

Valeria Palanza, *Checking Presidential Power: Executive Decrees and the Legislative Process in New Democracies*. Cambridge: Cambridge University Press, 2019. Abbreviations, figures, tables, bibliography, index, 262 pp.; hardcover \$100, ebook \$84.

Valeria Palanza's volume is a brilliant and timely contribution to synthesizing and advancing nearly three decades of institutional research exploring the role and influence of the executive over policymaking in Latin America. The book poses a classic question of whether executives tend to enact policies through their special decree powers, as predicted by delegative democracy scholars, or whether the legislature and other actors influence policymaking, so that the president tends to enact policies through statutes.

The author acknowledges the significant variation of decree usage across Latin American cases and systematically discusses the comparative and case-specific literature to better frame her puzzle. At its core, the book argues that executive choice of legislative instrument will depend on the actors' valuation of the policy at stake, the allocation of decision rights, and politicians' institutional commitment. The argument is fairly straightforward: when policy actors have a higher institutional commitment, they are more likely to defend their decision rights from possible executive encroachment and to demand that policies be enacted through statutes. Conversely, when actors have a lower institutional commitment, either because they have legal or de facto short tenures in office, they are more likely to privilege short-term benefits and delegate policymaking by decree in the hands of the executive.

To advance these claims, the book bridges game theoretical approaches to policy bargaining with systematic testing of empirical data. The case selection is well justified and focuses on two countries, Brazil and Argentina, where presidents have displayed mixed strategies to legislate via statutes and by decree. The empirical analysis is complemented with an extensive review of the existing comparative and country-specific literature.

The book introduces some valid criticisms and adds some valuable concepts to the existing literature. I review here three main points. The first proposed contribution is to question "under what conditions can we expect actors to be effective veto players" (9). The conventional answer of existing spatial and veto players approaches is simply defined and measured around the key (pivotal) players whose consent is needed to change or preserve the status quo. Palanza's approach focuses on actors' levels of "institutional commitment," which is defined as "the value that politicians assign to their prerogatives" (19). In other words, political actors (legislators and Supreme Court justices) have a higher commitment when they are less willing to tolerate violations of their policymaking decision rights. Conversely, actors with low institutional commitment are more likely to delegate to the executive policymaking by decree. With this argument, the author wants to go beyond "institutional weak-

ness” and make the important distinction of whether institutions (weak or strong) are effectively enforced.

While this claim has tremendous theoretical significance, the empirical strategy fails to capture the intricate formal and informal political dynamics around effective enforcement. Instead, the author develops an institutional commitment index (ICI) to measure tenure in office for Supreme Court judges and legislators as a proxy for commitment. In general, the empirical results corroborate her claim that politicians with longer term horizons tend to display greater institutional commitment. While it has been extensively shown that job-secure judges tend to rule independently of political influences, further research could test whether the same is true for senior legislators or whether they tend to represent encroached and narrow interest groups instead. An alternative approach would be to reevaluate the argument with a disaggregated ICI, to better capture the different nature of tenure and strategies of legislators and judges.

A second contributing factor to executive choice is whether players have the motivation to uphold their decision rights, which is also a function of the “hurdle factors” facing policymakers. Hurdle factors are understood as the rules of the game devised to constrain other actors’ policy decisions (19, 33), but the book indistinctly also refers to the number of veto players and veto points constraining legislation. Players’ institutional commitment increases when they face fewer hurdle factors, but the author also acknowledges that the design of hurdle factors is endogenous to the actors’ willingness to enforce their decision rights (19, n. 18). While the statistical evidence shows that hurdle factors are a necessary but not sufficient condition of executive choice, I would have liked to see a more qualitative causal analysis of cases when players design or adopt greater barriers to policymaking and whether this takes place in a context of greater or lower institutional commitment.

A third contribution of the book is the attempt to observe and consider actors’ valuation of the policy at stake. It is argued that high-stakes policies would convene greater investment and mobilization of different policymaking actors (i.e., labor unions, farmers, bankers), who would lobby political actors in different arenas and put greater pressure on the executive to legislate through statutes. Conversely, low-stakes policy realms would enable the executive to govern through delegative means, such as decrees.

While this argument has intuitive and aggregate empirical validity, the choice of whether a policy is high or low stakes is a post facto observation, which undermines the predictive capacity of the theory. The author is also quick to acknowledge that the actors’ observed policy preferences are taken to be their own (thus there is no room for strategic behavior), and that the intensity of policy issues will vary according to the polity. It is also assumed that high-stakes policy issues have not been previously bargained with the executive, so that decree power is used to reflect a previous consensus. While these caveats do not undermine the quality and scope of this analysis, they offer a valuable connecting point with a much broader political economy literature looking at how policy preferences are formed and shaped by institutions, how nonpolitical agents lobby the policymaking process, and how

political incentives and rules of the game shape the extent to which these interests translate into policymaking outcomes.¹

One final point about case selection and empirical case studies. The book does a very nice job of justifying how and why, in Argentina, a case of low ICI and high barriers, executives tend to use decree authority more frequently than in Brazil, a case of higher ICI, where legislating through statutes is more common. Although they are outside the scope of this book, the more extreme cases deserve closer attention for their use of decree authority. In Ecuador, a case of low ICI, the incidence of decrees remains low to medium during the period of multiparty fragmentation and short-term legislative and judicial horizons, but decree usage is triggered precisely when the government has a working legislative majority, higher legislative re-election rates, and lower hurdle factors. A possible explanation may be the existence of significant executive veto power, which became stronger and more frequently used after 2005 and helped to reinforce unilateral executive policymaking. Perhaps a future adaptation of the model should consider the combined effect of decrees and vetoes to strengthen executive powers and undermine other players' institutional commitment.

Checking Presidential Power is a must-read for the new generation of political scientists, who can greatly benefit from a comprehensive overview, sharp criticism, and improvement on a vast literature looking at executive prerogatives, interbranch conflict, and policymaking. It shall also serve as a necessary point of entry for those interested in studying specific political dynamics and detailed causal analysis between the policy preferences of interest and lobbying groups and the institutional commitment, incentives, and strategies of established political actors in the policymaking process.

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NOTE

1. For a systematic analysis of the role of nonlegislative actors in policymaking see, e.g., Juan Pablo Luna, Frente Amplio and the Crafting of a Social Democratic Alternative in Uruguay, *Latin American Politics and Society* 49, 4 (2007): 1–30; and Jennifer Pribble, *Welfare and Party Politics in Latin America*, Cambridge University Press, 2013.

Lars Schoultz, *In Their Own Best Interest: A History of the U.S. Effort to Improve Latin Americans*. Cambridge: Harvard University Press, 2018. Bibliography, index, 392 pp.; hardcover \$35, paperback \$24.95.

Why has the US government sought, for more than a century, to improve the economies, politics, and societies of its neighbors in Latin America? And what have the results of this sustained campaign of “uplift” been? Lars Schoultz sets out to

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