

## 5. Presidential versus Parliamentary Government

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### 1. INTRODUCTION

The last twenty-five years have witnessed dramatic growth in the number of political regimes that meet basic standards of procedural democracy, such as freedom of association and expression, competitive elections that determine who holds political power, and systematic constraints on the exercise of authority (Robert Dahl 1971; Samuel Huntington 1991). What has been called the "third wave of democracy" is driven by the confluence of various trends—the establishment of democracy in countries with no prior democratic experience, its reestablishment in countries that had experienced periods of authoritarian rule, and the expansion in the number of independent states following the demise of European and Soviet communism. A common consequence of these transitions is to focus attention on the constitutional rules that guide competition for and the exercise of political authority under democracy. One of the fundamental aspects of constitutional design is the choice between parliamentary government, presidential government, or a hybrid format that combines some aspects of these two.

The distinctions among regime types at issue here have to do with how the popular branches of government—the assembly and executive—are selected and how they interact to form policy and administer the government. Assemblies—variously known as congresses, parliaments, legislatures, or a host of country-specific names—are popularly elected in all democracies, but executives are not. The general characteristics of parliamentary and presidential regimes are as follows.

#### Parliamentarism

- the executive is selected by the assembly;
- the executive remains in office subject to legislative confidence.

#### Presidentialism

- the chief executive is popularly elected;
- the terms of the chief executive and of the assembly are fixed, and not subject to mutual confidence;

- the elected executive names and directs the composition of the government, and has some constitutionally granted lawmaking authority.

The key principles that distinguish parliamentary and presidential government entail the *origin* and the *survival* of the popular branches. Under parliamentarism, only the assembly is elected, so the origin of the executive is derivative to that of the assembly. The requirement of parliamentary confidence means that the executive's survival is similarly tied to approval of an assembly majority. In most parliamentary systems, moreover, this dependence is mutual, and the executive may dissolve the assembly and call new elections prior to the expiration of its maximum constitutional period. Thus, parliamentarism is frequently distinguished from presidentialism on the grounds that powers are fused, rather than separated.

Under presidentialism the origins of the two branches are electorally distinct, with the chief executive (always the president, and sometimes one or more vice-presidents as well) elected separately from the assembly, for a fixed term. The last element in the definition of presidentialism, above, is simply that this elected president wields substantial powers over the executive branch—the ministries—and over the lawmaking process. This distinguishes presidential regimes from those that elect a ceremonial head of state who may be called a president, but who lacks constitutional authority (e.g. Ireland).

If the principles according to which the executive and assembly are founded and operate are distinct under presidentialism and parliamentarism, it is also the case that many constitutional regimes combine elements from both ideal types. Hybrid regimes have the following characteristics.

#### Hybrid Regimes

- the president is popularly elected, and is endowed with meaningful powers;
- there also exists a prime minister and cabinet, subject to assembly confidence.

Within this broad definition fits a wide range of hybrids in which the specific powers of the elected president, and her relationship to the prime minister and cabinet, vary considerably. Table 1 charts constitutional regime types for 80 political systems characterized by the Freedom House index of civil and political freedom as 'free' or 'partly free.'

In the course of this chapter, I review the debate over the relative advantages and disadvantages of various constitutional frameworks, the characteristics of regimes that have been of particular interest to academics and reformers, and some recent trends in the design and performance of regimes. Most of the focus is on presidentialism and hybrid regimes, for a couple of reasons. First, whereas pure parliamentary democracies are clustered among the relatively prosperous and politically stable OECD countries, presidential and hybrid systems are more common among newer democracies and among countries that have experienced

Table 1. Constitutional regime type among democracies<sup>a</sup>, 2002

	<i>Parliamentary</i>	<i>Presidential</i>	<i>Hybrid</i>
Americas	Canada, Jamaica	Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Paraguay, United States, Uruguay	Argentina, Bolivia, Peru, Venezuela
Post-communist	Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Slovak Republic	Belarus	Lithuania, Poland, Romania, Russia, Ukraine
Western Europe	Austria, Belgium, Denmark, Germany, Greece, Iceland, Ireland, Italy, Luxembourg, Netherlands, Norway, Spain, Sweden, United Kingdom		Portugal, Finland, France, Switzerland
Asia	Australia, Fiji, Israel, India, Japan, Jordan, Malaysia, Nepal, New Zealand, Papua New Guinea, Singapore, Thailand, Turkey	Bangladesh, Pakistan, Philippines, South Korea	Sri Lanka, Taiwan
Africa	Botswana, Senegal, South Africa	Gambia, Ghana, Malawi, Namibia, Uganda, Zambia, Zimbabwe	

<sup>a</sup> Includes regimes with Freedom House indices of civil and political rights below 5 (scale 1—7, where 1 indicates “free” and 7 “not free”). Presidential and parliamentary regime codes are from dataset for Persson and Tabellini (2002). Hybrid regimes coded by author.

more political and constitutional instability. Thus, most of the empirical action in constitutional design in recent decades has been located among the systems with elected presidencies. Second, pursuant to this empirical trend, academic debate over regime type has focused on the design and performance of systems with presidencies. Among systems with consequential presidencies, I devote more attention to Latin American cases than to presidencies elsewhere, again for a couple of reasons. First, the presidential tradition is oldest in the Americas, so the wealth of empirical material is there. Second, my own research experience is primarily in Latin America.

## 2. THE ACADEMIC CONSENSUS AGAINST PRESIDENTIALISM

The contemporary debate over regime type was triggered largely by the transitions to democracy in Latin America after the protracted experience of many countries in the region with military authoritarian regimes from the 1960s through the 1980s. The process of reestablishing civilian government raised the question whether faulty institutional design contributed earlier breakdowns of democratic government, and a number of observers argued that Latin America's presidential constitutional tradition contributed to democratic failure. Most influential here was work by Juan Linz (1994), who argued that presidentialism was inherently more prone to democratic breakdown than parliamentarism, and consequently advocated the adoption of parliamentary constitutions in the new Latin American democracies. The central elements of Linz's case against presidentialism are twofold. First, presidentialism lacks parliamentarism's safety valve, the confidence vote, that allows for the removal of a government from office in the event of a crisis without discarding the constitution. Second, presidentialism creates incentives and conditions that encourage such crises in the first place, and particularly that aggravate the relationship between the executive and the legislature.

Linz highlights a number of specific characteristics of presidentialism as pathological. One is the openness of executive elections to political "outsiders"—those lacking in previous parliamentary or ministerial experience—who are inclined to campaign for office by running against the existing political and party system. This problem is reinforced by the single-person nature of the office of president. Whereas parliamentary cabinets can be regarded as collegial executives, often reflecting coalitions in which more than one party is essential, the presidential executive privileges an individual whose election may induce her to claim a popular mandate even when popular support may be more limited. Coupled with this, absent a requirement of parliamentary confidence, legislators under presidentialism—even those within the president's party or coalition—are less inclined than under parliamentarism to support the executive, because intransigence does not (directly) jeopardize the survival of the government (Daniel Diermeier and Timothy Feddersen 1998). Thus, the efficiency of governments in winning legislative endorsement for their proposals that observers as far back as Walter Bagehot (1872) associated with parliamentary government does not necessarily apply under presidentialism.

The combination of all these forces suggests that presidentialism inflames antagonism between the popular branches while proscribing any constitutional mechanism for resolving the most serious conflicts. The separation of survival means presidents lack the option of dissolving intransigent assemblies, and assemblies lack the option of voting no-confidence in the executive. This lack of options can encourage one party or the other to resort to unconstitutional outside options in the event of conflict, threatening the stability of presidential democracy itself.

The breakdown of a number of Latin American democracies in the 1960s and 1970s supported Linz's case for the failure of presidential government. In Brazil in 1964, Peru in 1968, Chile in 1973, Uruguay in 1974, and Argentina in 1976, episodes of legislative-executive conflict had preceded military intervention in politics that displaced civilian leaders, imposing long periods of authoritarian rule. A number of scholars endorsed Linz's arguments as to the mechanics of presidential breakdown with country case studies (Giuseppe DiPalma 1990; Bolivar Lamounier 1993; Arend Lijphart 1990 and 1999; Arturo Valenzuela 1994; Giovanni Sartori 1994). And broad cross-national studies based on quantitative data supported the proposition that, even controlling for factors such as economic development and colonial history, presidential regimes are more inclined toward democratic breakdown than are parliamentary ones (Alfred Stepan and Cindy Skach 1993; Adam Przeworski and Fernando Limongi 1997).

### 3. THE WORLD RESPONDS—MORE PRESIDENTS, MORE HYBRIDS

By the time a near consensus in favor of parliamentarism had formed among scholars of comparative politics, events outside the academy demonstrated that the political world was moving another direction. In Argentina, a presidentially-appointed commission in the 1980s studied the issue of regime type and recommended a move toward parliamentarism, but the proposal did not make headway among politicians (Humberto Nogueira Alcalá 1986). Similar proposals were debated, but not adopted, in Chile. In Brazil, politicians put the question before voters in a 1993 referendum that offered not only parliamentarism, but also the option of returning to monarchy, as alternatives to presidentialism. When presidentialism prevailed among Brazilian voters, the prospects for fundamental reforms to convert presidential regimes to parliamentarism appeared dead.<sup>1</sup>

Despite the failure to embrace parliamentarism outright, Latin America witnessed some modest constitutional moves toward the principle of legislative confidence in the 1990s. Indeed, the requirement of assembly confidence for ministers is not unprecedented in the region. Although presidents have never been subject to confidence, cabinets were during Chile's period of "parliamentary republic" in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, as have ministers in Ecuador, Uruguay, and Peru more recently (Matthew Shugart and John Carey 1992). Reforms in the 1990s expanded in this direction. As part of a package of constitutional changes in 1994, Argentina created a new office, called Chief of the Cabinet of Ministers. Venezuela's new 1999 constitution creates a similar position, which it calls Prime Minister; and Peru's 1993 constitution maintains

<sup>1</sup> Indeed, redemocratizing Latin America is not exceptional in this regard. In a recent study of the effects of regime type on party systems, David Samuels (2002) finds no historical examples of democracies shifting from presidentialism to parliamentarism or vice-versa, and only two cases of parliamentary regimes shifting toward hybrid systems in which the chief executive would be directly elected: France in 1958, and Israel in 1992. Israel has since retracted this move, eliminating the direct election of the Prime Minister, although as of this writing (June 2002), the government of Ariel Sharon, directly elected in 2001, remains in office.

a Prime Minister, consistent with earlier charters. These chief ministers are constitutionally designated as chairs of the cabinet, and are removable by Congress, although the barriers to confidence votes are higher than the simple majority norm in parliamentary systems. Peru requires an absolute legislative majority (Art. 132), Venezuela a 3/5 supermajority (Art. 246), and Argentina requires concurrent absolute majorities in its bicameral legislature (Art. 101).

Outside Latin America, the trend during the 1990s was toward the creation of powerful presidencies—a pattern reinforced by the sudden proliferation of new, post-communist regimes in central Europe and the former Soviet Union. The greatest concentrations of formal presidential power are found among the post-Soviet systems whose credentials as democracies are most dubious, particularly in the 'Stans of Central Asia. Elected presidents, however, are central to politics in many of the more democratic post-communist systems as well, including Poland, Bulgaria, Romania, Lithuania, Croatia, Serbia, Georgia, Ukraine, Moldova, and of course in Russia itself (Timothy Frye 1997; J.T. Ishiyama and R. Kennedy 2001). Finally, during the late 1980s and 1990s, transitions from authoritarian rule to democracy in South Korea, Taiwan, and the Philippines produced a crop of new, or renewed, regimes with powerful presidencies in East Asia.

The rules governing the relative status of president and the cabinet, and the relationship between cabinet and parliament, vary across these new regimes. The Polish Constitution of 1997 provides the president the opportunity to act as *formateur*, nominating a candidate for prime minister, who in turn names and directs the government; but the constitution reserves to the Sejm the right to ignore the president's recommendation and form a government on its own. Moreover, once the government is installed, it is responsible to the Sejm rather than to the president (Arts. 157–161). The Russian Constitution of 1993 allows the president to name the Prime Minister (Art. 83) and makes the president arbiter of cabinet resignations (Art. 117). It also deters the State Duma from exercising its no-confidence authority by stipulating that if it insists, through multiple votes, on dismissing the government, the president may dissolve the Duma. The effect is to leave the president effectively in control of the government.

All of the post-communist regimes discussed here, as well as the Taiwanese and the Latin American cases that provide for confidence votes, are hybrids, combining elected presidents endowed with substantial constitutional authorities with prime ministers and cabinets that are subject to parliamentary confidence (Christian Lucky 1993; Frye 1997). Such regimes are characterized in some accounts as *semi-presidential*—a term originally coined by Maurice Duverger (1980) to describe the 1958 constitution of the French Fifth Republic. None of the new hybrids, however, as nearly approximates the parliamentary ideal as does France, where the president acts as *formateur*, and retains the authority to dissolve the assembly, but controls neither the composition of the cabinet nor the legislative agenda, nor wields a legislative veto. The new hybrids of the 1990s are constitutionally distinct from the French system in important ways. First, in most cases presidents can name *and* remove the prime minister,

rendering this post primarily a creature of the president rather than an agent of assembly majorities. Second, the hybrid regimes of the 1990s endow presidents with formidable legislative powers—including vetoes that require extraordinary assemblies majorities for override, and in many cases the authority to issue decrees with the force of law. These powers make presidents, whose origin and survival in office remain independent from assembly confidence, central players in the lawmaking process in the new hybrid systems.

To sum up, across the various regimes that engaged in constitutional engineering in the latter decades of the 20<sup>th</sup> Century, there was a strong inclination to create and to retain powerful, elected presidencies. There was, at the same time, a trend toward acknowledging some role for assemblies in exercising confidence authority over at least some part of the executive. I will return to this theme subsequently, with the suggestion that the norm of legislative control over executives is extending beyond the provisions written on constitutional parchment.

#### 4. RESEARCH ON INSTITUTIONAL DESIGN IN PARLIAMENTARY AND PRESIDENTIAL SYSTEMS

##### *Institutions Under Parliamentarism*

During the past decade, the academic literature on democratic institutions has expanded enormously. Among scholars focusing primarily on parliamentary systems, electoral systems are the element of institutional design attracting the most scrutiny. Rein Taagepera and Shugart (1989), Lijphart (1994), Gary Cox (1997), and Josep Colomer (2001) all provide landmark investigations of the effects of electoral rules on representation. The main focus within the electoral systems literature, moreover, is on the effects of different rules for selecting multi-member bodies—primarily parliaments—the rules for which exhibit more variance than those for selecting presidents. I discuss the interaction of presidential and legislative electoral rules below, but the electoral systems literature more generally is discussed independently in Cox's contribution to this volume, so I will not pursue those themes here.

Beyond the effects of electoral rules, research on parliamentary systems has focused less than that on presidential systems on matters of institutional design. One reason is that, whereas much of the interest in the institutional configuration of powers in presidentialism seeks to explain regime instability, few parliamentary regimes experienced breakdowns of democracy in the latter half of the 20<sup>th</sup> Century. The stability of democracy among the OECD countries has generated little concern among scholarship on modern parliamentary systems with understanding the sources of regime stability. Much of the research on parliamentary systems has been motivated by interest in instability of a different sort: that of governing coalitions. The principal theoretical motivation here is the potential for instability of decisions under majority rule identified by social choice theory

(Kenneth Arrow 1951; Richard McKelvey 1976; William Riker 1982). The suspicions raised by social choice theorists about the coherence of majority rule in the presence of multiple issue dimensions apply in a straightforward manner to parliamentary government, particularly where majorities in a single legislative chamber are sovereign over national governments, and where party system fragmentation and multiple social cleavages create the potential for fluid majority coalitions. Much of the initial literature on coalition formation in parliamentary systems motivated by social choice theory is reviewed and in Michael Laver and Norman Schofield (1990). In the ensuing decade, advances in the study of parliamentary government have examined in greater detail the rules and practices that determine how authority within governments is allocated, in an effort to understand not only which governments form, but the implications of this for the policies they produce (Terry Moe and Michael Caldwell 1994; Kathleen Bawn 1999; John Huber 1998).

Many of these advances have drawn on ideas developed in the study of a particular legislature in a presidential system—the United States Congress—testing the extent to which they apply in the parliamentary context. One example is Laver and Kenneth Shepsle's (1994, 1996) work on ministerial portfolio allocation in coalition governments, which is an extension of theories of committee jurisdiction originally developed to explain the stability of policy choices in the U.S. House of Representatives. In the parliamentary setting, the premise that ministerial portfolios endow their occupants with the ability to set policy within particular domains provides a theoretical basis for phenomena that otherwise appear anomalous, including the frequency of minority and surplus majority parliamentary governments, and the prevalence of certain, ideologically centrist parties in key portfolios regardless of shifts in their electoral fortunes.

Another example is work by Huber (1992) who looks beyond the government formation process to the rules on how legislative proposals are offered, amended, and approved, demonstrating that procedures that impose limitations on debate and amendment opportunities are employed under similar conditions in parliamentary systems as in the United States, and that control over such restrictive procedures implies substantial leverage over policy outcomes. George Tsebelis (1995, 1999) provides yet another example of work that erases the conceptual distinction between presidential and parliamentary government by introducing the idea of generic veto players as constraints on the ability of governments to make changes in policy, and demonstrating that the diversity of preferences among veto players can explain policy stability in European parliamentary systems and the European Union, as well as in separation of powers systems.

One of the key themes implicit in much of this work, rooted empirically in the study of parliamentary government, is a blurring of the theoretical distinction between parliamentary and presidential systems. The key innovation in Laver and Shepsle's model of parliamentary government builds directly on the idea, developed with respect to the U.S. Congress, that majority rule equilibrium

could result from monopoly control by committees over specific policy dimensions (Shepsle 1979). The effects of restrictive procedures and agenda control emphasized by Huber and Tsebelis, similarly, follow on theoretical work originally developed in the context of U.S. politics (Thomas Romer and Howard Rosenthal 1982). The broader points that follow from this line of research are that (1) the rules by which powers are allocated can be critical to understanding which outcome prevails—and therefore how power is distributed—in environments where majority rule by itself does not provide solid expectations, and (2) in many instances, rules that govern bargaining over policy in parliamentary systems are analogous to those in presidential systems, and once the parallels are recognized it is evident that their effects are comparable.

All that said, it is important not to understate the importance of the inherent differences between parliamentary and presidential regimes. In one important sense, parliamentary constitutions are “thinner” than presidential constitutions with respect to the rules that govern bargaining among legislative actors. Consider Huber’s (1996) investigation into the effects of confidence vote procedures, which examines how the agenda control implied by the confidence vote affects the relative bargaining strengths of ministers and legislative majorities when their preferences over policy differ. The model illuminates how the rules of procedure can tilt policy outcomes, but the empirical data presented on the confidence vote rules themselves and their sources illustrate that they are generally the products of informal arrangements rather than parchment institutions (Carey 2000). Of the eighteen European parliamentary systems Huber investigates, provisions governing confidence vote procedures are rooted in convention twice as frequently as they are stipulated in the constitution (p. 271).

The status of the veto, the particulars of which among presidential systems are discussed at some length below, offers another example. Under parliamentarism, where the origin and survival of the legislative and executive branches are bound together, bargaining over legislative proposals can be largely subsumed within the foundational bargain to form a government. Under presidentialism, by contrast, the provisions to govern proposals, counterproposals, and vetoes among independent legislative actors must be articulated more elaborately in formal constitutional rules. In this sense, models that count “veto players” of different institutional sorts as equivalent are potentially misleading (Tsebelis 1995). A party that is member to a minimum winning coalition cabinet may exercise a veto of sorts over government proposals, but if there is another potential coalition partner available, its objections will be ineffectual. In contrast, a president who opposes the proposals of a majority legislative coalition cannot be so easily replaced, and therefore not so easily disregarded. Veto players in parliamentary regimes are more likely to be of the partisan variety, whereas veto players of the constitutional sort are more abundant in presidential systems.

Torsten Persson, Gerald Roland, and Guido Tabellini (1997) underscore the implications for bargaining over policy inherent the mutual independence of legislature and executive. Their argument is that separation of powers systems

generate stronger incentives than do parliamentary systems for information revelation by politicians to the electorate regarding the state of the economic world and the prospects for governments to deliver benefits voters care about. The advantage rests on the idea that both legislators and executives are better informed than voters about the connection between policy and outcomes, but that whichever institutional actor holds the weaker bargaining position has an incentive to reveal information in order to avoid the risk of electoral punishment for the actions of the stronger institutional actor. The argument that separation of powers reduces moral hazard through this mechanism is a variant of the broader Madisonian proposition that separation of powers, by pitting the ambitions of officials in different branches against one another, provides protection against predatory behavior by politicians. In support of this position, Persson and Tabellini (2002) present evidence that government spending consumes a larger share of GDP under parliamentary than under presidential systems.

To sum up, research on parliamentary democracy demonstrates that the rules of political competition and bargaining systematically affect representation and policy outcomes. The institutional context of parliamentary democracy, however, is somewhat thinner than that in presidential and hybrid systems, insofar as the separation of powers requires more elaborate and explicit institutional arrangements to govern bargaining over policy. Research on presidential systems devotes relatively more attention to institutional design, and it is to the particulars of this research agenda that I now turn.

#### *Partisan Compatibility of Presidents and Assemblies*

Empirical work on presidential and hybrid regimes has focused on the mechanics of relations between the executive and legislative branches largely in an effort to evaluate the case against presidentialism articulated by Linz and the presidentialism critics. Pursuant to that battery of criticisms, much of the research among scholars of presidential systems focused on whether presidentialism inherently undermines bargaining and cooperation between the branches, and if so, to what effect. An initial reaction was to point out that there is tremendous variance among systems with presidents in terms of institutional design, and to examine whether these details could help explain regime performance (Shugart and Carey 1992; Scott Mainwaring and Shugart 1997). One of the central themes in this research is the interaction between presidential and legislative elections, and the implications for party systems. Understanding the sources of divided government in the United States is, of course, a longstanding cottage industry (Morris Fiorina 1996; Walter Mebane and Jasjeet Sekhon 2002). But the diversity of electoral arrangements across presidential systems provides a richer environment for examining institutional explanations for partisan conflict or compatibility across branches. Moreover, one of the central questions raised by presidentialism critics is whether regime crises are encouraged when presidents lack majority support in Congress (Mainwaring 1993; Jose Cheibub 2002). Two key factors associated with the system for electing presidents are

central to this research: the formula for electing presidents, and the relative timing of presidential and legislative elections.

*Methods of Electing Presidents*

The two most common formula for electing presidents are the plurality and the majority run-off systems. Under plurality rule, there is one election, and the candidate with the most votes is elected. Under the majority run-off system, if no candidate wins an outright majority of the vote in the first round, there is a second round pitting the top first-round candidates against each other. One of the central conclusions from research on methods of presidential election is that, relative to plurality elections for president, the majority run-off format contributes to the proliferation of presidential candidates, and the fragmentation of the first-round presidential vote (Shugart and Carey 1992, Mark Jones 1995, Mainwaring and Shugart 1997, Cox 1997).

The rationale rests on both the differing incentives for strategic voting under the two systems (Maurice Duverger 1954), and the opportunities for between-rounds bargaining unique to run-off elections for presidential office. Under plurality elections, where the threshold for success is high, the best strategy for a presidential aspirant who cannot reasonably expect to win the most votes is to enter a pre-election coalition with a viable candidate. Under a run-off system, on the other hand, the initial threshold is lower, as the second-place first-round candidate survives. Moreover, given that electoral coalitions can be renegotiated after the first round in anticipation of the run-off, even nonviable candidates are induced to compete in the first round to establish the value of their second-round endorsement. The more marginal candidates enter in the first round, moreover, the more fragmented the expected vote, and the more unpredictable the results become.

By encouraging fragmentation and unpredictability, majority run-off elections provide a favorable environment for outsider candidates. The advance of Jean Marie Le Pen through a crowded first-round field to the second round of the 2002 French presidential election drove this point home to Europeans, but the effect was visible in Latin America earlier. Prominent cases in which outsider candidates built surprising first-round performances into second-round victories include Fernando Collor in Brazil in 1989, and Jorge Serrano in Guatemala and Alberto Fujimori in Peru in 1990. Each ran against the traditional party system in his country, survived the first round with less than one-third of the vote, and won the presidency in a run-off. Despite their second-round "mandates," moreover, each of these presidents quickly found themselves mired in interbranch conflicts which culminated in the premature deaths of Collor's and Serrano's presidencies, and of Peru's Congress. The rapid rise of Alejandro Toledo against Fujimori himself in the first round of the 2000 Peruvian election, and his victory the next year in the special election to fill the office vacated by Fujimori, reinforces the premise that the run-off format can catapult outsiders into contention, primarily as "anyone-but-X" candidates.

*Electoral Cycles*

A second key element of institutional design is the relative timing of executive and legislative elections—the electoral cycle—which interacts with the presidential electoral formula to affect the prospects for partisan compatibility between the branches. Where elections are held on dissynchronous schedules, campaigns are conducted independently, and the contours of the legislative party system are not bound to presidential elections. Where elections for the presidency and those for the assembly are concurrent, presidential candidates' electoral coattails can affect fragmentation in assembly elections, and therefore the partisan distribution of seats (Shugart 1995). Whereas plurality elections for the president can reduce fragmentation of legislative party systems, this effect is absent under the two-round format. As a result, the likelihood of divided government—that is, of presidents who lack the support of partisan majorities in the assembly—is higher under non-concurrent than under concurrent electoral cycles, and among systems with concurrent cycles, is higher when presidents are elected by majority run-off than by plurality (Mainwaring and Shugart 1997).

This body of research underscores an irony in the choices of electoral system designers in recent years. Prior to the latest wave of redemocratization in Latin America, and the institutional reforms that accompanied it, the plurality formula was the norm for presidential elections. By the late 1990s, majority run-off systems had been adopted in Chile, Colombia, Brazil, Dominican Republic, Ecuador, El Salvador, Guatemala, Paraguay, Peru, and Uruguay. Argentina and Nicaragua had established first-round victory thresholds of 45% of the popular vote, and Costa Rica 40%, with run-offs to ensue if the winning candidate did not surpass these marks.<sup>2</sup> Among the new post-communist systems, the trend is even more stark—every one of the popularly elected presidencies is chosen by the majority run-off rule. A prominent rationale for adopting the run-off format is that to do so required that the eventual winner be endorsed by a majority of voters (Jones 1995). Yet in guaranteeing such an electoral mandate in the second round, the run-off systems may systematically produce presidents that confront greater opposition among legislators than they would under the old plurality systems.

*Policymaking Powers of Presidents*

Partisan support in the legislature is critical to the effectiveness of presidents in realizing their agenda. Indeed, dominance over policymaking is frequently attributed to presidents with relatively limited formal authority over standard lawmaking procedures, provided that their party or coalition controls the

<sup>2</sup>Costa Rica's system has been in place since 1949, and its first-round threshold is low enough to approximate the effects of a plurality system. Argentina's reform, in 1994, and Nicaragua's, in 1995, were evidently attempts to split the difference between the Costa Rican threshold and the standard majority run-off format.

legislature and that the president is the effective leader of his party (R. Lynn Kelley 1973; Daniel Levine 1973; Jeffrey Weldon 1997). In such cases, it is not the formal authority of the presidency that accounts for executive influence, but rather the coincidence of the presidency with party leadership in the same individual. In other cases, however, formal authorities are enshrined in the office of the presidency, independent of partisan support. The specific nature of these powers varies considerably across presidencies, but here I briefly discuss three common types of presidential power over legislation: decree, agenda-setting, and veto authority.

*Decree*

Decree is the authority of the executive to establish law in lieu of action by the assembly. This may include executive policy initiatives that eventually require legislative ratification, provided the initiatives go into effect without prior legislative action (Carey and Shugart 1998a and 1998b). Empirically, then, constitutional decree authority of executives varies according to whether the initiatives:

- are effective as policy immediately (yes/no); and
- become permanent law even without legislative action (yes/no).

The four possible combinations form a 2X2 matrix, shown in Table 2, with empirical examples in each box. The formal procedures attached to decree authority determine whether there is an opportunity for assembly debate on a measure before it becomes law, and whether the assembly must take explicit action to rescind the measure.

At the top left of Table 2 is the prototypical decree authority whereby the executive issues a proposal that becomes permanent law immediately and without any legislative action. Executives can effectively present policy initiatives under this format as *fait accompli*, and only through the passage of new legislation (or a new decree) can the policy be altered. Very few democratic constitutions grant presidents such power, and those that do generally include some constraints on the policy jurisdictions in which executives may exercise decree.

Table 2. Examples of presidential decree authority

		Decree becomes permanent law?	
		YES	NO
Decree in effect immediately?	YES	Russia (Art. 90) Peru (Art. 118(19)) Colombia (Art. 215)	Brazil (Art. 62) Colombia (Art. 213) Argentina (Art. 99.3)
	NO	Ecuador (Art. 65) France (Art. 49.3)*	

\*Refers to power vested in the premier, not the president, to make proposals under the *guillotine* procedure.

The Colombian president may use decree to “restore economic order,” and the Peruvian “on economic and financial matters, when so required by the national interest.” Presidents in both countries have interpreted these powers expansively in setting economic policy—for example, changing tax rates, privatizing public assets, transferring assets to regional governments (Daniel Archer and Shugart 1997; Gregory Schmidt 1998).

The top right box in Table 2 represents *provisional* decree authority in which executive proposals take effect immediately, but lapse after some designated period unless ratified by the legislature.<sup>3</sup> In Brazil, presidential decrees lapse after thirty days; in Colombia decrees other than those “to restore economic order” lapse after a maximum of 180 days. Whether such a provision is effective for initiating long-term changes even against legislative opposition depends in part on whether the decrees may be reissued at the end of the period. The reiteration of decrees was a matter of constitutional controversy in Brazil in the 1980s, where judicial precedent currently holds that the president can reissue decrees on which Congress has not acted, but cannot reissue decrees Congress has explicitly rejected (Timothy Power 1998).

The bottom left of Table 2 describes *delayed* decree, whereby executive proposals do not take effect immediately, but become law *unless* the legislature acts to reject them. In Ecuador, for example, the president can propose legislation, declaring it “urgent,” and if Congress fails to act within fifteen days, the proposal becomes law. The format is similar to France’s *guillotine* (Art. 49.3), whereby if parliament rejects the executive’s proposal, then the government falls; but if parliament takes no action, the proposal becomes law. It is important to note, however, that the authority over the *guillotine* is vested in the French premier, not the president, consistent with France’s relatively parliamentary hybrid regime. Delayed decree allows the time for debate and negotiation between the branches, but like the other forms of decree it may encourage legislators to abdicate responsibility for policies by allowing assemblies to accede to executive proposals simply by failing to act.

The use of decree authority has been central to conflicts between legislatures and executives that have generated constitutional crises in a number of countries. In the first years of Fujimori’s administration in Peru, the president’s increasing reliance on decree in the face of legislative opposition to his policy proposals prompted Congress to pass legislation clarifying and constraining the scope of executive decree authority (Schmidt 1998). Before the bill could be passed over an expected presidential veto, Fujimori called out the tanks and closed Congress (Maxwell Cameron 1997; Philip Mauceri 1997).

Presidential decree authority was a focal point of the conflict in Russia in the early 1990s. The highly fragmented Russian Congress of People’s Deputies

<sup>3</sup>This type of decree authority is not unique to presidential government. For example, the Italian cabinet can issue decrees with immediate force, but which lapse after 60 days if not ratified by parliament (Art. 77)

initially delegated sweeping decree authority to President Yeltsin during the Soviet constitutional crisis in late 1991. But Yeltsin's use of decree to enact broad economic reforms and abolish the Communist Party immediately prompted challenges from the legislature. Throughout 1992 and 1993, Russia experienced a "war of laws" in which presidential decrees were implemented, then overturned by legislation, which in turn was supplanted by subsequent decrees (Thomas Remington, Stephen Smith, D. Roderick Kiewiet, and Moshe Haspel 1994). As in Peru, the president eventually prevailed in this "war" through the use of military force, rather than negotiation with the other branch, in the process securing a new constitution in 1993 that enshrined presidential decree authority. Decree under Russia's 1993 Constitution is constrained not by policy area, but by the limitation that presidential edicts "cannot contradict the Constitution of the Russian Federation or Federal Law" (Art. 90). Initially, President Yeltsin invoked Article 90 aggressively, both to set national policy and to control the timing of regional elections, which in turn determine the composition of Russia's upper legislative chamber. The broad scope of presidential decree authority in Russia in the mid-1990s, however, was partly a product of the legal vacuum that accompanied the establishment of a new regime and constitution in 1993—a vacuum that has been filled in subsequent years, shrinking the range of presidential discretion under Article 90 (Scott Parrish 1998). Decree authority in Russia can still provide the president leverage in shaping legislative outcomes, principally by establishing a new status quo policy that induces the legislature to act, rather than by setting policies by fiat (Remington, Olga Shvetsova, and Smith 2002).

This is also a critical characteristic of provisional decree authority, as in the Brazilian or Argentine constitutions, which ostensibly prevent unilateral presidential action because permanent policy changes require assembly ratification. Because executive proposals take effect immediately, however, overturning them can entail substantial "clean-up" costs. Once a policy is set, there may be steep economic and/or political transaction costs to backing away from it, thus making it difficult for the legislature to let a decree lapse even if no majority favored it in the first place. The adoption of new currency systems by the successive Brazilian administrations of Jose Sarney (1985–1990) and Fernando Collor (1990–1992) illustrate this point. Twice in the space of four years, Brazilian presidents relied on provisional decree to impose currency and economic reforms, arguing that the element of surprise was necessary to avoid panic in currency markets. Once in place, the decrees could not be overturned by Congress without inducing even greater financial instability, yet lacking prior negotiated support in the legislature, the broader economic reforms packages of both presidents were abandoned quickly once initial waves of popular support ebbed (Power 1998).

In sum, where constitutions provide presidents with decree, the use of this authority to avoid negotiation with legislative opponents has frequently been the subject of conflict between the branches, which in some cases has evolved into regime crisis.

*Agenda Powers*

Short of outright decree authority, presidents are frequently endowed with the authority to make policy proposals that have privileged procedural status before the legislature, either because

- they must be considered within a limited time period; or
- there are limitations on the manner in which they can be amended; or
- the proposal determines the set of policy alternatives among which the assembly must choose; or
- some combination of these.

In most presidential systems, presidents are endowed with the ability to introduce legislation, and in many cases with the authority to require legislative action on proposals within a limited time. When executive agenda authority includes limitations on amendments or influence over what policy pertains even if the legislature does not support the executive proposal, then executives can wield enormous influence over policy outcomes.

I focus here only on one example that is particularly instructive because it illustrates all the aspects of agenda authority outlined above: presidential budget authority in Chile. The current Chilean constitution was written by the military government of General Augusto Pinochet well before the transition back to civilian government in that country (Genaro Arriagada and Carol Graham 1994; J.S. Valenzuela 1992). In an effort to limit congressional logrolling capacity and guarantee fiscal austerity, the constitution (Art. 64) establishes that:

- the president introduces the annual budget bill;
- Congress is allowed to amend each spending item within the budget downward only, and cannot transfer funds cut from one item to other areas of the budget;
- Congress must pass its version of the budget within 60 days, or else the executive's original proposal becomes law;
- only the executive may introduce legislation on spending or tax matters; thus prohibiting Congress from side-stepping the executive budget by introducing and passing supplementary spending bills.

The overall effects of this procedure, compared with budgetary procedures in regimes where the president's agenda powers are more modest, are to constrain government spending levels and to increase the president's bargaining strength relative to Congress. Spending is constrained because whichever branch prefers less spending on a particular budget item can always secure its ideal level—the president by setting the spending ceiling in his proposal, Congress by amending downward. Logrolling agreements between the two branches are discouraged because the president's proposal is not accepted or rejected as a package, but rather can be disaggregated into its component items and altered. The president's bargaining advantage is rooted in the fact that his initial proposal sets the reversionary policy (Lisa Baldez and Carey 1999, 2001). These effects of

executive agenda powers are supported more generally in research showing that more "hierarchical" budget procedures contribute to fiscal discipline across Latin American regimes (Alberto Alesina, Ricardo Hausmann, Rudolf Hommes, and Ernesto Stein 1999).

One critical difference between agenda and decree authority is worth noting. Agenda power entails presidential control over the policy alternatives among which legislatures debate and select, whereas decree allows presidents to implement policies without legislative debate or assent. Democratic theory commonly holds that debate in itself is a valuable political good, even apart from its effects on policy choices (Lijphart 1977, 1999; David Miller 1993). The experience of many presidential systems with decree authority supports this intuition. Agenda powers may provide presidents influence over policy as great decree authority, yet even legislative debate and negotiation constrained by presidential agenda control appear to mitigate conflict between the branches, whereas policymaking by decree can contribute to intractable conflict between the branches.

#### *Veto*

The most common presidential power over legislation is the veto. The structure of presidential vetoes varies along two critical dimensions. The first is the requirement for the assembly to override a veto, which varies from:

- simple majority (e.g. Venezuela);<sup>4</sup> to
- absolute majority of the assembly's membership (e.g. Nicaragua); to
- absolute majority in joint session in a bicameral system (e.g. Brazil); to
- absolute majorities of both chambers in a bicameral system (e.g. Colombia); to
- 3/5 majority of those voting in joint session of a bicameral system (e.g. Uruguay); to
- 2/3 majorities of those voting in each chamber (e.g. most bicameral systems).

The second dimension is whether the veto may be partial (also known as the item veto) or must apply to an entire piece of legislation (package veto).<sup>5</sup>

The veto is generally considered a reactive authority—one that allows presidents to hold up legislative initiatives, requiring further deliberation and even the construction of supermajorities—rather than a proactive authority such as decree or agenda power, that allows presidents to initiate policy changes. Although this characterization is accurate in the case of the package veto format, however, it is not for the partial veto. The package veto allows legislatures to offer logroll-type proposals to presidents, enticing presidents to accept some

<sup>4</sup>This is effectively a presidential request for to reconsider the legislation, given that the same majority that passed legislation initially can override the veto.

<sup>5</sup>For the configurations of veto authorities across presidencies, see Shugart and Carey (1992), Lucky (1993), and Carey, Amorim Neto, and Shugart (1997).

policies the legislature wants in exchange for securing some preferred by the president. Advocates of the partial veto contend it allows presidents to unpack such legislative logrolls, removing wasteful or inefficient programs supported by individual legislators or factions. This account, however, overlooks the strategic impact the partial veto has on bargaining over legislation between the branches. Presidents can unpack logrolls only if such compromise legislation is passed by the legislature, but the very existence of the partial veto discourages compromise by allowing presidents to alter policies approved by the legislature unilaterally before implementation.

Consider two policy initiatives that are not mutually exclusive: policy L, favored by the legislature, and policy P, favored by the president. Assume the following conditions hold:

- the legislature most prefers to pass policy L and least prefer to pass policy P;
- the president prefers the opposite;
- both sides prefer to pass both policies (LP) rather than nothing at all (SQ).

If a package veto exists, the legislature can pass LP, the president should accept it, and both sides consider themselves better off than if the status quo had prevailed. If a partial veto exists, in contrast, legislature knows that if it passes LP, the president can veto L and promulgate P, securing her most preferred outcome. This is also the legislature's *least* preferred outcome, however, so it should send the president no proposal, leaving both sides worse off than when the president is equipped only with the weaker package veto.

The point with regard to veto authority is the same as that made above regarding other legislative powers entrusted to presidents. When executives can alter policy and then proceed to implement those changes without an intervening step of legislative debate and assent, incentives for compromise between the branches are undermined. Thus, arguments on behalf of the partial veto made on the grounds of budgetary efficiency, for example, must be weighed against the extent to which the partial veto weakens the executive's ability to commit to compromise agreements with the legislature.<sup>6</sup>

##### 5. USED PRESIDENTS AND GOVERNMENT CRISES: "SHOULD I STAY OR SHOULD I GO NOW?"

The presidentialism versus parliamentarism debate coinciding with the Third Wave was initially motivated by the proposition that regime type can affect democratic stability. That subsequent research honed in on increasingly fine distinctions in institutional design and examined their effects on regime performance is, in part, a happy by-product of the fact that breakdowns of democracy,

<sup>6</sup>For an analogous discussion of how sequential budget procedures can discourage compromise by undermining the ability of the last mover to commit, see Persson, Roland, and Tabellini (1997).

across all regime types, were rare in the last two decades of the 20<sup>th</sup> Century.<sup>7</sup> Yet crises of individual governments persist, and in systems where presidents are chief executives, these present the question of presidential survival. Fixed presidential terms, and the absence of a safety valve procedure allowing for the constitutional removal of a feckless president, remain problematic even when government crises do not directly threaten the survival of democracy. Indeed, fixed terms can generate tensions both when presidents face extraordinary opposition, and when they enjoy strong support. This section reviews the constitutional constraints on presidential reelection, and the outcomes of government crises in Latin America that have pitted presidents against intransigent legislative opposition.

#### *Reelection*

Parliamentary systems do not place restrictions on the reelection of chief executives. In this sense, there is no constraint other than sustained assembly support (and, indirectly, voter support) to the perpetuation in office of a popular prime minister. Presidential and hybrid systems, by contrast, not only place greater obstacles to the early removal of the president, they almost uniformly place constitutional limitations on presidential reelection.

Table 3 shows the status of constitutional restrictions on presidential reelection in 44 presidential and hybrid democracies, with the cases organized by region.<sup>8</sup> The only cases that place no restrictions on reelection are Indonesia, whose democratic credentials are marginal, and quite recent; and France, where the Constitution of the Fifth Republic provides only limited policymaking authorities to the president.<sup>9</sup> There is no pattern among the East Asian, with some imposing strict prohibitions on reelection and others allowing consecutive terms. Most of the African presidential systems allow for two consecutive terms, although Mali and Senegal impose lifetime limits after one. The starkest distinction is between the post-communist hybrid systems and the presidential regimes

<sup>7</sup> Among the presidential systems of Latin America, this is in part due to the fact that Latin American militaries were unable, or unwilling, to intervene in politics for the long haul. The reasons vary from country to country, but one effect is that when presidents and legislatures find themselves at a stand-off, neither necessarily holds the option of knocking on the barracks door to ask for assistance. Another change is at the international level. The rest of the hemisphere is now much less tolerant of non-democratic neighbors. In particular, Latin America's major democracies are willing to act together to isolate, diplomatically and economically, governments that seize or maintain power through breaches in democratic procedure.

<sup>8</sup> Countries are included if their combined political rights and civil liberties scores are above the midpoint (seven or lower, with lower scores more democratic) on the Freedom House scale for 2001–2002 (<http://www.freedomhouse.org/ratings/index.htm>). I also include four cases with combined scores of eight, because of longstanding traditions of presidential democracy (Colombia, Venezuela), or their prominence among post-communist European regimes (Ukraine, Yugoslavia).

<sup>9</sup> It is worth noting that in 2000, French voters approved a referendum to shorten the length of the presidential term from seven years—then the longest among democratic systems—to five. The motivation was to synchronize the terms of presidents with those of parliament.

Table 3. Rules on reelection in presidential and hybrid democracies

Group	One term, then ...			Two terms, then		
	Lifetime limit	Eligible after one interim term	Eligible after two interim terms	No reelection	... eligible after one interim term	No limits
Americas	Colombia	Bolivia	Panama	Brazil	Argentina	
	Costa Rica	Chile		United States	Peru	
	Guatemala	Dominican Republic		Venezuela		
	Honduras	Ecuador				
	Mexico	El Salvador				
	Paraguay	Nicaragua				
		Uruguay				
Post-communist				Bulgaria	Armenia	
				Croatia	Georgia	
				Macedonia	Lithuania	
				Poland	Moldova	
				Romania	Russia	
				Yugoslavia	Ukraine	
Africa				Botswana	Cape Verde	
	Mali			Central African Republic		
	Senegal			Congo		
				Ghana		
				Namibia		
East Asia	South Korea			Taiwan		Indonesia
	Philippines					
Western Europe					Finland	France
					Portugal	

of the Americas. The former allow for two terms, then either prohibit subsequent reelection altogether, or prohibit more than two consecutive terms. Most of the presidential systems of the Americas employ more severe restrictions. Many impose a one-term lifetime limit; others allow non-consecutive reelection only. Consecutive reelection of any sort is the exception rather than the rule.

A decade ago, the commitment to no presidential reelection in Latin America was even more pronounced—a pattern hidden by the cross-national comparison in Table 3. The most conspicuous changes in electoral institutions in Latin America during the 1990s were constitutional amendments to reverse longstanding prohibitions on consecutive presidential reelection in four of the region's largest countries.

Historically, strict no-reelection provisions in Latin America represented reactions to the abuse of power by presidents seeking to ensure their perpetuation in office (Carey 2002). Popular incumbent presidents intent on securing second terms in office advocated relaxation of these provisions during the 1990s, on the grounds that the possibility of consecutive reelection removes constraints on the electoral choices allowed to voters, enhancing the quality of democracy. Voters appeared to ratify this argument by reelecting the incumbents who secured these constitutional reforms: Alberto Fujimori in Peru and Carlos Menem in Argentina in 1995, and Fernando Henrique Cardoso in Brazil in 1998, and Hugo Chavez in Venezuela in 2000. In the wake of these reelectoral successes, however, ensued government crises that forced reevaluation of the case for presidential reelection.

The potential for incumbents eligible for reelection to subvert democracy in order to hold onto the presidency was clearest in the case of Peru's Fujimori, who was reelected in 1995, and then again in 2000, before being removed from office later that year. Fujimori's eligibility for reelection was first established in a new constitution he engineered, and had ratified by plebiscite in 1993. The charter allowed consecutive reelection one time before a president must step down for at least a term. Fujimori's reelection in 1995, therefore, appeared to have placed him at the constitutional limit. By the late 1990s, however, Fujimori expressed his intention to run again in 2000, on the grounds that his *first* term as president (1990–95) did not count, for having begun under the *previous* constitution. When a plurality of Peru's Constitutional Tribunal objected to Fujimori's creative interpretation of his own charter, the president's compliant congressional majority fired the offending judges.<sup>10</sup> During the 2000 campaign itself, Fujimori's supporters systematically intimidated opposition candidates and disrupted their campaign rallies; his administration used state resources to pressure the Peruvian media to slant its campaign coverage; and there were irregularities

<sup>10</sup>Fujimori's majority in Congress had ratified language specifically approving two consecutive presidential terms *under the current constitution*. The Constitutional Tribunal voted 3–0—but with the remaining four members abstaining—that the law was inapplicable to Fujimori. The abstentions rendered the status of the decision dubious. The doubts themselves were rendered moot, however, by Congress's ensuing impeachment of the anti-reelection judges.

in the vote count—all of which induced Fujimori's main opponent, Alejandro Toledo, to withdraw from the race before the second round of elections.

The issue of presidential reelection was also central to Venezuela's political turmoil in the late 1990s and first years of the next decade. Hugo Chavez, who was first elected in 1998, set out to overhaul the Venezuelan political system, securing by plebiscite in 1999 a new constitution that extended the presidential term to six years and allowed two consecutive terms. Chavez called new elections for 2000, explicitly establishing the claim that his clock would start anew if he were elected, which he was. His adversaries are motivated by objections to a variety of his policies, but permeating all opposition is the perceived threat that reelection could allow Chavez to hold the presidency for up to fourteen years, and that he had maneuvered to prevent a viable electoral threat to that prospect. This, at least, was part of the justification offered by *anti-Chavistas* who backed the failed military coup in April 2002.

A year before Fujimori's attempt at a third consecutive election and Chavez's second, Argentina's Menem had attempted a similar move, testing the public's willingness to accept a his candidacy in 1999 on the grounds that his first election, in 1989, pre-dated the constitutional reform allowing two consecutive terms. Politicians, both within and outside Menem's Peronist Party, however, supported the Argentine Supreme Court's objection to such a stratagem, and Menem backed away from his plan.

Three of the four Latin American countries that relaxed restrictions on presidential reelection during the 1990s experienced government crises shortly thereafter. Argentina's travails of the early 2000s were not directly connected to the matter of consecutive reelection. Judicial and political opposition to Menem's aspirations averted that scenario. The conflict between Chavez and his opponents in Venezuela is fueled by a wide range of factors, among which the prospect of presidential *continuismo* remains prominent. Fujimori's election in 2000 provides the clearest warning that perpetuation in office by means of intimidation and fraud had not been relegated decisively to the past, and the tide appears to have turned once again against presidential reelection in Peru, where a constitutional reform rendering the incumbent ineligible attracted initial support in 2001. In any case, the experiences of Fujimori, Chavez, and to a lesser extent Menem, may make it more difficult to defend reelection as a democratic asset in presidential systems.

#### *Government Crises and the Parliamentarization of Presidential Systems*

Attempts by incumbents to extend their control over the executive are not the only sources of government crises in presidential systems. In Latin America, there have been eleven cases over the past decade of government crises in which one or the other branch has been supplanted before its constitutional term expired.

Table 4 illustrates a pattern that is remarkable, given Latin America's reputation for *caudillismo* (rule by political strongmen) and presidential dominance. In

Table 4. Curtailment of presidential and legislative terms in the past decade

Country	Year	Circumstances	Survivor	Replacement
Peru	1992	<i>Autogolpe</i> by President Fujimori, supported by military.	President	New legislative elections, 1993
Brazil	1992	President Collor, having been impeached by the Chamber for corruption, resigns.	Congress	Vice-President Itamar Franco, for duration of 5-year term
Guatemala	1993	President Serrano attempts an <i>autogolpe</i> against Congress, prompting popular protests, repudiation by the Constitutional Court, and the military.	Congress	Congress selects an interim replacement for Serrano, then calls new elections.
Venezuela	1993	Congress removes President Perez from office on charges of misappropriation of funds and embezzlement.	Congress	Congress selects Ramón José Velásquez interim president for duration of Perez's term.
Ecuador	1997	Congress removes President Abdala Bucarám from office for "mental incompetence."	Congress	Congress selects its then-Speaker, Fabio Alarcón as president for duration of Bucarám's term
Paraguay	1999	Facing impeachment for refusing to comply with a Supreme Court decision countermanding a presidential pardon, President Raul Cubas Grau abdicates.	Congress	Vice President (first constitutional successor) had recently been assassinated. Senate Leader Luis Gonzalez Macchi (second constitutional successor) replaces Cubas Grau for duration of term.
Venezuela	1999	Congress objects to usurpation legislative power by a constituent assembly convoked by newly elected President Chavez, but acquiesces in the face of popular opposition.	President	Interim legislative council appointed by president. Elections for a new legislature follow ratification of new constitution in 2000.
Ecuador	2000	Widespread protests against economic policies are supported by junior military officers, who remove President Mahuad from office.	Congress	Consultation between military and Congress leads to installation in presidency of Vice President Jaime Noboa for duration of presidential term.

(continued)

Table 4. (continued)

Country	Year	Circumstances	Survivor	Replacement
Peru	2000	Revelations of massive corruption in President Fujimori's administration prompt the president to flee the country and a congressional vote to remove him for "moral incompetence."	Congress	Congress selects a legislator, Valentín Paniagua, as interim president until elections are held, six months later.
Argentina	2001	Facing street protests against economic policies, President Fernando de la Rúa resigns.	Congress	Congress selects San Luis state Governor Adolfo Rodríguez Saa as interim president, without determining whether he will serve duration of constitutional term or call early elections.*
Argentina	2001	Continued protests, and Rodríguez Saa's failure to establish a legislative coalition, prompt his resignation after one week in office.	Congress	Congress selects former Senator and Buenos Aires state Governor Eduardo Duhalde as interim president, still without resolving question of duration of term.**

\* De la Rúa's initial replacement, by legislative selection, was Senate Majority Leader Ramon Puerta, but Puerta's appointment was intended to be of only temporary—48 hours—to allow the selection of a longer-term replacement.

\*\* Rodríguez Saa's initial replacement, by legislative selection, was House Majority Leader Eduardo Camano—48 hours, but Camano's appointment was intended to be of only temporary—48 hours—to allow the selection of a longer-term replacement.

all but two of these interbranch showdowns, it was the legislature that survived, and most often the legislature filled the vacated presidency in a manner akin to that following the fall of a government in parliamentary systems.

How to interpret this pattern of outcomes to government crises in Latin America's presidential systems? First, legislatures have proven more durable over the past decade than presidents. Table 4 does not demonstrate that Latin American legislatures are evenly matched with presidents in their influence over policy under conditions of normal politics, but it casts doubt on the longstanding reputation of Latin American legislatures as ineffectual and dominated by executives.

Second, legislative replacement of the president has become the norm when governments fall, but not—or not entirely—as a result of formal constitutional provisions. Argentina's constitutional reforms of 1994 included language empowering Congress to appoint a new president in cases where the office is vacated (Sección 88), thus providing clear constitutional footing for two consecutive

legislative replacements of Presidents de la Rúa and Rodríguez Saa five years later (Hector Shamis 2002). Yet these replacements in Argentina followed on the voluntary resignations of the incumbent presidents. Neither Argentina nor any other Latin American presidential system has in place a constitutional provision analogous to a no-confidence procedure for the president, by which the chief executive can be removed simply for having lost the political confidence of a legislative majority.<sup>11</sup>

Many of the legislative replacements listed in Table 4 were justified on idiosyncratic constitutional grounds. The 1961 Venezuelan Constitution, in force during Carlos Andrés Pérez's removal from office in 1993, did not establish explicit provisions for legislative removal of the president, even in the form of impeachment for violations of the law or constitution. The 1996 Ecuadorian Constitution, in place when President Bucarám was replaced, allowed Congress to remove the president for "physical or mental incompetence" (Art. 100) but did not spell out how such a condition would be established—and President Bucarám disagreed with the legislative diagnosis. Moreover, in appointing the legislative leader Fabio Alarcón to replace Bucarám, Congress ignored the line of succession established in Article 101 of that charter. In 2000, the assumption of Ecuadorian Vice President Jaime Noboa complied with the line of succession established in Article 168 of the new, 1998 Constitution, but there was no constitutional foundation for the removal from office of President Jamil Mahuad by military coup, ratified by Congress in its confirmation of Noboa. In Peru, in 2000, Alberto Fujimori's abdication to Japan left the presidency vacant, in accordance with the constitution, but Congress's subsequent declaration of "moral incapacity" was unconnected to any constitutional provision; and while Fujimori's entire administration had been tainted by the breaking corruption scandal, the constitutional line of succession (Art. 115) formally ran through the first and second Vice Presidents before reaching Congress President Valentín Paniagua, who was installed. In short, even while Latin American constitutions remain presidential, formally providing for the separation of origin and survival of the elected branches, the replacement of presidents in practice increasingly displays a more parliamentarized flavor, with a priority on legislative discretion.

Finally, there are signs that the expectations of elected officials, and their associated behaviors, are changing to reflect the practice of legislative replacement. Consider the approach of Argentine President Eduardo Duhalde in April 2002 as he presented controversial banking legislation that caused even legislators in his

<sup>11</sup> The Venezuelan Constitution of 1999 establishes a provision for referenda to recall any elected officials, including the president, upon the collection of signatures of ten percent of registered voters (Arts. 72, 74). The threshold required for recall is the number of votes won in the original popular vote, thus rendering presidents elected with broad support relatively secure, but leaving a president elected by a narrow plurality—perhaps in a divided field of candidates—vulnerable to recall. As this essay was being written, in mid-2002, the Bolivian Congress was debating a constitutional reform to allow for an absolute congressional majority in joint session simultaneously to dissolve itself and call for early presidential elections.

own Peronist party to balk. In a press conference, the president suggested that, "If the Parliament is not in agreement, it will have to elect another president" (Larry Rother 2002). In suggesting the bill represented a confidence vote in his presidency, Duhalde was adopting a strategy directly from the parliamentary playbook. He failed in the immediate term. His bill foundered, and he did not back up his threat to resign. That the president would even present the initiative in such a manner, however, represents a fundamental change in the strategic political environment.

Among legislators, too, there is evidence that replacement is regarded as an option in conflicts with intransigent presidents. In the months following the April 2002 aborted coup against Venezuelan President Hugo Chavez, the president's opponents sought to exploit splits within Chavez's legislative coalition to cobble an Assembly majority in favor of his removal, despite the fact that the Venezuelan Constitution of 1999 is unusually explicit on the mechanisms by which the presidency can be vacated, and a legislative vote is not among them (Article 233).

The association of presidentialism with fixed terms of executive office was challenged on a couple of fronts during the 1990s. Presidential terms were extended through the possibility of reelection in four of Latin America's major presidential systems, with mixed results. Voters embraced the opportunity to return incumbents to office, but the experience of these administrations was not uniformly encouraging for the principle of reelection. The terms of nine presidents were also curtailed by legislative action. Latin America's constitutions remain presidential, but the means of resolving government crises in the region has come to resemble parliamentarism.

## 6. CONCLUSION

Parliamentary government fuses the selection of the executive to the popular vote for the assembly and the survival of the executive to assembly confidence. Academic research on parliamentary systems has focused extensively on how the selection and maintenance of governments drawn from assembly coalitions affects which parties and interests are represented in the executive (Laver and Schofield 1990; Laver and Shepsle 1996; Lanny Martin and Randolph Stevenson 2001), for what duration (Paul Warwick 1994; Arthur Lupia and Kaare Strom 1995; Laver and Shepsle 1998; Diermeier and Stevenson 2000), and with what effects on the distribution of policymaking authority (Laver and Shepsle 1996; Huber 1998). Although there are important differences in institutional design among parliamentary regimes, with consequences for representation and policy (Huber 1996; Huber and Charles Shipan 2002; G. Bingham Powell 2000; Lijphart 1999), the differences with presidential and hybrid regimes, and the institutional variation among the latter, are substantially more dramatic. Moreover, the level of institutional instability and change in presidential and hybrid regimes

has outstripped that in parliamentary systems in recent decades, particularly as the newly democratic, and redemocratizing, regimes associated with democracies Third Wave have overwhelmingly adopted directly elected chief executives.

Presidential systems allow voters maximum discretion over the composition of the executive and legislative branches of government. Hybrid regime formats represent efforts to provide a direct vote on the chief executive while retaining some mechanisms to ensure that the politicians administering the day to day operation of government maintain assembly support.

In all systems with consequential presidencies, and thus with parallel elections that determine the shape of government at the national level, the specific rules of competition affect whether those branches will support complimentary objectives. Most directly, concurrent elections for the two branches, and electoral rules that encourage the construction of broad first-round coalitions, maximize the prospects for unified government.

To the extent that the preferences of the branches differ, the rules of legislative procedure affect the manner in which presidents and assemblies resolve policy differences through negotiation and compromise, or whether such conflict leads to government crisis. The specific legislative powers of presidents vary enormously, with some configurations encouraging negotiation with legislative opponents prior to the adoption of policy, and others allowing executive action to implement policies—perhaps provisionally—even in lieu of prior legislative ratification.

Finally, the past decade has witnessed two important trends in the operation of presidential regimes in Latin America: loosening restrictions on reelection, and the rise of legislative replacement of presidents during government crises. Both imply convergence with parliamentary systems in that they relax the fixed nature of presidential terms. In this sense, both phenomena are consistent with broader arguments, particularly prominent among Brazilian scholars, that presidential systems do not necessarily operate as differently from parliamentary regimes as pure institutional analyses often suggest (Cheibub 2002; Argelina Figueiredo and Fernando Limongi 2000; Octavio Amorim Neto 2002), and which focus on the incentives for accommodation even between branches of government whose origins and survival are, constitutionally, separated.

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