

The Parliamentarization of presidentialism?

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Very early (and incomplete) draft – Please do not cite

Abstract: The literature on parliamentarization of presidential regimes in Latin America focuses mainly on the approximation between the two in terms of government termination. It emphasizes the more frequent removal of presidents before the end of their mandates, thus bridging a basic institutional difference between the two systems. In this paper I focus on the relation between the executive and the legislature in the process of governing. The paper draws on the Brazilian experience to argue that the idea of parliamentarization of presidential systems may make more sense in terms of specific institutions adopted by the latter and the politics of government formation and lawmaking.

Paper for presentation at the workshop “The Importance of Constitutions: Parliamentarism, Representation and Voting Rights”, Istanbul, October 23-25, 2013.

Introduction

The literature on the parliamentarization of presidential systems focuses on the analysis of the recent trend of frequent precocious interruptions of presidential mandates in Latin America. Given that contemporary cases of presidents being removed from office did not result in democratic breakdown, the phenomenon is perceived as a change in the relationship between the executive and legislative branches approximating the presidential to the parliamentary system in that the survival of the head of the executive is no longer assured.

In this paper I analyze the relationship between the executive and the legislature in the process of government formation and policy decision-making. I argue that the approximation between presidentialism and parliamentarism must be considered in terms of the role of specific institutions and the political relationship between the executive and legislative in government formation and lawmaking. Ultimately, the basic distinction between the two systems of governments is the fusion and the separation of powers. Thus, the greater the extent of integration between the executive and legislative branches, the more it deviates from the separation of powers model and the closer it comes to the model of parliamentarism.

Parliamentarism is the result of a long process of transformation of the relationship between parliament and the crown, which led to the increased transfer of power to the cabinet.¹ Presidentialism is an artifact that comes with identifiable a birth certificate. Today, most parliamentary countries no longer hew to the British model. The same applies to presidential countries. The model adopted in the United States is not the prevalent one.

In the “pure” model of the separation of powers, the executive lacks legislative powers, and the legislature lacks governing powers. Latin American presidentialism, despite its diversity, does not follow this script. In some countries, if the executive and legislative branches are not fused at the root, there is certainly increasing integration in the process of governing. Such is the case of Brazil. In the next section I shall briefly review the literature on the topic and then also briefly describe Brazilian presidentialism after the 1988 Constitution, its institutional foundation and its consequences for lawmaking. In the fourth section, I seek to show some political and institutional mechanisms that promote the integration between the legislature and executive in the process of forming and in conducting the government.

The literature on the parliamentarization of presidentialism

The literature on the parliamentarization of presidentialism in Latin America focuses on the approximation between these two systems in the recent cases in which

¹ See Cox (1987) for an analysis of the consequences of this process in Victorian England.

presidents were removed from office before the end of their mandates. There are two distinguishable general lines of interpretation regarding this phenomenon. According to the “de facto flexibilization” theory, the frequent and diverse forms of interruption of presidential mandates in Latin America signal a transformation in the nature of presidentialism in this region. The emergence of different mechanisms that double as functional equivalents of institutions associated to the parliamentary system in order to change the government by means of the removal of the chief of the executive is presented as evidence of the “flexibilization” of a basic trait of the presidential system: the distinct origin and independent survival of the executive and legislative (Marsteintredt and Berntzen, 2008: 85).

The second interpretation is centered around the “multiplication of [presidential] impeachments” that signal the emergence of a model of checks and balances peculiar to Latin America. In this model, horizontal accountability is “politicized and spasmodic” occurring “in a context marked by a traditional Latin American dynamic – executive dominance punctuated by presidential failure.” Moreover, impeachments prove “that legislators [are] strong enough to hold the president accountable when media scandals and popular protests give them enough leverage, but [are] not strong enough to discourage the occurrence of presidential abuse on a regular basis” (Pérez-Liñán 2007, 209).

In both these interpretations, the main trait approximating the two systems is that the conflict between the executive and legislature, which culminates in the early removal of the president, does not entail a breakdown of the regime. Impeachment, nevertheless, is a presidential institution tailored for exceptional situations in which the president is at fault according to the Constitution.² As argued by Marsteintredt and Berntzen the cases of impeachment in Latin America “may be seen as proof that constitutional instruments available for resolving conflicts between the executive and the legislature in presidential systems are in fact working” (2008, 91).³

Both interpretations also indicate a shift in executive-legislative relations in favor of the latter. In this case, the Latin American legislatures, generally perceived as weak or merely reactive, demonstrated their supremacy and overseeing powers, even if not in constant and systematic fashion. It is interesting to point out that a strong legislature, even if only in its overseeing capabilities, is not typically considered a feature of parliamentarism, but rather of presidentialism.⁴

Furthermore, the success of the legislature – whether by impeachments or by the functionally equivalent mechanisms of parliamentary government change – is conditioned by external factors: scandals, public /media pressure, public demonstrations and so on (Hoschsteler, 2006; Hoschsteler & Edwards, 2009)

² In this case, as stated by Albert (2009) the legislative takes on judicial functions.

³ For case studies on impeachment in which this aspect is emphasized, see, 2010; Lalander, 2010 and Note, 2010.

⁴ In Polsby’s classic typology (1975), whereas in presidentialism the legislative drives transformation, in parliamentarism they are arenas for decisions taken externally by political parties.

Finally, given that the process of parliamentarization or flexibilization of presidentialism is sporadic and the reaction of the legislature is driven by factors external to the institution, the theoretical foundation that would allow for the interpretation of the trend that describes a broader phenomenon of Latin American presidentialism remains unclear. Empirical evidence reinforces this doubt. The cases studied by Marsteintredt and Berntzen (2008:90), covering a broader timeframe and larger number of cases, show that eleven out of thirteen presidential mandate interruptions by means of mechanisms functionally equivalent to parliamentary institutions (impeachments excluded) took place in only four countries: Argentina, Bolivia, Ecuador and Peru. Since these studies do not identify the mechanisms that might eventually become a permanent feature of presidential regimes for the resolution of executive-legislative conflict, it is hard to assume the presented evidence as suggestive of a transformation of Latin American presidentialism.

Coalition presidentialism in Brazil

For Brazilian constituents, the need to strengthen the executive stemmed not only from the increased external demands upon government, but also as a means to avoid that the Brazilian Congress, after recovering its prerogatives, would hinder the governing process, which many believed was one of the causes of the crises that led to the military coup in 1964. Modernization of the legislature would not suffice. The executive would have to be agile and effective and to this end would have to be endowed with legislative powers.⁵

An array of legislative powers of the executive was incorporated into the constitution during the military regime. From this perspective the 1988 Constitution represents a break from the 1946 Constitution, which had been replaced during the regime by the military. The chart below shows the legislative powers conferred to the president in the 1988 Constitution, compared to 1946.

*** table 1 ***

The 1946 Constitution contained only one of the powers included in the long list the 1988 Constitution conferred to the executive. The first constitution all but deprived the executive from “proactive” or “unilateral” powers.⁶ In the current one, to the contrary, the executive concentrates broad agenda control powers in the lawmaking process. The *medida provisória* (constitutional decree) is the most powerful legislative instrument at the executive’s disposal, for it guarantees unilateral powers to change the status quo, as it enters into force as soon as it is issued/edited.

⁵ Analysts and constitutional assembly representatives state that the incorporation of legislative powers was due to the expectation of approval of a parliamentary system (Power 1994; see Nelson Jobim’s interview in CEBRAP, 1995). However even after the switch to parliamentarism was rejected, these powers were kept in place.

⁶ Mainwaring and Shugart (1997:49, 432), Cox and Morgenstern (2002:448).

Faced with such a powerful executive, the legislature was quick to react. In 1989 a new rule of procedures for the Chamber of Deputies was approved, granting party leaders broad control over the legislative process.⁷ The table below provides a comparison with the rules of procedures of the previous democratic period.

*** table 2 ***

The concentration of legislative powers in the executive and the centralization of the decision making process in the legislative stripped, almost overnight, the individual rights of congressmen, a process that in Victorian England took almost 50 years (Cox 1987). In this new institutional environment, congressmen started facing obstacles to coordination that could only be solved within parties. Unable to make plausible threats, the rational strategy for congressmen was to strengthen parties. In order to achieve any goal, they needed to act as members of a group. The role of leaders was converted into that of a representative of the party's interests in the executive and that of the executive relative to the party. These ties are further reinforced with the participation of parties in the government coalitions. Bargaining between the executive and the legislative branches become structured by the parties.

The mere comparison of legislative output in the two democratic periods suffices to show the consequences of this institutional change in a political system that maintained centrifugal institutions of representation and of organization of the state and the government . In other words, a federal and presidential system, with a proportional open-list electoral system.

*** table 3 ***

The high and stable success rates and legislative dominance of the executive in the current period indicate that the centralization of decision-making powers can neutralize the centrifugal effects of the separation of powers, federative organization and electoral legislation. From the perspective of lawmaking, if something changes in Brazil, it changes due to the initiative of the executive. The weaker executive from the period between 1946 to 1964 only achieved modest legislative success. It also seemed less vulnerable to political circumstances, as variation of success rates in different administrations seems to suggest.

The effects of the executive's agenda control powers are clear when considering the laws enacted by each branch according to their prerogative of proposition in the two democratic periods, as shown in table 4, below.

*** table 4 ***

It is also important to stress the low share of the legislature in lawmaking. More important, however, is the fact that what ensures this supremacy of the executive is its

⁷ The Senate did not make modifications to its internal rules of procedure, since the extant rules already guaranteed the power of the leaders/whips.

constitutionally-provided agenda control powers. In other words, the power of issuing constitutional decrees and exclusive initiative in matters concerning the budget.

Mechanisms of Executive-Legislative Integration

The degree of integration between the executive and the legislature is the product of the interaction among political and institutional factors. In the “pure presidential model” (USA), the total separation between governing and legislative functions stems from two institutional rules: the loss of the representative’s seat in congress when he or she assumes an executive post and the president’s lack of agenda setting powers. Thus, the executive’s governing capabilities is determined by essentially political factors, namely, achieving a majority in the legislative.⁸ In the absence thereof, it is the legislature that governs (Cheibub, Przeworski and Saiegh, 2004).

In Latin American presidentialism, when the incumbent’s party is the majority in parliament, in principle, regardless of legislative powers, the president governs with the legislature.⁹ When the president’s party does not obtain a majority in the legislature, which is the case in most Latin American countries, the following situations can occur. The president can: 1. form a majority coalition; 2. form a minority coalition; or 3. govern alone.

The majority of the countries in the region adopts multiparty systems and increasingly so. It has already been demonstrated that the formation of coalitions is not a feature typical of parliamentarism (Cheibub 2007). In Latin America, several countries have a long experience of coalition governments. The occurrence of majority coalitions is predominant in the last three decades, however minority coalitions are also frequent (Figueiredo et al, 2012). Only the third situation – in which the president governs alone – is peculiar to presidentialism, i.e. there is no possibility of indicating a new *formateur*. In the three abovementioned cases the outcomes in terms of influence on lawmaking depend on the legislative powers of the chief of the executive.¹⁰

In Latin America the variation in terms of the extent of the president’s legislative powers is considerable (Shugart and Carey, 1992). However, in general terms, these powers are significantly greater than those of the president of the United States. On the other hand, congressmen do not relinquish their mandates when they assume executive positions, as for example, a cabinet/ministry post.

The formation and the changes of government/executive coalitions in the course of a presidential term and the employment of legislative powers confer the executive bargaining instruments and means to tweak its parliamentary base that facilitate the approval of bills/legislative proposals and increase governing capacity.

⁸ Other factors obviously influence the approval of the president’s legislative agenda in split government. See, for example, Mayhew (1991)

⁹ Ref. Cox and Morgenstein’s model, which assumes a subservient legislative in the case of a party majority.

¹⁰ Cheibub, Przeworski and Saiegh present models that take into account the vetoing powers of the executive.

In the next sections I shall present some evidence that substantiates the argument that one must examine the process of government in order to verify the integration between the executive and the legislature and the approximation between the presidential and parliamentary systems of government.

Formation and changes in government coalitions

The main argument in this section is that the process of government/executive coalition formation and changes in presidential and parliamentary systems have a few differences, yet are similar regarding the basic motivation of the formateur/president – government efficacy – and also regarding what is at stake. i.e. participation in government in exchange for parliamentary support of public policy.¹¹

The premise that actors are rational and policy-seeking means that the motivation to form coalitions in both systems of government can be compared on equal standing. The president is motivated by the goal of governing, producing public policy and, to this end, depends on approval by the legislature. If he or she hopes to obtain support from the legislature by offering ministry positions, one can expect the incorporation of new parties to the government. If, otherwise, he or she, hopes to rely on the support of *ad hoc* legislative coalitions, as a result of common preferences concerning specific policies, there is no need to offer parcels of power, thereby remaining a minority and still achieving legislative success. Therefore, when legislative parties and the president are not ideologically distant from each other the latter can govern without the need to relinquish power by incorporating new parties to government.

However, if ideological distance is significant, the president might not be able to bargain policies and obtain *ad hoc* legislative support and therefore must call upon parties to integrate the government coalition and achieve a systematic legislative majority, offering ministries and posts in exchange for political support in the legislature (Cheibub et al, 2004). Lastly, assuming the president is rational and policy-seeking it is possible that his or her decision to remain in the minority is highly influenced by the fact he or she either leads or has in the coalition the party that occupies a median position in the ideological spectrum of the parties represented in the legislature. The president can thus waive the need of an executive coalition, hoping to count on the formation of supporting legislative coalitions.

One aspect distinguishes the two systems of government: if the president is not capable of obtaining the acceptance of parties to participate in government, he or she will have to govern alone until the end of the term. It is not possible to appoint a new *formateur*. Obviously, this can have negative consequences in the policy-making process, rendering outcomes more dependent on political factors. However, the great majority of Latin American countries form coalition-based governments. An investigation of 14 countries, encompassing 79 presidential terms and 130 government

¹¹ Both in parliamentarism and in presidentialism, changes in the composition of the cabinet can also occur for electoral reasons. In presidentialism, parties sometimes exit the coalition to compete in upcoming presidential elections with a candidate of their own.

coalitions shows that 74.6% of governments formed in the last thirty years are coalition-based. Most of them being majority coalitions (Figueiredo et al. 2012).

In order for executive coalitions in presidential regimes be comparable to coalitions in parliamentarism, it is necessary to adopt the same criteria for the identification of parliamentary governments/cabinets. In other words, it is important to consider not only the coalitions formed at the beginning of the presidential terms, but also the changes in party composition and the corresponding parliamentary representation they afford in the course of the term. Government coalitions do not necessarily coincide with the alliances formed for electoral aims. The incorporation of parties after elections and the modifications in the course of the presidential mandates always target the reduction or expansion of parliamentary support.

In the research we are currently conducting, the criteria used to mark the end and the beginning of governments are the same ones defined by Müller e Strom for parliamentary system: “1) any change in the set of parties holding cabinet membership; 2) any change in the identity of the prime minister; 3) any general election whether mandated by the end of the constitutional re-election period, or precipitated by a premature dissolution of parliament” (2000:12).¹²

The existence of a formal compromise among parties to participate in the cabinet and the adherence to a government program are considered distinctive features of parliamentarism. The formal commitment to participate is also a practice of presidentialism. However, researchers in general cast aside this information and infer participation of the party in the cabinet based on the party membership of ministers. Often the president invites and/or ministers accept government positions on their own behalf and in this case do not represent the stance of their parties in relation to government. On the other hand, although the president detains the constitutional prerogative of appointing ministers, he or she has political motivations to seek the formal and systematic support of parties. For this reason, it is fundamental to distinguish whether ministers participate in government with the consent of their parties or whether they participate autonomously. It is true that this information is not readily accessible for comparative studies that take a large number of cases into account, yet it is feasible in case studies and essential for the comparison of two government systems.

¹² With minor modifications, these criteria are sufficiently general in order to be applicable to presidentialist regimes. Presidents not only form government coalitions, but also modify them in the course of their terms. Conditions (2) and (3) are easily applicable, being that in presidential systems consideration is given only to elections that occur in accordance with the electoral calendar. Some peculiarities in the formation of a government in the presidential system, however, renders the identification of government parties slightly more complex, requiring the identification of ministers or cabinet members that take on positions on the behalf of their parties. This task is easier in case studies, but in compared cases, in the lack of this information, we were only able consider the party membership of ministers. For a study on Brazil, in which these conditions are discussed and applied, see Figueiredo 2007.

This begs the question of whether it is possible to assume the premise, necessary for the formulation of coalition theories (and in fact used for theories applied to parliamentarism), that political parties act as a unit (Laver and Schofield, 1990). My answer is yes as long as the party arrives at a unified position as to its participation in government. Hence the importance of verifying if the decision to participate was taken by the body within the party structure with such powers.

The party's commitment to a government program is a common practice in parliamentarism, albeit not a universal one. The inexistence of coalition agreements does not make the country less parliamentarist. In presidentialism this practice is not widespread, but has its functional equivalents. The forging of electoral alliances with parties that are going to be a part of the government's parliamentary base is one of them. Other parties are incorporated in the course of the mandate. Some parties abandon the government, others join the coalition, whether as a result of disagreement with implemented policies or to facilitate the approval of proposals submitted to congress. The changes in government in this case are not carried out by institutional mechanisms, a vote of confidence or no-confidence, but for political reasons. The results however are similar: changes in the party composition of the government.

Another trait that distinguishes the two systems of government from each other is the president's prerogative to appoint and dismiss ministers/cabinet members. Hence the predominance of non-partisan ministers in presidential regimes. Systematic data is not available for a comparison. In fact, the percentage of non-partisan ministers are generally higher in presidentialist regimes, although countries with high percentages of technically-appointed or independent ministers is not extraneous to parliamentary countries (Amorim Neto & Strom 2006). In table 5, one can observe the share of partisan ministers in a Latin American sample of coalition cabinets.

*** Table 5 ***

The variation is great and the rates of independent ministers are indeed high in many coalitions. However, the number of cabinets with very small share or no independent minister is significant. But no government is less parliamentary or presidential due to the share of partisan minister.

Another feature that also approximate presidential cabinets to parliamentary ones is the high percentages of ministers who are still in the exercise of mandates or who had recent experiences in parliament. In Brazil, for instance, a leave of absence is required for a congress member to assume a portfolio. But, as minister, he or she can take a leave, participate in an important voting session for the government, and return to cabinet functions the following day. This has occurred more than once in tight votes in which the vote of the representative substituting the minister was not certain.

The Executive's Agenda Powers

The executive's power to determine the agenda of the legislature has also been considered a distinctive feature of parliamentarism. According to Tsebelis "In parliamentary systems the executive (government) controls the agenda, and the legislature (parliament) accepts or rejects proposals, while in presidential systems the legislature makes the proposals and the executive (the president) signs or vetoes them."(1995: xxx). Once again, references are "pure" models. In the Brazilian presidential system this is not what happens. Although the electoral system provides incentives for personal votes, the centralization of the decision-making process in the hands of the president and party leaders denies the individual parliament member access to the resources necessary to cater to the needs of specific constituencies. Particular interests are thus subsumed to the interests of the government and its supporting parties. This centralized model is more amenable to comparisons with those in parliamentary countries than the US model.

The Brazilian case, however, is not an exception. The vetoing powers, and not only agenda-setting powers, are far more extensive for Latin American presidents than in the United States. Table 6 illustrates this. The first three columns of the table refer to the country, the year of constitutional modifications that altered vetoing or agenda-setting powers, and the cabinet in place in that year. The column labeled PA_FACTOR presents a weighted index of agenda setting powers based on 16 different constitutionally conferred prerogatives for presidents in setting the legislative's agenda, based on Figueiredo, Salles and Vieira (2009). We sought to evaluate the relative importance of each prerogative by performing a factor analysis for one dimension, according to Filmer and Pritchett (1999) and Sahn and Stifel (2003). To this end we adopted the standardized value of each component as weights, based on factor loading each time this statistic was higher than 0.5.¹³ The following column indicates whether the country has constitutional decrees.

The column on vetoes also presents an indicator that gauges the strength of the partial veto, a kind of veto that exists in all countries analyzed in the study. The index varies from 0 to 1 according to how hard it is to overturn a veto, assessed in terms of quorum requirements and qualified majorities for approval.¹⁴ The last columns inform the effective number of parties and the percentage of seats of the coalition parties in the

¹³ The initially analyzed traits were: 1) constitutional decree powers (DC), 2) DC that enter immediately into force, 3) DC with no expiry limitation, 4) DC with no limitation as to subject, 5) delegated decree powers (DL), 6) DL that enter into effect immediately, 7) DL with no expiry limitation, 8) restricted legislative budget amendment, 9) impossibility of budget amendments entailing expenditure increases, 10) adoption of executive's bill if budget is not approved, 11) exclusive powers to open new expenditure lines in budget, 12) exclusive initiative for regular administration legislation, 13) and fiscal legislation, 14) other subjects, 15) power to request urgency, 16) power to initiate constitutional amendment bill. Component 7 was excluded from factorial analysis, as there was no variation in the cases included in the sample.

¹⁴ Inspired by the work of Altman (2008), the coefficients assume the following values: 0= the overturning of the veto requires an absolute majority of all members and a simple majority of those in attendance
0.2= veto overturning requires the absolute majority of members
0.4= veto overturning requires a quorum of 3/5
0.6= veto overturning requires a quorum of 3/5 of all members
0.8= veto overturning requires a quorum of 2/3
1= veto overturning requires a quorum of 2/3 of all members.

lower houses. As one can notice, in only four countries (Bolivia, Costa Rica, Mexico and Venezuela) presidents do not hold agenda-setting powers, but on the other hand wield the strongest veto powers. The power of issuing constitutional decrees exists in Argentina, Brazil, Colombia, Ecuador, Peru, and Uruguay. It is worthwhile mentioning that the power to issue decrees and the highest rates of agenda-setting powers occur in countries with the largest number of effective parties. This finding supports the hypothesis that the legislative tends to delegate more powers whenever transaction costs are higher (Carey and Shugart, 1998).

The existence and use of agenda-setting powers by the president, particularly constitutional decrees, have been associated to minority governments. According to this perspective, the use of unilateral powers increases when the executive is politically weak. Conversely, as legislative support of the executive increases, the use of decrees will likely decline.¹⁵ The power of issuing decrees is in fact a powerful instrument in the hands of the executive. An effective weapon whenever facing resistance and hardship, but not to by-pass the legislative. If the actions of the executive are constitutional, this legislative instrument becomes limited whenever there is a clear opposing majority. The decree powers do not provide the executive with the ability of ignoring majorities. Each time this fact is neglected, analysts tend to overestimate this prerogative and misunderstand the boundaries between constitutional and “para-constitutional” powers.¹⁶

The conception we have adopted here ascribes to Huber’s interpretation of package votes, established by the 1958 French constitution. It is possible to consider a set of agenda powers or the power of issuing decrees, in isolation, as instrument that solves “horizontal bargaining powers” between the government and the legislative (Huber, 1996:90-91). According to what Huber presents at the “political coverage” hypothesis, the package vote can be used to protect the government majority from debates and votes concerning sensitive issues brought up by minorities and to preserve agreements between the government and the coalition that supports it (Huber 1996:76). Similarly, the power to issue decrees and powers that restrict parliamentary amendments can have an important role in the protection of the majority in coalition governments.

Generally speaking, proper attention is not given to the role of the power to issue decrees in the hands of an executive that counts on the support of the majority of the legislature, especially in coalition governments. The institutional strength of agenda-setting powers interacts with the executive’s partisan power. The executive resorts to instruments that in principle should be used only in exceptional circumstances in order to assume the political costs involved in the implementation of policies aimed at preserving or facilitating the unity of the coalition. The members of the coalition, thus, would not have to bear the costs of debating and/or voting unpopular or sensitive measures. In this sense, its employment does not imply conflict but rather coordination between the government and its majority in the legislature.¹⁷

¹⁶ An example can be found in Cox and Morgenstern (2001:451).

¹⁷ For analysis of the use of provisional measures (*medidas provisórias*) in Brazil see Figueiredo and Limongi 1997, e (in Ranulfo/ Dana).

Brazil has been used as a case in which the extensive legislative powers of the executive and the frequent use of such powers are seen as an instrument of delegation to the executive.¹⁸ Yet the occurrence of agenda-setting powers is not exclusive to Brazil. Table 7 indicates that in Latin America agenda-setting powers are greater whenever the government coalition occupies a higher percentage of seats in Congress. However, the table only covers years in which the legislative powers of the executive were modified, whether by means of a new constitution, or by an amendment to the constitution in force. The analysis of the complete sample shows that the existence of agenda-setting powers (the PA_FACTOR, as mentioned above) is not associated to minority governments and that the association between minority governments and constitutional decrees is weak and depends heavily on the case of Ecuador. (Figueiredo et al.2012: xxx).

¹⁸ The majority of investigations perceive the use of constitutional decrees in Brazil as a delegation instrument for presidents with majority support in the legislative (Pereira, etc etc), even if in some cases this delegations is deemed to have an informational basis (Fabiano e Acir). Amorim Neto, Cox and McCubbins identified the formation of a party-based cartel only in the Cardoso government (in this analysis, however, this had been, until then, the only one to have completed two full mandates).

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Tables:

Table 1: Executive's legislative power under the democratic constitutions of 1946 and 1988, Brazil

Executive's exclusive right of initiative	Constitution of 1946	Constitution of 1988
Administrative bills	Yes	Yes
Budgetary bills	No	Yes
Tax bills	No	Yes
Constitutional amendments	No	Yes
Decrees with force of law	No	Yes
Laws by request of delegation from Congress	No	Yes
Urgency requests for bills	No	Yes
Restrictions on budgetary amendments made in Congress	No	Yes

Sources: Constituição da República dos Estados Unidos do Brasil, 1946; Constituição da República Federativa do Brasil, 1988.

Table 2: Rights of party leaders in the Chamber of Deputies (1946-64 and after 1989)

Rights of party leaders	1946-64	After 1989
To determine the agenda of the floor	No	Yes
To represent all party members in the Legislature	No	Yes
To restrict amendments	No	Yes
To withdraw bills from committees through an urgency request	Restricted	Ample
To appoint and replace members of the standing committees	Yes	Yes
To appoint and replace members of the joint committees responsible for examining provisional decrees	No	Yes
To appoint and replace members of the joint committees responsible for budgetary analysis	No	Yes

Source: Internal Rules of Procedure of the Chamber of Deputies: 1946, 1955 and 1989.

Table 3. Bills and Laws Approved by government, 1946-64* and 1988-2010

Government	President's party in the Chamber of Deputies	Government coalition in the Chamber of Deputies	Executive success**	Executive Dominance ***
	(% of seats)	(% of seats)	(%)	(%)
1946-64*				
Dutra	52,8	74,0	30,0	34,5
Vargas	16,8	88,0	45,9	42,8
Café Filho	7,9	84,0	10,0	41,0
Nereu Ramos	33,9	66,0	9,8	39,2
Kubitschek	33,9	66,0	29,0	35,0
Quadros	2,1	93,0	0,80	48,4
Goulart	23,5	72,0	19,4	40,8
Average	24,3	77,1	29,5	38,5
1988 – 2010				
Sarney	40,61	58,59	73,83	76,65
Collor	5,05	33,79	65,93	75,43
Franco	0,00	57,28	76,14	91,57
Cardoso I	9,36	71,62	78,72	84,40
Cardoso II	18,32	67,87	74,38	81,57
Lula I	11,11	58,90	77,81	73,38
Lula II	15,79	63,50	65,86	87,74
Average	16,74	56,47	71,83	79,37

Source: Cebrap's Legislative Data Set

*The first three years of the Dutra administration (1946-1948) were excluded due to lack of information about the origin of the laws. The first period ran until March 31, 1964 and the second until January 31, 2007 (end of the Legislature and the coalition for the president was re-elected and did not change the ministries).

** Percentage of executive bills submitted and approved during their own government.

*** Percentage of laws initiated by the executive.

Table 4. Laws approved, according to type and origin (1949-64 and 1989-2012)

Type of law (monthly average)	1949-64*		1989-2006	
	Executive	Legislative	Executive	Legislative
Budgetary laws	3,3	3,4	7,4	-
Provisional measures	-	-	3,6	-
Other ordinary laws**	3,7	7,7	2,5	3,4
Total	7,0	11,1	13,1	3,4

Sources: Prodasen; Cebrap's Legislative Data Set.

* Until 31/03/1964. The first three years of the Dutra administration (1946-49) were excluded for lack of information on the initiative.

** Including projects concerning matters in which both the executive and the legislative have the right of initiative. Administrative laws are included, even though in some the executive has sole right of initiative.

**Table 5. Independent Ministers in Multiparty Government by Cabinet
Latin America – 1979-2011**

COUNTRY	YEAR	CABINET	INDEP %
ARGENTINA	2000	De la Rúa 1	16
	2001	De la Rúa 3	33
	2002	DUHALDE 1	10
	2003	KIRCHNER 1	0
	2006	KIRCHNER 2	9
	2008	C.KIRCHNER 1	31
	2010	C.KIRCHNER 2	29
	BOLIVIA	1983	ZUAZO 2
1984		ZUAZO 3	22
1985		PAZ ESTENSSORO	39
1990		PAZ ZAMORA	6
1994		SANCHEZ I.1	52
1998		BANZER 1	7
2000		BANZER 2	7
2001		BANZER 3	?
2002		QUIROGA 1	?
2003		SANCHEZ II.1	?
2006		MORALES 1	?
2010	MORALES II.1	?	
BRAZIL	1989	SARNEY 2	27
	1990	COLLOR 1	72
	1991	COLLOR 2	72
	1992	COLLOR 3	58
	1993	ITAMAR 1	43
	1994	ITAMAR 3	77
	1995	FHC I.1	34
	1996	FHC I.2	35
	1999	FHC II.1	31,00
	2002	FHC II.2	54
	2003	LULA I.1	13
	2004	LULA I.2	13
	2005	LULA I.3	17
	2006	LULA I.5	20
	2007	LULA II.2	22
2011	DILMA I	22	
CHILE	1990	AYLWIN 1	11
	1993	AYLWIN 2	5
	1994	FREI 1	15
	1998	FREI 2	10
	2000	LAGOS 1	0
	2002	LAGOS 2	0
	2006	BACHELET	15
	2010	PIÑERA 1	60
COLOMBIA	2010	PIÑERA 2	46
	1979	AYALA	8
	1983	BEATANCURT	8

	1987	BARCO	8
	1991	TRUJILLO I	0
	1992	TRUJILLO 3	0
	1993	TRUJILLO 4	0
	1995	SAMPER 1	0
	1996	SAMPER 2	0
	1998	SAMPER 3	0
	1999	PASTRANA	6
	2003	URIBE I.1	80
	2004	URIBE I.2	73
	2007	URIBE II.1	77
	2011	SANTOS 1	54
ECUADOR	1979	ROLDOS	33
	1981	HURTADO 1	42
	1982	HURTADO 3	75
	1985	FEBRES CORDERO 1	33
	1987	FEBRES CORDERO 2	25
	1989	BORJA 1	58
	1990	BORJA 2	42
	1993	BALLÉN 1	7
	1995	BALLÉN 2	21
	1997	ALARCÓN	19
	1999	MAHUAD	40
	2000	NOBOA 1	13
	2001	NOBOA 3	20
	2002	NOBOA 4	33
	2003	GUTIÉRREZ	?
	2005	PALÁCIO	?
	2007	Correa	?
	2010	Correa 2	?
PANAMA	1990	ENDARA 1	0
	1991	ENDARA 2	8
	1994	ENDARA 3	17
	1995	Balladares 1	25
	1996	Balladares 2	33
	1999	Balladares 3	33
	2000	MOSCOSO 1	8
PARAGUAY	1999	MACCHI 1	0
	2008	LUGO 1	?
	2010	LUGO II	?
	2011	LUGO III	?
PERU	2001	TOLEDO 1	?
	2003	TOLEDO 2	?
	2004	TOLEDO 3	?
	2005	TOLEDO 4	?
	2006	GARCIA 1	?
	2008	GARCIA 2	?
	2009	GARCIA 3	?
	2010	GARCIA 5	?
	2011	HUMALA	?

REP. DOMINICANA	2004	FERNANDEZ I 1	?
	2009	FERNANDEZ II 1	?
URUGUAY	1985	SANGUINETTI I 1	0
	1988	SANGUINETTI I 2	8
	1990	LACALLE I	0
	1995	SANGUINETTI II.1	0
	1996	SANGUINETTI II.2	0
	1998	SANGUINETTI II.3	0
	2000	BATLLE 1	0

**Tabela 6. Agenda and Veto Powers, and Effective Number of Parties
Latin America - 1979-2011**

COUNTRY	YEAR	CABINET	PA_FACTOR*	DEC_CON	VETO	ENP	%SEATS_COA
ARGENTINA	1984	ALFONSIN 1	1,36	0	0,715	2,23	50,8
ARGENTINA	1994	MENÉN I.3	1,02	1	0,715	2,86	48,60
BOLÍVIA	1994	LOZADA I	0,00	0	0,715	3,71	60,77
BRASIL	1989	SARNEY II	4,00	1	0,286	2,76	63,03
BRASIL	2001	FHC II.1	3,80	1	0,286	6,73	73,88
CHILE	1990	AYLWIN 1	2,78	0	0,715	5,20	60,00
CHILE	1997	FREI 1	3,06	0	0,715	4,88	58,40
COLOMBIA	1992	TRUJILLO 3	3,80	1	0,286	3,05	71,00
COLOMBIA	1997	SAMPER II	3,07	1	0,286	2,38	88,95
COSTA RICA	1986	SANCHEZ 1	0,00	0	0,858	2,21	50,88
EQUADOR	1979	ROLDOS 1	1,02	1	0,858	3,94	43,50
EQUADOR	1984	HURTADO 3	2,65	1	0,858	3,94	43,50
EQUADOR	1998	ALARCÓN 1	4,08	1	0,858	4,83	26,77
MÉXICO	1989	SALINAS 1	0,00	0	0,715	2,57	52,00
PANAMÁ	1990	ENDARA 1	0,73	0	0,858	3,72	82,09
PARAGUAI	1993	WASMOSY 1	1,63	0	0,143	2,44	47,50
PERU	2001	TOLEDO 1	2,65	1	0,286	4,46	36,00
REP. DOMINICANA	2004	FERNANDEZ I 1	0,73	0	0,858	4,03	62,00
URUGUAY	1985	SANGUINETTI I 1	3,44	1	0,143	2,92	78,80
VENEZUELA	1980	HERRERA I	0,00	0	0,715	1,59	42,21
VENEZUELA	1998	CALDERA	0,00	0	0,715	4,74	25,13

Source: Figueiredo et al. 2012