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Author Exchange



Legislative Development in Africa: Politics and Postcolonial Legacies.
By Ken Ochieng' Opalo. Cambridge University Press, 2018. 296p. \$31.99 paperback.

Review by Anne Meng, Assistant Professor of Politics, University of Virginia

In *Legislative Development in Africa*, Professor Ken Opalo tackles two questions that are foundational to the study of comparative political institutions. First, what explains the observed variation in legislative strength in autocratic states? Second, under what conditions can democratic legislatures emerge from their autocratic foundations? Opalo argues that the strategic calculations of self-interested leaders shaped the organizational development of Africa's legislatures in the first three decades of independence. Strong leaders who were secure in their rule could afford to cede a “modicum of independence” to fellow elites in the legislature without risking rebellion from newly empowered elites (page 6). Weak leaders, on the other hand, avoided granting any real legislative independence to elites due to their fears of being overthrown if regime elites had the opportunity to collectively organize. These decisions had long-term effects. As Opalo succinctly argues, “organizationally strong autocratic legislatures begat strong democratic legislatures” (13). Opalo uses an impressive and effective combination of evidence to demonstrate his argument: detailed case studies of Kenya (strong legislature) and Zambia (weak legislature) and 50 years of original time-series data that reflect various dimensions of legislative independence.

Opalo's excellent book is a must-read for scholars, especially those interested in institutional development, African politics, authoritarian regimes, and democratic transitions. In particular, I would like to highlight three key contributions. First, the book takes *institutional variation* seriously — both in the African context and in the study of authoritarian institutions. I cannot underscore enough what an important contribution this is. Most scholarship on African politics has traditionally written off institutions, such as legislatures, as uniformly *weak*, unimportant, and un-institutionalized, especially during the authoritarian period. Interestingly, the scholarship on authoritarian institutions has largely

developed in the opposite way: theories focusing on the role of authoritarian parties and legislatures in promoting regime stability have largely assumed that parties and legislatures are uniformly *strong* and can always carry out regime stabilizing functions. On the contrary, Opalo shows that both of these characterizations are incomplete: legislatures in Africa vary widely in the extent to which they are independent and institutionalized, and this variation exists both during the authoritarian era as well as the post-Cold War democratic transitions.

A second key contribution of the book is that it grapples seriously with the role of *legacies* and *path dependency* in institutional development. Institutions do not emerge in a vacuum, and Opalo deftly traces the role of colonialism in the development of post-independence authoritarian legislatures, as well as how the legacies of autocratic rule continue to make an imprint on legislatures in newly democratic or democratizing nations. A third important contribution: the book takes measurement seriously. Data on autocratic institutions is not easy to collect, and we lack good measures that capture the organizational strength of institutions such as parties and legislatures. Opalo constructs careful time-series measures of legislative independence in Kenya and Zambia by triangulating between various indicators such as budget information, the number of annual legislative sessions, and bills proposed.

Opalo's book raised some questions in my mind, which I think are fertile ground for future research. First, why would a strong leader who is already secure in their rule bother making any concessions to elites? Interestingly, this theoretical argument is where our two books sharply diverge; in fact, I make the opposite prediction in my book. In *Constraining Dictatorship*, I argue that initially weak leaders are forced to make concessions to elites in order to maintain their support of the regime. By contrast, initially strong leaders have the ability to remain in power regardless of whether or not they offer an olive branch to elites. Since sharing power with elites (in Opalo's account, granting legislative independence) hinders the leader's ability to make unilateral decisions, strong leaders who do not need to coopt elites will not voluntarily do so.

Second, the book clearly lays out the tradeoffs of granting legislative independence to leaders. The book argues that the *benefit* of independent legislatures is that the institution can be used as a mechanism for credible intra-elite commitment. However, the book also highlights the weakness of post-colonial legislatures: European powers purposefully created strong and "overdeveloped" executives and subservient

legislatures. Furthermore, the book discusses how "African presidents that could not control legislatures simply disbanded them" (8). If legislatures were organizationally weak and could be removed by autocratic leaders, then how would they serve as *credible* power-sharing devices?

On the other hand, Opalo argues that legislative independence also comes at a cost to leaders: when elites can coordinate within the legislature, they have the ability to oust the leader. However, leader removal during the authoritarian and multi-party periods differ tremendously, and I wonder if the theory may benefit from disaggregating these two time periods. During the authoritarian period, African leaders were almost always ousted via coups. The coup threat came from the military and sometimes the cabinet, not from legislatures. During this period, the vast majority of coup leaders were military officials and some were the president's Minister of Defense. Although sometimes coup leaders would be aligned with MPs, legislators did not pose the greatest risk for the leader in terms of coups. During the multi-party period, however, the most common method of incumbent removal shifted from coups to the loss of *electoral* support. In the post-Cold War era, independent legislatures posed a much more striking threat to incumbents, consistent with Opalo's discussion of the risks associated with allowing elites to organize outside of the regime executive. While these questions point to some avenues for future research, they do not undercut the important theoretical and empirical contributions of Opalo's book.

Response from Ken Opalo

I thank Professor Anne Meng for a very thoughtful review of my book. In her review, she also raises three very important questions about the nature of executive-legislative relations in both autocracies and (emerging) democracies. First, why do leaders who are secure in their rule bother making concessions to elites? In the case of governing with legislatures, I contend that two reasons drive this decision. The first is historical. Once the Montesquieuan norm of three branches of government became ubiquitous, rulers in the newly independent states that are the subject of *Legislative Development in Africa* could not but accept this arrangement in order to appear as part of the modern state system. Thus, it became difficult to undo the "default" expectations of representative government that were cultivated in the late colonial period. Indeed, in many countries the anti-colonial movement was predicated on increasing representation in colonial legislatures. Second, elite organization in legislatures was more credible than in private organizations

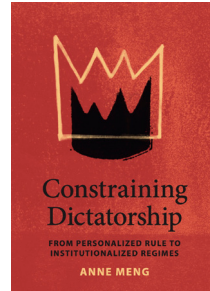
like parties or military councils. Therefore, even in countries with strong parties dominated by presidents, legislatures provided an added layer of credibility to the established system of regulating access to governance rents among intra-elites.

Meng's second question is a perennial challenge to the idea of autocratic institutions. If autocratic legislatures are, by construction, dominated by autocratic leaders, how can they serve as a credible means of intra-elite power sharing? This is a great question that will continue to motivate research on autocratic institutions. To a large extent, *Legislative Development in Africa* assumes that autocrats are structurally predisposed to govern with a set of widely common institutions such as legislatures (see above). Therefore, the question is seldom *whether* to govern with legislatures, but how much power to delegate to them.

Other scholars in the literature (e.g., Roger Myerson and Jennifer Gandhi) have explicitly addressed this question by arguing that autocratic institutions are credible because of the benefits they provide the autocrat. My book leans on these works to argue that legislatures help autocrats manage intra-elite distributive politics, acquire information about the popularity of fellow elites, establish an electoral "queue" system to access governance rents, and project popular regime legitimacy. Therefore, because the autocrat needs the institution for these functions, a breakdown of executive-legislative relations would be a signal of veering off the established equilibrium path of intra-elite power sharing.

Finally, Meng's excellent last set of questions requires more research. Can legislatures remove presidents from office? And how do these dynamics vary across regime types? In *Legislative Development in Africa*, my theoretical point of departure is that the credibility of legislatures comes from the ability of elites acting collectively to guarantee the autocrat's fidelity to intra-elite bargains (in line with other works on autocratic institutions). At the limit, elites can oust the autocrat. And importantly, the credibility of legislatures is built on the fact that a collapse of executive-legislative relations comes with the risk of regime collapse. The book backs this theoretical stance with examples from Benin, Burkina Faso, Gabon, Ghana, Niger, Senegal, Sierra Leone, and Uganda, where the collapse of executive-legislative relations precipitated (self) coups. In these cases, inter-branch conflicts involving legislators sparked significant elite instability and/or mass protests in a manner that provided a pretext for the respective militaries to seize power. This was true in both the autocratic and democratic eras (during and after the

Cold War, respectively). Admittedly, these examples are not exhaustive, thereby necessitating more research on the role of legislatures in coups.



Constraining Dictatorship: From Personalized Rule to Institutionalized Regimes. By Anne Meng. Cambridge University Press, 2020. 256p. \$37.35 paperback.

Review by Ken Opalo, Assistant Professor, School of Foreign Service, Georgetown University

In *Constraining Dictatorship*, Professor Anne Meng makes an important contribution to our understanding of political development under autocracy. Why do some autocrats institutionalize while others do not? And under what conditions do autocratic institutions matter for political outcomes such as autocratic stability and peaceful leadership turnover? To answer these questions, Meng develops a formal model of autocratic institutionalization and tests the observable implications of the model using evidence from 46 African states. She collects an impressive array of data on African constitutions and presidential cabinets from 1960 to 2010, and develops measures of intra-elite power sharing through cabinet appointments and the existence of formally-designated successors to the ruler.

To answer the first question, she argues that autocrats are more likely to constrain their own actions "when they enter power vulnerable and highly susceptible to being deposed" (p. 17). In other words, the context and manner in which autocrats enter power have a strong bearing on levels of regime institutionalization. On the second question, Meng argues that there are heterogeneous effects of autocratic regime institutionalization. Under strong autocrats, there is little to no effect of institutionalization on regime stability. However, regime stability is significantly boosted by institutionalization under weak rulers. Finally, on leadership turnover, Meng finds that only those forms of institutionalization that alter the intra-elite distribution of power have an effect on the likelihood of peaceful transfer of power.

Meng presents both qualitative and quantitative evidence to support these arguments. A comparison of Cameroon and Cote d'Ivoire illustrates the dynamics of autocratic institutionalization in the real world. The former's weak founding ruler institutionalized his rule, while the latter did not. This difference, according

to Meng, explains the differences in elite political stability between Cameroon and Cote d'Ivoire. Large-N statistical analyses covering 46 African countries further support the claims that strong leaders are less likely to institutionalize their rule, and that forms of institutionalization that actually empower fellow elites are better predictors of the existence of autocratic constraints and peaceful transfer of power.

Constraining Dictatorship makes four important contributions. First, Meng unpacks the black box of autocratic institutions. Much of the literature on autocratic institutions focuses on demonstrating that they are not mere window-dressing, but influence political and economic outcomes. Meng goes further, and examines the sources of variation in levels of autocratic institutionalization. In doing so, she develops measurements of autocratic institutionalization (cabinet appointments and clear succession rules) that are readily comparable across cases. Second, she endogenizes autocratic institutionalization. A standard approach in previous works has been to assume that autocrats always want to institutionalize their rule in order to benefit from regime stability. Meng challenges this view, and shows that, unlike their weak counterparts, strong autocrats face no incentives to institutionalize.

Third, the large-N analyses of 46 African states over fifty years upends assumptions about the preponderance of personalist rule in Africa, especially before the end of the Cold War. Meng brilliantly illustrates that even during the era dominated by single party rule, there was significant variation in levels of regime institutionalization in African states. Finally, her rich array of data is itself an important contribution to the study of African politics (especially between 1960 and 1990), and is likely to stimulate more empirical analyses of political development in the early postcolonial period.

As a scholar of legislative development under autocracy, I really enjoyed reading *Constraining Dictatorship*, especially because Meng's core claim is the direct opposite of the one I make in my book, *Legislative Development in Africa*. While Meng argues that strong leaders are unlikely to cede power to fellow elites in the cabinet, I argue that such leaders are more likely to govern with moderately autonomous legislatures.

The source of our different theoretical points of departure may be due to the definition of a "strong" leader and the locus of power sharing under study. First, Meng defines leadership strength on the basis of intra-elite distribution of power at the point of

their accession to office (founding presidents or coup leaders), while I define leadership strength as the ability to monitor and balance fellow elites. In our definitions, Meng's leaders are always either strong or weak, while I allow for leaders to vary in their strength. This raises the question: how does initial institutionalization impact intra-elite politics *over time*? And how do parties, legislatures, and state administrative capacity impact leadership strength and the willingness to institutionalize rule and delegate power? Time is an important dimension in political development. For example, leaders like Nkrumah (Ghana) or Kaunda (Zambia) rose to power amidst the euphoria of independence, but soon faced challenges to their authority in ways that weakened them. This forced them to de-institutionalize their rule *over time* through the use of their respective ruling parties. Kenyatta (Kenya) presents the obverse case. He rose to power with a limited following within the independence ruling party, but found strength in the provincial administration. Nkrumah and Kaunda infamously hoarded power, while Kenyatta "reigned," presiding over relatively more open intra-elite politics.

Second, sharing powers with a legislature makes different demands on the leader than sharing power within a cabinet. A president can always fire a disloyal cabinet member, or keep them as titular heads of ministries but install loyal bureaucrats as their underlings. Legislatures often mean there are dozens more elites to monitor while providing the institutional mechanism for collective action among a wider array of elites. The selection of cabinet members also differs from the election of legislators. Appointing cabinet members presents fewer sources of uncertainty than managing dozens if not hundreds of legislative electoral contexts. Cabinets often adhere to the principle of collective responsibility, while legislators can express their views openly and, in some cases, enjoy immunity from prosecution for these views. More broadly, because of the structurally contentious politics of executive-legislative relations, managing the threats of adverse selection or moral hazard is more demanding in the legislature than in the cabinet.

This raises questions about selection to the cabinet. What kinds of politicians get appointed as Vice Presidents and Defense Ministers? Furthermore, given that at the outset regimes typically try to cultivate popular legitimacy by "playing by the rules," how should we think about autocratic regime institutionalization over time? I was also interested in seeing more discussion of intra-elite autocratic politics over time. Given that political power waxes and wanes, how does the structural distribution of power

impact everyday intra-elite politics? These questions do not directly challenge the core contributions of *Constraining Dictatorship*, but highlight potential avenues for increasing our understanding of autocratic institutionalization. And in that regard, Meng has produced a book that is guaranteed to fuel future research and scholarly debates on political development and its measurement in autocracies and democracies alike.

Response from Anne Meng

Professor Ken Opalo raises a number of excellent questions in his review of my book, and I thank him for his thoughtful and generous review. His first point highlights an extremely important question in the study of authoritarian politics that, in my view, warrants much more theoretical and empirical research: How should we think about leader strength, and what is the best way to measure it? In my book, I focus on leader strength relative to the strength of regime elites — a leader is weak if there is a high likelihood that regime elites can successfully overthrow him, and strong if the likelihood of being deposed is low. Opalo astutely points out that leaders face different kinds of challenges from different *types* of elites; therefore, a leader may be strong vis-à-vis cabinet elites but weak relative to legislative or military elites. These distinctive relationships result in different patterns of institutionalization across the regime. In Cameroon, for instance, Ahidjo shared power with regime elites through cabinet appointments, but personalized his control over the military. It would be useful for future work to consider the different types of challenges leaders face from different kinds of elites, which would paint a more nuanced picture of regime institutionalization.

Opalo also highlights some important questions about measurement — how should leader strength be operationalized? This is a crucial empirical question that needs much more research. Even though the distribution of power between leaders and elites is frequently discussed in theories of authoritarian stability (and especially in formal models), we still lack good measures of the concept. Existing work often relies on access to oil and natural resources as a proxy for leader strength, but this is a problematic measure, because oil, while expanding the leader's total revenue, is also thought to drive civil conflict and institutional weakness. In my book, I argue that the ways in which leaders come to power (for instance, whether the leader was a “founding father” after independence) can serve as a proxy for the initial distribution of power between leaders and regime elites. However, as

Opalo points out, this measurement strategy simplifies the concept into a dichotomous variable: the leader is either strong or weak at the start of the regime (my model conceptualizes leader strength on a continuous spectrum, but the empirics use a dichotomous version of the variable). Opalo also emphasizes another important point — leader strength likely changes over time. This is certainly true as leaders age or as the initial “euphoria of independence” declines over time. Future research should consider the conditions under which leaders may de-institutionalize *or* need to offer additional power-sharing agreements as their authority waxes and wanes.

Finally, Opalo raises some fascinating questions about the *characteristics* of cabinet appointees. *Who* gets appointed as Vice Presidents and Defense Ministers? I address these questions in some newer work, and I find that leaders will often strategically appoint weak elites (for instance, someone who belongs to an ethnic or religious minority) as their Vice President in order to avoid the Crown Prince Problem. This is precisely the approach Kenyatta took when he appointed Moi as his Vice President and constitutional successor. In a different study, I find that leaders of rebel regimes often appoint former co-combatants as their Defense Ministers — these military elites are often the most capable of overthrowing the leader, and therefore are brought into the regime under a power-sharing agreement. Although these studies start to address the question of selection into appointments, more research on the characteristics of cabinet ministers is an important direction for future work.

Joint Conclusion from Meng and Opalo

We thank the editors for the opportunity to engage with each other's work. In this joint response, we identify three main themes that emerge from our books and discuss avenues for future research. First, our studies highlight the importance of *taking institutional variation seriously*. While the first generation of scholarship on dictatorships generally wrote off authoritarian institutions as meaningless window dressing, research that emerged in the 2000's provided an important corrective to this view that “institutions *can* matter” — even in dictatorships. Our books take the next step and go beyond the recognition of the importance of autocratic institutions, to understanding variation in their strength and levels of institutionalization. Importantly, we both stress that *institutionalized autocracy is a continuous variable, not a dichotomous one*. Furthermore, we recognize that the institutional choices leaders make are *strategic*, and that institutional change is often endogenous.

Second, our books challenge a number of stylized facts about African politics. We deviate from existing accounts that generally portray all post-independence regimes in the region as highly personalist and weakly institutionalized. Instead, we both show that African regimes actually exhibited a lot of variation in the strength and levels of institutionalization in the executive and legislative arenas — and that this is true even during the most authoritarian periods.

Third, our books stress the importance of understanding institutional development *over time*. Since the 1990s, most African countries have introduced multi-party elections. Although some of these countries have undergone meaningful democratic transitions, others merely witnessed the institutionalization of electoral autocracy. Both books demonstrate that to understand these divergences, one needs to examine institutional development in individual African states *in historical perspective*.

Moving forward, we recommend that scholars continue to examine the causes and consequences of institutional development in authoritarian and transitioning countries. Importantly, there is a need of more research on how leaders build and strengthen different *types* of institutions (for instance, cabinets, parties, legislatures, courts, the military) and how these institutions interact with each other. Perhaps institutional strength in one aspect of the regime can complement or substitute for the personalization of power on another dimension of the regime. The historical record suggests that when leaders cannot control important institutions, they often seek to make important the institutions that they can control.

Response to Author Exchange by Rachel Beatty Riedl, Cornell University

Two excellent new books emphasize the importance of institutions under autocratic rule in Africa, and this is to be celebrated! Prof. Ken Opalo and Prof. Anne Meng both seek to understand the ways in which autocratic regimes develop strong or weak institutional constraints on the leader, and what effects those institutions have on regime stability, peaceful turnover of leadership, and the potential for democratization. These scholars combine substantively important questions with rigorous methodological approaches and expansive new data — and the results help us to understand broad dynamics of autocratic rule, institutionalization, and regime transitions.

There are several key questions that arise from the authors' decisions about conceptual categories and measurement, and these should stimulate future research. The first, as Prof. Opalo notes in his response, is the question of what is presidential "strength"? Both authors here categorize it as elite-based and relational. For Meng, founding presidents derive strength from the concentration of power among regime elites that coup leaders, by contrast, lack. For Opalo, leadership strength is based on the ability to monitor and balance fellow elites. In both cases, the distribution of power among elites at key moments of institutional formation is critical. But there are still other ways of thinking about leader strength. Such strength might reside in public popularity, legitimacy, and deep roots in society that would make it difficult even for powerful counter-elites to contemplate and orchestrate any overthrow. Strength may also be based on material resources. As Meng points out, this is often confused by measuring strength as access to oil and natural resources, which introduces other links to institutional weakness. But a leader's *relative* resource control as compared to counter-elites is a more fundamentally important category, and can be derived from state marketing boards and agricultural controls, port taxes, para-statal, or a variety of other mechanisms of consolidating economic hegemony. Leader strength is also relative to the coherence and professionalization of other sources of coercive power, such as the military. Further exploration into how varied bases of leader strength might affect their institutional strategies is an area ripe for discovery.

The second is what counts as autocratic institutional constraints. Prof. Opalo measures the strength of the legislature, whereas Meng focuses on cabinet appointments and clear succession rules. There are also other types of institutionalization that may be significant, including the formation and role of the judiciary, electoral candidate selection processes, party membership and leadership rules, and constitutional reform processes. This is not an exhaustive list, but it raises the question of whether the types of institutionalization have different mechanisms and relations to elite power distribution (whether strong or weak leaders, and concentrated or distributed power arrangements). It also raises the question of whether these varied types of institutionalization have similar effects for autocratic stability, peaceful leadership turnover, and the possibility of democratization. As Opalo suggests, sharing power within a legislature has different demands on the leader than sharing power within a cabinet. I would add that each realm offers distinct opportunities for other elites to accrue resources and alternative sources of support and social following. Legislative elections versus presidential

cabinet appointees also offer different ways of letting off steam and diminishing pressure from would-be opposition. Rising elites who are brought into the presidential cabinet are incorporated, whereas legislative autonomy provides an independent base for expression and expanding a personal following. And as Meng mentions in the example of Cameroon, Adhidjo shared power with regime elites through cabinet appointments but personalized his control over the military. This suggests that not all institutionalization or power distribution strategies are equal in their effects for the outcomes of study: regime stability and peaceful leadership turnover.

These two books will serve as pillars for our understanding of autocratic institutionalization. But they also speak to the other side of the coin: democratic resilience and stability. As Meng notes, Opalo's book argues that the benefit of independent legislatures is that the institution can be used as a mechanism for credible intra-elite commitment. The puzzle of democratic resilience in highly challenging environments hinges on the same calculation: how to ensure intra-elite commitment to maintain the same set of elite and generally the same distribution of power amongst them. The bounded uncertainty of democracy is often viewed by these elites as guaranteeing them a degree of access to state resources, power, and economic opportunity, and thus maintaining the iron law of oligarchy. So the very question of autocratic institutionalization that Opalo and Meng both pose has a parallel in understanding democratic stability: how and when are the elite power distribution arrangements of democracy credible intra-elite commitments, and when can they be easily disbanded — often through attempts to concentrate power and dismantle democracy? One key bonus for democratic elite power distribution stability is that the threat to life is also bounded, whereas in autocracy, threats can be total. A fuller understanding of how such intra-elite credible commitments break down (as the authors call for, change over time) — across autocracies and democracies alike — is a crucial research agenda for our contemporary era of democratic backsliding.

Meet the Authors



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Anne Meng is an Assistant Professor in the Politics Department at the University of Virginia. Her research centers on authoritarian politics, institutions, and elite powersharing. Her new book, *Constraining Dictatorship: From Personalized Rule to Institutionalized Regimes*, examines how executive constraints become

established in dictatorships, particularly within constitutions and presidential cabinets. Her new work focuses on autocratic backsliding and executive aggrandizement in non-democracies. She has also published articles on authoritarian ruling parties, term limit evasion, and leadership succession. She received her Ph.D. in Political Science from the University of California, Berkeley.