhew 1974; Kiewiet and McCubbins 1988), uncertainty and bill relevance (Cameron 1996), etc. (Also in Venezuela, which has a $q=.5$ according to my coding in Table 1, I have the record of * vetoes out of a total * bills in the period 19*-19*.)³²

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

[Table 2]

I also regressed the total number of vetoes observed during a legislative year in the same sample of U.S. states on some simple variables. The regressors in this analysis were: (a) a CONSTANT, (b) a DIVIDED GOVERNMENT dummy, (c) the TOTAL BILLS APPROVED during the legislative year, and (d) the structural variable q .³³ DIVIDED GOVERNMENT intends to capture the existence of separation of purpose in the system, a factor that drives the occurrence of vetoes in the model; I hence expect this coefficient to be positive. I also control for the total number of bills approved: the more bills are passed in the legislature, all else constant, the more chances does the president have to increase the number of vetoes (hence I expect a positive coefficient in this variable). The central regressor in the model is the variable q which, as suggested by Prediction 2, should be positively associated with the occurrence of vetoes. Table 3 presents the estimated (OLS) coefficients of the regression.

[Table 3]

Overall, this simple model performs well. All the estimated coefficients have the expected sign, and are statistically significant at the .05 level. All else constant, divided government significantly increases the number of yearly vetoes by 35—which represents a doubling of the average number of vetoes in a year. Ten more total bills approved in a

North Carolina (0), Ohio (.6), Tennessee (.5), Texas (.66), Virginia (.66), West Virginia (.5), and Wisconsin (.66).

³² Octavio Amorim Neto and myself are in the process of coding some important characteristics of Venezuelan legislation, which I will use in future steps of the project.

³³ DIVIDED GOVERNMENT is equal to zero if the state executive, and both the lower and upper chambers of the state legislature are controlled by the same party, equal to one otherwise. TOTAL NUMBER OF APPROVED BILLS is simply that total during the legislative year. $q \in [0, .66]$ as described in section 3.1.

year add, all else constant, approximately one additional veto/year. With respect to the central variable in the model, it obtains a coefficient of nearly 50, significant at the .05 level. This means that increasing q by 10% (from say .5 to .6) adds, all else constant, 5 vetoes a year.

This analysis is very crude. It would be more informative to know some of the characteristics of each of the bills passed, in order to estimate the locations of the president and legislature in space. But the uncovered effect, though relatively small, lends credence to my Prediction 2: the number of yearly vetoes is significantly associated with the structure of vetoes. q seems to matter.

5.-Conclusion

Institutional designers and practitioners have a tendency to share common beliefs. Thinkers debating in the 18th century found a common ground in the desirability of a separation-of-power constitution as the basis to protect the individual against the tyrannical whims of rulers (Montesquieu 1748, Madison 1788). The debate in the late 20th century seemed to find, at least at first, a common ground in the opposite impression: separation-of-power leads to democratic instability because of the inherent danger of deadlock. In this paper I have isolated deadlock from the breakdown of presidential democracy—defining deadlock as a situation in which the branches of government block changes in the status quo because they have incompatible policy purposes—seeking some of its determinants. With the use of a spatial model I produced the following set of necessary and sufficient conditions for deadlock to occur in a stylized version of a separation-of-powers polity:

Condition 1. The powers of government are separate.

Condition 2. Conflict is dominated by a single dimension.

Condition 3. The status quo is located between the ideal points of the president and the legislature.

Condition 4. The ideal points of the pivot and the president are both located on the same side of the status quo.

Condition 5. The override requirement is strictly above the absolute majority: $q > \frac{1}{2} + 1$.

The model I advanced also permits to grasp some of the structural settings that distinguish different polities with separation of power. The various institutions of veto politics—i.e. the presence/absence of a presidential veto on legislation, the presence/absence of overrides to presidential vetoes, and the super-majority required to override—are well (and I believe, simply) captured in the model.

Interestingly, *failing to meet any one of these five conditions results in the end of deadlock in my model*. Since two of the conditions are pretty restrictive—Conditions 2 and 3—the question that follows from my argument seems to be: Why does the literature point to the *frequent* occurrence of deadlock? Why is deadlock such a big issue? Two answers come to my mind. Either (1) my model is right but Conditions 2 and 3 are not that restrictive after all; or (2) the conditions are indeed restrictive but the model fails to

capture other relevant dimensions affecting the occurrence of deadlock. In a way, the extensions of this project will address these two answers.

How likely are Conditions 2 and 3 to be met in different countries at different periods? Can it be said that the Latin American polities in the 60s and 70s were characterized by a single dimension of conflict and a president facing a legislature on the opposite side of the status quo? The literature on Latin America seems to portray conflict in the 1960s and 70s as dominated by the redistributive dimension (e.g. O'Donnell 1973). Urban popular sectors, increasingly organized for collective action, thwarted the balance of power that existed between factions of the oligarchy (Collier and Collier 1991). The political activation of these popular sectors increased the salience of redistribution, making politics look, perhaps, like a zero-sum game. Land reform was another major issue. Did these redistributive issues reduce the policy space to a one-dimensional setting?

Moreover, in Argentina, Chile, and Brazil (at least) populist got elected on a platform of major social reforms (Perón, Allende, and Goulart respectively), yet faced recalcitrant conservative parties in the legislature (Valenzuela 1978; Stepan 1978; Cohen 1994). Did this scenario approximate Conditions 2 and 3?

An additional question concerns the prospects of democratic stability in the 80s and 90s in Latin America. Are the conditions for deadlock fulfilled by Latin American polities nowadays? How likely is the scenario to approximate them? Although the redistributive issue is still a salient one in most of these unequal societies, perhaps the experience of harsh dictatorships, plus the effects of the major economic downturn have brought players into a different configuration of preferences.

The other possibility is that my model is not only simple, but too simplistic. If this is the case or not will have to be determined empirically; if it were, my theoretical exercise will not have been useless. It suggests the necessity to devote additional thoughts to the conditions that drive the occurrence of deadlock. Factors such as players's impatience, uncertainty or mere position-taking could easily be introduced to the model. Fundamentally different models should also be advanced to seek their capacity to explain this phenomenon.

Finally, once we get a better understanding of deadlock and its determinants, this will allow to illuminate the fuzzy connection between deadlock and breakdown. The question here will be: why does deadlock lead to a coup in some cases but not in others? In some periods more than in others? In other words, we need to find a set of necessary and sufficient conditions for deadlock to degenerate in democratic breakdown. This will close the theoretical question about the perils of presidential democracy.

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Table 1: The structure of vetoes and the likelihood of deadlock.

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

Sources: Argentina 1994; UNAM 1994; Carey *et al.* 1997; Council of State Governments 1986-1994.

Table 2. Veto institutions and the number of vetoes by legislative year, selected U.S. states, 1983-1993.

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

Table prepared with data from Council of State Governments 1982-1994.

Table 3. A model of the total number of vetoes by legislative year (DV), selected U.S. states, 1983-1993.

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

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

Method of Estimation: OLS.

* Estimate is significant at the .05 level, 2-tailed test.

Summary statistics of the variables in the model:

Variable	Mean	Std. Dev.	Min	Max
Number of vetoes	33.56	68.19	0	465
<i>q</i>	.58	.14	0	.66
Divided government	.54	.50	0	1
Total bills approved	545.69	429.74	0	3128

Figure 0
Two related but distinct arguments.

(1) SEPARATION OF POWER }
+ } → DEADLOCK
OTHER CONDITIONS }

(2) DEADLOCK }
+ } → DEMOCRATIC BREAKDOWN
OTHER CONDITIONS }

Figure 1
An example of a two-dimensional policy space

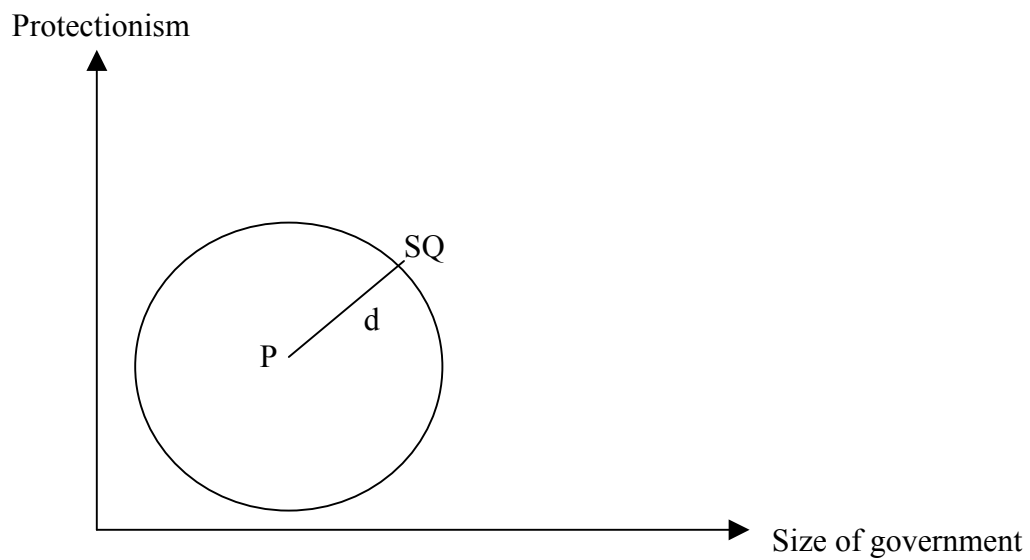


Figure 2
A president and a legislature with a (non-empty) compromise petal

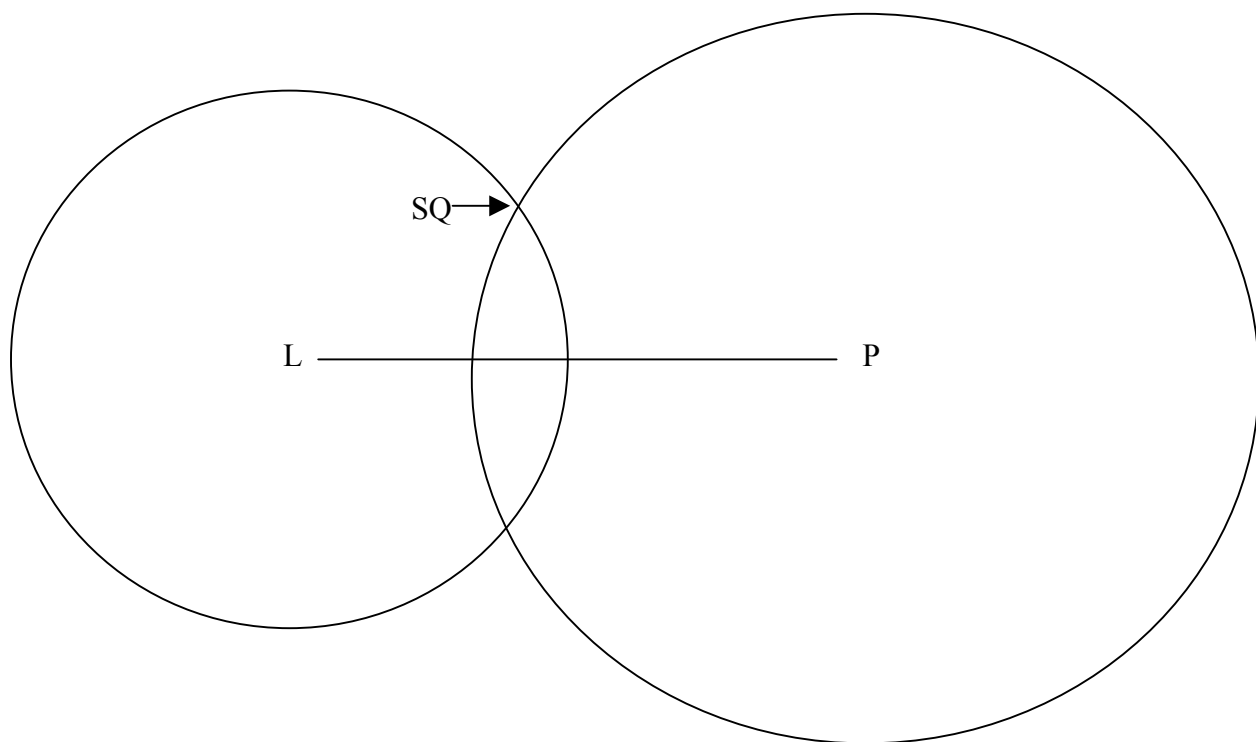


Figure 3
A president and a legislature with an empty compromise petal
(the initial conditions for deadlock)

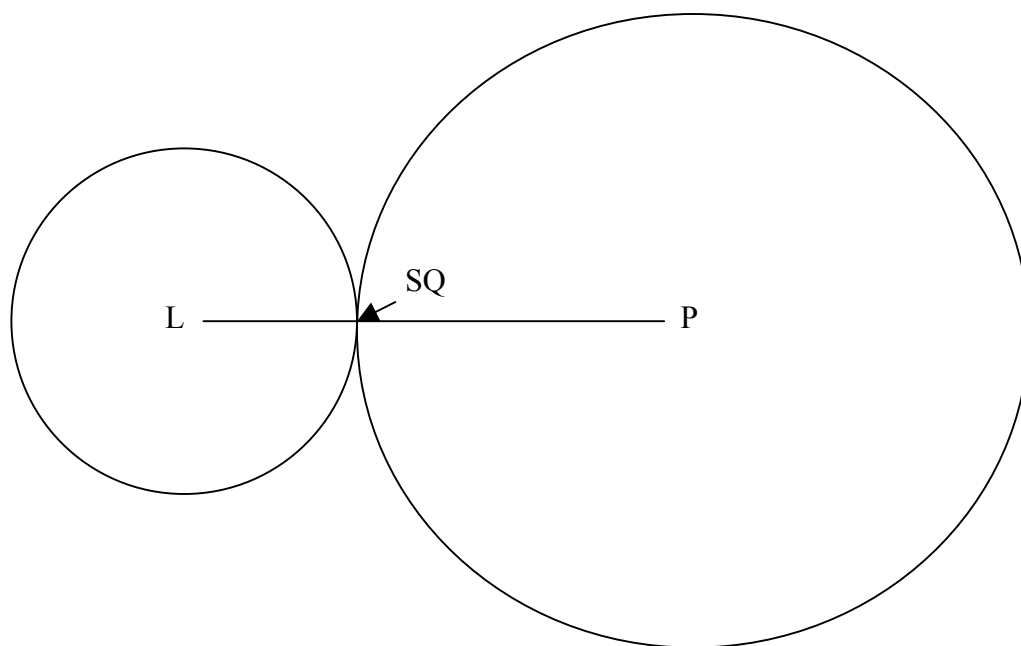


Figure 4
The 2/3-override-pivot in a nine-member assembly

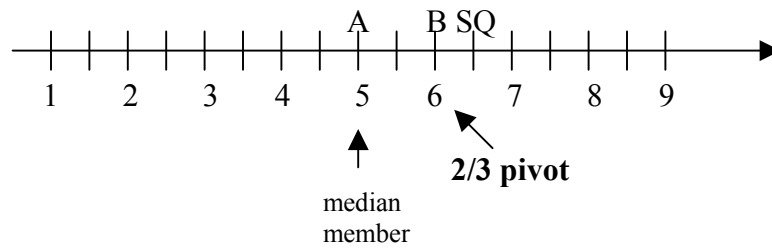
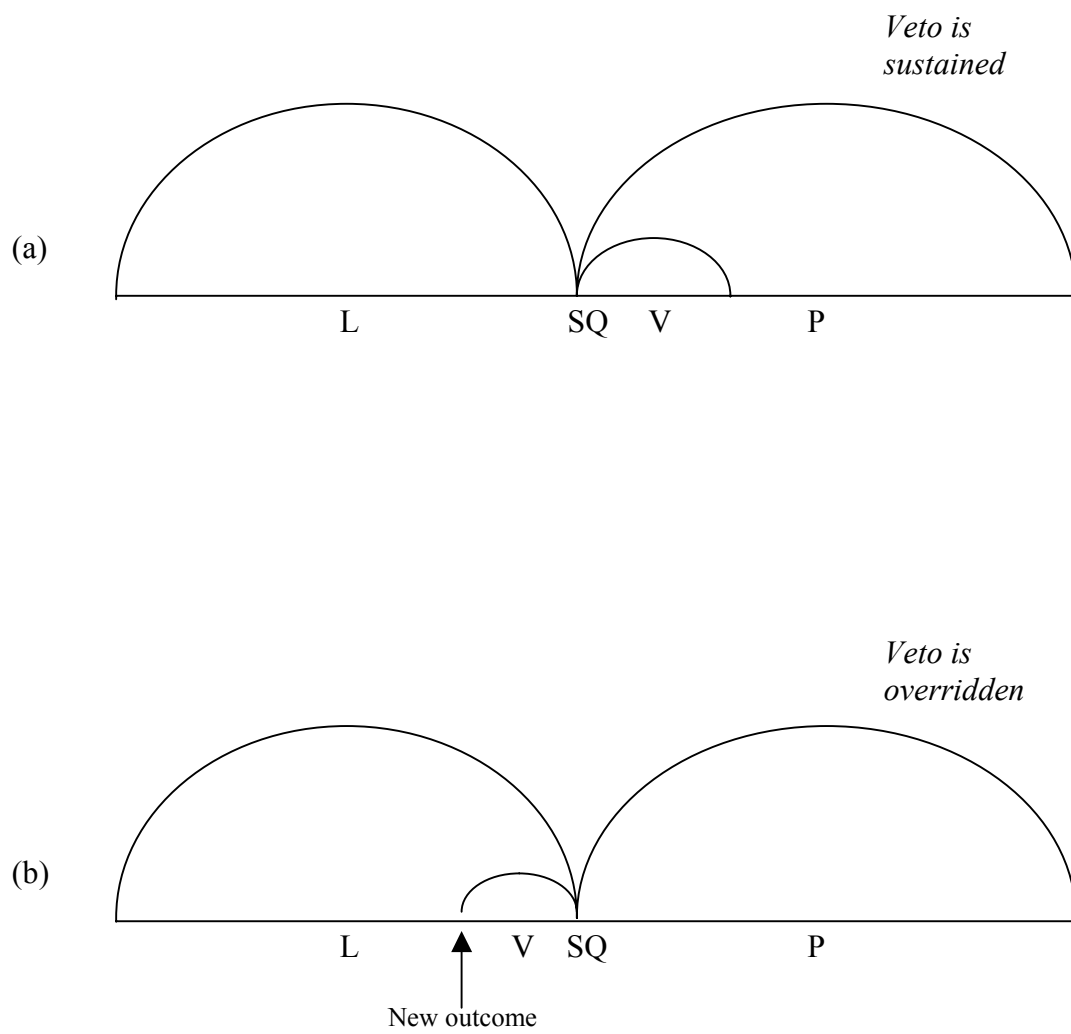


Figure 5
The location of the pivot's ideal determines the outcome of a veto



Game tree 1
“Separation-of-power” game

