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PRESIDENTIALISM AND DEMOCRACY IN LATIN AMERICA

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show, equally compelling cases can be made in favor of presidentialism and against parliamentarism.

Where does this leave us? We shall argue that it raises doubts about whether one regime type is clearly superior to the other. We regard this as a conclusion that not only is empirically grounded, but also provides room for more political optimism for Latin America. There is little prospect that most Latin American countries would shift to parliamentarism, so if we were to accept the argument against presidentialism, we would have little basis for optimism over the future of Latin American democracy. Given our more skeptical reading of the antipresidentialist position, we see less reason to believe that Latin America is condemned to repeat its cycle of authoritarianism. Or, if it is so doomed, the regime type is a less central reason than some scholars have implied.

This chapter has three primary tasks. First, we define presidential democracy in contrast to other common regime types, in particular parliamentarism. Having a concise definition of the regime type is a crucial first step toward assessing variations among presidential regimes.

Second, we address the debate about the efficacy of presidential regimes for the survival of democracy. In doing so, we challenge the current consensus, which has focused too much on the flaws of presidentialism and not enough on the broader context where presidentialism has prevailed.

Third, we begin analyzing factors that strongly affect the functioning and performance of presidential democracies. Throughout this volume, we and our contributors assess variations within the presidential regime type. Too often, in our view, presidentialism is treated as a homogeneous type. This book shows that this assumption is mistaken. Some variations of presidentialism – for example, in their constitutional authority or the party system – are more likely to promote stable democracy than others.

We argue that the “strength” of presidents – their ability to influence legislation – rests on two categories of presidential powers: constitutional and partisan. Constitutional powers, like the ability to veto bills or issue decree-laws, allow presidents to shape the policy output of the system regardless of whether they head a party or bloc of parties that controls a legislative majority. Some presidents (e.g., post-Pinochet Chile, Colombia) have vast constitutional powers, while others (e.g., Costa Rica, Venezuela) have comparatively limited constitutional powers, as the country chapters and this chapter show. Partisan powers are abilities to shape (or, conceivably, dominate) the lawmaking process that stem from the president’s standing vis-à-vis the party system. At one extreme (e.g., Mexico), the president may be the unchallenged leader of the majority party. At the other extreme (e.g., Brazil), presidents’ parties fall far short of a majority in congress. The in-

PRESIDENTIALISM AND DEMOCRACY IN LATIN AMERICA: RETHINKING THE TERMS OF THE DEBATE

Matthew Soberg Shugart and Scott Mainwaring

In recent years, many scholars have argued that the presidential form of government has been a major contributor to the travails of democracy in Latin America. This argument has been widely accepted, and there are few published counterarguments. However, as we hope to make clear in this chapter, the evidence in favor of the antipresidentialist position is weaker than often assumed. The empirical argument against presidentialism is based mostly on the Latin American experience. The failure of presidential democracies in this part of the world has led many scholars to assert that parliamentary regimes would fare better. There are two difficulties with this argument: (1) presidential democracy has existed mostly in Latin America, making it hard to disentangle those obstacles to democracy in Latin America that stem from the regime type and those that stem from socioeconomic or other factors; and (2) parliamentary democracy exists almost exclusively in Europe or former British colonies, which should make us suspicious of arguments that parliamentarism would perform as well outside these settings. To be sure, critics of presidentialism and advocates of parliamentarism have not made their case entirely on empirical grounds; they have developed compelling logical defenses of their positions, too. However, as we hope to

We are grateful to Robert Dix, Mark Jones, Charles Kenney, Timothy Power, and Jeffrey Weldon for helpful comments on this chapter.

teraction of presidents' constitutional and partisan powers shapes the character of executive-legislative relations and largely determines the ability of presidents to turn a legislative program into policy.

DEFINING PRESIDENTIAL DEMOCRACY

Our first task is to define *democracy* and *presidential democracy*. We prefer a procedural definition of democracy. Specifically, a democracy must meet three criteria. First, democracies must have open, competitive elections that determine who establishes public policy. This means that election results cannot be determined by fraud, coercion, or major proscriptions. A given country may have a set of institutions that appear formally democratic but in which the democratic character of the system's actual operation is severely compromised, as in Mexico (see Weldon, this volume). Elections must in principle afford the possibility of alternation in power even if, as in Japan, actual alternation does not occur for decades. Second, in the contemporary period, there must be nearly universal adult suffrage.¹ Third, there must be basic guarantees of traditional civil rights, such as freedom of speech, freedom of organization, and due process of law.²

What do we mean by *presidential democracy*? There are two basic defining characteristics: (1) The chief executive (president) is popularly elected, and (2) the terms of office of both president and assembly are fixed. These characteristics may be contrasted with parliamentarism, in which (1) the chief executive (prime minister) is not popularly elected but instead is elected by parliament, and (2) terms of office are not fixed, since the tenure of the prime minister and cabinet depends on the confidence of the majority of the parliament, and sometimes, the cabinet may dissolve parliament and call early elections.³ The fundamental characteristics of presidentialism –

1 Until quite recently, this criterion was debatable because some nations that were usually considered democracies excluded a large part of the adult population, but this is no longer the case. For example, Switzerland excluded women until 1971; Brazil and Chile excluded illiterates until 1985 and 1970, respectively.

2 Our definition of *democracy* essentially follows Dahl's (1971) definition of *polyarchy*, except with the additional criterion regarding traditional civil liberties.

3 Those who advocate parliamentarism partly on the grounds that the absence of fixed terms provides greater flexibility often imply that the prime minister by definition has discretionary authority to dissolve parliament in the event of an impasse. However, many parliamentary systems vest dissolution power not in the cabinet but in a president who, while not popularly elected, may have been elected by a different coalition from that which sustains a given cabinet in power. Some presidents in parliamentary systems are elected by extraordinary majorities and/or for longer terms than that of parliament and/or by

Table 1.1. *Conceptualizing presidentialism*

Head of government selected by	Fixed term	
	Yes	No
Voters	Presidential	Hybrid (Israel) ⁵
Legislators	Hybrid (Switzerland)	Parliamentary

⁵This system will be used for the first time in 1996.

Source: Adapted from Lijphart (1984:70).

whatever variations there may be within types – are separate origin (i.e., popular executive election) and separate survival (i.e., neither the executive nor the legislature may shorten the other's term).⁴ These two defining features of presidentialism generate a two-by-two matrix that is seen in Table 1.1.

A third and, outside Latin America, increasingly common type of democracy is premier-presidentialism (a form of what others have called semi-presidentialism).⁵ In this regime type, the president is popularly elected and has political powers, including the authority to appoint (or at least nominate) the prime minister and usually to dissolve parliament.⁶ However,

electoral colleges consisting of both regional and national politicians. Contrary to widespread assumptions, dissolution is often not an executive prerogative in many parliamentary systems, including in Germany and Italy.

⁴ Conceivably one could have separate origin without popular election, but there probably have never been such cases. An example would be if state legislatures selected the chief executive of a federal system with no role for voters or national legislators, but voters alone chose national legislators.

⁵ Shugart and Carey (1992) prefer *premier-presidential* because *semipresidential* is often applied to regimes in which the president has unilateral appointment and dismissal power, but cabinets also must maintain parliamentary confidence. Such regimes, for which Shugart and Carey prefer the term *president-parliamentary* manifest a confused, conflictual relationship between executive and legislative authority over the ministries. Examples have included the German Weimar Republic, Sri Lanka since 1977, and Russia under its 1993 constitution. None of these should be conflated with the regime type seen in Finland and France.

⁶ In a few countries, the president does not even have discretion over the naming of cabinet ministers and also cannot dissolve parliament. In these regimes the president is essentially just an elected head of state in a parliamentary system with no constitutionally guaranteed policy or governmental role. The Haitian constitution of 1987, as well as the Irish constitution and some new constitutions in former Communist countries (e.g., Bulgaria and

in such systems (unlike in presidential systems) the cabinet is collectively responsible to the parliament. Thus, the president does not have constitutional authority to dismiss ministers (at least when they enjoy parliamentary confidence). Because cabinets are responsible to parliament, the president may be able to function as the head of government (chief executive) only when his or her party (or bloc of parties) holds a majority of parliamentary seats, as was almost always the case in France between 1958 and 1986. At other times, the president must cede most significant powers to the prime minister and cabinet (as in France, 1986–88 and 1993–95).

Some scholars (e.g., Duverger 1980; Lijphart 1984) have suggested that these regimes would alternate between the upper-left and lower-right cells in Table 1.1, depending on whether the president or the opposition has the majority. However, because the president's ability to act as *de facto* head of government depends entirely on the legislative majority, the system is never meaningfully "presidential," since that would imply (by definition) that the president is head of government in all legislative situations. Moreover, as we have noted, presidentialism implies fixed terms; yet under premier-presidentialism, the head of the government may be dismissed through a vote of no confidence, and usually (as in France) the president may dissolve the assembly. Premier-presidentialism was considered in Brazil in the Constituent Assembly of 1987–88 and again in a plebiscite in 1993 and was officially proposed in Argentina under Alfonsín (1983–89), but there are no current examples in Latin America.

POPULAR ELECTION

In a presidential system, the head of government is popularly elected. Usually popular election means *direct* election, but some countries have an electoral college that does not significantly deviate from the principle of popular election. In a direct election, votes are counted in a single nationwide constituency. In an electoral college, votes are aggregated at subnational levels and the delegates so elected formally choose the president. If, as in Argentina before 1995 and in the United States, the delegates to the electoral college have no other political function besides choosing a president, we may nonetheless speak of popular (albeit not direct) presidential elections.

A potentially more significant deviation from the popular nature of presidential elections occurs where the congress makes the final selection. At the extreme, the congress might choose the president without any in-

Slovenia), grant such weak authority to the presidency that they are essentially parliamentary.

PRESIDENTIALISM AND DEMOCRACY

Intervention of a popular election. Such a regime would obviously not be presidential. However, if there is a popular election, but a requirement that it requires an absolute majority in order to be decisive, the final selection in some systems falls to the congress, rather than to the electorate in a second round (runoff). In such a case, we have a hybrid of popular and congressional selection. Chile before 1973 and Bolivia currently are examples of procedures of this sort. In Chile, Congress was restricted to choosing from the top two popular vote winners; in every case, the winner of the popular plurality was selected in Congress.⁷ In Bolivia through 1993, the Congress could select from among the top three popular vote winners, and in fact, both runners-up and third-place candidates have been selected, as Gamarra's chapter shows. A constitutional reform in Bolivia in 1994 reduced Congress's freedom of choice by requiring it to choose from among the top two candidates. This change increases the likelihood of the popular front-runner being selected, because a candidate will no longer have the option of playing for a third-place finish in the hopes of being selected by Congress.

FIXED TERMS

When we speak of a presidential regime as one in which both the assembly and the chief executive sit for fixed terms, we mean that the survival in office of one branch does not depend on the other. There are no presidential democracies in Latin America in which the president has the authority to dissolve congress when he finds it politically convenient to do so, as French and Finnish presidents may do.⁸ However, the Peruvian constitutions of 1933, 1979, and 1993 have all allowed the president to dissolve Congress in response to repeated censures of cabinets. With this provision, terms are not really fixed, and the constitution deviates markedly from presidential-

7 This observed respect for the front-runner did not necessarily reflect a norm of supporting the electorate's choice. Rather, it was partly accidental: Between 1925 and 1970, only in 1970, in a presidential election without a majority winner, did the runner-up have as much as 30% of the vote. In 1970, the Christian Democrats chose to vote for Allende (whose margin over the runner-up was 36.6 to 35.3%) rather than their arch-rivals for control of the nonsocialist electorate, the National Party. Besides 1970, the only other really close election was in 1958, when Allende (with 28.9%) finished second to the conservative Alessandri (31.6%). It is questionable that a Congress dominated by traditional conservative and centrist parties would have honored the "voters' choice" if the popular vote percentages had been reversed.

8 There are, of course, cases of presidents dissolving congress in the absence of constitutional authority to do so – as in Peru in April 1992, when the contingency of censures had not been met. However, one must distinguish such presidential coups (*autogolpes*) from constitutional dissolution power.

ism.⁹ Uruguay's constitution also allows for dissolution after censures, but the censure provision is so difficult to enact (it requires a two-thirds vote, rather than a majority, as in Peru) that the regime remains basically presidential.

There are no constitutions in the Spanish- and Portuguese-speaking countries of the Americas in which the head of government can be dismissed from office before the end of his or her term, except in extraordinary circumstances. Most constitutions allow for impeachment of the president, but only after a finding of criminal or anticonstitutional conduct, often involving a judicial ruling; usually an extraordinary majority of congress is required to remove the president from office. Such procedures have led to the ouster of only two presidents in Latin American history: Fernando Collor de Mello in Brazil in 1992 and Carlos Andrés Pérez in Venezuela in 1993.

REASSESSING THE RECORD OF PRESIDENTIALISM

As we noted at the outset, there has been much criticism in the literature of the presidential regime type. The starting point of these criticisms has been some empirical evidence indicating that presidential systems have not performed well, at least in terms of sustaining democracy for long periods of time.

Most criticisms of presidentialism start from the observation that among long-term stable democracies, few are presidential. There have been several attempts to count the number and percentage of "stable" democracies of one type or the other. Generally, the bottom line is that presidential democracy is a far less successful formula than parliamentary democracy. Rather than review this literature in detail (see Linz 1994:71-74), we shall use as our point of departure one of the most ambitious efforts of this kind, that by Stepan and Skach (1994), who marshal an array of evidence intended to demonstrate the superior record of parliamentarism. They note that among 43 consolidated democracies in the world between 1979 and 1989, there were 34 parliamentary systems, 2 semipresidential ones, and only 5 presidential regimes. They indicate that the overwhelming prevalence of parliamentary systems among democracies is suggestive of a better ability to sustain democracy. Second, they observe that parliamentary systems were

9 Even so, there is a basic distinction with the French system, where the president may dissolve the parliament for any reason as long as he or she has not already done so within the previous year.

much more likely than presidential systems to be "democratic over-achievers" according to Vanhanen's (1990) Index of Democratization, while presidential systems were much more likely to be democratic underachievers.¹⁰

Third, compared with presidential systems, parliamentary systems that were democratic for at least 1 year between 1973 and 1989 were much more likely to have been continuously democratic for at least 10 consecutive years during that period, and the parliamentary systems were much less likely to have experienced a military coup while democratic. In this exercise, Stepan and Skach exclude Organization for Economic Cooperation and Development (OECD) countries to control partially for level of development. Finally, Stepan and Skach analyze the comparative democratic record of 93 countries that became independent between 1945 and 1979. Of 36 countries that were presidential at independence, none was continuously democratic between 1980 and 1989. In contrast, of 41 countries that were parliamentary at independence, 15 were continuously democratic during the 1980s.

Taken together, these findings appear to offer compelling evidence that presidentialism makes the building of a continuous democracy more difficult. We do not attempt to address all of the points raised by Stepan and Skach, but some of these arguments against presidentialism fall prey to a selection bias and hence spurious correlation (see Shugart 1995b). For instance, if parliamentarism occurs more frequently than presidentialism in societies that have relatively better background conditions for democracy, then the correlation may result from selection bias and not from inherent strengths or weaknesses of institutional design. Given that so many presidential regimes have been located in Latin America and that parliamentarism has been nonexistent there, selection bias is a real possibility. Stepan and Skach acknowledge this fact and introduce some controls for level of development and the effect of British colonial rule, but they probably understatement the impact of these noninstitutional factors.

In arguing that a breakdown of democracy may be attributed to presidentialism, one is implicitly arguing that a parliamentary regime in the same country at the same time would not have broken down. This type of counterfactual has been made for Chile (Valenzuela 1994), but for few other cases. In the Chilean case, a minority executive such as that headed by Salvador Allende would not have endured in power under a parliamentary system. However, to sustain the counterfactual argument that a parliamentary system would generally have served Chile better, one must also be able

10 Stepan and Skach used Vanhanen's Index of Power Resources to control for level of development and determine which countries were democratic over- and underachievers.

to claim that parliamentarism would have survived earlier crises that were weathered by the actual presidential regime. In his chapter in this book, Faundez argues that parliamentarism might well have failed to endure in Chile through the difficult conditions of the 1930s (when there was a brief breakdown of the presidential regime, but democracy was quickly restored) and the 1950s (when the traditional parties were badly weakened).

Another front on which the argument against presidentialism is vulnerable to the charge of spurious correlation concerns the time- and region-bound nature of breakdowns of democracy, presidential or otherwise. Most of the presidential failures that have attracted the attention of the critics occurred in a wave of breakdowns in the 1960s and 1970s. During this period, democratic breakdowns in presidential Argentina, Brazil, and Chile were a glaring contrast to the successful restoration of democracy in Spain under a parliamentary system. However, given the absence of parliamentary systems in South America, we cannot be sure that breakdowns resulted from presidentialism rather than from conditions afflicting South American democracy more generally. Moreover, the same period was not especially auspicious for parliamentary systems, the Spanish redemocratization notwithstanding. Between 1960 and 1980, there were breakdowns of parliamentary regimes in Greece (1967) and Turkey (1980)¹¹ after a series of open competitive elections. Several other shorter-lived parliamentary regimes broke down in the same period, including those in Burma, Kenya, and Somalia (Shugart and Carey 1992:40). These, for whatever reasons, have received less attention. The occurrence of so many breakdowns in such a short sweep of history (Huntington 1991) should make one cautious about attributing any one country's breakdown to its institutional type, let alone inferring that one type is universally more conducive to democratic stability than another.

The time-bound nature of the breakdowns of established presidential democracies in the 1960s and 1970s is further highlighted by consideration of a previous wave of democratic breakdowns. In the 1920s and 1930s, democracies broke down in Germany, Italy, Portugal, Spain, and the three Baltic states. Each of these regimes, except for Germany, was a parliamentary system; and in Germany, parliamentary features of the constitution such as the need to construct cabinet coalitions that could maintain majority support and a provision for dissolution were at least as responsible for demo-

11 Turkey is sometimes characterized as a hybrid, but this is a mistaken impression based on the relative visibility of the president, compared with presidents in other parliamentary systems. However, the Turkish president is elected by parliament and has no more authority over either cabinets or legislation than, for example, the Italian president.

cratic failure as the "rigidity" of the presidential features of the Brazilian and Chilean regimes would be decades later. In times of international economic and political crises, institutional mechanisms that may work in "normal" times can become scapegoats when democracy fails.¹²

DEMOCRACY, REGIME TYPE, AND BACKGROUND CONDITIONS SINCE THE 1970s

In this section we present additional evidence on the comparative democratic record of presidentialism and parliamentarism. Here we rely on evaluations by Freedom House, which has been rating countries on a scale of 1 to 7 (with 1 being best) on both political rights and civil rights since 1972. Table 1.2 lists all 33 countries that were continuously democratic from 1972 to 1994. We considered a country continuously democratic if it had an average score of 3.0 or better on political rights throughout the period 1972-94.¹³ In addition, a country was not counted as continuously democratic if either score was ever worse than 4.0 in any annual Freedom House survey.

The countries in Table 1.2 are further sorted into three other categories: income level, population size, and British colonial heritage. These categories are added because each may play a role in a society's likelihood of sustaining democracy. It is widely recognized that a relatively high income level is an important background condition for democracy (Lipset 1960:27-63; Dahl 1971:62-80; Bollen 1979; Lipset 1994), although the exact form of the relationship remains a matter of dispute. In classifying countries by income levels, we followed the guidelines of World Bank (1994): Low is under \$635 per capita Gross National Product (GNP); lower-middle is \$636 to \$2,555; upper-middle is \$2,556 to \$7,910; and upper is above \$7,911. We collapsed the bottom two categories.

Very small countries may have an advantage in democratic stability

12 Proportional representation was a favorite institutional scapegoat for interwar breakdowns. See Hermens (1941) for an example and Taagepera and Shugart (1989:234-36) for a discussion.

13 Using an average of 3.0 on both measures would have eliminated some countries (e.g., Colombia, India, Vanuatu) that we (and most observers) consider democratic, but that have had problems with protecting civil rights, partly because of a fight against violent groups. We felt that a country that could maintain fairly open electoral competition even through periods of antigovernment violence probably deserved recognition as a democratic regime. We have supplied the Freedom House scores in the following tables, so those readers who might wish to adopt a tougher standard can see which countries would thereby be eliminated.

Table 1.2. *Independent countries that were continuously democratic, 1972-94*

Income level	Population size	Parliamentary	Presidential	Other
Low/lower-middle	Micro			
	Small	<i>Jamaica</i> (1.8, 2.6) <i>Mauritius</i> (2.0, 2.3)	Costa Rica (1.0, 1.1)	
	Medium/large		Colombia (2.1, 3.1) Dominican Republic (2.2, 2.0)	
Upper-middle	Micro	<i>Barbados</i> (1.0, 1.0) <i>Malta</i> (1.4, 2.1) <i>Nauru</i> (1.7, 2.1)		
	Small	<i>Botswana</i> (1.9, 2.9) <i>Trinidad and Tobago</i> (1.4, 1.7)		
Upper	Medium/large		Venezuela (1.5, 2.3)	Iceland (1.0, 1.0)
	Micro	Luxembourg (1.3, 1.0)		
	Small	Ireland (1.0, 1.3) New Zealand (1.0, 1.0) Norway (1.0, 1.0)	<i>Cyprus</i> (1.7, 2.2)	
	Medium/large	Australia (1.0, 1.0) Belgium (1.0, 1.0) Canada (1.0, 1.0) Denmark (1.0, 1.0) Germany (1.0, 1.7) <i>Israel</i> (2.0, 2.4) Italy (1.1, 1.6)	United States (1.0, 1.0)	Austria (1.0, 1.0) Finland (1.7, 1.8) France (1.0, 2.0) Switzerland (1.0, 1.0)

Table 1.2 (cont.)

Income level	Population size	Parliamentary	Presidential	Other
		Japan (1.4, 1.2) Netherlands (1.0, 1.0) Sweden (1.0, 1.0) United Kingdom (1.0, 1.2)		

Note: All regimes in the "other" column are premier-presidential, except for Switzerland. Numbers in parentheses are averages of annual Freedom House scores on political rights and civil rights, respectively. Countries that have become independent from Britain or a British Commonwealth state since 1945 are italicized.

because they typically have relatively homogeneous populations, at least in ethnic, religious, and linguistic terms, thereby attenuating potential sources of political conflict (Dahl and Tufte 1973). The other reason for sorting countries by population size is that it seems suboptimal to count a micro-nation and India each as one case, paying no attention to the fact that India's population dwarfs the sum total of all the countries in the world with populations under 500,000. We classified countries in the following tables as micro (population under 500,000), small (500,000 to 5,000,000), and medium to large (over 5,000,000). We used 1994 population data; of course, had we used an earlier source, the groupings would have been slightly different (e.g., Israel and Finland would have been in the small category).

The strong correlation between British colonial heritage and democracy has been widely recognized. Reasons for this association need not concern us here, but possibilities mentioned in the literature include the tendency to train civil servants (Diamond 1989; Weiner 1987), the governmental practices and institutions (which include but cannot be reduced to parliamentarism) created by the British, and the lack of control of local landed elites over the colonial state (Rueschmeyer, Stephens, and Stephens 1992). For the African cases, the level of economic development tends to be lower and the degree of ethnic pluralism tends to be higher than in other parts of the developing world, but even in Africa countries with British colonial heritage (e.g., Botswana) have tended to have better democratic records than those without. Thus, the selection of cases does not allow us to rule out the

possible independent effect of British colonialism because there is a problem of linear dependence.

It is not our purpose here to analyze the contributions of these factors to democracy; rather, we are attempting to see if these factors appear to correlate with regime type. If a background condition that is conducive to democracy is correlated with parliamentarism, then any attempt to correlate parliamentarism and democracy may be spurious unless some effort is made to control for background conditions.

Table 1.3 expands Table 1.2 by showing 24 additional countries that had been continuously democratic by the same criteria used in Table 1.2, only for a shorter period (10 years). There have been many transitions to democracy in nearly all regions of the world, especially since the mid-1980s, and many countries became independent after 1972, when the Freedom House scores began. All these countries are shown in Table 1.3, which, when combined with Table 1.2, gives us a complete look at contemporary democracies that have lasted at least 10 years.

There are two striking facts about the additional countries in Table 1.3. First, a large number of microstates became independent from Britain in the 1970s or 1980s, and all of them are parliamentary. Second is the substantial increase in the number of presidential democracies, most of which are in the lower- and lower-middle-income categories, and all of which are in Latin America.¹⁴ Thus, if the obstacles of lower income (or other factors not considered here) in Latin America continue to cause problems for the consolidation of democracy, the number of presidential breakdowns could once again be large in the future. On the other (more optimistic) hand, if Latin American democracies achieve greater success in consolidating this time around, we will have a substantial number of presidential democracies in the future.

Table 1.4 summarizes the distribution of cases from Tables 1.2 and 1.3 according to our background criteria. We see that there are far more parliamentary regimes (38) among the countries that have been continuous democracies since at least 1985 than there are other types; only 13 cases are presidential. However, 17 of the parliamentary democracies are found in Europe or other high-income countries such as Canada, Israel, and Japan. It is likely that these countries would have been democratic between 1972 and 1995 had they had presidential constitutions. So, as some advocates of

14 At least three more presidential democracies have been established more recently outside Latin America: Benin (1991), Korea (1987), and the Philippines (1986). In addition, there are several new democracies that have elected presidencies but are not presidential by our definition (e.g., premier-presidential systems in Bangladesh and Poland, hybrids in Namibia and Zambia).

PRESIDENTIALISM AND DEMOCRACY

Table 1.3. *Independent countries that were democratic for at least 10 years (but less than 23) as of 1994*

Income level	Population size	Parliamentary	Presidential	Other
Low/middle	Micro	Belize (1.0, 1.5, 1981)		
		Dominica (2.0, 1.8, 1978)		
		Kiribati (1.3, 1.9, 1979)		
		Solomons (1.5, 1.8, 1978)		
		St. Lucia (1.3, 2.1, 1979)		
		St. Vincent (1.6, 1.9, 1979)		
		Tuvalu (1.4, 1.6, 1978)		
		Vanuatu (1.9, 3.3, 1980) ^r		
		Papua New Guinea (2.1, 2.4, 1975)		
	Small			
	Medium/large	India (2.4, 3.1, 1979)	Bolivia (2.0, 3.0, 1982)	
			Brazil (2.3, 2.9, 1985)	
			Ecuador (2.0, 2.5, 1979)	
			El Salvador (2.9, 3.6, 1985)	
			Honduras (2.4, 3.0, 1980)	
Middle	Micro	Antigua and Barbuda (2.5, 2.9, 1981)		
		Grenada (1.6, 1.9, 1985)		
		St. Kitts-Nevis (1.1, 1.4, 1983)		

Table 1.3 (cont.)

Income level	Population size	Parliamentary	Presidential	Other
	Small			
	Medium/large	Greece (1.5, 2.1, 1974)	Argentina (1.8, 2.3, 1983)	Portugal (1.3, 1.8, 1976) ^a
			Uruguay (1.6, 2.0, 1985)	
Upper	Micro	<i>Bahamas</i> (1.5, 2.2, 1973)		
	Small			
	Medium/large	Spain (1.3, 2.0, 1977)		

Note: Numbers in parentheses are averages of annual Freedom House scores on political rights and civil rights, respectively, and the beginning date from which these averages are computed. The date is when the transition to democracy took place (or the date of independence for former British colonies that were not independent as of 1972). Countries that have become independent from Britain or a British Commonwealth state since 1945 are italicized.

^aVanuatu was jointly administered by Britain and France before 1980.

^bPortugal has a premier-presidential system.

parliamentarism have recognized but not stressed as thoroughly as we do here, some of the success of parliamentary democracy is accidental: In part because of the evolution of constitutional monarchies into democracies, the region of the world that democratized and industrialized first is overwhelmingly populated with parliamentary systems.

Clearly not all of parliamentarism's advantage stems from the advanced industrial states. Even in the lower- to upper-middle-income categories, there are more parliamentary systems (21, compared with 11 presidential systems). However, as Table 1.4 shows, *every one of the parliamentary democracies outside of the high-income category is a former British colony*. The only other democracies in these income categories are presidential, and all but Cyprus are in Latin America.

To the best of our knowledge, advocates of presidentialism have not recognized the size advantage of parliamentary systems. All 16 states (mostly island nations) in our sample with populations under one-half million are parliamentary, as are 8 of the 10 states with populations between

Table 1.4. *Distribution of continuous democracies (for at least 10 years as of 1994) by background condition and regime type (percent)*

	N	Parliamentary	Presidential	Other
Income Level				
Low/lower-middle	20	12 (60.0)	8 (40.0)	0 (0.0)
Upper-middle	13	9 (69.2)	3 (23.1)	1 (7.7)
Upper	24	17 (70.8)	2 (8.3)	5 (20.8)
British colonial heritage	23	22 (95.7)	1 (4.3)	0 (0.0)
Population				
Under 500,000	17	16 (94.1)	0 (0.0)	1 (5.9)
500,000–5,000,000	10	8 (80.0)	2 (20.0)	0 (0.0)
Over 5,000,000	30	14 (46.7)	11 (36.7)	5 (16.7)
Total	57	38 (66.7)	13 (22.8)	6 (10.5)

one-half and five million. On the other hand, there are no presidential systems among the microstates; many are exceptionally large countries, such as Argentina, Brazil, and the United States. Thus, if British colonial heritage or small population size is conducive to democracy, parliamentarism has a built-in advantage simply because Britain, a parliamentary system, happened to colonize many small island territories. As a rule, British colonies had local self-government, always on the parliamentary model, before independence.¹⁵ Further, if there are aspects of Latin American societies – perhaps extreme inequality across classes or regions – that are inimical to stable democracy, then presidentialism has a built-in disadvantage.

Table 1.5 lists democracies that broke down between 1977 and 1995. To be counted here, a country needed before the breakdown to have been

¹⁵ Some British colonies later adopted presidential systems and did not become (or remain) democratic. However, in many cases, democracy was ended (if it ever got underway) by a coup carried out by the prime ministers and their associates. These were breakdowns not of presidential democracies, but of parliamentary protodemocracies. Typical was the case of Seychelles. That most of these countries have not evolved back into democracy cannot be attributed to presidentialism.

Table 1.5. *Democracies that broke down between 1977 and 1995*

Income level	Parliamentary	Presidential	Other
Lower/lower-middle	Turkey 1980 (2.1, 3.3) Turkey 1994 (2.6, 3.8)	Gambia 1994 (2.3, 2.6)	Peru 1992 (2.1, 3.3) Sri Lanka 1989 (2.4, 3.4)
Upper-middle	Fiji 1987 (2.0, 2.0) Grenada 1979 (2.0, 3.5) Malaysia 1984 (2.8, 3.6)		

Note: Numbers in parentheses are averages of annual Freedom House scores on political rights and civil rights, respectively. A breakdown (indicated by the year of the coup or declaration of emergency rule) is defined as a Freedom House score of 5.0 on either political or civil rights in any year following a period of democracy. A period of democracy is defined as five previous consecutive years when the average scores were 3.0 or better and neither score in any year was 5.0 or worse. All countries in the table are in the small- to large-population categories, except for Grenada, which is a microstate. Countries that have become independent from Britain or a British Commonwealth state since 1945 are italicized.

democratic by the criteria used for countries in Tables 1.2 and 1.3 – that is, an average of 3.0 or better on the Freedom House political rights score and never worse than 4.0 on either political or civil rights – for at least the five immediately preceding years. A breakdown then occurred if a country's Freedom House score for either political rights or civil liberties fell to 5.0 or worse in one year. Using the 1977–95 period allows us to have five years of Freedom House data before the period in order to determine failures of regimes that were in fact democratic by their criteria; Freedom House began its rankings in 1972. Using a period within the "Third Wave" (Huntington 1991) of democratization also means we are considering breakdowns that went against the wave. In this way, we partially control for international factors that were propelling a great number of countries in one direction; thus, we can have somewhat more confidence that the regime type may have played a role in these cases than if we had used cases from the 1960s and early to middle 1970s, during the previous "reverse wave."

From Table 1.5, we see that the parliamentary breakdowns (five) outnumber the presidential cases (one), although there are too few cases to generalize firmly. Three of the countries, Fiji, Gambia, and Sri Lanka, had been democratic since the start of the Freedom House scores in 1972, while the others generally represent shorter-lived experiments with democracy. Except for Fiji and Gambia, all had average civil rights scores worse than 3.0 – indeed, ranging from 3.3 to 3.8 – while they were democratic. Thus, they were already experiencing erosions of their democracies despite main-

taining good political rights scores up until the suspension of open electoral competition or the further constricting of civil rights. This finding underscores the importance of traditional civil rights in our definition of democracy, since, without such protections, democracy not only is hollow, but may prove fragile even in its more limited electoral sense. To emphasize the point even further, there are only 4 cases in Tables 1.2 and 1.3 with average civil rights scores worse than 3.0, even though our definition allowed for such countries to be counted as continuously democratic. Those cases are Colombia (3.1), India (3.1), Vanuatu (3.3), and El Salvador (3.6). The gap between civil rights scores in the failed democracies of Table 1.5 and the comparatively successful cases of Tables 1.2 and 1.3 is noteworthy, although some of the continuous democracies in Tables 1.2 and 1.3 have had similar brief episodes and managed to survive.¹⁶

In summary, presidentialism is more likely to be adopted in Latin America and Africa than in other parts of the world, and these parts of the world may have more formidable obstacles to democracy regardless of the form of government. On the other hand, parliamentarism has been the regime form of choice in most of Europe and in former British colonies (a large percentage of which are microstates), where conditions for democracy may be generally more favorable. Thus, there are reasons to be cautious about the observed correlation between constitutional form and democratic success, impressive though this correlation may at first appear.

Although our arguments here raise doubts about the claim that one regime type is clearly superior to another, this is *not* to claim that the choice of a system of government is irrelevant. A key theme throughout this book is that the way the executive is chosen, interacts with the legislature and parties, and maintains itself in power is of fundamental importance for democratic politics. Thus, we see the choice for presidentialism as highly important for the dynamics of democracy, but not necessarily as crucial in determining whether democracy will survive or break down. Moreover, specific arrangements within broad regime types may be every bit as important as whether a parliamentary or presidential government is chosen.

THE ARGUMENT AGAINST PRESIDENTIALISM

The critics of presidentialism have not based their case exclusively on correlations between regime type and the record of democratic success and failure. Starting from this correlation, they have identified several charac-

16 For example, Malta scored 4.0 on civil rights for four consecutive years (1983–86) but has always scored 1.0 or 2.0 since then.

teristic weaknesses of presidential systems. Here we offer a brief review of the basic arguments against presidentialism (Linz and Valenzuela 1994; Lowenstein 1949; Riggs 1988; Suárez 1982; Blondel and Suárez 1981; Stephan and Skach 1994; Mainwaring 1993).

First, the critics of presidentialism claim that the fixed term of the president's office introduces a rigidity that is less favorable to democracy than the flexibility offered by parliamentary mechanisms of no confidence and dissolution. They argue that the fixed presidential term causes difficulty in handling major crises. Although most presidential systems have provisions for impeachment, they offer less flexibility in crisis situations because attempts to depose the president easily endanger the regime itself. The president may be incapable of pursuing a coherent course of action because of congressional opposition, but no other actor can resolve the problem by playing within democratic rules of the game. In many cases a coup appears to be the only means of getting rid of an incompetent or unpopular president.

Not only are presidents difficult to remove from office, but also the chief executive cannot bolster his or her authority either through a vote of confidence or by dissolving the parliament to call new elections. Thus, presidential leadership can be weaker than that provided by some prime ministers. Presidential constitutions often manifest a contradiction "between the desire for a strong and stable executive and the latent suspicion of that same presidential power" (Linz 1990:55).¹⁷ By virtue of their greater ability to promote changes in the government, parliamentary systems afford greater opportunities for resolving disputes. Such a safety valve may enhance regime stability, according to some proponents of parliamentarism.

Just as presidentialism makes it difficult to remove a democratically elected head of government who no longer has support, it usually makes it impossible to extend the term of popular presidents beyond constitutionally set limits. Although such provisions are not inherent in the regime type, most presidential constitutions bar presidents from serving successive terms. Consequently, good presidents are turned out of office even if the general population, political elites and parties, and other major actors continue to support them. Presidents therefore have relatively little time to pursue their projects and, as a result, are often tempted to try to accomplish a great deal in a short term. According to Linz, the "fear of discontinuity in policies and distrust of a potential successor encourage a sense of urgency . . . that might lead to ill-designed policies, rapid implementation, impatience with the

17 Advocates of presidentialism also recognize the tension between the need for an agile and effective executive and the need for checks and balances. But they cast this tension in a different light, perceiving it as constructive and necessary.

opposition" and other problems (Linz 1994:17). Moreover, Linz has persuasively argued that the desire to restrict reelection is itself a by-product of the concentration of executive power in the hands of one person. Such fears perforce do not emerge under parliamentarism, and as a result, term limits are not found in any parliamentary regimes.

A second criticism of presidential systems is that they are more prone to immobilism than parliamentary systems, for two primary reasons. First, compared with parliamentary systems, presidential systems are more apt to engender minority governments and weak executive power. Second, presidential systems are less capable than parliamentary systems of dealing with these problems when they arise (see Mainwaring 1993).

Presidential systems lack means of ensuring that the president will enjoy the support of a majority in congress. Because presidents are elected independently of the assembly and because personal qualities are often decisive in presidential campaigns, the winner need not come from a majority party — if one exists. In some countries, presidents' parties do not control anywhere close to a majority of the seats in congress. Presidents who enjoy little support in congress sometimes get elected, which can easily lead to bitter struggles between the executive and the legislature.

Many presidents begin their terms in strong control of their own parties, but lose this control as their situation as lame ducks becomes more apparent (Coppedge 1994; Carey, this volume). They cannot dissolve the legislature and call new elections, as prime ministers sometimes can. As a result, presidents may painfully await the end of their terms, incapable of implementing a coherent policy package because of their lack of support. Under these difficult circumstances of presidential-legislative impasse and a fixed timetable, presidents and the opposition alike are often tempted to resort to extraconstitutional mechanisms to accomplish their ends. All of this suggests that democratic presidents, despite high expectations for their leadership, sometimes have limited ability to implement their programs. Yet where executive authority is weak and there are no institutional means to fill the resulting vacuum, political stability and/or governability often suffers.

Immobilism in presidential democracies has often been a major ingredient in coups. In the context of ineffective government, pressing social and economic problems, and political mobilization encouraged by elite actors as a means of winning leverage in a stalemate situation, authoritarian leaders can easily justify and win support for coups. Moreover, immobilism can encourage radicalism, seen as a way of overcoming the inefficacy of feckless liberal democracies. Thus, it is not surprising that several analysts (Santos 1986; Gillespie and González 1994; Valenzuela 1994) have attributed coups partly to paralysis stemming from executive-legislative conflict.

In a related vein, Linz has argued that, in presidential systems, the

president and assembly have competing claims to legitimacy. "Since both [the president and congress] derive their power from the vote of the people . . . a conflict is always latent and sometimes likely to erupt dramatically; there is no democratic principle to resolve it, and the mechanisms that might exist in the constitution are generally complex, highly technical, legalistic, and, therefore, of doubtful democratic legitimacy for the electorate" (Linz 1994:7). He argues that parliamentarism obviates this problem because the executive is not independent of the assembly. If the majority of the assembly favors a change in policy direction, it can replace the government by exercising its no-confidence vote.

A third criticism of presidentialism, also developed by Linz, is that presidentialism has a winner-takes-all logic that is unfavorable to democratic stability. "A parliamentary election might produce an absolute majority for a particular party, but more normally it gives representation to a number of parties . . . and some negotiations become necessary for obtaining majority support" (Linz 1994:18). In presidential systems, the direct popular election is likely to imbue presidents with a feeling that they need not undertake the tedious process of constructing coalitions and making concessions to the opposition. Moreover, "the danger that zero-sum presidential elections pose is compounded by the rigidity of the president's fixed term in office. Winners and losers are sharply defined for the entire period of the presidential mandate. . . . The losers must wait at least four or five years without any access to executive power and patronage" (Linz 1990:56).¹⁸

A final criticism of presidential systems results from the direct popular election of presidents, which in itself appears to be a desideratum. However, the down side of direct popular elections is that political outsiders with little experience in party and congressional politics can get elected (Suárez 1982; Rose 1981). As the victors in the presidential contests in Brazil in 1989 and Peru in 1990 showed, these individuals may create parties at the last minute in order to run for the presidency.¹⁹ In some countries (e.g., Brazil and Ecuador), presidents do not necessarily enjoy secure support even in their own party (see Mainwaring, this volume). At worst, direct popular elections may serve as an incentive to demagoguery and populism and hence may discourage more realistic appraisals of policy alternatives.

18 In the definitive version of his article, Linz (1994) somewhat modified this argument about the winner-takes-all nature of presidential systems, recognizing that parliamentary systems do not consistently provide an advantage on this point. Here we cite the earlier version, cognizant of the change in Linz's thinking, because the earlier version of his argument was widely disseminated and accepted.

19 The sudden emergence of Silvio Berlusconi's Forza Italia in 1994 shows that parliamentary systems are not entirely invulnerable to outsiders. The difference, of course, is that in a presidential system it is possible for an outsider to win sole possession of executive power for a fixed term if he or she lacks a legislative base.

ADVANTAGES OF PRESIDENTIALISM

In this section, we make two basic points. First, we argue that presidentialism, in addition to presenting some peculiar problems, also has some specific advantages. Second, we argue that some arguments against presidentialism that we have just reviewed, while incisive and worthy of careful consideration, may be countered directly. The counterarguments may or may not add up to a defense of presidentialism – as noted, our point in this book is not to endorse one form of government over another. However, the counterarguments serve as a caution against too facile an acceptance of the criticisms of presidential democracy and remind us that parliamentarism is not free of flaws either. Then we can proceed to the principal task of the rest of the book: outlining variations in presidential powers and considering features that make some presidential systems function better than others.

Greater Choice for Voters

The competing claims to legitimacy that can lead to crises in presidential systems are also the flipside of one advantage. The direct election of the chief executive gives the voters two electoral choices instead of one – assuming unicameralism, for the sake of simplicity of argument. Having both executive and legislative elections gives voters a freer range of choices. Voters can support one party or candidate at the legislative level but another for the head of government.

Electoral Accountability and Identifiability

Presidentialism affords some advantages for accountability and identifiability. *Electoral accountability* describes the degree and means by which elected policymakers are electorally responsible to citizens,²⁰ while *identifiability* refers to voters' ability to make an informed choice before elections based on their ability to assess the likely range of postelection governments.

The more straightforward the connection between the choices made by the electorate at the ballot box and the expectations to which policymakers are held, the greater the electoral accountability. On the principle of maximizing direct accountability between voters and elected officials, presidentialism is superior to parliamentarism in multiparty contexts because the chief executive is directly chosen by popular vote. Presidents (if eligible for reelection) or their parties can be judged by voters in subsequent elections.

20 We specify electoral accountability because we do not have in mind what O'Donnell (1994) has called *horizontal accountability*. Electoral accountability takes place through elections; horizontal accountability occurs mostly between elections and involves institutions to oversee the executive, such as the legislature, the courts, and the comptroller's office.

One objection to presidentialism's claim to superior electoral accountability is that, in most presidential systems, presidents may not be reelected immediately, if at all. Where this is the case, the electoral incentive for the president to remain responsive to voters is weakened, and electoral accountability suffers. To this objection, advocates of presidentialism can respond that bans on reelection are deficiencies of most presidential systems, but not of presidentialism as a regime type. Direct accountability to the electorate exists in some presidential systems, and it is always possible under presidential government. If, as is often the case, the constitution imposes a ban on immediate reelection but allows subsequent reelection, presidents who aspire to regain their office have a strong incentive to be responsive to voters and thereby face a mechanism of electoral accountability. Only if a president (a) can never be reelected and (b) will become a secondary (or non-) player in national and party politics after his or her term are incentives for accountability via popular election dramatically weakened. However, even where immediate reelection is banned, voters can still directly hold the president's party accountable.²¹ With parliamentarism, on the other hand, under conditions of a deeply fragmented party system the lack of direct elections for the executive inevitably weakens electoral accountability, for a citizen cannot be sure how to vote for or against a particular potential head of government.

Where presidential reelection is permitted, the need to secure re-nomination and a new term is itself a force for executive accountability. Provisions against reelection have been introduced primarily to reduce a president's incentives to use public policy or patronage for personal political aggrandizement and possibly also to allow lower-ranked leaders an opportunity for the top job by mandating turnover. Despite the potential for abuse, reelection can be permitted – and we believe it should be in countries where there are reliable institutions to safeguard elections from egregious manipulation by incumbents.²²

In multiparty parliamentary systems, even if a citizen has a clear notion of which parties should be held responsible for the shortcomings of a particular government, it is often not clear whether voting for a certain party

21 Electoral accountability through party is more promising when the party system is actively institutionalized. Brazilians could in theory have held Collor's party, the Party of National Reconstruction (PRN), accountable for the president's improprieties, but it was such a personalized electoral vehicle that it disappeared by the time of the next election.

22 An Argentine constitutional convention has recently repealed that country's ban on immediate reelection at the same time that the presidential term was shortened from six years to four (see Jones's chapter). In Peru, the Constituent Assembly of 1993 also repealed the ban on reelection, although the election that produced the assembly was tainted by the authoritarian seizure of power by the incumbent president.

will increase the likelihood of excluding another party from the governing coalition. Governments often change between elections, and even after an election parties that lose seats are not infrequently invited to join governing coalitions.

Strom (1990) used the term "identifiability" to denote the degree to which the possible alternative executive-controlling coalitions were discernible to voters before an election. Identifiability is high when voters can assess the competitors for control of the executive and can make a straightforward logical connection between their preferred candidate or party and their optimal vote. Identifiability is low when voters cannot predict easily what the effect of their vote will be in terms of the composition of the executive. This may be the case either because postelection negotiations determine the nature of the executive, as occurs in multiparty parliamentary systems, or because a large field of contenders for a single office makes it difficult to discern where a vote may be "wasted" and whether voting for a "lesser of evils" might be an optimal strategy. Under parliamentarism, voters may face a situation in which either (1) their choice is essentially restricted to two main parties, in the case of majoritarian parliamentarism, or else (2) they have such a wide range of choices that they cannot cast an effective vote at the executive level, in the case of multiparty parliamentarism when numerous possible postelection coalitions may emerge.

Strom's indicator of identifiability runs from 0 to 1, with 1 indicating that in 100% of a given nation's post-World War II elections, the resulting government was identifiable as a likely result of the election at the time voters went to the polls. The average of his sample of parliamentary nations in Western Europe from 1945 until 1987 was .39, meaning that most of the time the voters could *not* know what government they were voting for. Yet under a parliamentary regime, voting for a member of parliament (MP) or a party list is the only way voters can influence the choice of executive. In some parliamentary systems, such as in Belgium (.10), Israel (.14), and Italy (.12), a voter could rarely predict the impact of a vote in parliamentary elections on the formation of the executive. The formation of the executive is the result of parliamentary negotiations among many participants. For this reason, the calculus for the voter as to how most effectively to support a particular executive can be virtually unforeseeable.

In presidential systems with a plurality one-round format, identifiability is likely to approach 1 in most cases because voters cast ballots for the executive, and the number of significant competitors is likely to be small. Cases with majority runoff to elect the president are different, as three or more candidates may be regarded before the first round as serious contenders (Shugart and Taagepera 1994). When plurality is used to elect the president

and when congressional and presidential elections are held concurrently, the norm is for "serious" competition to be restricted to two candidates even when there is multiparty competition in congressional elections (Shugart 1988, 1995a; Jones forthcoming; see also the Conclusion). Especially when the electoral method is not majority runoff, presidentialism tends to encourage coalition building *before* elections, thus clarifying the basic policy options being presented to voters for executive elections and simplifying the voting calculus somewhat.

Linz (1994:10–14) has responded to our earlier (1993) argument that presidentialism engenders greater identifiability by arguing that voters in most parliamentary systems can indeed identify the likely prime ministers and cabinet ministers. His logic is that because the parliament and cabinet are a "nursery" for leadership, by the time individuals are approaching leadership status, they are well known to voters. While his rejoinder is valid on its face, Linz is using the term *identifiability* in a different manner from Strom or us. He is speaking of voters' ability to identify personnel, rather than government teams, which, as we have noted, may not be identifiable. And although Linz has a point when he argues that what voters are identifying in a presidential election "is often based on an opinion about one individual, a personality, promises, and — let's be honest — an image a candidate projects" (Linz 1994:11), nonetheless in presidential democracies with more institutionalized party systems (Mainwaring and Scully 1995) — such as Argentina, Chile, Colombia, Costa Rica, Uruguay, and Venezuela — the major contenders have almost always been well-known leaders from the "nursery" of the legislature, previous administrations, or, in federal systems like the United States, Brazil, and Argentina, state governorships. Moreover, where party systems are moderately institutionalized, the party label conveys considerable information about what policies a candidate is likely to pursue.²³

23 An institutionalized party system does not preclude the possibility that a party may seek to change its constituent base and its policy stances — or that a president may seek to change it on the party's behalf. This can lead to serious postelection surprises. However, this is hardly a feature unique to presidentialism; indeed, it should be less common in presidential systems, given their checks and balances. For example, in New Zealand, two consecutive governments of different parties in the 1980s went radically against campaign promises in the course of restructuring that country's import-substituting economy (Nagel 1994). This process of deliberately pursuing policies opposed to those that were announced in campaigns echoes similar practices in Latin American countries in the 1980s and 1990s: Argentina under Menem (1989–95), Venezuela under Pérez (1988–92), Peru under Fujimori (1990–95). During their second presidential runs, both Menem and Fujimori campaigned on policies that they had actually implemented during their first terms, thereby enhancing accountability.

Congressional Independence in Legislative Matters

Because representatives in a presidential system can act on legislation without worrying about immediate consequences for the survival of the government, issues can be considered on their merits rather than as matters of "confidence" in the leadership of the ruling party or coalition. In this specific sense, assembly members exercise independent judgment on legislative matters. Of course, it is precisely this independence of the assembly from the executive that can generate the problem of immobilism. This legislative independence is particularly problematic with highly fragmented multiparty systems, where minority presidents are the rule and legislative deadlock easily ensues. However, where presidents enjoy substantial assembly support, congressional opposition to executive initiatives can promote consensus building and can avoid the possibility of ill-considered legislation being passed simply to prevent a crisis of confidence. The immobilism feared by presidentialism's detractors is merely the flip side of the checks and balances desired by the U.S. Founding Fathers.²⁴

Congressional independence can encourage broad coalition building because even a majority president is not guaranteed the unreserved support of partisans in congress. In contrast, when a prime minister's party enjoys a majority, parliamentary systems exhibit highly majoritarian characteristics. Even a party with less than a majority of votes can rule almost unchecked if the electoral system "manufactures" a majority of seats for the party. The incentive not to jeopardize the survival of the government pressures members of parliament whose parties hold executive office not to buck cabinet directives. Thus, presidentialism is arguably better able than parliamentarism to combine independence of legislators with an accountable and identifiable executive. If one desires that the consensual and often painstaking task of coalition building should be undertaken on each major legislative initiative, rather than only on the formation of a government, then presidentialism has an advantage.

Fixed Terms versus Cabinet Instability

The rigidity of presidentialism, created by the fixed term of office, can be a liability — sometimes a serious one. However, the argument about the "flexibility" of replacing cabinets in parliamentary systems is two-edged (Sartori 1994b). In a parliamentary system, the prime minister's party can replace its leader, or a coalition partner can withdraw its support and usher in a change of government short of a coup, which might be the only way to remove a president who lacks support. We agree with Linz and other

24 See especially the *Federalist*, no. 51.

critics of presidentialism that cabinet instability need not lead to regime instability and can even offer a safety valve. However, there is another side of the story: Regime-ending crises in many failed parliamentary systems, including Somalia²⁵ and Turkey, have come about precisely because of the difficulty of sustaining viable cabinets. Studies of cabinet durability (Dodd 1976; Powell 1982) have concluded that the presence of extremist parties and electoral volatility contributes to short-lived cabinets. As Powell (1982) has noted, both these factors are more widespread in developing countries. Thus, the compatibility of multiparty coalitions and regime stability in Europe cannot necessarily be assumed to be transferable to the less developed world.

Presidentialism raises the threshold for removing an executive; opponents must either wait out the term or else countenance undemocratic rule. There may be cases when this higher threshold for government change is desirable, since it would be expected to provide more predictability and stability to the policy-making process than the frequent dismantling and reconstructing of cabinets that afflicts some parliamentary systems – and that might especially be prevalent in the conditions of macroeconomic instability and scarcity that plague much of the less developed world.

The problem of fixed terms could be mitigated by having shorter terms (say, four or perhaps even three years, but allowing immediate reelection) rather than longer ones (say, six years); shorter terms would allow for an earlier resolution to the problems generated by the fixed term. The problems of a fixed term could theoretically be remedied without adopting parliamentarism by permitting – under certain conditions – the calling of early elections. After a failed coup attempt in February 1992, Venezuelan politicians briefly considered such a plan, which would have resembled the provision in some U.S. states, where a recall election can be held upon the collection of a sufficient number of voters' signatures. To avoid recall elections being used for purely partisan purposes, the threshold of required signatures would have to be relatively high; even so, the threat of a recall may deter executive abuses of authority.

Another possibility would be a regime that allows a majority of legislators to call early elections for both the president and the legislature. Although such a regime would not be strictly presidential, it would not be parliamentary either, because executive power could not be reconstituted without going back to the electorate. If not only the assembly has the right to dismiss the executive, but also the executive may dissolve the assembly

25 Recent events in the country make it easy to forget, but Somalia had a democratic system from 1960 until 1969.

– and new popular elections must be held for each branch after such action – then we have a new type of hybrid, which would appear in the upper-right cell of Table 1.1. Such a regime has been adopted in Israel (see Libai, Lynn, Rubenstein, and Tsiddon 1990, for an early proposal), was considered in the Netherlands by an official commission (Lijphart 1984), and has been discussed recently in Italy (Barbera 1990).

Presidentialism Can Inhibit Winner-Takes-All Games

We take issue with Linz's assertion that presidentialism induces more of a winner-takes-all approach to politics than does parliamentarism. As we see it, parliamentary systems do not afford an advantage on this point. In fact, parliamentary systems with a disciplined majority party offer the fewest checks on the ruling party and hence promote a winner-takes-all approach more than do presidential systems. Despite Linz's (1994:18) claim, quoted earlier, that typically no party wins a majority, outside of Europe there is little experience with coalition government. All the parliamentary systems in lower- to upper-middle-income categories (Table 1.2) are based on the British model of a two-party system and hence single-party cabinets. Under this system, even without a decisive margin in popular votes, a party can control the entire executive and the legislature for a protracted period of time. For instance, in Great Britain in the 1970s and 1980s, the Conservative Party three times won parliamentary majorities as large as 60% of the seats despite winning under 44% of the vote.

Because of the combination of disciplined parties, single-member plurality electoral districts, and the prime minister's ability to dissolve the parliament, Westminster systems provide little legislative check on the premier. In principle, the MPs of the governing party control the cabinet, but in practice they usually support their own party's legislative and policy initiatives regardless of the merits of particular proposals, because their electoral fates are so closely tied with that of the party leadership (see Cox 1987; Palmer 1995). The norm is that a disciplined majority party leaves the executive virtually unconstrained between elections.²⁶ Here more than in any presidential system, the winner takes all. Given the majority of a single party in parliament, it is unlikely that a no-confidence vote would prevail, so there is little or no opposition to check the government. Early elections occur not as a flexible mechanism to rid the country of an ineffec-

26 Of course, this statement rests on the assumption that the party itself remains united. If it does not, it may oust its leader and thereby change the prime minister, as happened to Margaret Thatcher in Britain and Brian Mulroney in Canada. Such intraparty crises of leadership are, however, the exception rather than the rule in majoritarian (Westminster) parliamentary systems.

tive government but at the discretion of a ruling majority using its dissolution power strategically to renew its mandate for another five years by calling a new election before its current term ends.²⁷

Presidentialism, on the other hand, is predicated upon a system of checks and balances. This was, after all, the rationale behind the adoption of the U.S. system. While such checks and balances can be criticized from other perspectives, they inhibit winner-takes-all tendencies. The checks and balances are designed precisely to limit the possibility that the winner would take all. If it loses the presidency, a party or coalition may still control critical swing votes in congress, a situation that in most countries would allow it to restrain the president and block presidential initiatives. If the president's own legislative powers are reactive only (a veto, but no decree or exclusive agenda-setting powers), an opposition-controlled congress can even be the prime mover in legislating, as often occurs in the United States. Controlling congress may not always be the biggest prize, but it allows the party or coalition to establish parameters within which policy occurs and can be a big prize in its own right if the presidency has relatively weak legislative powers.

STRENGTH OF PRESIDENTS

In this final section, we review one of the principal institutional variations that might lead to variations in the performance of different presidential systems: the strength of presidents over policy. When observers classify presidents in terms of being "strong" or "weak," they tend to mean presidents' ability to put their own stamp on policy – to get an agenda enacted. We mean essentially the same thing. There are two principal ways that presidents can have such influence. One is to have constitutional powers inherent in the office of the presidency that allow incumbents to have their preferences taken into consideration in the passage of legislation. Another is to have control over their own party and for that party to be in control of a majority of seats. Presumably, these two factors – which might be termed their *constitutional* and *partisan* powers over legislation – interact to determine the degree of influence presidents have over policy – and hence

27 A possible exception in Westminster systems occurs with the occasional minority government, which is more common than a coalition government in such systems (Strom 1990). But even then, early elections are as likely to be called by the government in an attempt to convert its plurality into a majority, since elections are to be called as a result of a vote of no confidence.

their strength. Presidents who have no independent constitutional authority over legislation would appear very weak if they lacked control over a majority party but might appear to dominate – in spite of their constitutional weakness – if they were the undisputed leaders of the majority party. On the other hand, presidents with substantial legislative powers may have significant influence over legislation even if their party lacks a legislative majority – indeed, even if their party is a minor one. Such presidents would also have independent influence over policy even if they were not the undisputed leaders of their party. On the other hand, presidents without constitutional legislative powers might not be able to leave a stamp on policy even if their party has a majority in situations in which the party itself is divided with respect to the leadership provided by the president. Thus, we must consider the interaction of constitutional and partisan powers.

In terms of constitutional powers over legislation, presidents may have a veto – in which case no bill can become law without meeting the president's approval, unless the legislature musters whatever vote majority may be needed to override a veto – and many have decree powers – in which case it may be possible for the president to legislate without the congress. Clearly, presidential legislative powers are an important place to start in considering variations among presidential systems. After reviewing the basic features of legislative powers of Latin American presidents, we suggest ways in which these powers interact with presidents' standings vis-à-vis the party system. However, the bulk of the task of dealing with these interactions will wait until the chapters on individual countries and the Conclusion of this book.

TYPES OF LEGISLATIVE POWERS

Across presidential systems, chief executives share many powers (e.g., in foreign policy, as commanders of the armed forces, administrative appointment prerogatives). However, there is tremendous variation in presidents' legislative powers. One way to think of presidential legislative powers is the relationship of the exercise of power to the legislative status quo (Shugart n.d.). Powers that allow the president to establish – or attempt to establish – a new status quo may be termed *proactive powers*. The best example is decree power. Those that only allow the president to defend the status quo against attempts by the legislative majority to change it may be termed *reactive powers*. Most familiar here is the veto power, which we discuss first because it is the most common presidential power over legislation.

Veto (and Override)

Presidents with veto power may sign or veto a bill sent to their desks by the legislature. By signing it, presidents accept it in whatever version it was ultimately passed – assuming they cannot veto some parts of it and promulgate the rest (a possibility discussed later). If it is vetoed, the status quo prevails,²⁸ unless the congress successfully overrides the veto. The veto is a reactive legislative power, in that it allows the president to defend the status quo by reacting to the legislature's attempt to alter it.

As a reactive power, the veto does not permit the president to get more of whatever policy the bill addresses. It is an instrument that lets the president block change (Kiewiet and McCubbins 1988). Consider the following example. In 1986, President Ronald Reagan wanted to increase defense spending beyond an adjustment for inflation. When Congress refused, Reagan threatened to veto the appropriation and hold out for a bigger one. As Kernell (1991:103) says, "When told of this possibility, House Democratic leaders responded quizzically that perhaps they would send him an even smaller appropriation the next time. Eventually, the president backed off from his threat." The veto is not effective in inducing more spending on an item – a situation in which the president wants to change the status quo, but congress is happy with it. If, on the other hand, congress wanted to spend more on, say, welfare than current policy mandated, the president, by exercising veto power, could preserve the status quo against a congressional attempt to change it.²⁹ The problem, from a president's point of view, is that congress has the power of initiative because it sends the bill to the president's desk for signature or veto. The initiative in passing or rejecting legislation remains with congress even if, as is common in Latin America,

28 More precisely, what happens is that policy returns to the reversion point. In some cases, what policy reverts to in the absence of new legislation may be something other than the status quo, as when authorization for a program runs out in the absence of reauthorizing legislation or when existing legislation calls for continued increasing in spending, but new legislation may call for cuts. We will continue using the term *status quo* because it is easy to understand in a stylized model; however, readers should keep in mind that the reversionary outcome is not always whatever is happening at the time the bill is vetoed.

29 The examples involve expenditure policy, but the game works the same in areas that involve no spending by the government. Suppose the status quo is that all stores are permitted to remain open on Sundays, but congress passes a bill requiring bookstores to close on Sundays. If the president considers Sunday book shopping a fundamental right, his or her veto can prevent the change. But suppose instead that the president would prefer that not only bookstores but also flower shops close on Sundays. If he or she vetoes the bill, then he or she preserves the status quo in which even bookstores may remain open; he or she cannot be sure that congress, perhaps beholden to the flower-sellers lobby, will come back with a bill more to his or her liking. The outcome closest to the president's preference is thus to sign the bill.

the vast majority of bills considered by congress are submitted by the executive in the first place. Unless congress is not free to initiate its own legislative proposals or, more importantly, to amend those bills submitted by the executive, congress makes the final proposal, to which the president reacts. Later on we shall consider cases in which congressional power of initiative or amendment is in fact restricted, as it is in some Latin American countries.

Provisions for overriding presidential vetoes vary from a simple majority – in which case there is ultimately no veto but an opportunity for the president to delay promulgation and request a reconsideration, as in Venezuela – to the almost absolute veto of Ecuador, where no bill other than the budget can become law without presidential assent (but Congress can demand a referendum on a vetoed bill).³⁰ By far the most common veto override procedures are the absolute majority overrides found in Brazil and Colombia and the two-thirds-vote requirement of Argentina and Chile, as well as the United States.³¹ An override requiring an absolute majority – that is, 50% plus one of the total number of members – is classified here as a "weak veto" and any higher requirement we consider "strong." However, we caution that in Brazil and some other countries, even the absolute majority standard can be difficult to reach because of low attendance rates that plague congress. As a result of the low attendance rates, the absolute majority standard can be tantamount to a qualified majority (i.e., a majority greater than 50% plus one) among those present. Still, we consider such a veto weak because a majority party (or coalition) whose members saw a given issue as crucial to their interests could override the president without enlisting the help of legislators from other parties. With a higher override requirement, even such a determined majority party (or coalition) could not override the president without such help.

Partial Veto

In a few constitutions, presidents may veto specific provisions within a bill. In a true partial veto – also known as an item veto – presidents may promulgate the items or articles of the bill with which they agree, while vetoing and returning to congress for reconsideration only the vetoed portions. This power is not as common in the constitutions of Latin America as it probably is in practice. Several Latin American constitutions refer to

30 Actually, the Ecuadorian veto provision is more complicated still. See the note to Table 1.6.

31 In Bolivia and Brazil, the override vote is made in a joint session of the two chambers. In the other bicameral systems, both houses must muster the stipulated override vote in order to require the promulgation of a law that has been vetoed.

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the president's ability to object (*objetar*) to a bill "in whole or in part" but then suggest that the whole bill must be returned for reconsideration. Only the items on which the president has communicated objections may be reconsidered, but no portion of the bill may be promulgated unless the congress either passes the same bill by whatever override majority is stipulated in the constitution or else returns the bill to the president without the offending passages. The Argentine (1853), Chilean (1925), Colombian (1886 and 1991), and Ecuadorian constitutions are among those with provisions of this sort. None of these constitutions provides the president the authority to promulgate selected parts of a bill and thereby "fine tune" legislation by rejecting logrolls that may have been necessary to secure a majority in the legislature. However, numerous presidents have asserted this right of partial promulgation. Courts in some instances have affirmed this practice.³² In Latin America, only under Argentina's 1994 and Brazil's 1988 constitutions do presidents explicitly have the prerogative of vetoing part of a bill while promulgating other parts. Outside Latin America, several U.S. state constitutions and the constitutions of the Philippines (both 1935 and 1987) explicitly permit partial veto and partial promulgation, at least on expenditure bills. However, partial vetoes with partial promulgation are contested legal matters in many countries, given various constitutional ambiguities.

Decree Power

We have discussed the logic of reactive powers such as the veto. Now let us consider their opposite, *proactive* powers. Just as a reactive power refers to the presidents' ability to preserve the status quo against a bill passed by congress that would change it, a proactive power is one that lets the president establish a new status quo. If, for example, presidents can sign a decree that becomes law the moment that it is signed, they have effectively established a new status quo. Most Latin American constitutions provide that presidents or cabinet ministers have the authority to issue decrees of a regulatory nature to implement the terms of existing law, but surprisingly few allow presidents to establish *new legislation* without first having been delegated explicit authority to do so.³³ Those that do confer this authority

potentially allow presidents to be very powerful; however, the constitution usually lets congress rescind or amend the decree, if it so chooses.

In Latin America, only the Argentine, Brazilian, and Colombian presidents have the ability to issue new laws by decree in practically any policy area. Brazilian presidents have the so-called provisional measures. These are decrees that lose effect if not converted into law within 30 days.³⁴ President Fernando Collor de Mello (1990-92) used this power extensively in his first months in office, issuing provisional measures at a rate of about one every 48 hours in 1990, most famously the "Collor Plan" of economic stabilization. Many of his decrees were enacted into law, which suggests that he was not acting against the interests of Congress as frequently as the numerous decrees might imply. However, there were also major conflicts over some of his decrees and in particular over his attempts to reenact decrees that had lapsed for lack of congressional action. He even attempted to reintroduce some provisional measures that had been rescinded by Congress, which prompted a Supreme Court ruling against the president (Power 1991, forthcoming). In Colombia, presidents have used their extensive emergency powers to legislate widely by decree, and from 1968 to 1991 they could intervene in financial and credit policy as their own constitutional prerogative. Considerable restrictions have been placed on these powers in the new constitution, but Colombian presidents still have extensive powers to change the status quo by enacting decrees (see Archer and Shugart, this volume for details). In Argentina, the 1853 constitution (which was in effect from 1983 to 1994) did not provide for decree power, but as Jones's chapter indicates, it had become a *de facto* power held by presidents by the mid-1990s. The new (1994) constitution codifies this power. In the Peruvian constitutions of 1979 and 1993, the president's decree authority is restricted to fiscal matters. The provision is written in such a way that it may have been intended as a mere administrative mechanism, not as a tool for departing from the existing legislative status quo;³⁵ however, there is sufficient ambiguity that it has become generally accepted that this provision amounts to the authority to enact new laws by decree in fiscal matters (Schmidt n.d.). Ecuadorian presidents may declare an economic measure urgent, and it becomes law after 15 days unless Congress votes to reject it. While still a

34 The reiteration of lapsed provisional measures has been tolerated (and is not explicitly banned by the constitution). From the implementation of the 1988 constitution until late May 1995, of 1,004 provisional measures, 274 had been approved, only 18 rejected, and 640 reissued. See "A explosão das MP," *Veja*, no. 1,394 (May 31, 1995):29. See also Power (forthcoming) and Figueiredo and Limongi (1995).

35 There was a similar provision for administrative and fiscal decree-laws in the Nicaraguan constitution of 1987. However, a constitutional reform in 1995 eliminated the phrase "with force of law" after the reference to the decrees and also restricted them to purely administrative matters.

32 See Molinelli (1991a:191-94) for a discussion of the debate over partial veto/partial promulgation in Argentina.

33 The distinction between laws and regulations is important and is made in all Latin American legal systems. Courts or comptroller general offices typically are empowered to determine whether a regulatory decree in fact exceeds the authorization of existing legislation. Obviously the extent to which this oversight power is exercised depends on the degree of independence accorded to these agencies. This is an area on which much more research needs to be done. For fuller discussion of these points, see Carey and Shugart (forthcoming).

form of decree power, this provision is significantly different from others that give a measure the force of law as soon as the president issues it.³⁶ An additional power held by Ecuadorian presidents is the right to submit almost any type of legislative matter to a referendum. This is not the same as decree power, but like decree power, it gives the president the possibility of legislating over the heads of Congress.

Even where a majority can rescind a decree, the president can still play a major role in shaping legislation for three reasons inherent in the decree process: (1) Unlike a bill passed by congress, a presidential decree (other than under the Ecuadorian provision just referred to) is already law – not a mere proposal – before the other branch has an opportunity to react to it; (2) presidents can overwhelm the congressional agenda with a flood of decrees, making it difficult for congress to consider measures before they have a possibly irreversible effect; and (3) a president can use the decree power strategically, attempting to discern a point in the policy space at which a congressional majority is indifferent between the status quo and the decree. Decree power alone does not let presidents dominate the legislative process – they cannot emit just any decree, confident that it will survive in congress – but it lets them powerfully shape it and obtain legislative outcomes that congress on its own would not have passed. Of course, with a strong veto, presidents may be able to get whatever legislative outcome they deem ideal by issuing a decree that will be invulnerable to congressional rescission.

Up to this point, we have been discussing what legislative decree authority *is*; it may also be useful to say what it *is not* – at least as we and our contributors use the term in this book. First of all, it is not *regulatory* authority. Nearly all Latin American presidents or their ministers can issue regulatory (not legislative) decrees to implement existing legislation. (In the United States, for the most part, the regulatory function falls to independent agencies established by acts of Congress – such as the Interstate Commerce Commission.) Second, *administrative* decree authority is also different from the legislative power we are referring to. For instance, nearly all presidencies – even in the United States – have certain inherent executive authority to rearrange functions within the bureaucracy, create interagency task forces or ad hoc commissions, and the like. Third, *emergency power* is also distinct, since in most countries this authority is narrowly circumscribed. Presidents may be authorized – sometimes with, sometimes without

36 The Uruguayan president also may declare a measure urgent, and such a measure becomes law after 45 days if Congress does not act. However, the constitution imposes numerous restrictions on the use of this power. These restrictions, coupled with the relatively long decision time for Congress (which can be extended in the event one house passes a different form of the bill than the other) lead us not to classify this as a form of decree power. However, it does give the president considerable control over the policy agenda.

congressional consent – to suspend certain constitutional rights under conditions of calamity or disorder. This is an important power and is subject to abuse (and at the extreme may entail the abrogation of the constitution itself, as in Uruguay and the Philippines in the 1970s). However, within the framework of a functioning democracy, we believe that it is important to keep such emergency powers conceptually distinct from those forms of decree authority that clearly permit the president to establish a new legislative status quo – for instance, a new tax, a new currency, or a new pension system (to take examples from various country chapters). The nature of the act is more important than what the legal instrument is called in a specific country.³⁷ If the power is understood as enabling the president to establish new policy departures, we call it *legislative decree* authority. If it is understood to pertain to temporary suspension of some rights, we call it *emergency power*.

Finally, there are decree-laws that – in contrast to those that we have discussed as *constitutional* prerogatives – require prior delegation by congress before they can be issued. These are termed *delegated faculties*. Many Latin American constitutions allow congress to pass an act granting the president the power to decide certain matters by decree-law. Examples of this kind of authority are given in several of the country chapters. The delegation law usually must indicate specific policy areas in which decrees may be issued and provide for a deadline after which the decree authority – although usually not the decrees themselves – expires unless it is extended by another act of congress. Sometimes delegated decree authority is very narrowly defined, as in 1993 when the Venezuelan Congress delegated authority to the interim president, Ramón José Velásquez, to establish by decree a value-added tax in the range of 5 to 15%. (The president set the tax at 10%.) Other times the authority that is delegated is much less carefully delimited, leaving open the possibility of presidential abuse of the authority. Still it is important to bear in mind that what congress delegates it can retract – or it can choose not to delegate in the first place. Thus, delegated decree power is substantially different from constitutionally entrenched legislative decree power, such as the Brazilian provisional measure, which presidents have used (and abused) on their own initiative.

Exclusive Power of Legislative Introduction

In addition to veto and decree powers, several Latin American presidents also have the right of exclusive introduction of legislative proposals in cer-

37 For instance, in Colombia, many of the decrees that would be considered legislative acts under our definition are issued pursuant to a so-called state of economic emergency. Their character, however, makes them more sweeping than *emergency acts*, as we use that term.

tain policy areas. Often this exclusive power extends to some critical matters, most notably budgets, but also military policy, the creation of new bureaucratic offices, and laws concerning tariff and credit policies. This power is another form of reactive power, in the following sense: If presidents prefer the status quo to any outcome they deem likely to win the support of a veto-proof majority in congress, they can prevent any changes simply by not initiating a bill. Most of the Latin American constitutions that contain exclusive-introduction authorities also have low formal thresholds for veto overrides, such as the absolute-majority override provisions in Brazil and Colombia. Exclusive-introduction prerogatives, then, become weak in shaping the outcome once a president wishes to alter the status quo – or is required to submit a bill, as in the case of the annual budget – if the congressional majority can amend the bill as it wishes and overcome a potential veto with relative ease. These provisions give a president an advantage in situations in which the congress might want to initiate some policy change, but the president prefers not to open the matter up for debate and hence does not initiate a bill.

Usually, congress's authority to amend a bill submitted by the president is not restricted. Thus, the power is simply one of gatekeeping. There are, however, some constitutions in which not only is the congress barred from considering changes in some issue area unless the president initiates a bill, but also congress's power to amend is restricted. Several systems – including those of Brazil, Chile, Colombia, and Peru since 1993 – limit congress's authority to increase the amounts allocated to items in the budget submitted by the president. In Uruguay, Congress cannot increase tax exemptions proposed by the president or lower proposed maximum prices, and the new (1993) Peruvian constitution stipulates that only the president may initiate some kinds of tax legislation.

Summary of Presidents' Constitutional Powers in Latin America

Table 1.6 provides a summary of presidential powers in all current and some important former Latin American constitutions (for details see the Appendix to this book). The constitutions are grouped by constellations of powers; the constellations that lead to the greatest overall powers are listed at the top of the table, while those with the weakest presidential authority to shape legislation are listed at the bottom. In the intermediate categories, it is somewhat more difficult to define which constellations are stronger than others. Is a president who has great proactive powers stronger than one who has great reactive powers? In conventional terms, the answer may appear to be an obvious yes, since a president with proactive powers can bypass

Table 1.6. Summary of constellations of presidential powers over legislation in Latin American constitutions

	President's constitutional legislative authority	Configuration of powers	Examples
Potentially dominant		Decree, strong veto, exclusive introduction Decree, strong veto	Chile 1980–89 ^a Colombia 1968–91 Argentina ^a Ecuador ^a
Proactive		Decree, weak veto, exclusive introduction	Brazil 1988 ^b Colombia 1991 Peru 1993 ^c Peru 1979 ^c
		Decree, weak veto	Brazil 1946
Reactive		Strong veto, exclusive introduction	Chile pre-1973 Uruguay Bolivia Dominican Republic El Salvador Panama
Potentially marginal		No veto	Costa Rica Honduras Mexico Nicaragua Paraguay Venezuela

Note: Decree – the president may establish new law without prior congressional authorization (therefore not including decrees of a regulatory nature); strong veto – override requires more than a majority of all members; exclusive introduction – certain important bills in addition to the budget must be initiated by the president, or congress may not increase items of expenditure in budget proposed by president (see Appendix for details).

^aDecree restricted primarily to fiscal matters.

^bDifferent veto provisions apply on different types of bills. The Colombian president has strong veto powers over the budget but weak power over other forms of legislation. No other presidents have veto power over budgets. Veto powers over other forms of legislation are strong in Costa Rica, Honduras, and Mexico, and almost absolute in Ecuador.

^cThe Ecuadorian president's veto may not be overridden if he or she vetoes the entire text, although Congress may request a referendum on the bill; if he or she objects only to specified parts of a bill, the veto (of the whole bill) may be overridden by a two-thirds vote.

congress in making law, while a president with only reactive powers can merely prevent congress from changing the status quo. It is with this logic in mind that we have grouped the constitutions.

However, there is an important caveat: If the congress is not restricted from legislating in the same areas as those in which the president may issue decrees, then the congress can pass a law overturning or modifying a presidential decree. Thus, only if the president also has a veto does decree power guarantee that the president can dominate the legislative process. A president whose decrees are constantly overturned is arguably weaker than a president who has a veto requiring an extraordinary majority, given that the latter president's views must be taken into account on every piece of legislation. Still, we have grouped the presidencies with decree powers but no veto as stronger than those who have veto power but no decree, because of the ability of presidents who use their decree powers extensively to set the agenda and force the congress constantly to react to a stream of executive decrees.

There is another reason why presidents with decree powers – even in the absence of veto power – may be seen as stronger than presidents with veto power (but no decree). As we noted earlier, veto power only lets presidents demand less of a policy than congress wants. If presidents want more than the status quo but congress passes less of an increase than presidents want, they cannot credibly threaten a veto that would make them worse off. Thus, presidents who favor the status quo vis-à-vis congress appear strong if they have veto power, but presidents who want more of a given policy appear weak (Kiewiet and McCubbins 1988). For decree power, on the other hand, presidents who want more action in a given policy area vis-à-vis congress may appear quite strong, since they can issue a decree that moves policy farther than congress would have done on its own. Even if presidents lack a veto, as long as they do not overreach and issue their decree at a point where a majority will be moved to act to return policy to the status quo, they may be able to extract successfully somewhat more of the policy.³⁸ In many Latin American countries, presidents' nationwide constituencies make them more representative of "progressive" forces, while congress, especially if malapportioned, is more representative of traditional rural areas (Packenham 1970, 1971). In these cases, if presidents have decree powers,

38 The same logic would hold if the president wanted less than the status quo; it is not that presidents who want more than the status quo are stronger than presidents who want less than the status quo when the president's only legislative power is the decree. Rather it is that presidents who want more are weaker if they have only the veto than if they have the decree, while those who want to move policy to less than the status quo can appear strong with either power.

we can expect them to prefer change away from the status quo and to be able to use their powers to move policy at least somewhat in their direction (see Archer and Shugart, this volume).

The constitutions in Table 1.6 are classified into four categories: potentially dominant, proactive, reactive, and potentially marginal. Some countries pose some difficulties in classifying because of different veto or decree provisions on different kinds of legislation. For instance, the presidents of Costa Rica, Honduras, and Mexico have strong vetoes on most types of legislation, but not on annual appropriation bills. These presidents are all classified as potentially marginal in terms of their constitutional powers over legislation because, absent legislative support, they could indeed be marginalized on one very important type of legislation. The extent to which these presidents appear strong rather than marginal depends on their partisan powers or other (nonlegislative or even nonconstitutional) powers, such as the power to make appointments, the ability to persuade, or their superior access to the mass media. The classification of constitutional legislative powers indicates no more than how powerful we could expect a president to be over some crucial policy areas even in the absence of much support in the form of like-minded legislators.

At the top of the table, presidents with both veto and decree powers would be potentially dominant: able to issue a decree and then veto any legislative attempt to amend it. These cases include Argentina, Chile since 1989, Colombia from 1968 to 1991, and Ecuador. The Chilean and Ecuadorian presidencies' potential for dominance exists mainly in fiscal matters, while the pre-1991 Colombian president's potential for dominance existed in practically all policy areas.

At the opposite end of the table, presidents in Costa Rica, Honduras, Mexico, Nicaragua, Paraguay, and Venezuela are potentially marginal. This is a surprising finding, particularly with regard to Mexico. This exercise in classifying presidents' constitutionally derived legislative powers is important not because it tells the full story about how strong presidents are – it does not – but because it allows us to make comparative-static predictions about presidential strength under changed conditions of partisan standing. For instance, Mexican presidents have arguably been the most *actually* dominant in determining the legislative agenda; however, will a future president appear dominant if his or her party either lacks a legislative majority or is no longer disciplined? From Table 1.6, our conclusion would be no. Particularly on budgeting, we can predict that without the monolithic PRI behind them, Mexican presidents might seem downright weak in comparison with their predecessors. Weldon's chapter addresses these issues in detail.

On the other hand, Colombia's president before 1991 is classified as potentially dominant. Yet, even though most presidents in those years had copartisan legislative majorities, their dominance remained more potential than real because their own parties were so internally fragmented that they did not provide consistent legislative support. As Archer and Shugart argue, decree power only goes so far; eventually presidents have found that they must return to the legislature for long-term institutionalization of reforms enacted by decree. If Colombian presidents could rely on disciplined majorities, they could have converted their potential dominance into real dominance.

Presidents' constitutional powers over legislation come into play especially when they lack a strong partisan base of support. For instance, in the Colombian example just given, the president would not need his or her potentially dominating legislative powers to dominate policy if he or she had a PRI-type party behind him or her. Presidents whose parties reliably back them and who control a majority of seats can appear to dominate regardless of their constitutional powers. In addition to the Mexican case, some presidencies in Venezuela come to mind (see Crisp, this volume). Conversely, given party-system fragmentation and internal indiscipline, for example, Brazilian presidents have needed to rely on broad constitutional legislative powers in order to have an impact on the policy-making output of the system, as argued by Mainwaring in his chapter. Thus, constitutional legislative powers are an important source of variation in presidential systems; how those powers translate into presidential ability to shape actual policy is a matter that varies with other factors like the relationship of presidents to their own parties and to the legislative majority. These are matters taken up by the country chapters and in the Conclusion.

SUMMARY

We have focused on the historical record of presidentialism and the liabilities and advantages of this regime type. As we stated at the outset, our intent was not to argue for the intrinsic superiority of any major regime type. Although we are not advocating presidentialism, we have argued that some critics of presidentialism have overstated the degree to which this regime type is inherently flawed. We believe that there are trade-offs between presidentialism and parliamentarism, that presidentialism has some advantages that partially offset its liabilities, and that through careful attention

constitutional and institutional design, the advantages can be maximized and the liabilities reduced. (We take up this final theme in the Conclusion.) While acknowledging the generally poor record of presidentialism in sustaining continuous democracy, we believe that the most important explanation for this phenomenon is not institutional, but rather is an effect of lower levels of development and nondemocratic political cultures. Presidentialism has sometimes contributed to problems of democracy, but the correlation between continuous democracy and parliamentarism is partly an artifact of where parliamentarism has been implemented.

It is important to indicate one implication of our arguments. We agree that presidentialism has contributed to democratic breakdowns in some cases, and we also agree that parliamentarism would sometimes work better. Nevertheless, we are less than sanguine about the effects of shifting to parliamentary government in countries with undisciplined parties. Undisciplined parties create problems in presidential democracies, but they create even more daunting problems in parliamentary systems (Sartori 1994b). There is a danger that in countries with undisciplined parties, switching to parliamentary government could exacerbate rather than ameliorate problems of governability and instability, unless party and electoral legislation were simultaneously changed to promote greater discipline and unless political behavior quickly adapted to the new rules.³⁹

In parliamentary systems, the government depends on the ongoing confidence of the assembly. Where individual assembly members act as free agents, unfettered by party ties, the governmental majorities that were carefully crafted in postelection negotiations easily dissipate. Free to vote as they please, individual legislators abandon the government when it is politically expedient to do so. Under these conditions, the classic Achilles' heel of some parliamentary systems, frequent cabinet changes, is likely to be a problem. Any switch to parliamentary government, therefore, would need carefully to design a panoply of institutions to increase the likelihood that it would function well.

Regardless of the merits and shortcomings of these two generic types of systems, most Latin American countries – and many democracies outside Latin America – are likely to retain presidential constitutions, at least for the foreseeable future. From this vantage point, those interested in institutional level and "presidentialism" (i.e., directly elected state governors) at the state and local level would have been problematic.

³⁹ Moreover, a change to parliamentarism would need to address what to do with subnational units of government. In Brazil, the debate about parliamentarism largely ignored this question. Some analysts feared that the combination of parliamentarism at the national level and "presidentialism" (i.e., directly elected state governors) at the state and local level would have been problematic.

tutional reform to promote more effective governability are well advised to avoid casting the debate exclusively in terms of a presidential-parliamentary dichotomy. Such a dichotomy might put all the eggs in a basket – a switch to parliamentarism – that is politically unviable in most countries.

Finally, we began the task of assessing variations within the presidential regime type. We noted that too often presidentialism is treated in the literature as if all presidential regimes were alike. We reviewed variations in a basic constitutional characteristic of presidential systems: the legislative powers granted to the president. We introduced the notion of how these powers interact with presidents' partisan standing. These themes will be taken up in more detail in the Conclusion, as well as in the country chapters.

MULTIPARTISM, ROBUST FEDERALISM, AND PRESIDENTIALISM IN BRAZIL

Scott Mainwaring

In this chapter, I argue that Brazilian presidentialism has been affected by the combination of three institutional features that Shugart and I (Chapter 1 and the Conclusion, this volume) discuss and one that we do not. First, presidents have had sweeping constitutional powers, especially under the 1988 constitution. The 1988 constitution gives presidents exceptionally strong proactive and some significant reactive powers; the 1946 constitution gave presidents strong reactive powers. Second, a highly fragmented party system has also affected Brazilian presidentialism. With a highly fragmented party system, presidents are usually in a situation of informal coalition government or (exceptionally) of minority presidentialism. Because their parties control a minority of seats, presidents need to build cross-party coalitions to implement most major policies. Third, comparatively undisciplined catchall parties make it difficult for the president to rely exclusively on party channels of support. When presidents are popular, politicians of all stripes and colors support them, but when they lose favor, they often have difficulty winning support for their projects. Defections in hard times make it difficult for presidents to implement major reforms. Finally, federalism has also shaped the functioning of Brazilian

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