Multiparty Systems and Institutional Design Explaining Constitutional Change in Latin America[1]

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Abstract: *The combined effects of electoral and decision rules determine the concentration or diffusion of the policy-making process in a separation-of-powers regime. While electoral rules create or remove restrictions on the various partisan interests that can enter into the policy-making process, the power to control legislative outcomes is either concentrated in the hands of the president or diffused among several actors by decision rules. Using a bargaining model of constitutional change, I propose that the greater the numbers of parties with control over constitutional change, the more likely constitution makers are to opt for inclusive electoral rules and presidents with strong legislative powers. The paper also underscores the role of path dependence and institutional diffusion on constitutional choice. The argument is supported by a statistical analysis of the determinants of constitutional choice in 45 cases of constitutional change in Latin America from 1900 to 2000.*

Sumario: *Los efectos combinados de las reglas electorales y de las reglas de toma de decisión determinan la concentración o la dispersión del proceso de elaboración de políticas (policy-making) en un régimen de las separación de poderes. Mientras que las reglas electorales crean o quitan restricciones a los varios intereses partidarios que pueden entrar en el proceso de policy-making, el poder de controlar los resultados legislativos se concentra en las manos del presidente o está dispersa entre varios agentes a causa de las reglas de toma de decisión. Usando un modelo de cambio constitucional negociado, propongo que cuanto mas numerosos son los partidos con control sobre el cambio constitucional, es más probable que los redactores de la constitución opten por reglas electorales inclusivas y presidentes con poderes legislativos fuertes. El*

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escrito también subraya el papel de la dependencia de la trayectoria (path dependence) y de la dispersión institucional en la elección de la opción constitucional. La discusión es apoyada por un análisis estadístico de los determinantes de la opción constitucional en 45 casos de cambio constitucional en América latina a partir de 1900 a 2000.

The combined effects of electoral and decision rules determine how concentrated or diffused the policy-making process is in a separation-of-powers regime. While electoral rules create or remove restrictions on the variety of partisan interests that can enter into the policy-making process, decision rules either concentrate the power to control legislative outcomes in the hands of the president or diffuse it among several actors.

I argue that the distribution of partisan power at the time when a constitution is changed or amended has a systematic effect on the choice of electoral and decision rules. Using a bargaining model of constitutional change, I propose that as the number of parties with control over constitutional change increases, constitution makers are more likely to opt for inclusive electoral rules and presidents with strong legislative powers. The paper also underscores the role of path dependence and geographic diffusion on constitutional choice.

The argument proceeds as follows. Sections 1 and 2 provide an overview of the most significant changes in electoral rules and presidential legislative powers during the twentieth century. Section 3 develops an analytic framework to explain constitutional choice. Section 4 tests the main propositions of the paper with a statistical analysis of the determinants of constitutional choice in 42 cases of constitutional change in Latin America from 1900 to 2000. The paper concludes with a discussion of the implications of the findings for the nature and performance of presidential democracies in Latin America.

Electoral rules: from restrictive to inclusive

Until the first decade of the twentieth century, most countries in Latin America elected representatives by plurality rule in single or multimember districts, sometimes in combination with limited vote. A few countries had experiences with majority runoff systems. As in Western Europe at the time, however, negotiations between old and new parties soon led constitutional reformers in Latin America to shift from plurality or majority rule to proportional representation (PR). The trend started with Costa Rica in 1913, followed by Uruguay in 1917 and Chile in 1925. By 1978, 15 out of 18 countries had adopted variants of proportional formulas.[1] But except for the early reformers, systematic implementation of the new proportional formulas was infrequent. Repeated cycles

and long periods of authoritarian rule in most countries prevented proportionality from making a full impact on party systems and party competition until PR formulas were restored in the early 1980s. By 2000 all Latin American democracies, except for Bolivia, Mexico, Panama and Venezuela, which had adopted mixed systems, were using PR formulas for electing deputies in single or multiple tiers. The next important electoral change in Latin America took place during the final two decades of the century. The period of re-democratization that began in 1978 led to a gradual abandoning of electing presidents by direct elections and simple plurality. Most countries shifted to alternative rules such as qualified plurality—plurality with a minimum threshold to win in the first run—or majority runoff formulas. In addition, since the 1994 constitutional reform in Argentina, no country in Latin America has retained the typical nineteenth-century electoral system of electing a president indirectly by means of an Electoral College.

Eleven countries had experiences with plurality rule from 1900 to 1977. After 1978, however, the number of countries using plurality fell to eight during the 1980s and had dropped to five by 2000. During the same period, formulas other than simple plurality were on the rise. From 1900 to 1977, five countries had experiences with majority formulas (whether with a second round of elections or in Congress) and two countries with qualified plurality formulas in direct elections.[2] After 1978, in contrast, ten countries adopted or maintained majority and three utilized qualified plurality formulas.[3] By 2000 only five countries in Latin America retained direct presidential elections by simple plurality: Honduras, Mexico, Panama, Paraguay, and Venezuela. The rest had adopted or maintained more-than-plurality rules.[4]

The most widely accepted hypothesis about the effect of electoral rules on party systems is that while plurality rule in single-member districts induces the creation and maintenance of two-party systems, majority runoff and PR impose fewer constraints on the number of parties that are able to compete and win office in elections (Duverger 1963; Riker 1986; Cox 1997). From this perspective, it seems clear that, in combination with the prior adoption of PR formulas for congressional elections, the shift from plurality to more-thanplurality rules for presidential elections in Latin America after 1978 represents a shift from more to less restrictive rules on party competition.

In presidential regimes, the party system effect of the electoral formula and district magnitude used to elect legislators is mediated by the formula for electing presidents and by the electoral cycle. For instance, the multiparty effect of PR formulas of congressional elections may be neutralized if simple plurality is used to elect presidents and presidential and legislative elections are held concurrently. On the other hand, the tendency toward multipartism may be rein-

forced when majority formulas are used to elect presidents and/or when presidents and legislators are elected in non-concurrent cycles.

Since simple plurality rule sets no threshold for winning, it provides small parties with an incentive to support, at least in the long run, presidential candidates from parties or coalitions whose expected electoral support is large enough to challenge an incumbent with some probability of success. Over time, the expected effect of presidential elections by plurality rule is to restrict the entry of small parties and encourage the building of two large blocs, one behind the front-runner and another behind the principal challenger (Shugart and Carey 1992, 209; Jones 1995). The overall number of major parties sharing seats in congress would, however, ultimately depend on the electoral cycle for electing legislators. In particular, the tendency for two-party systems to emerge and consolidate is only evident when presidents are elected by plurality and congressional elections are concurrent. [5]

In contrast to plurality, majority rule (whether with a second round of elections or in Congress) sets a threshold that is often too high for any one party to achieve. For this reason, it does not force small parties with different ideological positions or potentially attractive candidates to form electoral coalitions in the first round. By running alone, relatively small parties can expect either to move on to the second round and win with the support of first-round losers or else to negotiate their support for one of the main candidates in the runoff. Majority rule thus often leads to multiparty competitions for the presidency and, regardless of the electoral cycle, to multiparty systems and minority presidents (Shugart and Taagepera 1994; Mainwaring and Shugart 1997, 406).

Qualified plurality works as an intermediate formula between plurality and majority rule. As long as one party's presidential candidate can be expected to reach the threshold established by the rule, the other parties would have an incentive, just as in simple plurality, to coalesce before the election in support of a single opponent. This incentive is obviously stronger the lower the threshold. However if there are many candidates but none of them is expected to reach the threshold, qualified plurality would work in the same way as in majority rule, leading to multiparty competitions for the presidency (Negretto 2004a). As in simple plurality, the electoral cycle would determine the final number of major legislative parties.

The available evidence on the combined effect of presidential electoral formulas and electoral cycles allows us to distinguish between the most and the least restrictive rules on the number of parties in presidential regimes; plurality with concurrent elections, and majority rule, respectively (Shugart and Carey 1992, Jones 1995, Mainwaring and Shugart 1997). The effect of intermediate combinations is less clear. Nonconcurrent congressional elections might have

an effect similar to majority rule, but this would depend on the time elapsed between the presidential and the legislative election and on the legislative election procedure (Cox 1997). The different thresholds of qualified plurality formulas (some closer to simple plurality, others closer to absolute majority) may also have a variable effect under different electoral cycles.

Given this information, a reasonable way to measure the degree of restriction imposed by electoral formulas for presidents and electoral cycles on the number of parties in presidential regimes would be an ordinal scale ranging from 1 to 3, where 1 indicates the highest, 3 the lowest, and 2 an intermediate level of restriction. On this scale, plurality rule with concurrent elections would receive a score of 1, and majority rule, regardless of the electoral cycle, a score of 3. Plurality nonconcurrent and qualified plurality, also regardless of the electoral cycle, would have an intermediate score of 2.

I have used these scores to classify the levels of restriction on party competition that resulted from the electoral formulas for presidents and electoral cycles of 53 constitutions and constitutional reforms in force in 18 Latin American countries between 1900 and 2000. The formulas for electing presidents were classified as plurality, qualified plurality and majority according to the threshold needed to win in the first or single round of the presidential election. Electoral cycles were classified as concurrent if all congressional and presidential elections were held on the same date, or nonconcurrent if all or some congressional elections were held separately from the presidential election.

Table 1 shows the scores of electoral rules for 53 Latin American constitutions. A comparison between the period before and after 1977 shows that Latin American countries have moved from more to less restrictive scores. While the mean score for electoral formulas and cycles for 1900–1977 was 1.86, with a standard deviation of .85, the mean score for 1978–2000 was 2.42, with a standard deviation of .77. The increase is largely due to the adoption of majority formulas to elect presidents.

Given PR formulas for congressional election, the massive adoption of more-thanplurality formulas to elect presidents since 1978 has led, as one would expect, to multipartism. As of 2000, for instance, only 6 out of the 18 countries in Latin America had an effective number of congressional parties below 2.5. In this context, most presidents had a minority status in congress. But they have not been powerless in legislative bargaining. Just as the proliferation of parties has made presidents more dependent on congress to implement a legislative agenda, constitutional changes and reforms have increased their formal powers to negotiate policy with legislators. I turn to the analysis of these transformations in the next section.

Constitution	Electoral Index
Argentina 1853	2
Argentina 1949	1
Argentina 1972 (1853 ref. 1972)	3
Argentina 1994	2
Bolivia 1961	2
Bolivia 1967	3
Bolivia 1995 (1967 ref. 1995)	3
Brazil 1946	2
Brazil 1988	3
Brazil 1994 (1988 ref. 1994)	3
Colombia 1886 (ref.1910)	2
Colombia 1886 (ref.1968)	1
Colombia 1991	3
Costa Rica 1871 (ref. 1913)	3
Costa Rica 1871 (ref. 1936)	2
Costa Rica 1949	2
Chile 1925	3
Chile 1980 (ref. 1989)	3
Chile 1980 (ref. 1997)	3
Dom. Rep. 1963	1
Dom. Rep. 1966	1
Dom. Rep. 1966 (ref.1994)	3
Ecuador 1946	2
Ecuador 1979	3
Ecuador 1983	3
Ecuador 1998	2
El Salvador 1962	3
El Salvador 1983	3
Guatemala 1945	3
Guatemala 1956	3
Guatemala 1965	3
Guatemala 1985	3
Honduras 1957	1
Honduras 1965	1
Honduras 1982	1
Mexico 1917	2

Constitution	Electoral Index
Nicaragua 1987	1
Nicaragua 1987 (ref 1995)	2
Nicaragua 1987 (ref 2000)	2
Panama 1946	1
Panama 1972 (ref. 1994)	1
Paraguay 1992	1
Peru 1933	2
Peru 1979	3
Peru 1993	3
United States	2
Uruguay 1917	2
Uruguay 1942	1
Uruguay 1952	1
Uruguay 1967	1
Uruguay 1997	3
Venezuela 1947	1
Venezuela 1961	1
Venezuela 1999	2

Decision rules: from reactive to proactive presidents

At the beginning of the twentieth century, most presidential regimes in Latin America maintained the US model of separation of powers that was adopted after the wars of independence. [6] The US constitution invested the president with a package veto, but deprived the executive of any specific agenda powers. According to this model, only the median legislator in congress has the capacity to make "take-or-leave-it" proposals. This institutional arrangement, however, was gradually transformed.

Along with the traditional package veto, the 1949 Argentine constitution and the 1967 Uruguayan constitution invested presidents with the explicit authority to veto portions of a bill and promulgate the rest if congress did not reach the necessary majorities to override the partial observation. [7] In terms of agenda powers, the 1917 Uruguayan constitution introduced the concept of reserved areas of exclusive initiative of the executive on important financial and economic matters. Some constitutions, like the 1925 Chilean constitution or the 1946 Ecuadorian constitution, increased the influence of executives on the drafting of budget bills by making the presidential proposal the reversionary outcome if congress did not decide on it within a time limit. Presidents also

received the power to force a congressional vote on a government bill within a constitutionally defined time limit, as was the case of the 1925 Chilean constitution, the constitutional reform of 1945 in Colombia, and the 1967 Uruguayan constitution. The 1937 Brazilian constitution invested the president with the explicit power to enact decrees of legislative content in cases of urgency. Later on, this precedent was followed by the 1946 Ecuadorian constitution and the constitutional reform of 1968 in Colombia. [8]

Constitutional changes since 1978 have reinforced this trend, particularly in the area of agenda powers. [9] Several constitutions strengthened the agenda-setting powers of presidents over the budget by placing limits on the ability of legislators to increase the total level of spending authorized by the executive. The 1979 constitutions of Ecuador and Peru, the 1988 constitution of Brazil and the 1992 constitution of Paraguay gave presidents the capacity to invoke urgency bills that must be voted on within a time limit. However, the clearest example of the strengthening of the legislative powers of presidents in recent years is the growing number of constitutions that invest the executive with the power to enact decrees of legislative content. This is the case of the 1988 constitution of Brazil, the 1991 constitution of Colombia, the 1993 constitution of Peru, and the 1994 constitution of Argentina.

The best way to describe the range of variation of presidential powers both across and within countries is to create an index with reliable scores. Shugart and Carey (1992) proposed an index of presidential powers that is probably the best to date (Metcalf 2000). On a scale from 0 to 4 (0 being the weakest and 4 the strongest power in each dimension), these authors evaluated the relative power of presidents in Latin America by adding scores across the different categories of legislative and non-legislative powers.

This index has two important limitations, however. The first is the potential arbitrariness of its scores. The values assigned to each institutional variable are based on theory and expert judgment rather than on an objective measure, such as the impact of the variable on the actual variation of presidential powers within a dataset. On the other hand, the scale used to measure and compare different powers is not always consistent. Sometimes the addition of a variable increases the scale by one unit (0-1-2-3-4), sometimes by two units (0-2-4), without a clear explanation of the weighting method. This complicates the comparison of scores across powers. Shugart and Carey (1992: 150), for instance, give a veto with an override of two thirds a score of 2, which is the same score given to the decree authority of the president with few restrictions. We cannot be sure of the comparison, however, because these two powers were measured on different scales.

The second limitation of the Shugart-Carey index is that it uses addition

to aggregate powers that belong to different dimensions and may interact with each other. A president with a score of 6 in veto and 0 in agenda powers is considered to have the same total power as another with a score of 3 in veto and 3 in agenda powers. Both spatial analyses and case studies, however, have repeatedly shown that veto powers and agenda powers have interactive effects. Presidents invested with proactive powers have a much greater impact on policy outcomes when they also possess strong veto powers, while presidents with strong proactive powers may not be as effective when they have weak or no veto powers (Carey and Shugart 1998; Negretto 2004b). This interactive effect, however, is missed when scores are merely summed across veto and agenda powers.

Using principal component analysis can solve or at least mitigate the problems related to score reliability. [10] This method describes the variation of a set of multivariate data in terms of a set of uncorrelated variables or components, each of which is a particular linear combination of the original variables. [11] The first principal component accounts for as much as possible of the variation in the original data, while the second component accounts for the remaining variation in the original data subject to being uncorrelated with the first component. And so on. In its main applications, the technique is used to reduce the number of variables that define a concept and to detect structure in the relationships between variables. It can also be used to create an index to measure a particular concept.

In the case of the legislative power of presidents we can enter in the analysis the different instruments that the literature has identified as determinants of this power. The first component can then be used to derive an index that provides maximum discrimination between the legislative powers of presidents in each constitution, with those instruments that vary most within the sample being given the highest weight. For this reason, the weight of the scores for each component is not so much determined by the evaluation of the researcher but by the cases included in the dataset and the contribution of each variable to the maximum variation of the concept. [12]

To construct this index I disaggregated the legislative powers of presidents into veto and agenda powers. These dimensions were then measured through all the variables that appeared to be relevant according to the literature. I have included in the Appendix the variables included in the analysis, the coding of each variable and the scores derived from the first component. [13]

To capture interactive effects, I measured the legislative power of presidents (LP) as the product of veto (VP) and agenda powers (AP):

$$LP = VP * AP.$$

Table 2 shows the index of the legislative powers of presidents (ILP) for 53 of the 118 constitutions and amendments enacted during the twentieth century that were included in the database. The original scores of veto and agenda powers were transformed to a scale from 1 to 2. [14] The final index, which results from the product of these two powers, ranges from a minimum of 1.03 to a maximum of 3.77.

Table 2. Comparative Index of Legislative Powers (ILP)

Constitution	Veto	Agenda	ILP
Argentina 1853	1.84	1.03	1.90
Argentina 1949	2.00	1.03	2.06
Argentina 1853 (ref. 1972)	1.84	1.03	1.90
Argentina 1994	2.00	1.47	2.94
Bolivia 1961	1.53	1.36	2.08
Bolivia 1967	1.53	1.25	1.91
Bolivia 1967 (ref. 1995)	1.53	1.25	1.91
Brazil 1946	1.73	1.00	1.73
Brazil 1988	1.56	1.72	2.68
Brazil 1988 (ref. 1994)	1.56	1.72	2.68
Colombia 1886 (ref. 1910)	1.84	1.12	2.06
Colombia 1886 (ref. 1968)	1.73	1.87	3.24
Colombia 1991	1.67	2.00	3.34
Costa Rica 1871 (ref. 1913)	1.64	1.03	1.69
Costa Rica 1871 (ref. 1936)	1.64	1.03	1.69
Costa Rica 1949	1.54	1.03	1.59
Chile 1925	1.84	1.41	2.60
Chile 1980 (ref.1989)	1.84	1.52	2.80
Chile 1980 (ref. 1997)	1.84	1.52	2.80
Dom. Rep. 1963	1.64	1.03	1.70
Dom. Rep. 1966	1.64	1.03	1.70
Dom. Rep. 1966 (ref. 1994)	1.64	1.03	1.70
Ecuador 1946	1.56	1.50	2.34
Ecuador 1979	1.55	1.25	1.93
Ecuador 1983	1.55	1.49	2.31
Ecuador 1998	1.81	1.82	3.29
El Salvador 1962	1.43	1.14	1.63
El Salvador 1983	1.53	1.14	1.74
Guatemala 1945	1.43	1.03	1.47

Constitution	Veto	Agenda	ILP
Guatemala 1945	1.43	1.03	1.47
Guatemala 1956	1.43	1.30	1.86
Guatemala 1965	1.43	1.30	1.86
Guatemala 1985	1.43	1.30	1.86
Honduras 1957	1.33	1.03	1.37
Honduras 1965	1.33	1.03	1.37
Honduras 1982	1.33	1.12	1.49
Mexico 1917	1.54	1.03	1.59
Nicaragua 1987	1.47	1.35	1.98
Nicaragua 1995	1.47	1.03	1.51
Nicaragua 2000	1.47	1.03	1.51
Panama 1946	1.64	1.26	2.06
Panama 1994	1.64	1.26	2.06
Paraguay 1992	1.58	1.28	2.02
Peru 1933	1.00	1.03	1.03
Peru 1979	1.67	1.61	2.69
Peru 1993	1.47	1.76	2.59
United States	1.64	1.03	1.69
Uruguay 1917	1.53	1.14	1.74
Uruguay 1942	1.62	1.25	2.02
Uruguay 1952	1.62	1.25	2.02
Uruguay 1967	1.78	1.49	2.65
Uruguay 1997	2.00	1.49	2.98
Venezuela 1947	1.56	1.12	1.75
Venezuela 1961	1.56	1.23	1.92
Venezuela 1999	1.47	1.23	1.80
Mean	1.27	1.60	2.06
St. dev.	0.25	0.18	0.52

The ILP shows significant variations in the legislative powers of presidents both within and across countries. In 1946 the Brazilian constitution had a score of 1.73, while in 1988 the score climbed to 2.76. On the other hand, while the 1982 Honduran constitution has the lowest score among contemporary constitutions (1.45), the 1998 Ecuadorian constitution has the highest (3.29).

Variation is also important across time. The mean score of the legislative powers of presidents went from 1.57 (standard deviation = .46) for the period 1900-1939, to 2.02 (standard deviation = .56) for the period 1940-1977, to 2.29

(standard deviation = .58) for the period 1978-2000. This relative increase is largely the result of the agenda powers of presidents having been strengthened in recent decades. [15]

This brief description is sufficient to show that the latest trends in the constitutional change of electoral and decision rules seem to have moved in rather opposite directions. While electoral rules on party competition and representation have become less restrictive, decision rules have concentrated more legislative power in hands of presidents. Whether or not these trends are related to a common factor requires a discussion and test of the different theories that attempt to explain the choices made by constitution makers.

Explaining constitutional choice

Constitutions have a unique position among formal rules. They are more general and usually more difficult to change than ordinary laws. Some aspects of constitutions, however, share similar explanations about their origins and change with other institutional rules. In particular, there are four common hypotheses about constitutional choice: impartiality, path dependence, diffusion, and strategic calculations.

The hypothesis of impartiality postulates that political actors derive preferences for constitutional rules based on the collective benefits that would result from them, such as the durability of democracy, effective government or political legitimacy. According to Ackerman (1991), for instance, constitution making belongs to a "higher" track of law making in which actors are mostly motivated by impartial concerns. [16] This view often finds empirical support in the fact that political actors engaged in constitutional design typically reveal their preferences for a given constitutional design in impartial terms, using arguments of efficiency or legitimacy.

Nevertheless, efficiency or legitimacy-based impartial arguments constitute a dubious explanation of constitutional choice in most cases. Impartial arguments cannot be taken at face value because political actors often use them strategically, under the constraints of publicity (Elster 1995). Moreover, even if it were true that a large number of political actors sincerely believe that a particular institution should be adopted on grounds of efficiency or legitimacy, this may not be sufficient to explain the final choice. Insofar as efficient or legitimate institutions usually have distributive consequences for political actors, they will be subject to well-known problems of collective provision. [17]

A second hypothesis postulates that constitution makers tend to follow the force of precedent. In this view, institutions structure the process of change to the extent that marginal changes occur while basic rules remain unchanged.

This hypothesis finds empirical support in the fact that countries tend to stick to initial constitutional choices, such as the republican or monarchical form of government or the parliamentary or presidential structure of executive-legislative relations (Przeworski et al 2000: 49).

The main drawback of the "path dependence" hypothesis is that when changes do occur, the theory provides no mechanism to explain the reasons for or direction of change. In other words, even if it is true that basic constitutional choices tend to persist and changes are often marginal, one still needs a causal explanation of choice. This is particularly crucial in accounting for partial constitutional changes that may nonetheless have important political consequences for the actual performance of a political regime.

Another common explanation is based on the idea of diffusion, contagion or imitation of constitutional models between countries. The hypothesis here is that within a specific area of geographic, cultural or political influence, political actors derive preferences for a particular constitutional model based on how many countries have already adopted it. This explanation finds empirical support in that certain constitutional regimes are often adopted in clusters during a specific period of time or within a particular region of the world. As Lijphart indicates, while Latin American countries have overwhelmingly opted for presidential-PR systems, parliamentary-plurality systems are concentrated in the United Kingdom and many former British colonies (Lijphart 1991).

But the mere diffusion of a particular institution does not amount to a complete explanation of why it is chosen. It is necessary to know the reasons for imitation beyond the simple fact that a new constitutional model might become available at a certain point in time or that it was adopted by other countries with supposed beneficial effects. Moreover, diffusion cannot account for why certain models are adopted instead of others or why constitution-makers almost always make a selective use of foreign designs, copying some but not all the components of a given model.

One final explanation is based on partisan self-interest. In its standard version, this hypothesis postulates that political actors derive preferences for constitutional rules based on calculations of how those rules will affect their ability to win office and have influence over policy outcomes. Explanations of constitutional choice using different versions of this model include, among others, Geddes (1991, 1996), Liphart (1992), Elster (1995), Frye (1997), Shugart (1998), Negretto (1999, 2006), and Colomer (2001).

The strategic model may provide the most appropriate explanation of the "distributive" aspects of constitutions, such as the rules of election and the rules that allocate powers among policy makers. [18] Electoral rules determine the number of viable candidates and parties competing for office. Decision rules estab-

lish how many actors become involved in the policy-making process, who has the power to make proposals, who accepts or rejects them, and what the reversionary outcome is in the absence of approval. Since professional politicians cannot disregard the outcomes that these rules produce, their choice belongs to the operational or practical level of institutional design where decisions are primarily based on partisan considerations. [19]

This model, however, is not necessarily contradictory with some of the previous explanations. Constitution makers may be influenced by the force of precedents or by the number of countries that adopt a particular set of institutions within a particular geographical area. And yet, partisan considerations may turn out to be paramount to explain whether changes occur and in what direction. In the end, a strategic model of constitutional change, like any other, can at best aim at explaining a significant portion of the variation in the choice of electoral and decision rules.

Based on these premises, I propose a bargaining model of constitutional change to explain the selection of the main electoral and decision rules that characterize a political regime. The model predicts the choice of these rules from two main factors; 1) calculation of how those rules affect parties' chances to participate in elections and have an influence on policy and 2) the bargaining power of institutional designers at the time when these choice are made. Expectations of future electoral support explain the formation of preferences for institutions and depend, in the first place, on the nature of the political actors with influence over the design process. For democratic constitution-making processes, these actors are typically political parties. Democratic political parties may expect to win or to lose, or they may be uncertain about their future electoral support. Unless the date of future elections is close and opinion polls indicate that a particular candidate or party is favored, party leaders would generally base their electoral expectations on the electoral support for their parties at the time of choice. This implies that in the absence of any exogenous change in the existing pattern of electoral competition, a dominant party usually expects to win, a few large parties expect to alternate in power, and small parties either expect to lose or are uncertain about the outcome of future elections.

Given these expected outcomes, one could predict the electoral choice of constituent bodies under the control of dominant and large parties, on the one hand, and of constituent bodies fragmented into multiple small parties, on the other. Members of dominant or large parties are likely to prefer restrictive electoral rules, such as plurality rule for presidential elections and concurrent electoral cycles, anticipating that these rules would secure their electoral advantage and prevent the emergence of second or third challengers. Conversely, members of small parties are likely to prefer inclusive electoral rules, such as majority

rule for presidential elections, so that candidates from small parties will be supported and multiparty electoral competitions promoted.

Preferences for decision rules also derive from electoral expectations, although the logic of choice is not as straightforward as in the case of electoral rules. It is clear why members of dominant or large parties may prefer restrictive and members of small parties inclusive electoral rules. It is also clear that incumbent presidents or those who expect to win the presidential office are likely to want more rather than less power. But it is not transparent why the members of any party, many of whom expect to occupy positions in the legislature, will ever want to increase the legislative powers of presidents.

I hypothesize that there are several reasons to expect that as party competition becomes more fragmented at the time when a constitution is made or amended, constitution makers are more likely to support an increase in the legislative powers of presidents. One reason is electoral uncertainty. When the field of party competition is fragmented the number of parties who may potentially win the presidency usually grows. In this context, leaders of different parties may share the expectation that whoever wins the presidency will need strong reactive and/or proactive powers to compensate his or her likely minority situation in congress. This expectation, in turn, may facilitate the formation of a majority coalition that finds in the strengthening of presidential powers a 'focal point' solution for a common problem.

Another possible reason is that fragmented constituent assemblies are likely to be more vulnerable than assemblies under the control of one or few large parties to pressures from incumbent presidents or favorite presidential candidates to increase their legislative powers. To be sure, we can expect some parties, particularly those that oppose the incumbent president and/or have no expectation to ever win the presidency, to reject the delegation of these powers. In a fragmented assembly, however, these parties are likely to have a hard time forming a stable coalition against pro-presidential parties.

One final reason why party fragmentation may lead constitution makers to delegate legislative powers to the executive is to solve collective action problems in a crisis situation. In the absence of a majority party or a relatively large party able to form a majority coalition, constitution makers may find in the president an agent capable to respond to public demands of policy change and reform (Shugart 1998). This incentive, however, is likely to be stronger when economic or social conditions are critical. Given this context, making the president a co-legislator becomes an optimal strategy not only to increase the capacity of the regime to provide public policy but also to divide responsibility in case of inaction or failure.

Ultimately, constitutional choice does not depend only on preferences. Bar-

gaining power, which can be defined as the ability of actors to control outcomes (Brams 1990), is also crucial. This power is based on the resources political actors have for making their preferences prevail over those of their opponents. The most common resources in constitutional bargaining are produced within the constitution-making process and refer to the actors' ability to approve or block constitutional changes. Using this concept, I propose that as the number of parties whose approval is necessary to pass constitutional changes increases, constitution makers are likely to opt for inclusive electoral rules and presidents with strong legislative powers.

The determinants of constitutional choice in Latin America

In order to test the hypotheses outlined above I created a database with cases of constitutional replacement or amendment that occurred in 18 Latin American countries between 1900 and 2000. It includes only constitutions and amendments approved by political parties and in force during this period, in years where the executive and the legislature were elected and more than one party competed in elections. Following this criterion, the sample covers the following 45 cases: Argentina 1949, 1994; Bolivia 1961, 1995; Brazil 1946, 1988, 1994; Chile 1997; Colombia 1910, 1936, 1945, 1968, 1991; Costa Rica 1926, 1936, 1949; Dominican Republic 1963, 1966, 1994; Ecuador 1946, 1983, 1998; El Salvador 1983; Guatemala 1965, 1985; Honduras 1957, 1965, 1982; Mexico 1917; Nicaragua 1987, 1995, 2000; Panama 1946, 1994; Paraguay 1992; Peru 1979, 1993; Uruguay 1917, 1942, 1952, 1967, 1997; and Venezuela 1947, 1961 and 1999. [20]

If we assume that parties generally derive expectations from their electoral support when the constitution is being designed, the crucial step in testing the model of constitutional change proposed in this paper is to find a proxy of bargaining power in the constituent body. Specifically, we need to find a measure of whether one dominant party, a few large parties or several small parties had influence over institutional design.

One possible indicator of party strength is the effective number of parties (ENP) in the constituent body, measured according to the Laakso-Taagepera (1979) formula. [21] The main problem with this measure is that it may be inaccurate as an indicator of the actual distribution of forces within the constituent body. An ENP of 1.92, for instance, is supposed to reflect the existence of two major parties. [22] But the same value may veil a distribution in which one party controls 70% of the seats and three small parties 10% each. An ENP of 2.93, while indicating almost three parties, may in fact correspond to a situation in which two large parties share 41 and 39% of the seats each, followed by two

small parties with 10% each. Moreover, we need to consider the decision rule in the constituent body for determining the number of parties with control over constitutional change.

I provide an alternative indicator that captures both the existence of parties with control over constitutional change and the relative share of seats held by the parties represented in the constituent assembly when more than one party is necessary to approve constitutional changes. The indicator is based on the decision rule of the constituent body, the share of seats of the largest party, and the share of seats of the two main parties.[23] The categories derived from this indicator are as follows:

1) Dominant party: the largest party in the constituent body has sufficient votes to approve constitutional changes according to the decision rule of the constituent body, which can be simple or qualified majority.

2) Two party: the two main parties together hold more than 95% of the seats and there is no dominant party according to the previous definition.

3) Two party-and-a-half: the two main parties hold between 80 and 95% of the seats and there is no dominant party.

4) Multiparty: the top two parties hold fewer than 80% of the seats and there is no dominant party.

I used an ordered probit analysis to test the hypothesis that while dominant and large parties are likely to choose plurality rule and concurrent elections, small parties are likely to choose majority rule. The dependent variable is the electoral formula used for electing a president and the electoral cycle, coded as an ordinal variable that ranges from the most to the least restrictive combination of party competition. Plurality rule with concurrent elections receives a score of 1, plurality nonconcurrent and qualified plurality rule a score of 2, and majority rule a score of 3.[24]

The main independent variable is the relative size of the parties at the time of choice. I used three models to measure the impact of this variable. Model 1 traces the effect of the ENP in the constituent body on electoral choice. The central independent variable here is PARTISAN POWER (ENP), measured as a continuous variable according to the Laakso-Taagepera formula.

Model 2 changes the measure of the distribution of partisan power at the time of choice from PARTISAN POWER (ENP) to PARTISAN POWER (SHARE OF SEATS). The latter is coded as a k-value ordinal variable, where constituent bodies are ranked according to whether they are controlled by a dominant party, two parties, two parties and-a-half, or multiple parties, values of 1, 2, 3, and 4,

being assigned respectively. Model 3 breaks this ordinal variable into k-1 dummy variables: TWOPARTY, TWOPARTYANDAHALF, and MULTIPARTY.

Each of these variables is coded as 1 when two parties, two parties and-a-half, or multiple parties respectively control the constituent body, and 0 otherwise. Constituent bodies under the control of a dominant party act as the implicit comparison group.

In all these models I incorporated two additional independent variables to control for alternative explanations of electoral choice. LEGACY traces the effect of the existing electoral rules on electoral choice. This variable reflects the lagged score of the dependent variable at the time of choice and attempts to determine whether the costs of institutional change constrain constitution makers to maintain or make only incremental changes in the existing configuration of electoral formulas for presidents and electoral cycles.[25] It allows us to test whether constitution makers tend to stay with the precedent in spite of changes in other variables, such as the distribution of partisan power.

DIFFUSION traces the effect that the number of countries adopting an electoral rule has on the probability that another country will adopt the same rule within a particular geographical area. Latin American countries were classified into three sub-regions: Southern, Andean, and Central and North.[26] The numerical value of DIFFUSION is the percentage of countries in each sub-region that had majority rule for presidential elections at the time when a constitution in another country in the same geographical area was replaced or changed.[27] It makes it possible to test whether constitution-makers, in spite of changes in other variables, are more inclined to choose majority rule given the proportion of countries that have already adopted the rule within a particular sub-region.[28]

The regression results of the three models are displayed in Table 3. Model 1 explains, as the McKelvey and Zavoina's R^2 suggest, up to 39% of the variation in the adoption of electoral formulas for president and electoral cycles.[29] The coefficient of PARTISAN POWER (ENP) is statistically significant at the 0.10 level and positive, indicating that the higher the effective number of parties represented in the constituent body, the more likely it would be that institutional designers would shift from more to less restrictive electoral rules. LEGACY was found to be statistically significant at the 0.05 level and positive, meaning that constitution makers either maintained previous scores on electoral rules or moved gradually toward least restrictive ones.[30] The variable DIFFUSION was not found to be statistically significant.

Table 3.
Ordered probit estimates of the determinants of electoral choice
Dependent Variable: Choice of Electoral Formula for President
and Electoral Cycle.

Independent Variables	Model 1	Model 2	Model 3
Partisan Power (ENP)	.267* (.158)		
Partisan Power (Shares of seat)		.471*** (.149)	
Two Party			.018 (.802)
Two party and a half			.789* (.409)
Multiparty			1.47*** (.527)
Legacy	.716** (.282)	.868*** (.266)	.822*** (.275)
Diffusion	1.14 (.981)	1.13 (1.14)	.924 (1.16)
N	45	45	45
Log Likehood	-40,6285	-37.2814	-37,4993
Wald Chi2	12.43	24.43	24.85
Pseudo $_R$2	0.171	0.2449	0.2496
McKelvey and Zavoina's $_R$2	.39	.50	.51

a Robust standard errors indicated in parentheses *** p < 0.01; ** p < 0.05; * p < 0.1

When we shift from PARTISAN POWER (ENP) to PARTISAN POWER (SHARE OF SEATS), the effect of party strength on electoral choice achieves greater significance. As we can read from Model 2, PARTISAN POWER (SHARE OF SEATS) is significant at the 0.01 level. LEGACY continued to be

significant, now at the 0.01 level, while DIFFUSION, as before, was not statistically different from zero.

Model 3 is the best model for assessing the influence of the different degrees of partisan power on electoral choice. It explains, as the McKelvey and Zavoina's R^2 suggests, up to 51% of the variation in the adoption of electoral formulas for president and electoral cycles. While TWO PARTY was not found to be significant, TWOPARTYANDAHALF and MULTIPARTY were statistically significant at the 0.10 and at the 0.01 level, respectively. This indicates that when the number of parties with control over constitutional design is greater than two, their electoral choice tends to go in the opposite direction of the choice of dominant parties. LEGACY continued to be significant, at the 0.01 level, while DIFFUSION reported a coefficient similar to that of previous models.

The effect of partisan power on electoral choice is best captured in the extreme cases. All other things being equal, there is a 48% probability that a dominant party would choose a plurality formula with concurrent elections, but only a 12% probability that it would choose a majority formula. Multiparty assemblies, in turn, choose majority formulas with 60% probability and plurality concurrent rules with 9% probability.[31]

Following Duverger, most students of presidential regimes adopt the hypothesis that like PR in congressional elections, majority runoff in presidential elections leads to multipartism (Shugart and Carey 1992; Jones 1995). The analysis presented in this paper shows that the causal relation between electoral systems and party systems is not unidirectional; just as electoral rules may affect the number of viable parties competing in elections, the number of parties with control over constitutional design is a crucial factor for predicting whether electoral changes will occur, and in what direction (Negretto 2006).[32]

I used an OLS regression analysis to estimate the impact of the number of parties represented in the constituent body on the legislative powers of presidents. The dependent variable is the legislative power of presidents, coded as a continuous variable that ranges from 1 to 4, as shown in Table 2. The main independent variable is the size of the parties at the time of choice, measured in Model 1, 2, and 3 in the same way as for electoral choice. To control for alternative explanations of the choice of decision rules I also used LEGACY, the score of the legislative powers of presidents at the time of amending or replacing a constitution, and DIFFUSION, measured here as the percentage of countries within a sub-region with presidents whose legislative powers were above the mean of the whole region at the time of choice.

Table 4 shows the regression results of the three models. In model 1 the coefficient of PARTISAN POWER (ENP) is statistically significant at the 0.10 level and positive, meaning that as the number of parties with control over con-

stitutional change grows, constitution makers are more likely to delegate more legislative powers to the president. LEGACY was found to be statistically significant at the 0.10 level and positive, indicating that constitution makers either maintained previous scores on presidential legislative powers or moved gradually toward higher scores. DIFFUSION is positive and statistically significant at the 0.01 level, indicating that the legislative powers of presidents tend to increase as the percentage of presidents with strong legislative powers within the sub-region also grows.

Table 4.
OLS estimates of the determinants of presidential legislative power
Dependent Variable: Legislative Powers of Presidents

Independent Variables	Model 1	Model 2	Model 3
Partisan Power (ENP)	.083* (.044)		
Partisan Power (Shares of seat)		.109*** (.041)	
Two Party			.227 (.434)
Two party and a half			.150 (.127)
Multiparty			.351** (.143)
Legacy	.278* (.143)	.353*** (.123)	.344** (.130)
Diffusion	.622*** (.219)	.553** (.218)	.557** (.226)
Constant	.103***	.896***	1.020***
N	45	45	45
Adjusted $_R2$	.45	.47	.45

*** $p < 0.01$; ** $p < 0.05$; * $p < 0.1$

As shown in Model 2, the effect of party strength on the choice of decision rules is statistically significant at the 0.05 level when we shift from PARTISAN POWER (ENP) to PARTISAN POWER (SHARE OF SEATS). Both LEGACY

and DIFFUSION maintain statistical significance, at the 0.01 and 0.05 level, respectively.

Model 3 allows us to distinguish the effect of each level of partisan power on the choice of decision rules. It explains 45% of the variation in the selection of the legislative powers of presidents. Among the dummy variables that measure party strength at the time of choice, only MULTIPARTY is statistically significant, at the 0.05 level. This indicates that, compared to the choice of dominant parties, it is only when several small parties have control over constitutional changes that constitution makers tend to delegate more legislative powers to the executive. LEGACY and DIFFUSION are also statistically significant at the 0.05 level. To summarize, the results of the regression models support the hypothesis that as the distribution of partisan power in the constituent body becomes less concentrated, constitution makers tend to opt for inclusive electoral rules and presidents with strong legislative powers. The significant effect of existing electoral rules and levels of presidential legislative power on subsequent choices also indicate that constitution makers are indeed influenced by previous choices. The diffusion of institutions across time and space also has an important effect on constitution makers' calculations when they decide on the legislative powers of the president. Path dependence and diffusion, however, still require an explanation of why constitutional changes occur and why they take a particular direction. The findings of this paper indicate that the most important variable in this explanation is the degree of party concentration in the constituent body.

While the selection of electoral and decision rules is correlated with the same causal factor, namely the distribution of partisan power at the time of choice, the influence of electoral systems on presidential powers varies across cases. As indicated by some authors (Shugart and Carey 1992; Mainwaring and Shugart 1997; Shugart 1998) the general trend is that weak presidents are associated with restrictive electoral systems and strong presidents with inclusive electoral systems. Sometimes, however, electoral change precedes a change in decision rules, while in other cases both changes occur simultaneously. If one considers the selection of both rules according to the model of choice presented in this paper, it should be expected that, compared to large parties, small parties should either maintain an inclusive electoral system or make it more inclusive and, given this choice, either maintain a relatively strong president or make him or her stronger. This prediction is supported by the data.

Table 5 shows the percentage of cases in which large parties either maintained a restrictive electoral system or made it more restrictive, the cases where they maintained a weak president or made it weaker, and the cases where both choices were made at the same time. The same analysis is done with small par-

ties in relation to inclusive electoral systems and strong presidents. In the case of large parties, the choice of electoral rules and decision rules seems to occur independently. Given a multiparty constituent assembly, however, in 58% of the cases constitution makers maintained an inclusive electoral system or made it more inclusive and maintained a strong president, or made it stronger.

Table 5.
Predicted choice of electoral and decision rules according to party strength

Parties	Predicted Choice of Electoral Rules (%)	Predicted Choice of Decision Rules (%)	Predicted Choice of Electoral and Decision Rules (%)
Large	58.62	48.27	24.13
Smaill	75	83.33	58.33

Based on these results, a more accurate explanation can be made of the recent shift in Latin America from more to less restrictive rules of election and from weaker to stronger presidents in the legislative realm. To a large extent, this choice corresponds to the growing fragmentation of the party system. Where no party has unilateral control over constitutional change and all face an uncertain electoral future, constitution makers tend to choose inclusive electoral rules to increase their chances for political survival. In the same context, parties are likely to be constrained to delegate more legislative powers to the president, either to improve his minority status in the legislature or to make him an agent responsible for public policy in critical situations.

Conclusions

Most constitutional changes in the last two decades in Latin America have involved a shift from plurality rule for presidential elections to an alternative rule, generally majority runoff, but also qualified plurality in some cases. This change has been coupled with the restoration or adoption of proportional rules for congressional elections. At the same time, constitutional changes since 1978 have reinforced the tendency to invest presidents with strong legislative powers to influence policy making.

Based on the bargaining power and electoral expectations of the political actors with control over constitutional design I have argued that as the number of parties whose approval is necessary to approve constitutional changes increases, constitution makers are more likely to opt for inclusive electoral rules

and presidents with strong legislative powers. This hypothesis finds empirical support in a relatively large number ofconstitutional changes in Latin America during the twentieth century where political parties have been the main constitution makers.

This analysis of constitutional choice suggests that the shift from more to less restrictive electoral rules and from weaker to stronger presidents in the legislative arena would probably persist and even increase as the most frequent form of design among Latin American democracies. Given PR formulas of congressional election, the massive adoption of more-than-plurality electoral formulas to elect presidents since 1978 will reinforce and maintain the tendency toward multipartism. As a matter of political survival, multiparty systems would typically block any attempt to establish restrictive electoral rules. At the same time, in a social and economic environment where policy reform is constantly required, multiparty constituent assemblies would probably agree to delegate more legislative power to the executive as the only viable option for making the system decisive.

Unfortunately, a constitutional regime that combines electoral pluralism and concentration of legislative power in the presidency is likely to face problems of governability. Inclusive electoral rules and their likely consequence, divided government, provide minority presidents with an incentive to build cabinet coalitions and rely on congress to make policy. But concentrating legislative powers in the presidency may also provide minority presidents with an incentive to rely on one-party cabinets and try to impose their policy preferences. These contradictory trends are likely to lead to frequent inter-branch conflict and confirm the poor perception that citizens and politicians in Latin America have of the effectiveness and quality of their political regimes.

Appendix
Principal Components Analysis of Presidential Powers

A. Veto Powers

Defining Variables of Veto Powers		
Variable	Description	Coding
Veto	Whether the president has veto	1 if veto; 0 otherwise
Chambers	Number of chambers	1 if 2 chambers; 0 otherwise
Vote	Joint or separate vote chambers	1 if separate vote; 0 otherwwise
Threshold	Override by simple or qualified majority	1 if simple plurality; 0 otherwise
No override	No override	1 if no override; 0 otherwise
Partial veto	Whether the president can issue a parcial veto	1 if partial veto; 0 otherwise
Partial enactment	Whether the president can enact the non-vetoed parts of the bill	1 if parcial enactment; 0 otherwise
Threshold 2	Override by simple or qualified majority	1 if simple plurality; 0 otherwise
Veto on Budget	President can veto the budget	1 if veto; 0 otherwise

Principal Component Loadings of Veto Powers*

Principal Component			
Variable	[1]	[2]	[3]
Veto	0.67		0.53
Chambers	0.59		
Vote	0.62		
Threshold	0.41		0.76
No overrride		0.74	
Partial enactment	0.43		
Partial observation	0.69		
Threshold 2	0.63	0.53	
Veto on budget	0.64		
Eigen value	2.90	1.52	1.26
Individual percentage of variance	.32	.17	.14
Cumulative percentage of variance	.32	.49	.63

* Loadings ♦ 0.30

Scoring Coefficents (Component 1)	
Variable	Scoring Coefficents
Veto	0.23
Chambers	0.20
Vote	0.21
Threshold	0.14
No overrride	0.06
Partial enactment	0.15
Partial observation	0.24
Threshold 2	0.23
Veto on budget	0.22

B. Agenda Powers

Defining Variables of Agenda Powers		
Variable	Description	Coding
Extsessions	Whether president convenes extraordinary sessions	1 if power exist; 0 otherwise
Exclinitiative	Whether president has exclusive initiative on important financial or economic legislation	1 if power exist; 0 otherwise
Urgency bill	Whether the president can introduce urgency bills	1 if power exist; 0 otherwise
Revoutcome	Whether the presidential proposal is the revisionary outcome in the absence of approval	1 if proposal is the reversionary outcome; 0 otherwwise
Decree	Whether president can enact decrees of legislative content	1 if power exist; 0 otherwise
Explicit	Whether decree authority is explicit or implicit in other emergency powers	1 if decree authority is explicit; 0 otherwise
Content	Whether decrees have content limitation	1 if no limits; 0 otherwise
Revoutcome	Whether the decree stands in the abscence of approval	1 if decree stands; 0 otherwise
Referendum	Whether the president has unilateral authority to call a referendum on ordinary otherwise legislation	1 if power exists; 0 otherwise
Binding	Whether the referendum is binding	1 if binding; 0 otherwise
Spending	Whether congress can increase speding	1 if congress cannot increase spending; 0 othrwise
Budgetoutcome	Hwether the president proposal is the reversionary outcome in absence of approval	1 if decree stands; 0 otherwise

Principal Component Loadings of Agenda Powers*

Principal Component				
Variable	[1]	[2]	[3]	[4]
Extsessions	0.72			
Excinitiative				
Urgency bill	0.83			
Revoutcome	0.41	0.45		0.59
Decree	0.66			
Explicit	0.77		0.31	
Content	0.58			0.44
Revoutcome	0.46		0.62	
Referendum		0.82	0.39	
Binding		0.84		
Spending	0.64			
Budget outcome	0.70			
Eigenvalue		2.00	1.52	
Individual percentage of variance		.17	.13	.09
Cumulative percentage of variance		.50	.63	.71

* Loadings ♦ 0.30

Scoring Coefficents (Principal Component 1)	
Variable	Scoring Coefficents
Extsessions	0.02
Excinitiative	0.18
Urgency bill	0.21
Revoutcome	0.10
Decree	0.17
Explicit	0.19
Content	0.15
Revoutcome	0.12
Referendum	0.04
Binding	0.06
Spending	0.16
Budgetoutcome	0.18

Bibliography

Ackerman, Bruce. 1991. We The People. Cambridge, Mass.: Harvard University Press.

Brams, Steven J. 1990. Negotiation Games: Applying Game Theory to Bargaining and Arbitration, New York, Routledge.

Carey, John, and Matthew Shugart (eds.).1998. Executive Decree Authority. Cambridge, Mass.: Cambridge University Press.

Colomer, Josep. 2000. Strategic Transitions: Game Theory and Democratization. Baltimore: The Johns Hopkins University Press.

Cox, Gary W. and Scott Morgenstern. 2002.“Epilogue: Latin America's Reactive Assemblies and Proactive Presidents.” In Scott Morgenstern and Benito Nacif, eds., Legislative Politics in Latin America. Cambridge: Cambridge University Press.

Dunteman, George H. 1989. Principal Components Analysis. London: Sage Publications.

Duverger, Maurice. 1963. Political Parties: Their Organization and Activity in the Modern State, New York, Wiley.

Elster, Jon. 1995. “Forces and Mechanisms in Constitution-Making,” Duke Law Review 45, pp. 364–96.

Everitt B.S and G. Dunn. 2001. Applied Multivariate Data Analysis. London: Edward Arnold.

Frye, Timothy. 1997. “A Politics of Institutional Choice: Post-Communist Presidencies.” Comparative Political Studies 30 (5): 523–552.

Geddes, Barbara. 1990. “Democratic Institutions as a Bargain Among Self-Interested Politicians.” Paper presented at the 1990 meeting of American Political Science Association, San Francisco.

Geddes, Barbara. 1996. “Initiation of New Democratic Institutions in Eastern Europe and Latin America,” in Arend Lijphart and Carlos Waisman, eds., Institutional Design in New Democracies: Eastern Europe and Latin America, Boulder, Westview Press.

Huber, John. (1996). Rationalizing Parliament: Legislative Institutions and Party Politics in France. New York: Cambridge University Press.

Jillson, Calvin, and Cecil Eubanks. 1984. “The Political Structure of Constitution-Making: The Federal Convention of 1787.” American Journal of Political Science 28 (3): 435–458.

Jillson, Calvin, 1988, Constitution-Making: Conflict and Consensus in the Federal Convention of 1787, New York, Agathon Press.

Jones, Mark, 1995, Electoral Laws and the Survival of Presidential Democracies, Notre Dame, University of Notre Dame Press.

Knight, Jack, 1995. Institutions and Social Conflict. Cambridge, Mass., Cambridge University Press.

Laakso, Markku and Rein Taagepera. 1979. "Effective Number of Parties: A Measure with Application to West Europe." Comparative Political Studies (1979) pp. 3–27.

Lijphart, Arend.1984. Democracies: Patterns of Majoritarian and Consensus Government in Twenty-One Countries. New Haven: Yale University Press.

——. 1991."Constitutional Choices for New Democracies." Journal of Democracy 2 (1): 72–84.

——.1992. "Democratization and Constitutional Choices in Czecho-Slovakia, Hungary and Poland 1989–91." Journal of Theoretical Politics 4 (2): 207–223.

.1999. Patterns of Democracy. Government Forms and Performance in Thirty-Six Countries. New Haven: Yale University Press.

Londregan, John. 2000. Legislative Institutions and Ideology in Chile. Cambridge: Cambridge University Press.

Long, J. Scott and Jeremy Freese, 2001, Regression Models for Categorical Dependent Variables Using Stata, College Station, TX: Stata Press.

Mainwaring, Scott and Matthew Shugart, eds., 1997, Presidentialism and Democracy in Latin America, Cambridge, Mass., Cambridge University Press.

Mainwaring, Scott and Timothy Scully, eds. 1995, Building Democratic Institutions: Party Systems in Latin America, Stanford, University Press.

Metcalf, Lee Kendall. 2000. "Measuring Presidential Power." Comparative Political Studies, 33 (5): 661–685.

Negretto, Gabriel. 1999. "Constitution-Making and Institutional Design: The Transformation of Presidentialism in Argentina," European Journal of Sociology/Archives Éuropéenes de Sociologie, Vol. XL, No 2.

.2003. "Diseño Constitucional y Separación de Poderes en América Latina," Revista Mexicana de Sociología, No.1, April.

2004a. "Compromising on a Qualified Plurality System," in Josep Colomer, ed., The Handbook of Electoral System Design, New York, Palgrave.

2004b. "Government Capacities and Policy-Making by Decree in Latin America: The Cases of Brazil and Argentina." Comparative Political Studies, 37 (5): 531– 562.

2006. "Choosing How to Choose Presidents. Parties, Military Rulers, and Presidential Elections in Latin America. The Journal of Politics, 68 (2)

Riker, William, 1986, "Duverger's Law Revisited", in Bernard Grofman and Arend Lijphart eds., Electoral Laws and Their Political Consequences, New York, Agathon Press, pp. 19– 42.

Shugart, Matthew S., and John M. Carey. 1992. President and Assemblies:

Constitutional Design and Electoral Dynamics. Cambridge, Mass.: Cambridge University Press.

. 1998. Executive Decree Authority. Cambridge University Press.

Shugart, Matthew, and Stephan Haggard. 2001. "Institutions and Public policy in Presidential Systems." In Haggard, Stephan, and Matthew D. McCubbins eds. Presidents, Parliaments, and Policy. Nueva York: Cambridge University Press.

Shugart, Matthew and Rein Taageepera. 1994. "Plurality Versus Majority Election of Presidents. A Proposal for a 'Double Complement Rule." Comparative Political Studies, vol. 27, pp. 323–48.

Shugart, Matthew S. and John M. Carey, 1992. President and Assemblies: Constitutional Design and Electoral Dynamics. Cambridge, Mass., Cambridge University Press, 1992.

Siaroff, Alan. 2003. "Two-and-a-Half-Party Systems and the Comparative Role of the Half." Party Politics, no. 9, pp. 267–90.

Smith, Peter. 2004. "Los ciclos de democracia electoral en América Latina: 1900–2000." Política y Gobierno, vol. XI, no. 2, pp. 191–230.

Tsebelis, George. 1990. Nested Games. Berkeley, University of California Press.

Tsebelis, George. 1995. Decision Making in Political Systems: Veto Players in Presidentialism, Parlamentarism, Multicameralism and Multipartysm. British Journal of Political Science, 25, 289–325.

.2002. Veto Players: How Political Institutions Work. Princeton: Princeton University Press.

Weldon, Jeffrey. 1997. "Political Sources of Presidencialismo in Mexico". In Scott Mainwaring and Matthew Shugart (eds.), Presidentialism and Democracy in Latin America. Cambridge, Mass.: Cambridge University Press.

(Endnotes)

1. The last country to adopt PR was Paraguay, in 1992.
2. For the purposes of this paper, I count majority rule with congressional choice among the front-runners, and majority with run-off as the same rule. This is because they create similar electoral incentives among parties to field presidential candidates in the first round.
3. The 1998 constitutional reform in Ecuador left nine countries with majority rule and four with qualified plurality rule.
4. The trend in regions other than Latin America seems to be similar: 85% of the presidents in Eastern Europe, 73% of the presidents in Africa, and 55% of the presidents in Asia are currently elected by majority rule.
5. While the purest form of a two-party system emerges when the congress is also elected by plurality, this tendency is still strong for PR congressional elections. See Shugart and Carey (1992, 220-22); Mainwaring and Shugart (1997, 407).
6. There were some departures from this model, however. Since the nineteenth century, most

presidents in Latin America have received the formal authority to initiate bills in congress, exclusive initiative on budgets, and the capacity to convoke congress for extraordinary sessions to deliberate on matters proposed by the president. See Negretto (2003). See also Aleman and Tsebelis (2005) on the capacity of several Latin American presidents to introduce 'amendatory observations' since the nineteenth century.

7. The 1934 Brazilian constitution established the first precedent of this power in the twentieth century, although the capacity of the president to promulgate the non-vetoed parts of the bill was only implicit.

8. Note, however, that some constitutions also had provisions that implicitly authorized presidents to legislate by decree in broadly defined emergency situations. This was the case of the 1886 Colombian constitution, and the constitutional reform of 1935 in Guatemala.

9. On the emergence of proactive presidents in Latin America, see Cox and Morgenstern (2002).

10. Multiple correspondence analysis can also be used, with results similar to principal components.

11. On principal component analysis, see Dunteman (1989) and Everitt and Dunn (2001).

12. Principal components analysis is in this sense very similar to factor analysis. The main difference is that while factor analysis uses only the variability that an item shares with the other items, principal components assumes that all the variability in an item should be used in the analysis. See Everitt and Dunn (2001).

13. A number of variables were eliminated when they showed a negative correlation with other variables. Such was the case of counting the veto override over the quorum or the whole membership. While override by simple majority is usually counted over the whole membership, override by qualified majority is usually counted over the quorum.

14. The original scale provided by principal components provides scores with zero and negative values. The purpose of transforming it into a scale from 1 to 2 is to make the final ranking clearer to read.

15. The variation of veto powers within countries is much lower across time than the variation of agenda powers.

16. Also Buchanan and Tullock (1962) and Jillson (1987) state that impartiality plays an important role in constitutional choice but only when the generality of the rules and lack of information about their future effects precludes a choice purely based on strategic interests.

17. On this point, see Tsebelis (1990) and Knight (1995).

18. On the distinction between redistributive and efficient institutions, see Tsebelis (1990).

19. On the different levels of constitutional choice, see Jillson and Eubanks (1984) and Jillson (1988).

20. The general sources of data were Constituciones Hispanoamericanas (http://www.cervantes-virtual.com/portal/constituciones/), Country Profiles (http://lcweb2.loc.gov/), Keesing's Record of World Events On Line, Latin American Weekly Report, Nohlen (1993, 2005), and Political Database of the Americas (http://www.georgetown.edu/pdba/spanish.html). Specific country sources are cited in the references.

21. The formula is calculated here as 1 divided by the sum of the squares of the fractions representing the respective shares of the seats won by each party in the constituent assembly or in the lower or single chamber of a constituent congress. See Laakso and Taagepera (1979).

22. See Mainwaring and Scully (1995, 31-2).

23. This indicator draws on the classification of parties provided by Siaroff (2003).

24. I pursued several statistical tests with different specifications of this dependent variable. All showed results similar to the ones reported below.

25. In order to measure the lagged score of the dependent variable in the early cases of constitutional change entered in the database I included all the electoral formulas for presidentes and

electoral cycles that were formally in force from 1900 to 2000.

26. The Southern sub-region is composed of Argentina, Brazil, Chile, Uruguay, and Paraguay; the Andean sub-region of Colombia, Peru, Bolivia, Ecuador and Venezuela; the Central and North American sub-region of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Mexico and Panama. The Dominican Republic, the only Caribbean country considered, was included in the Central and North American region.

27. This calculation is based on all the electoral rules formally in force from 1900 to 2000.

28. It also measured this variable as the absolute number of countries in Latin America that had majority rule for presidential elections at the time of constitutional change in a particular country. The results did not differ from those reported below.

29. All McKelvey and Zavoina´s R2 are calculated using the Spost program. See Scott and Freese (2001).

30. In this and in the other models I tested the effect of this variable after excluding cases of partial reform (v.g. Brazil 1994 and Chile 1997) in which one could argue that a broad electoral change was never considered. The results were similar to those reported in this paper.

31. Estimated probabilities are based on CLARIFY: Software for interpreting and presenting statistical results, by Michael Tomz, Jason Wittenberg, and Gary King, Version 2.1, 1/5/2003. Available at http://gking.harvard.edu/

32. For a general overview of the relationship between party systems and electoral systems, see also Colomer (2004).