The Presidential Calculus

Executive Policy Making and Cabinet Formation in the Americas

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This article proposes a decision-theoretic model to explain how cabinets help presidents implement their policy-making strategies. Presidents are assumed to have two policy-making strategies: a strategy based on the use of statutes or a strategy based on executive prerogatives. If the president's preferences and the institutional incentives and economic conditions faced favor a statutory strategy, the president is more likely to appoint a majority cabinet, select more partisan ministers, and distribute portfolios to parties on a proportional basis. Econometric analysis of 106 cabinets appointed in 13 countries of the Americas demonstrates that the determinants of cabinet legislative status are the size of the president's party, extremist presidents, and economic crises. The share of partisan ministers and proportionality in portfolio allocation are affected by the size of the president's party, extremist presidents holding decree powers, the extension of the president's veto powers, and the elapsing of the president's term.

Keywords: *presidentialism; decrees; statutes; cabinets; coalitions*

The recent and growing scholarly literature on presidentialism mostly analyzes the relationship between institutional design and democratic stability (Cheibub & Limongi, 2002; Jones, 1995; Lijphart, 1992; Linz & Valenzuela, 1994; Mainwaring, 1993; Mainwaring & Shugart, 1997a, 1997b; Power & Gasiorowski, 1997; Przeworski, Alvarez, Cheibub, & Limongi, 2000; Sartori, 1997; Shugart & Carey, 1992). The key independent variable in these studies is a dummy, presidential versus parliamentary government, the dependent variable being the survival of democratic constitutions. Looming large in this literature is the contention that presidentialism is inferior to parliamentarism based on claims about regime stability, a position that Linz (1994) strongly advocates.

Those works definitely broaden our knowledge of the political consequences of different executive types and our understanding of the role of

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institutions in shaping political outcomes. Yet if political scientists wish to deepen their understanding of presidential government, they must focus on new questions. Of course, survivability is important, but it no longer appears to be the pressing concern it once was, given that democratic breakdown seems less likely in the present context than in earlier years. Thus we need to examine issues that are critical for democratic performance. Hence, much remains to be done. This article endeavors to further the analysis of comparative presidentialism by focusing on how presidents use their cabinet appointment powers to implement their policy-making strategies.

Presidents play a pivotal policy-making role in pure presidential systems such as those found in Latin America and the United States. Expectations about government performance, therefore, center on presidents' ability to achieve their policy goals. So the first task awaiting a president is to choose a strategy to attain these goals. And the task facing observers is to explain why presidents choose a particular strategy to attain their goals.

Presidential constitutions offer chief executives two basic strategies: They can seek their policy goals either through statutes or through executive prerogatives. Seeking policy goals by means of statutes requires passage through the standard legislative process. By using this strategy, presidents are signaling they are willing to heed the views and interests of legislators.

Executive prerogatives are all constitutional and para-constitutional practices that allow presidents to act unilaterally vis-à-vis the legislative branch. For example, going over the heads of legislators by appealing directly to voters in televised speeches is a para-constitutional prerogative presidents have. However, in Latin America, executive prerogatives are associated foremost with the issuance of presidential decrees (Carey & Shugart, 1998), whereas in the United States, they are associated with the issuance of executive orders (Howell, 2003; Mayer, 2001; Moe & Howell, 1999). Therefore, for the sake of simplicity and because of the relevance of decrees and executive orders in the Americas, I focus only on them in this text.

Intimately linked to the task of choosing a policy-making strategy is the choice of the best means available for its tactical implementation. To implement their policy-making strategies, presidents resort to constitutional powers—one of the most important of which is their appointment powers—and para-constitutional devices, such as party, ideology, and cooperation agreements. In this article, I examine how cabinet appointments are used by presidents as a key means to carry out their policy-making strategies.[1]

Although cabinet ministers in presidential democracies are formally accountable only to the chief executive and defined as heads of government departments, they may play a key role in connecting the executive to the legislature or indicate how the president wants to deal with the latter. Cabinet appointments, therefore, constitute an excellent observation post to study presidential strategies. Every time presidents make a cabinet appointment, they are signaling to other political actors which goals they are pursuing, which interests they are willing to please, how they expect to exercise executive power, and how they plan to relate to the other branches of government, particularly the legislative one.

The main purpose of this article is, thus, to propose a set of hypotheses regarding the relationship between presidential policy-making strategies and patterns of cabinet formation. In this connection, note that the presidential power to freely appoint and dismiss ministers prevalent in presidential regimes means that the composition of the cabinet is formally a private reserve of the chief executive.[2] Should presidents use cabinet posts to obtain the approval of statutes, as I argue below, they are more likely to appoint a majority cabinet, select more partisan ministers, and allocate portfolios to parties on a more proportional basis. Conversely, in case presidents decide to pursue their policy goals through their unilateral executive prerogatives, a minority solution to government formation is more likely, cabinet slots are filled with fewer partisan politicians, and portfolios are allocated on a less proportional basis.

The article proceeds as follows. The next section establishes, first, the link between, on one hand, presidential preferences, institutional incentives, and economic conditions and, on the other hand, chief executives' choice of their policy-making strategies; and, second, the link between the latter and cabinet appointments. The section that follows deals with data and method. In this

1. There are mountains of works on cabinet formation in parliamentary regimes, but only recently has cabinet formation in presidential systems begun to receive detailed attention from comparativists (Altman, 2000a, 2000b; Amorim Neto, 2002; Cheibub, 2002; Cheibub, Przeworski, & Saiegh, 2004; Deheza, 1997; Geddes, 1994; Lanzaro, 2001).

2. Even in the United States, where presidents need senatorial consent to appoint each of their cabinet secretaries, they almost always get a cabinet of their own choosing (Fenno, 1959; Fiorina, 1996).

section, I describe the criteria for case selection, propose operational indicators of the dependent variables, develop measures for the independent variables, and using econometric analysis, appraise the determinants of cabinet legislative status, the share of partisan cabinet ministers, and the overall proportionality in portfolio allocation. The final section concludes.

The Presidential Calculus

The purpose of this section is to provide an explanation of presidential policy making by means of a decision-theoretic model. This type of model posits a simple calculus of decision making for a given actor (in this case, the president) and assumes that the latter is faced with choices from a set of available actions, with each action providing a probability of producing each possible outcome. The actions I will consider here are presidential choices between statutes and executive prerogatives as policy-making strategies. The model further assumes that presidents are rational actors in the sense that they will choose the strategy that maximizes their expected utility. In addition, I posit that presidents are policy maximizers. They desire above all to translate their preferences into policy, that is to say, presidents maximize the probability of implementing their policy goals.[3] I am not concerned with the content of policy but, rather, with the chief executives' ability to get things done. Presidents thus represented care only about whether they get what they want in very general terms.

Now suppose that a president wants to pursue a given policy goal (G). There are two actions: (a) seek a statutory implementation of G (call this S) or (b) seek an implementation of G based on a unilateral executive prerogative (call this X). I restrict the model to two discrete choices for the purpose of simplicity and also set aside the issue whether the legislature approves modified versions of the president's policy proposals. The model also assumes that presidents are motivated by what Albert Hirschman calls "*the wish of vouloir conclure*" (as quoted in Linz, 1994, p. 17). That is to say, presidents operate under a short time horizon during which they can try only either S or X, not both S and X. It is obvious that in the real world, presidents sometimes use combination strategies. But oftentimes they try either S or X. This is precisely what concerns us here, namely, to understand why presidents opt for

3. It is obvious that achieving policy goals may not be the only component of a president's utility function. Some presidents are also concerned to win reelection, or to get the constitution amended to permit reelection, or to secure their position as the leader of their party, for example. However, no president has ever refrained from initiating legislation. Although restricting presidents to translating their preferences into policy simplifies reality, it captures the most systematic feature of presidential policy making.

statutes or not. Let us now calculate the president's expected utility from choosing S and X.

There are three possible outcomes associated with those actions: (a) G is implemented by statute, (b) G is implemented by an executive prerogative, and (c) G is not implemented. Each outcome produces a different payoff in terms of increments to the president's utility. U_s is the increment to utility from achieving G via a statute. U_x is the increment to utility from achieving G via an executive prerogative. U_n is the increment to utility if G is not implemented. Failure to implement G means that policy remains at the status quo. For convenience, I scale the president's preferences so that the status quo is valued at 0. Equations 1 and 2 represent the president's expected utility from taking actions S and X, respectively:

$$EU(S) = P_s U_s - C_s, \tag{1}$$

where P_s is the probability that the president's attempt to implement G via statute is successful; U_s is the increment to utility from achieving G via a statute; and C_s is the cost of seeking a statute; and

$$EU(X) = P_x U_x - C_x, \tag{2}$$

where P_x is the probability that the president's attempt to implement G via an executive prerogative is successful; U_x is the increment to utility from achieving G via an executive prerogative; and C_x is the cost of seeking an executive prerogative.

For statutes and executive prerogatives, the expected utility the president obtains is a function of the probability that the president's attempt to implement G via one of the two strategies is successful, the value the president places on each, and the cost incurred by seeking a statute or an executive prerogative. The president will choose to initiate a statute when $EU(S) > EU(X)$ and will choose to use an executive prerogative when $EU(X) > EU(S)$. If $EU(S) = EU(X)$, the president is indifferent between statutes and prerogatives. Below I proceed to theorize on the values of these terms and propose explanatory hypotheses regarding the president's choice of policy-making strategies.

The value of statutes and executive prerogatives. Let us assume that U_s and U_x are related to direct policy utilities only. Thus the increment added to the president's utility by a statutory implementation of G (U_s) lies in the expected life of the policy. When statutes are passed, they are expected to be in force for a long time. That is, they are sticky policy decisions. The value of executive prerogatives (U_x) rests on the timeliness they bestow on policy

making. By using an executive prerogative, presidents can—particularly in countries with strong decree powers—immediately affect the policy status quo and move it to the position they want. In these cases, the utility of an executive prerogative (U_x) is high. In other countries, the president's prerogatives may be sufficient to secure only "half a loaf." In such cases, the utility of an executive prerogative will be lower.[4]

The costs of statutes and executive prerogatives. In considering costs, I assume, as I do with U_s and U_x, that they are related to direct policy utilities only. Statutes are sticky policy decisions, but their legislative approval is often difficult to obtain. The costs of seeking a statute, thus, arise from the side payments the president has to make to secure a majority favorable to the bill. These side payments amount to all kinds of pork and patronage the president has to dispense.

As for the cost of executive prerogatives, note that they are usually seen as an exceptional policy-making instrument or as one with specific purposes. So in some circumstances, the use of presidential decrees or executive orders is deemed politically acceptable, whereas in others it is not. If a decree raises doubts as to whether the president has overstepped the bounds of his or her legal authority, there is the possibility that the legislature, the courts, or the comptroller question the constitutionality of the president's decree. There is, thus, a legitimacy component to the use of executive prerogatives. Presidents consider such a component as a cost associated with their executive prerogatives when choosing a policy-making strategy.

The probability of implementing G by statute and executive prerogatives. As for the probabilities, recall that Equations 1 and 2 assume that a president chooses between initiating a statute or using an executive prerogative in a short period of time. Thus under this constraint, it can be safely postulated that $P_s < P_x$. As statutes always take some time to be approved, presidents are less likely to implement their goals via standard legislative procedures if they have to make policy in a short period of time. If the cost of using executive prerogatives is low, the expected utility of implementing G by them tends to be larger than the expected utility of implementing G by statute. In short, if presidents are modeled as making policy under a short time table, we should expect that an implementation of G based on executive prerogatives dominates a statutory implementation, all else constant.

Finally, note that the decision-theoretic model advanced in this article is geared toward the implementation of one policy goal. Presidents, of course,

4. Note that the stickiness of decrees may depend on other factors (veto powers) that are introduced subsequently.

have multiple goals. The purpose of the model, however, is to deduce the predominant policy-making strategy chosen by a president given the preferences, incentives, and constraints under which the president governs.

All in all, Equations 1 and 2 tell us that seeking statutes is more likely as

1.   The value of a statutory implementation of G (U_s) gets larger;
2.   The probability that the president's attempt to implement G via statute is successful (P_s) gets larger;
3.   The cost of seeking a statute (C_s) gets smaller;
4.   The increment to utility from achieving G via an executive prerogative (U_x) gets smaller;
5.   The probability that the president's attempt to implement G via an executive prerogative is successful (P_x) gets smaller; and
6.   The cost of seeking an executive prerogative (C_x) gets larger.

Now let us turn to the factors that determine the values of U_s, U_x, P_s, P_x, C_s, and C_x.

First, from a comparative perspective, the main executive prerogative presidents can have relates to their decree authority (Carey & Shugart, 1998; Shugart & Carey, 1992). Therefore the extension of presidents' decree authority affects presidential utilities (U_s and U_x). If presidents are endowed with an extensive decree authority, this means they can make policy unilaterally more easily. This, in turn, will increase U_x and leave U_s unaltered. Hence, the more extensive is presidents' decree authority, the higher U_x, whereas U_s remains unaffected.

U_s and U_x are also affected by the time horizon presidents face. The earlier in the term that presidents initiate a statute, the more time they have to see the latter approved, thus, increasing U_s. As the term elapses, the more incentives presidents' have to use a fast-track instrument of policy making, therefore, increasing U_x. In this way, the earlier in the presidents' term, the higher U_s; conversely, the later in the presidents' term, the higher U_x.

As for P_s and P_x, if a president decides to seek G through a statute, then legislative parties will have a decisive influence on the fate of bills initiated by the chief executive because their passage requires majority approval by the assembly. By this logic, the larger the size of the president's legislative party, the easier the passage of president-initiated statutes. Therefore the larger the president's legislative contingent, the higher P_s.

P_x (the probability of implementing policy goals by executive prerogatives) is affected by the legislature's ability to overturn decrees or executive orders. As Carey and Shugart (1998) argue, a legislature's ability to overturn depends on the president's veto power: "Proactive powers [decrees and

orders] can be formidable if the executive has reactive powers [veto] in the same policy areas. With a veto, the executive can prevent a legislature from overturning their decrees or policies" (p. 8). Thus the stronger the president's veto, the higher P_x.

Party discipline also affects P_x. Decrees are less likely to be overturned by a legislature that is operated by undisciplined parties because of greater collective-action problems and lower congressional interest in policy (Carey & Shugart, 1998, p. 17). In this way, the more undisciplined the parties, the higher P_x.

In addition, presidents with extreme ideological positions are likely to have an influence on P_s. Presidents whose policy positions diverge widely from those of the legislature are well aware that they are going to have a hard time accomplishing their agendas. This fact particularly affects a president's ability to make policy via statutes because the latter must be voted on by the legislature. Thus extremist presidents are associated with a lower P_s.

With regard to the cost of statutes, a variable that clearly affects its value is legislative fragmentation. Higher legislative fragmentation results in higher transaction costs for the approval of executive-initiated bills because it increases the number of partisan veto points (Tsebelis, 2002). It also increases the number of party combinations that can beat the status quo. This aspect further complicates and slows down the legislative process. Decisions made by fragmented legislatures are therefore marked by policy inconsistency and lack of timeliness. This in turn directly affects the cost of statutes because presidents have to make higher side payments to secure majorities. So the higher the legislative fragmentation, the higher C_s. However, legislative fragmentation and the size of any party are strongly correlated. The more fragmented is a legislature, the smaller any party, including that of the president. So the size of the president's legislative contingent captures not only P_s but also C_s.

One could argue that party discipline also affects the costs of statutes. Such an argument could contend that majorities are harder to form in legislatures dominated by weakly disciplined parties than in legislatures controlled by tightly disciplined ones; however, this argument is not correct. Although the impact of discipline on decrees is clear, its effect on lawmaking is not. If parties are weakly disciplined, a minority president can more easily co-opt opposition legislators to form winning majorities. Tight discipline certainly helps majority presidents to pass legislation. However, in the case of minority administrations, tight discipline leads to deadlock, as, for example, in Venezuela (Coppedge, 1994). Because the effect of discipline on statutes is indeterminate, it will be included in the set of hypotheses only to tap its impact on P_x.

Finally, the cost of executive prerogatives also tends to be lower as a country faces a crisis situation demanding prompt executive action, thus, plainly justifying the use of fast-track, unilateral policy-making instruments. By this logic, the more acute is a crisis situation (related, in general, to economic conditions), the lower C_x.

Note that the presidential choice between statutes and executive prerogatives is strongly driven by the extension of the latter. Thus it can be argued that the grant of extensive executive prerogatives to the chief executive has the effect of enhancing the impact of other independent variables that favor the option for a policy-making strategy based on executive prerogatives. This is clear in the above-quoted contention by Carey and Shugart (1998) that decrees can be formidable if the executive has veto powers. Operationally, this means that decree and veto powers variables should be tested as a linear combination and concomitantly, also interacted. The same logic applies to the relationship of decree authority to the size of the president's party, the elapsing of the president's term, ideological extremism, party discipline, and crisis situations.

Once the president is set on a prevalent policy-making strategy, the question then becomes, What is the best way for its tactical implementation? Here cabinet appointments enter the picture. Cabinet appointments should be viewed as a matter of maximizing a president's ability to implement policy-making strategy. The decision between a statutory implementation of policy goals or an implementation based on executive prerogatives leads directly to a clear prescription for what kind of cabinet the president should construct: If the goal is to seek mostly statutes, then the president should form a majority government and accordingly, appoint party politicians to the cabinet and allocate portfolios on a proportional basis to coalition partners. If the goal is to seek mostly executive prerogatives, then the president can pack the cabinet with cronies, technocrats, and others who do not help build a majority in the legislature but do serve other purposes, such as, for example, bringing policy expertise into the cabinet or establishing direct links with interest groups.

A note on the importance of proportional allocation of portfolios is in order. Students of parliamentary regimes (Browne & Franklin, 1973; Budge & Keman, 1990, pp. 88-131; Schofield & Laver, 1985; Warwick & Druckman, 2001) demonstrate empirically that coalition payoffs in Europe are distributed according to the legislative size of parties. However, presidential cabinets do not necessarily have to follow the norm of proportionality because presidents do not need legislative confidence to remain in office. Thus the proportionality norm will be here employed as a proxy to identify cabinets whose underlying policy-making strategy is statutory. Ministerial allocations deviating from proportionality can thus be seen as a characteristic

Figure 1
The Relationship Between the Preferences of the President,
the Institutional Incentives and Economic Conditions Faced by the
President, the President's Choice of a Policy-Making Strategy, and
the Design of the Cabinet
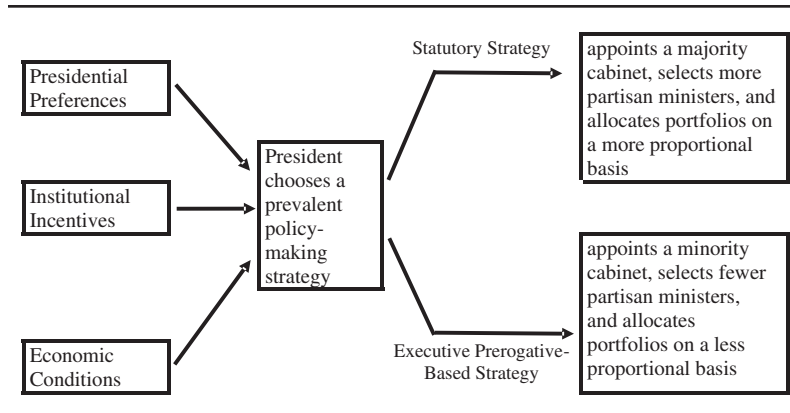
of presidential cabinets whose chief is less interested in making policy mostly by statutes and, thus, is less interested in solid legislative support.

The same logic applies to the selection of partisan ministers. If the president opts for a statutory strategy, then a majority cabinet will be appointed. To build such a cabinet, the president will need to draft partisans to the ministries so as to solidify legislative support. Conversely, should the president decide to govern by executive prerogatives, then a minority cabinet will more likely be appointed, which indicates that the chief executive is not interested in solid legislative support, thus leading to fewer partisans in the cabinet. Figure 1 summarizes the relationship between, on one hand, presidential preferences, institutional incentives, and economic conditions and, on the other hand, the president's choice of a policy-making strategy and the design of the cabinet.

Now the task ahead is to empirically test the hypotheses fleshed out above.

Data and Method

I have taken as cases the administrations of pure presidential regimes from the late 1970s to 2000 that can be considered democratic or semidemocratic

according to the classification of Mainwaring, Brinks, and Pérez-Líñán (2001). A pure presidential regime is one in which the chief executive freely appoints and dismisses cabinet ministers and assembly and cabinet survival is completely separated (Mainwaring & Shugart, 1997a; Shugart & Carey, 1992).

Unfortunately, data are not available for all presidential democracies or semidemocracies. The final sample was, thus, reduced to the following periods of 13 regimes: Argentina (1983 to 1999), Bolivia (1982 to 2000), Brazil (1985 to 1999), Chile (1990 to 2000), Colombia (1978 to 1998), Costa Rica (1978 to 1998), Ecuador (1979 to 1998), Mexico (1988 to 2000), Panama (1990 to 1999), Peru (1980 to 1992), United States (1981 to 1997), Uruguay (1985 to 2000), and Venezuela (1979 to 1994). The sample comprises 59 presidents and 106 cabinets.[5]

A new presidential cabinet is defined as (a) the inauguration of a new president or (b) a change in the party composition of the cabinet. Also, I consider military officers, who were usually appointed for the defense ministry in some Latin American countries, as independents. Moreover, in countries where each branch of the armed forces used to be represented in the cabinet and was headed by a military officer, as in Brazil and Peru, I include only the army ministry in my calculations. The reason for this simplification is to avoid overestimation of nonpartisan ministers.

First Dependent Variable: Cabinet Legislative Status

The measure of cabinet legislative status (whether it is majority or minority) is straightforward: If the sum of the legislative shares held by the parties holding ministerial office is larger than 50%, the cabinet is assigned the value of 1, and 0 otherwise.

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5. The sources of cabinet data are the following: Argentina—Argento and Gerschenson (1999), Molinelli, Palanza, and Sin (1999), Keesing's Worldwide (n.d.), and data provided by Ana Maria Mustapic; Bolivia—Mesa (1990), Keesing's Worldwide (n.d.), and data provided by Eduardo Gamarra, Carlos Mesa, Flavio Machicado, and René Mayorga; Brazil—Amorim Neto (2002) and data provided by Antônio Octávio Cintra and Luciano Dias; Chile—Keesing's Worldwide (n.d.) and data provided by David Altman, John Carey, Eduardo Dockendorff, Lisa Hilbink, Daniel Kaufman, and Patricio Navia; Colombia—Blanco et al. (1991), Gonzales (1982), Keesing's Worldwide (n.d.), and data provided by Maria Escobar-Lemmon and Monica Pachón; Costa Rica—Keesing's Worldwide (n.d.) and data provided by John Carey, Fabrice Lehoucq, Judith Schultz, and Michelle Taylor-Robinson; Ecuador—Rowland (2002); Mexico—Aguayo (2000) and data provided by Antonio Ortiz Mena; Panama—data provided by David Altman; Peru—Tuesta (1994), Keesing's Worldwide (n.d.), and data provided by Barbara Geddes; United States—Woldendorp, Keman, and Budge (2000); Uruguay—Keesing's Worldwide (n.d.) and data provided by David Altman; and Venezuela—Olmos (n.d.).

Second Dependent Variable: The Selection Criterion of Ministers

It is simply the percentage of partisan ministers drafted into the cabinet.

Third Dependent Variable: Proportionality in Portfolio Allocation

To account for the relationship between cabinet shares and legislative weight, I use Amorim Neto's (2002) measure of Cabinet coalescence rate (CABINET). This measure is based on the index of disproportionality devised by Rose (1984) to measure the amount of deviation from proportionality between seats and votes that a given election produces. Here ministries and seats take the place of seats and votes. The formula of the index is

$$\text{CABINET} = 1 - 1/2 \sum_{i=1}^{n} (|S_i - M_i|),$$

where M_i is the percentage of ministries Party i receives when the cabinet is formed; S_i is the percentage of legislative seats Party i holds in the total of seats commanded by the parties joining the cabinet when the cabinet is formed; and CABINET varies between 0 (no congruence between ministerial payoffs and legislative seats) and 1, which defines an upper limit of perfect correspondence between cabinet shares and legislative weight.

Table 1 displays the number of cabinets, the number of each type of cabinet (single-party majority, single-party minority, coalition majority, and coalition minority), the mean share of partisan ministers, and the mean of cabinet coalescence, per country. It is interesting that 53.8% of the cabinets command a nominal majority, whereas 46.2% are in a minority situation. Of the presidential cabinets, 72.6% are coalitions, whereas 27.4% of them are single-party administrations. In addition, there is a wide variation in the mean share of partisan ministers and in the mean of cabinet coalescence.

I proceed now to operationalize the independent variables.

Extension of the President's Decree Authority

All presidents possess some form of decree authority. In the case of the United States, decrees are called executive orders. Yet the strength of such authority varies from country to country. Some constitutions grant the chief executive the power to issue administrative decrees only (like in the United States). These decrees allow the president to regulate and interpret statutes enacted by the legislature and give orders to the public administration.

Table 1
Number of Cabinets, Number of Types of Cabinet, and
the Mean of Partisan Ministers and Cabinet Coalescence per Country

Country	N of Cabinets	n of Single-Party Majority Cabinets	n of Single-Party Minority Cabinets	n of Coalition Majority Cabinets	n of Coalition Minority Cabinets	Mean of Partisan Ministers	Mean of Cabinet Coalescence
Argentina	6	1	3	0	2	92.8	0.89
Bolivia	8	0	1	4	3	79.5	0.73
Brazil	15	0	0	11	4	53.1	0.50
Chile	5	0	0	5	0	93.3	0.85
Colombia	11	0	1	10	0	94.4	0.87
Costa Rica	6	3	3	0	0	98.2	0.98
Ecuador	20	0	4	1	15	34.7	0.27
Mexico	2	2	0	0	0	96.4	0.96
Panama	7	0	0	3	4	82.2	0.71
Peru	9	2	1	4	2	59.2	0.54
Uruguay	6	0	0	6	0	98.5	0.77
United States	5	2	2	1	0	100.0	0.91
Venezuela	6	1	3	1	1	56.3	0.56
Total	106	11	18	46	31	70.8	0.64

Administrative decrees are, thus, a weak form of legislative power because presidents can change the policy status quo only within the boundaries stipulated by a statute previously approved by the legislature. However, some constitutions entitle the president to emit decree-laws. That is to say, once signed, the decree immediately becomes law. This is a strong form of decree authority because it allows the chief executive to overrule statutes altogether and move the policy status to the desired position.

The operationalization of presidential decree power is, thus, straightforward. I simply use a dummy variable, assigning 1 to presidents constitutionally granted the right to issue decrees that immediately become law, and 0 otherwise (call this variable DECREE). The regimes that accord such powers to their chief executives are Argentina (after 1994), Brazil, Colombia, Ecuador, and Peru.[6]

Elapsing of the President's Term

The elapsing of the president's term is the temporal distance (in days) between the day on which a cabinet is formed and the day on which the president's term constitutionally ends (call it TIME).

President's Legislative Contingent

The measure of the president's legislative contingent is simply the percentage of seats held by the president's party in the lower or only chamber (call it PREPAR). If a president is not affiliated with any party, the legislative contingent is 0.[7]

Strength of the President's Veto

The strength of a presidential veto is a function of the majority constitutionally required to override the veto (call it VETO)—the larger the majority, the stronger the veto. For example, a constitution that requires a 2/3 majority to override a veto provides the chief executive with a stronger veto than a constitution that requires a 0.5 majority. The size of veto-overriding majorities varies: It is 0.5 in Brazil, Peru, Uruguay, and Venezuela, and 2/3 in Argentina, Bolivia, and the United States, for example. In Ecuador, presidential vetoes cannot be overridden. So to this country, the value of 1.01 should be assigned to its override requirement, that is, a majority larger than the assembly membership. In Colombia, the override requirement is 2/3 in some

6. Data on decree powers were culled from Carey, Amorim Neto, and Shugart (1997) and Carey and Shugart (1998).
7. Data on seat shares were provided by Dieter Nohlen.

policy areas and 0.5 in others; thus, for this country the two requirements were averaged, yielding the value of 0.585. Finally, in Costa Rica the override requirement is 2/3. However, the president cannot veto the budget, which makes for a weaker veto. So I decided to arbitrarily reduce the strength of the Costa Rican veto to the level of Colombia.[8]

Extremist Presidents

Alcántara and Freidenberg (2001) and Coppedge (1997) make an important contribution to the study of Latin American party systems by identifying the ideological position of parties in Latin American countries. Presidents' ideological positions are assumed to be that of their party. Presidents are considered extremist if their party is classified as right or left (the other possible positions are center right, center, and center left). I assign the value 1 for such presidents, and 0 otherwise (call it EXTREME). The three U.S. presidents included in the sample were coded as follows: Reagan = right, Bush senior = center right, and Clinton = center.[9]

Party Discipline

Data on the legislative discipline maintained by political parties are not available for all the countries and years included in this study. However, as Carey and Shugart (1995) argue, the incentives for legislators to behave in a disciplined fashion are a function of whether they face intraparty competition and whether they tend to cultivate a personal vote. To measure such incentives, I use the indicator Hallerberg and Marier (2004, pp. 576-577) propose, which is based precisely on the hypotheses advanced by Carey and Shugart, that is, that intraparty competition and the personal vote are favored by open lists, the absence of vote pooling, whether voters cast multiple votes or a vote only at the subparty level, or by low district magnitude. Hallerberg and Marier operationalize these dimensions so that their index ranges from 0 to 1. The higher its value, the stronger the incentives for intraparty competition or the cultivation of a personal vote. So for example, Bolívia scores 0.09, Venezuela 0.23, United States 0.60, Brazil 0.62, and Colombia 0.76 (call this variable DISCIP).

The Acuteness of Crisis Situations

There are many types of crisis situations. They are usually related to economic difficulties, international conflicts, social unrest, and ethnic and civil

8. Data on veto strength were culled from Carey et al. (1997).
9. I thank Gary W. Cox for providing me with this classification of U.S. presidents.

strife. It is therefore hard to find a good operational indicator for this variable. However, economic instability has been an enduring feature of almost all Latin American countries in the post–World War II period. Moreover, the high level of social inequalities and the weakness or absence of safety nets observed in Latin America tend to magnify the consequences of any economic downturn. One of the main symptoms of economic crisis in the region has been high inflation. Recall the hard times countries such as Argentina, Bolivia, and Brazil had to go through in the 1980s and in the early 1990s owing to the uncontrolled spiraling of prices. So I use the inflation rate (logged) as one of the indicators of the acuteness of crisis situation (call it LNINFLA).

I also use a measure of recession to tap economic crisis situations. This measure is based on Alesina and Perotti (1995). It assigns the value of 1 to countries whose growth rate in a given year is 1% below the average growth rate in the previous 2 years, and 0 is assigned otherwise (call it RECESS).[10]

Econometric Analysis

First of all, note that as the sample is composed of cross-section—time-series data, country dummies are included on the right-hand side of all the equations (but not reported in the tables) to control for fixed effects. All three dependent variables were run on the same explanatory variables.

In addition to the inclusion of linear combinations of the explanatory variables on the right-hand side of the regression equations, seven interactive terms having DECREE as the enhancing factor are tested. DECREE interacts with PARPRE, EXTREME, VETO, TIME, DISCIP, RECESS, and LNINFLA. However, to make DECREE and PARPRE run in the same direction, in the interactive term, the size of the president's party will be 100—PARPRE (call it PPARPRE). Likewise, when interacting TIME with DECREE, presidents without constitutional decree authority will take on the value 1, and 0 otherwise.

Cabinet Legislative Status

The majority cabinet dummy was modeled using a discrete-choice-conditional fixed-effect logit model, the appropriate regression method for panel-data analysis of dummy variables. Three countries were excluded from the sample because of a lack of variance in the legislative status of their cabinets, namely, Chile, Mexico, and Uruguay. The regression output is displayed in Table 2.

10. Economic data were gathered from the World Bank's (2004) *World Development Indicators*.

Table 2
The Determinants of Cabinet Legislative Status, Partisanship, and Coalescence

	Dependent Variable					
	Legislative Status[a]		Percentage of Partisan Ministers[b]		Coalescence[c]	
Model Coefficients	(1)	(2)	(3)	(4)	(5)	(6)
Independent variable						
PARPRE	0.1071 (0.046)**	0.0731 (0.015)**	0.00059 (0.95)	0.0178 (0.001)***	0.00198 (0.22)	0.00501 (0.000)***
EXTREME	−0.197 (0.90)	−2.509 (0.029)**	0.5781 (0.34)	0.8940 (0.10)*	0.198 (0.006)***	0.211 (0.004)***
DECREE	−13.507 (1.0)		6.074 (0.03)**		1.716 (0.0)***	
VETO	−8.8353 (1.0)		−8.3930 (0.003)***		−1.853 (0.002)***	
TIME	−0.000537 (0.86)		0.000277 (0.25)	0.000506 (0.003)***	0.0000433 (0.25)	0.0000760 (0.005)**
DISCIP	—	—	—	—	—	—
LNINFLA	−0.4282 (0.12)	−0.4579 (0.046)**	−0.1608 (0.11)		−0.0123 (0.33)	
RECESS	−1.3511 (0.13)	−1.3757 (0.054)*	−0.2422 (0.42)		−0.0174 (0.65)	
PPARPRE*DECREE	0.1141 (0.24)		−0.0205 (0.097)*		−0.00436 (0.03)**	
EXTREME*DECREE	−58.314 (1.0)		−1.695 (0.006)***	−2.2027 (0.000)***	−0.4507 (0.000)***	−0.4967 (0.000)***
VETO*DECREE	−53.344 (1.0)		−8.551 (0.007)***		−2.141 (0.001)***	
TIME*DECREE	0.000534 (0.87)		0.00044 (0.20)		0.0000622 (0.23)	
DISCIP*DECREE	0.7800 (1.0)	—	—	—	—	—
LNINFLA*DECREE	4.3318 (0.29)		0.0585 (0.64)		0.000546 (0.98)	
RECESS*DECREE	0.6266 (0.78)		0.2103 (0.58)		−0.0274 (0.60)	
cons	—	2.579 (0.023)**	6.422 (0.001)***	0.7246 (0.000)***	1.7787 (0.000)***	
Log-likelihood	−13.33	−18.61	−702.14	−706.78	63.12	58.87
gamma_cons			0.0221 (0.069)*	0.0258 (0.055)*		
phi			0.0216 (0.063)*	0.0252 (0.049)**		
Ancillary					0.113	0.118
No. of observations	93	93	106	106	106	106

Note: Parentheses contain p values. Dashes indicate that STATA automatically dropped the variable.

a. Conditional fixed-effects logit model of cabinet legislative status

b. Extended beta binomial model of the share of partisan ministers

c. Panel-Data analysis of cabinet coalescence using a Tobit model with fixed effects

$*p < .10. **p < .05. ***p < .01.$

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In Model 1, which includes all linear and interactive terms, only PARPRE was found significant (at the 0.05 level) and came with right sign. Model 2 is the final result of pruning down Model 1 (not reported here, owing to a lack of space) so as to retain only the significant variables. That is, variables that were found to be insignificant were dropped. In Model 2, PARPRE, EXTREME, and INLINFLA are significant at the 0.05 level, whereas RECESS is significant only at the 0.1 level.[11]

Note that neither DECREE nor any of its interactions were found significant in either model. Also, DISCIP was automatically dropped by the statistical package (STATA) because of collinearity.

To assess the substantive effects of the independent variables, let us explore their impact on a randomly chosen cabinet. Thus if we set the parameters of Model 2 equal to the values observed for Bolivian Sanchez de Losada's only cabinet (PARPRE = 40.0%; TIME = 1,461; EXTREME = 0; RECESS = 0; INLINFLA = 8.53%), the estimated probability of appointing a majority cabinet is 87.5%. Holding all else constant, if the size of the president's party were to drop from 40% to 20%, the estimated probability of appointing a majority cabinet would fall from 87.5% to 61.8%. If the president were to become an extremist, the probability would drop to 36.2% (all else constant). If the country had gone into recession, the probability would go down to 63.8%. Finally, if the inflation rate increased from 8.53% to 100%, the estimated probability of appointing a majority cabinet would decrease from 87.5% to 69.3%. All these variations are substantial, indicating that each explanatory variable has a substantive and meaningful impact on the dependent variable.

The Share of Partisan Ministers

The percent of partisan ministers was modeled using an extended beta binomial model, the adequate econometric technique for proportions data

11. Relatively small samples such as the one studied here may raise concerns that individual observations might exert undue influence. Hence, analysis of them requires diagnostics. Cases with strong influence over the model's estimates are identified as high-leverage observation. One standard diagnostic tool, which Belsley, Kuh, and Welsch (1980) recommend, was applied. They propose a cutoff point equals to $2p/n$, where p is the number of parameters to be estimated in the model and n is the sample size. Let hi be the i-th element of the diagonal of a regression's projection matrix. Any observation whose hi is higher than $2p/n$ should be considered an influential observation. Six such observations were found: the second cabinet of Hugo Banzer in Bolivia, the first cabinet of Jaime Rold in Ecuador, the second cabinet of Carlos Salinas in Mexico, the second cabinet of Carlos Andrés Perez in his second term in Venezuela, the only cabinet of Ramón Velasquez in Venezuela, and the only cabinet of Rafael Caldera in his second term, also in Venezuela. Model 2 was run again on a sample excluding these influential observations. PARPRE, EXTREME, INLINFLA, and RECESS retained their significance at the same levels. That is to say, Model 2 is not sensitive to influential observations.

(Palmquist, 1999). Again, for the sake of simplicity, only the first and the best models are reported in Table 2 (Models 3 and 4). In Model 3, only PPARPRE*DECREE, EXTREME*DECREE, and VETO*DECREE came with the right sign, the latter two turning out significant at the 0.01 level. DECREE was also found significant at the 0.05 level but came with the wrong sign. After pruning down Model 3 by eliminating insignificant variables, Model 4 reveals that PARPRE, VETO, TIME, and EXTREME* DECREE came with the right sign and were found significant at the 0.01 level. EXTREME turned out significant at the 0.1 level but came with the wrong sign.

Note that the coefficients on EXTREME and EXTREME*DECREE indicate that DECREE actually enhances the effect of EXTREME on the share of partisan ministers. As the absolute value of the coefficient on EXTREME is lower than that on the interactive term, the impact of the latter is the overriding one and has the right sign. That is to say, extremist presidents holding decree powers appoint a lower share of nonpartisan ministers than any other kind of president.[12]

As for the marginal effects of the explanatory variables, the first cabinet of the first Cardoso presidency in Brazil, appointed in January 1995 (PARPRE = 12.3%; DECREE = 1; VETO = 0.5; TIME = 1,461; EXTREME = 0), was selected to provide the initial levels. Under this cabinet, the estimated share of partisan ministers is 69.3%. If PARPRE increased from 12.3% to 45%, the estimated share of partisan ministers would go up to 80.2%, all else constant. If VETO increased from 0.5 to 0.67, the estimated share would drop to 35.2%. If the distance in days between the day on which the cabinet was appointed and the day on which the president's term ended were decreased from 1,460 (4 years) to 365 (1 year), the estimated partisanship would fall to 56.5%. The marginal effects of EXTREME are conditional on DECREE. If EXTREME went from 0 to 1 and DECREE = 0, then the estimated partisanship would go up to 84.7%. However, if the same change in EXTREME occurred when DECREE = 1, the estimated partisanship would go down to 37.9%. Again, the substantive impact of these explanatory variables on partisanship seems to be meaningful.

Proportionality in Portfolio Allocation

A panel-data Tobit model with fixed effects was employed to evaluate the determinants of proportionality in portfolio allocation, the so-called coales-

12. As under Models 1 and 2, under Models 3 and 4, DISCIP was automatically dropped by STATA. The same occurred with the interactive term DISCIP*DECREE. Also, the results of Model 4 proved to be slightly sensitive to influential data. When the influential observations were removed, PARPRE turned out to be insignificant.

cence, because the latter variable is continuous but is right- and left-censored.

The estimated coefficients of the first and the best models are reported in Table 2 (Models 5 and 6). It is interesting that the process of pruning down Model 5 led to the same qualitative results found in the analysis of partisanship. Model 6, the last and best model, shows that PARPRE, VETO, TIME, and EXTREME*DECREE came with the right sign and were found significant at the 0.01 level. EXTREME turned out significant at the 0.05 level but came with the wrong sign.

Again, the coefficients on EXTREME and EXTREME*DECREE indicate that DECREE magnifies the effect of EXTREME on cabinet coalescence. As the absolute value of the coefficient on EXTREME is lower than that on the interactive term, the impact of the latter is the overriding one and has the right sign. Extremist presidents holding decree powers appoint cabinets with a lower coalescence rate than any other kind of president.[13]

As regards the marginal effects of the independent variables, the first and only cabinet of the first Clinton presidency in the United States, appointed in January 1993 (PARPRE = 59.5%; DECREE = 0; VETO = 0.67, TIME = 1,461; EXTREME = 0), was selected to provide the initial levels. Under this cabinet, the estimated coalescence is 0.90. If PARPRE decreased from 59.5% to 45%, the estimated coalescence would go down to 0.81, all else constant. If VETO decreased from 0.67 to 0.5, the estimated coalescence would go up to 0.96. If the distance in days between the day on which the cabinet was appointed and the day on which the president's term ended were decreased from 1,460 (4 years) to 365 (1 year), the estimated coalescence would fall to 0.86. As with partisanship, the marginal effects of EXTREME are conditional on DECREE. If EXTREME went from 0 to 1 and DECREE = 0, then the estimated coalescence would go up to 0.95. Yet if the same change in EXTREME occurred when DECREE = 1, the estimated coalescence would go down from 0.90 to 0.69. Again, the substantive impact of these explanatory variables on coalescence seems to be politically meaningful.

In addition, it remains to be seen why DISCIP, among all explanatory variables, was the only one that never yielded a positive result. One of the possible reasons is that electoral-system generated incentives are not a good predictor of party discipline in some countries. For example, Figueiredo and Limongi (2000) argue that in Brazil, party discipline is higher than expected by such incentives. Therefore only when more accurate data on the legisla-

13. As under Models 1, 2, 3, and 4, under Models 5 and 6, DISCIP was automatically dropped by STATA. The same happened with the interactive term DISCIP*DECREE under Model 6. However, the results of the latter were found not to be sensitive to influential data. When the influential observations were removed, all variables retained their level of significance.

tive discipline maintained by political parties, probably based on roll call votes, are available for all the countries and years included in this study will a proper test of the impact of party discipline on the design of presidential cabinets be performed.

Finally, it should be asked why a key variable, the one tapping decree powers, was not found significant in the models of cabinet legislative status. Recall that this measure tells us only the nominal, not the effective, legislative size of cabinets. Therefore it inflates the frequency of majority cabinets in countries where party discipline is not tight, such as Brazil, Colombia, Ecuador, and Peru. It is interesting that these are precisely the countries that grant presidents extensive decree authority. Thus the indicator of decree powers was bound to stand a low probability of having a significant impact on cabinet legislative status.

All told, the main findings of the econometric analysis are of two kinds. First, the key determinants of the nominal legislative status of presidential cabinets are the size of the president's party (with a positive effect), extremist presidents, and economic crises (both with a negative impact). By increasing the probability that statutes will be approved, large presidential parties encourage presidents to appoint majority cabinets. Extremist presidents, by decreasing such a probability, tend to opt for a minority solution for cabinet formation. Economic crises, by lowering the costs of the use of unilateral policy-making instruments by presidents, prompt the latter to appoint minority cabinets. This finding shows that economic conditions do affect governance patterns. This is particularly true for Latin American countries, with their unstable and vulnerable economies.

The second type of finding relates to patterns of cabinet appointments: The share of partisan ministers and the cabinet coalescence rate are both positively affected by the size of the president's party and negatively influenced by extremist presidents who hold decree powers, the extension of the president's veto powers, and the elapsing of the president's term. It is significant that the size of the president's party and extremist presidents are the only explanatory variables that have a significant impact on all three dependent variables. The findings on PARPRE indirectly confirm Cheibub's (2002) finding that legislative fragmentation is positively associated with the formation of minority governments in presidential regimes.

What are the implications of the above finding for presidential governance? One key implication is that extensive legislative powers do not weaken presidents' willingness to seek statutes and secure nominal majorities but do tempt chief executives—particularly extremist ones—to either "departycize" their cabinets or allocate portfolios on a less proportional basis. And such cabinet appointment patterns do carry important conse-

quences. According to Geddes (1994), more partisan cabinets help Latin American presidents survive in office, although this may hurt state capacity. In Uruguay, cabinets whose portfolio allocation to parties does not follow the norm of proportionality tend to be short lived (Altman, 2000b). In Brazil, the higher the coalescence rate of a president's cabinet, the more disciplined the legislative support the chief executive receives from the cabinet parties (Amorim Neto, 2002). In short, although presidents' legislative powers are not a significant determinant of the nominal legislative status of governments, the former are a relevant factor in the way chief executives choose ministers and allocate portfolios to parties.

Another important implication of this article's findings—particularly those indicating that in some countries, there is low cabinet partisanship and low cabinet coalescence—is that presidents have more alternatives than prime ministers when designing their cabinets. Cabinets in parliamentary regimes are almost always highly partisan and coalescent. Therefore when comparing presidential cabinets with their parliamentary counterparts, students of systems of governments should be concerned with not only traditional dimensions (whether the cabinet is majority or minority or whether it is single-party or multiparty) but also ministerial recruitment criteria and patterns of portfolio allocation.

Conclusion

This article attempts to achieve three goals: (a) to put forward a decision-theoretic model of presidential policy making and cabinet formation, (b) to propose quantitative measures of the design of presidential cabinets, and (c) to empirically test several hypotheses regarding the determinants of the makeup of such cabinets. Although the decision-theoretic model probably fails to capture some aspects of the relationship between, on one hand, presidential preferences, institutional incentives and economic conditions and on the other, presidential policy-making strategies and cabinet design, it has allowed us to deductively come up with testable hypotheses regarding key, systematic components of such a relationship.

The findings that only presidents whose parties command a sizeable share of legislative seats and who are ideologically center leaning are likely to make policy through statutes and, therefore, appoint majority cabinets and judiciously select partisan ministers are particularly significant. Such an approach to policy making and government formation is certainly better, particularly for the fledgling Latin American democracies, because it enhances the role of legislatures and political parties in the policy process.

However, if presidents have the constitutional alternative of issuing decree-laws and hold an extensive veto power, they are tempted to staff their cabinets mostly with technocrats and cronies and to distribute portfolios in a less than fair manner. Yet although in the short run the appointment of non-partisan ministers may be optimal for the chief executive, in the long run, this ministerial selection pattern may dangerously alienate parties and the legislature, which is always a risk for political stability. The cases of Brazil's Collor and Peru's Fujimori, both extremists holding extensive decree powers, are very illustrative in this regard. Facing acute economic crises and commanding a small legislative contingent, the two presidents appointed minority cabinets staffed mostly with cronies and technocrats. Collor was impeached, and Fujimori staged a so-called self-coup.

In terms of constitutional engineering, this article, in addition, corroborates the view Mainwaring and Shugart (1997a) advocate: that presidential regimes in which the chief executive is endowed with limited legislative powers and the party systems are compact (thus making room for bigger presidential parties) generate stronger incentives for interbranch cooperation than regimes that grant extensive legislative prerogatives to the president and feature a dispersed party system (thus making room for smaller presidential parties).

Finally, the findings of this article give us a solid empirical basis to pin down new differences between presidentialism and parliamentarism and connect the Eurocentric scholarship on cabinet formation with the study of presidentialism. As far as cabinet formation is concerned, the main difference between the two systems of government is the constant and heavy weight placed on legislative parties in parliamentary regimes as opposed to the varying weight placed on parties in presidential regimes. Although in parliamentary systems most cabinets, except for caretaker administrations, tend to be staffed mostly by partisan ministers, in presidential systems, the presence of the latter varies substantially.

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