

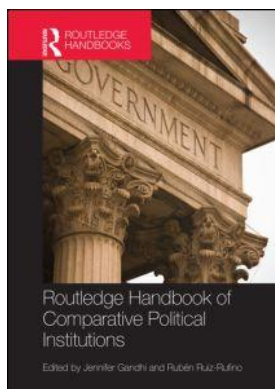
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Access details: *subscription number*

Publisher: *Routledge*

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Routledge Handbook of Comparative Political Institutions

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Executive-legislative relations

Publication details

<https://www.routledgehandbooks.com/doi/10.4324/9781315731377.ch12>

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Published online on: 09 Apr 2015

How to cite :- Sebastian M. Saiegh. 09 Apr 2015, *Executive-legislative relations from:* Routledge Handbook of Comparative Political Institutions Routledge

Accessed on: 23 Sep 2023

<https://www.routledgehandbooks.com/doi/10.4324/9781315731377.ch12>

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EXECUTIVE-LEGISLATIVE RELATIONS

Sebastian M. Saiegh

Introduction

On November 22 1990, Margaret Thatcher publicly stated that she would stand down as prime minister. Her decision ended an extraordinary era in British politics that lasted more than eleven years. Interestingly, Thatcher made her announcement shortly after she had vowed to “fight on and fight to win” in her speech following the first round of leadership elections. In the eyes of many Conservatives she had become a political liability to their party’s fortune. Therefore, she was persuaded not to go forward to the second ballot. Thatcher’s Chancellor of the Exchequer, John Major, was chosen as her immediate successor. In 1992, despite considerable public disfavor over the poll tax, European integration, and the state of the economy he scored a comfortable victory over the Labor party, and kept the Conservatives in office until the 1997 elections.

The resignation of Argentine president Fernando de la Rúa was not as orderly. On October 14 2001, after almost two years in office, his administration lost control of the two Houses of Congress to the Peronist party. The electoral defeat came in the midst of one of the country’s worst economic crisis. Two months later, thousands of people marched on the Casa Rosada calling for his resignation. On December 21 2001, he fled the governmental palace in a helicopter. The Peronist Adolfo Rodríguez Saá, then governor of San Luis, was appointed by the legislature as the new interim president. Nonetheless, he also resigned a week later when he lost the support of fellow Peronist governors. A legislative assembly eventually chose Peronist senator Eduardo Duhalde to complete De la Rúa’s term. Political turmoil, however, continued. Soon it became apparent that Duhalde’s political support was more symbolic than real. Even though he was almost unanimously chosen by the legislature to take care of the government, he continuously faced serious obstacles to implement his decisions.

The two examples illustrate how the organization of power and authority may affect political stability. Argentina did not have a constitutional solution for the problem of a failed president with a fixed term in office. In contrast, the British parliamentary regime was able to resolve its political crisis by replacing the government, without turmoil and with a high degree of continuity.

It would be naïve to imply that formal rules and procedures are paramount in explaining political outcomes. Yet, the idea that the constitutional form of government affects the

performance of democratic regimes has been one of the most discussed issues among students of comparative politics in the last three decades. Of central importance in this debate has been the *Linzian* concern with concentration of executive authority under presidentialism (Linz 1990, 1994; Valenzuela 1994; Stepan and Skach 1993). Indeed, as Cheibub and Limongi (2011) note, by establishing a connection between separation of powers and the crises that led to democratic breakdowns in Latin America, Linz set out the agenda and the tone for comparative studies of executive-legislative relations. The chain of reasoning implied by Linz's argument is that (1) coalition formation is more difficult under presidentialism; (2) when no coalition is formed, a legislative stalemate ensues; and (3) given the legislative paralysis, extra-constitutional mechanisms are activated to break the political impasse.

Notwithstanding the "perils" of presidentialism, the operation of a political system can seldom be entirely derived from the mode of government formation. There are other provisions, constitutional or otherwise, that also affect the propensity for executive-legislative deadlock. After all, the record for time taken to form a new democratic government after an election—at 353 days—is held by two parliamentary democracies: Cambodia (2003–2004), and Belgium (2010–2011). Therefore, rather than discussing the relative merits of presidentialism and parliamentarism in generic terms, it seems more promising to examine how they affect executive-legislative relations.

In this chapter I focus on the effect of these different constitutional structures on three aspects of the relationship between the executive and legislative branches of government that directly affect the performance and stability of democratic regimes: (1) government formation; (2) statutory policymaking; and (3) regime breakdown. To be clear, my aim is not to provide an explanation, or even a full account, of the connection between separation of powers, government crises, and democratic stability. Instead, my goal is to debunk a series of myths regarding the relationship between these phenomena.

I present new evidence for comparative research into democratic governance. In particular, I document the patterns of coalition formation as well as chief executives' statutory achievements in more than 50 countries in Western/Eastern Europe, North and Latin America, Asia, and the Middle East for the period between 1946 and 2012. The empirical evidence suggests that the difference in the frequency of coalitions, while favorable to parliamentarism, is not large. There is roughly a 50 percent chance that the president's party will hold a majority of seats, so that coalitions are not necessary. When the president's party does not control a majority of seats, coalitions occur more than half of the time and they are more likely to occur when the legislature is more fractionalized.

The data presented in this chapter also reveal that the relationship between chief executives' passage rates and the partisan makeup of the legislature is more complex than how it is usually depicted in the literature. Single-party minority presidents do not fare much worse than coalition governments. Moreover, the evidence indicates that "legislative impasse," "deadlock," or "stalemate" are rare events, even in the case of single-party minority governments under presidentialism.

Finally, in terms of the connection between executive-legislative relations and democratic stability the analysis presented in this chapter reveals that some intermediate degree of control of the legislature by the executive (i.e. accountability) is optimal. In other words, a strong government is hardly a pre-condition for political stability. These findings are consistent with the notion that placing limitations on a government's scope of action can be conducive to socially beneficial policy outcomes (North and Weingast 1989; Henisz 2000).

The remainder of this chapter proceeds as follows. In the next section, I briefly discuss how presidentialism and parliamentarism can be conceptualized. In the "Constitutional structures

and types of government” section, I focus on these constitutional structures’ workings and effects on the government formation process. I then document how these different ways of organizing power and authority affect statutory policymaking in the “Statutory policymaking” section. In the following section, I examine the relationship between social turmoil, executive–legislative relations, and political stability. A final section concludes.

Presidentialism and parliamentarism

Before examining how the organization of power and authority affects democratic performance, it seems appropriate to define each of the constitutional structures under consideration. Following Przeworski *et al.* (2000), presidentialism is understood here as a form of government in which: (1) the president is both the Head of State and the chief executive, and he/she is elected by voters (or an electoral college chosen by them for that sole purpose); (2) the terms of office for the president and the assembly are fixed, and are not contingent on mutual confidence. By contrast, parliamentarism is defined as a form of government in which: (1) there is a Head of State and a head of government. While the former plays merely a protocolary role, the latter is the country’s chief executive and is elected by, and responsible to, the legislature; (2) the terms of office for the executive and the assembly are not fixed, and are contingent on mutual confidence (Przeworski *et al.* 2000).¹

These definitions capture the essence of separate origin and survival of government (executive) and assembly. While parliamentarism is a system of “mutual dependence,” presidentialism is one of “mutual independence” between the executive and the legislature. Under parliamentarism, the government (executive) must resign if it no longer enjoys the confidence of the legislative assembly. A defeat on a confidence motion or an “important” bill is typically enough to bring a government down. This relationship is by no means one-sided. The executive typically has the power to recommend the dissolution of the legislature, and may in practice do this for no better reason than expected gains for the government parties at the ensuing election (Strøm 1990). In contrast, under presidentialism, the president cannot dissolve the legislature to call new elections and the legislature cannot replace the government by exercising a no-confidence vote.²

These criteria also clarify the constitutional relationship between the legislative and executive branches of government, distinguishing between fused and separation-of-powers forms of government. The efficient secret of the English Constitution, as Bagehot (1867: 12) put it, is “the close union, the nearly complete fusion of the executive and legislative powers.” In terms of their membership, the executive and legislative branches often overlap almost completely under parliamentarism. Members of the executive usually are drawn from the legislature and very often continue to sit there. In fact, a cabinet post is one of the main career goals of most ambitious legislators. In contrast, under presidentialism, cabinet members are usually banned from serving simultaneously as ministers and legislators. The president may ask members of political parties other than his/her own to serve in the cabinet, but they are selected as individuals, not as members of a legislative delegation.

Note that whether powers are fused (parliamentarism) or separated (presidentialism) is an important consideration in understanding the systematic impact of constitutional structures on policy outcomes. However, it is not determinative. For example, in presidential systems, when different parties control the executive and legislative branches, either branch may veto policy changes initiated in the other. In this case, each party constitutes what Tsebelis (1995) calls a veto player.³ Presidentialism appears to create more veto players than parliamentarism when the United States and the United Kingdom are compared. Widening the focus to include other types

of parliamentary and presidential systems, however, suggests that the simple distinction between parliamentarism and presidentialism does not determine the number of veto players. Two examples are parliamentary systems governed by multiparty coalitions and presidential systems where a single party controls the two branches of government.

Presidential and parliamentary regimes may both have devices that favor majoritarian decision-making, and others that give protection to the rights of minority parties and individual legislators. To fully characterize the different types of presidentialism and parliamentarism we must thus take into account the relationship among constitutional structure, party systems, and electoral rules. A well-established literature in political science stresses the relationship between electoral rules and party systems. Hence, roughly speaking, we can focus on two fundamental features of political institutions: the electoral rule, contrasting majoritarian and proportional electoral systems, and the regime type, contrasting presidential and parliamentary regimes. This gives us four different types of regimes: majoritarian presidentialism, majoritarian parliamentarism, proportional representation presidentialism, and proportional representation parliamentarism. In the discussion that follows I will refer to presidentialism and parliamentarism in general when such distinction within them is not relevant and I will characterize the different sub-types when needed.

Constitutional structures and types of government

It is clear from the discussion presented that parliamentarism and presidentialism are different. But how do these differences in institutional rules affect the government formation process? Do parliamentary systems always produce majority governments? How often do presidents rule with the support of a legislative majority? Should minority governments necessarily be considered “failures” of coalition formation? Is the difference in institutional rules sufficient to impede coalitions in presidential systems? And is it true that coalitions are exceptional in multiparty presidential systems? This section addresses these questions by examining the relationship between constitutional structures and government types.⁴

Majority/minority governments

Parliamentarism is a regime in which the government, in order to come to and stay in power, must enjoy the confidence of the legislature. This implies that all governments must enjoy a legislative majority. In contrast, there is nothing in the presidential system that guarantees that the executive will enjoy the support of the majority of the legislature. As conclusively demonstrated by Strøm (1990), however, it is not true that parliamentary systems will necessarily produce majority governments. In fact, minority governments are not uncommon under parliamentarism. These governments are composed by political parties or parliamentary groups that collectively control less than one half of all the seats in the chamber of the legislature to which the cabinet is constitutionally responsible (Strøm 1990: 6). By implication, minority governments thus violate the expectation that executive and legislative coalitions be identical. Nonetheless it remains true that, despite being out of the cabinet, parties that support the government on confidence votes and legislative bills (or both) need to exist. As Strøm points out, their existence usually depends on the calculus made by their leaders about the costs and benefits of participating in government. He argues that the degree of policy influence, as well as the competitiveness and decisiveness of the electoral process affect this calculus. And, more than anything else – Strøm contends – it is the anticipation of future elections that predisposes party leaders to opt for minority governments (Strøm 1990: 237).

In the case of presidential systems, minority governments can be defined as those situations in which the party of the president does not control a majority of seats in the legislature. These include both the cases where no party – including the president’s – controls a majority of legislative seats, and those where a party different from the president’s holds a legislative majority. The latter is associated with majoritarian two-party systems and corresponds to the situation of “divided government” in the U.S. sense, whereas the former is typical of proportional representation multiparty systems.

Similar to the case of parliamentarism, even if the president’s party is not majoritarian, the government can rule with the support of a legislative majority. It should be noted, though, that minority governments rule under parliamentarism because no majority wants to replace them. The same, however, is not true of presidential systems. Here a legislative majority may want to topple the government and yet would be constitutionally unable to form one. Moreover, under presidentialism, every government must include the president. Therefore, even if the opposition parties control a legislative majority and even if they want to form a common government, they cannot do it without including the president (Cheibub *et al.* 2004). This means that these parties will have to join the president or remain in the opposition and wait until the next scheduled election. If non-presidential parties believe that they will benefit electorally by opposing the president, they may be willing to wait. As with the case of parliamentarism, it is the anticipation of future elections that predisposes opposition parties to withdraw their support for the government. Unlike parliamentary systems, however, where the out-of-government legislative majority can ultimately replace the government, a presidential minority government will have to live with a hostile legislative majority until the end of its constitutional term. If this is the case, then, legislative deadlock or outright executive-legislative conflict may arise (Jones 1995). This is an outcome that is structurally unavailable under parliamentarism.

So how do these two different forms of government fare in practice? The frequency of majority and minority governments under both parliamentarism and presidentialism can be calculated using the 2012 release of the Database of Political Institutions. The sample includes 3,063 annual observations on 140 democratic countries between 1975 and 2012.⁵ The data reveal that a situation where no party controls a majority of seats in the legislature exists 62.4 percent of the time under parliamentarism and in 54.4 percent of the time under presidentialism. And, when this is the case, minority governments occur during 30.4 percent of the time under parliamentarism and 51.5 percent under presidentialism.⁶

Government coalitions

Whenever any single party controls a majority of parliamentary seats or the president’s party controls a majority of congressional seats, coalitions are not necessary to govern. As the empirical evidence indicates, however, it is often the case that no party possesses an overall majority of legislative seats. This leads to the distinction between single-party and coalition governments.

Government coalitions can be of two kinds. A portfolio coalition is a set of legislators belonging to parties that hold cabinet posts, while a legislative coalition is a set of legislators from different parties who vote together. If parties are disciplined, then every portfolio coalition is a legislative coalition. Legislative coalitions may vary from one issue to another. Such variations may arise from the fact that parties may vote together on some but not all issues or from lack of party discipline among members. Moreover, the two coalitions need not be coextensive. This is typically the case of minority governments under parliamentarism. Moreover, under presidentialism a majority legislative coalition may oppose the portfolio government (Cheibub *et al.* 2004).

Portfolio coalitions were traditionally considered by the literature to be rare and unstable in presidential regimes and frequent and stable in parliamentary regimes. The assumption being that the institutional differences between the two regimes was sufficient to create divergent incentives for coalition formation (Mainwaring 1993; Linz 1994; Jones 1995). This view, however, is at odds with the empirical evidence. Cheibub *et al.* (2004) demonstrate that the circumstances under which portfolio coalitions are likely to be formed are the same under the two systems. Their conclusion is that coalition governments may be less frequent but far from exceptional under presidentialism.

Their argument is the following: under parliamentarism, whenever a single party does not enjoy a stable legislative majority, coalitions result from formal negotiations among parties and entail a distribution of portfolios. Under presidentialism, this process is more unilateral: the president may just invite the cabinet members of parties other than his own. While parties can leave coalitions at any time in both systems, under parliamentarism a departure may topple the prime minister or at least cause an early election, while under presidentialism the departing party leaves for the *desert* until the next coalition or the next scheduled election, while the president continues to be the head of government. Waiting for the next election, presidential or legislative, will be unpleasant for the opposition parties: in the meantime, they hold no portfolios. But if they believe that they will benefit electorally by opposing the president, they may be willing to wait. Note, however, that while the opposition may have incentives to oppose the president, the president has incentives and the means to induce the opposition to cooperate (Cheibub *et al.* 2004).

The outcomes, in terms of coalition formation, depend on the allocation of legislative powers: (1) If the opposition can legislate – it can initiate legislation and/or override the president’s veto – then the outcome will be either (a) minority presidential government, whose proposals are supported by a legislative majority, (b) coalition government, or (c) minority presidential government with policies set by the opposition in the legislature. (2) In turn, if the legislature cannot initiate legislation or if the president can veto legislation without being overridden, the outcome will be either (a) minority presidential government supported by a legislative majority, (b) coalition government, or (c) “legislative paralysis” in which the president proposes legislation and the opposition votes it down without being able to adopt its own policies, so that the policy remains at some status quo (Cheibub *et al.* 2004).⁷

Table 12.1 presents a classification of government types based on their coalition status.⁸ The empirical evidence corroborates the view that coalitions are less frequent but far from exceptional under presidentialism.

In fact, the coalition majority status is the modal category under both systems (with 50 percent of the observations in the case of parliamentarism and 37.7 percent under presidentialism). Single-party minority governments are more frequent under presidentialism than under parliamentarism, but the difference is one of degree, not of kind.

Table 12.1 Type of government by constitutional structure (frequencies)

Type of government	Parliamentarism	Obs.	Presidentialism	Obs.
Single majority	30.7	510	31.7	445
Single minority	7.1	118	19.3	272
Coalition majority	50.0	830	37.7	529
Coalition minority	12.2	201	11.2	158

Source: 2012 Database of Political Institutions.

Statutory policymaking

Having established that coalition governments are less frequent but far from exceptional under presidentialism, it is worthwhile to ask “So what?” The entire focus on coalition formation is predicated on the assumption that minority governments are legislatively less successful and that various deleterious consequences follow. We thus need to identify the main factors that allow chief executives to rule by statute. And more specifically, to examine what combination of institutional and partisan considerations determines whether or not legislators will support a chief executive’s agenda. The purpose of this section is to address these issues by documenting patterns of statutory policymaking around the world.⁹

Ruling by statute

Chief executives can create policy in a variety of ways. For example, they can act without the explicit consent of the legislative branch, and “legislate” on their own through executive orders, decrees, and regulatory ordinances. Yet, the use of executive prerogatives as a source of law has important limitations. Decrees, for example, are usually seen as an exceptional policymaking instrument, and thus are particularly sensitive to judicial review. And, in some countries they can be overturned by legislature. In contrast, the legislative approval of statutes often allows chief executives to better insulate their policy choices from legal review (Remington *et al.* 1998; Amorim Neto 2006).

Statutory implementation of policy, though, is often complex, as it depends on the interactions between the executive and the legislature. Hence, it is in the realm of lawmaking that we should examine the various combinations of institutional and partisan considerations that determine whether or not legislators will support a chief executive’s legislative agenda. Scholars of comparative politics have traditionally argued that chief executives require adequate partisan support in the legislature to govern. Conflicting arguments and findings about the effect of partisan support on statutory policymaking, however, leave open the questions of why and when governments are able to successfully enact policy changes through statutes (Isberg 1982; Saalfeld 1990; Shugart and Carey 1992; Lupia and Ström 1995; Foweraker 1998; Cheibub *et al.* 2004; Cheibub 2007).

From an empirical standpoint, the greatest challenge is the lack of truly cross-national research on this topic. While the study of presidential legislative success in the United States has a long and fruitful tradition, these analyses seldom provide systematic comparisons with other countries. Likewise, most comparative research on this topic relies on either case studies of particular acts of government or from country studies. Another substantial impediment to conducting research on statutory policymaking at the cross-national level is the lack of a clear definition of legislative success. Students of executive-legislative relations use several measures and various units of analysis. In fact, passage, success, productivity, support, concurrence, dominance, control, and influence all appear in the scholarly literature (Edwards 1980, 1989; Shull 1983; Bond and Fleisher 1990; Peterson 1990) and sometimes are used interchangeably.

Chief executives’ comparative statutory performance

It is safe to assume that in most, if not all cases, chief executives are not only concerned with whether their initiatives are considered by the legislature, voted upon, or almost pass, but also if the proposed legislation is enacted into law. Moreover, statutes are the definite measure of legislative output, whereas votes and positions on issues are merely means to an end of an

uncertain consequence. Therefore, if the primary aim is to investigate how successful chief executives are in promoting their policy agendas in the legislature, it is most appropriate to use a box score. This indicator is calculated as the percentage of executive initiatives approved by the legislature.

The box score is analogous to a batting average (i.e. number of hits as a proportion of times at bat). As such, it summarizes a chief executive's record of wins and losses (Bond *et al.* 1996). Despite some of its limitations, the box score is a tangible indicator that makes it possible to compare different chief executives and to assess their relative performance under varying circumstances. Indeed, as Rivers and Rose (1985) and King and Ragsdale (1988) note, this is an ideal measure from a conceptual standpoint.

Figure 12.1 presents the distribution of box scores in a sample of 52 countries in Western/Eastern Europe, North and Latin America, Asia, and the Middle East for the period between 1946 and 2008.¹⁰ The data reveal that chief executives' passage rates vary considerably across as well as within constitutional structures.

It is clear from Figure 12.1 that the passage rates of chief executives under parliamentarism are higher than presidential ones. The box scores from these two forms of government are indeed statistically distinct; a simple two-sample t-test indicates that one can safely reject the null hypothesis that no difference between the two systems exist at the 99 percent confidence level. One can also reject the hypothesis that box scores are higher under presidential regimes.

Another way to examine the variation in chief executives' legislative performance is to classify the observations according to the partisan distribution of seats in the legislature. Regardless of constitutional structures, the average box score of democratically elected leaders with majority governments is 78.5 percent, relative to an average passage rate of 72.7 percent in the case of chief executives under minority governments. When accounting for constitutional structures, some interesting patterns emerge. Under parliamentarism, majority and minority chief executives possess very similar box scores (roughly 83 percent), but the average box score for majoritarian presidents (67.5 percent) is higher than those in the minority (62.6 percent). One important consideration is that chief executives under both types of regimes may try to boost their legislative base of support by crafting government coalitions. Therefore, the legislative performance of chief executives under minority/majority governments could potentially be affected by the coalition status of their administrations.

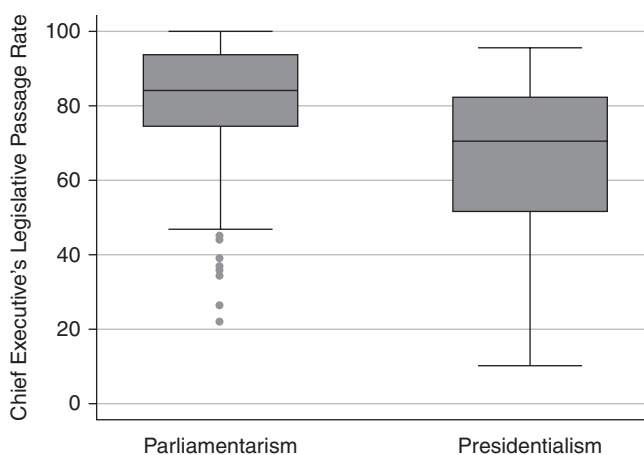


Figure 12.1 Distribution of chief executives' box scores

To analyze this possibility, I examine whether a chief executive's government is (1) a single-party majority; (2) a single, party minority; (3) a majority coalition; or (4) a minority coalition. The results are presented in [Figure 12.2](#).

Prime ministers who lead single-party majority governments enjoy the highest average legislative passage rates (88 percent), followed by those who rule under minority coalitions (84 percent). Prime ministers who rule under a majority coalition are the least effective ones (with an average box score of 76 percent), followed by those leading single-party minority governments (with an average box score of 82 percent). Still, as the data indicate, even under parliamentarism, single majority governments do suffer legislative defeats (including Westminster-type governments). In the case of presidentialism, single-party minority governments exhibit higher passage rates (an average of 70 percent) than do coalition majority (66 percent) and coalition minority (62 percent) administrations. As Cheibub *et al.* (2004) note, government coalitions tend to form when the policy distance between a minority party in government and the rest of the parties in the legislature is large. Therefore coalition governments are typically quite heterogeneous and have more players who could potentially veto a change.

Notice also that single-party minority presidents do not fare much worse than coalition governments. On average, 62 percent of single-party minority presidents' bills are approved by the legislature. Hence, it is clear that legislative paralysis is a relatively rare phenomenon, even under presidentialism. Moreover, it is apparent from these data that prime ministers possess higher legislative passage rates than presidents: the percentage of government bills approved in the legislature is higher under parliamentarism than under presidentialism, regardless of government coalition or majority status.

The patterns presented in [Figure 12.2](#) suggest that a relationship between chief executives' legislative passage rates, their country's constitutional structures, as well as the status of their governments exists. To evaluate the performance of chief executives in a multivariate setting, I estimate a statistical model with chief executives' box scores as my dependent variable and cross-country differences in institutional design as the primary correlates of interest. I also control for some additional features, such as the share of seats held by the government, the government status, electoral rules, and the structure of the legislature.¹¹ The dependent variable is the

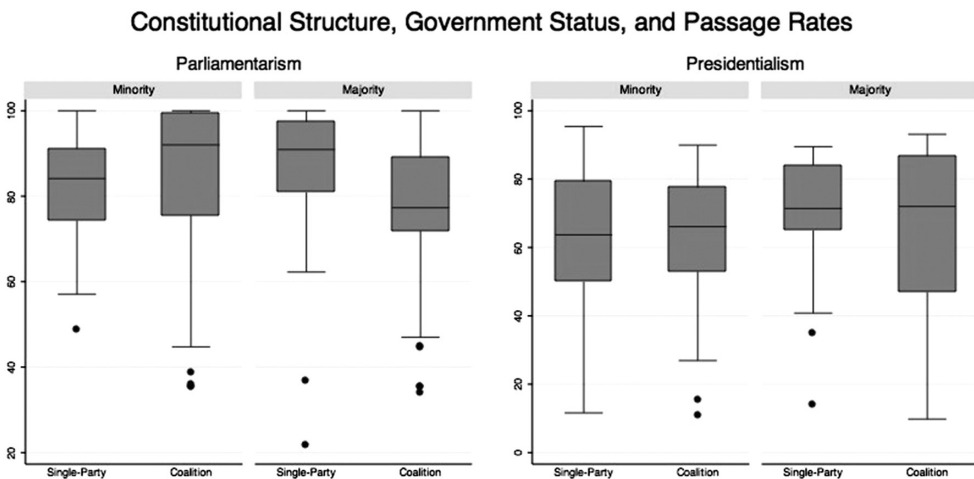


Figure 12.2 Box scores by government status

proportion of bills initiated by the chief executive and approved by the legislature of his or her respective country in a given year (expressed in its logit transformation).

Table 12.2 presents two alternative specifications.¹² The results indicate that, relative to Westminster-style parliamentary systems, passage rates are lower in non-Westminster parliamentary countries, in semi-parliamentary regimes, and especially under presidentialism.¹³

One possible explanation for the patterns presented in Figures 12.1 to 12.2, though, is that the box score data are subject to a form of self-selection bias that favors chief executives under parliamentary systems. As Cheibub *et al.* (2004) note, since prime ministers risk losing the confidence of the legislature when they are defeated, they must be careful in proposing legislation. Presidents, as the argument goes, can be more reckless: if they are indifferent to the status quo, they can initiate bills expecting to be defeated to embarrass the opposition.

According to the data, in a given year, the representative prime minister introduces 131 pieces of legislation, while the average president initiates 109 pieces of legislation. Statistically, however, there is no difference between the numbers of bills initiated by the two types of chief executives:

Table 12.2 Governments' legislative passage rates: multivariate analysis

	Country Clustered	Regional Effects
Non-Westminster Parliamentary	-1.896*** (0.531)	-1.941*** (0.252)
Semi-Parliamentary	-1.962*** (0.529)	-2.007*** (0.275)
Presidential	-2.645*** (0.533)	-2.379*** (0.388)
Government's Seat Share	1.595** (0.623)	1.785*** (0.446)
Coalition Government	-0.648*** (0.203)	-0.547*** (0.114)
Electoral Rules	0.795*** (0.261)	0.210 (0.208)
Average District Magnitude	0.004* (0.002)	0.004** (0.002)
Seats from National District	1.346** (0.618)	1.555*** (0.456)
Bicameral System	0.193 (0.283)	0.129 (0.144)
Asia		0.681** (0.296)
Latin America		-0.466 (0.372)
Eastern Europe		-0.289 (0.313)
Middle East		-0.729*** (0.249)
Intercept	2.249*** (0.563)	2.314*** (0.321)
N	272	272
R ²	0.473	0.52

Notes:

Standard errors are in parentheses.

* indicates significance at a 10% level;

** indicates significance at a 5% level;

*** indicates significance at a 1% level.

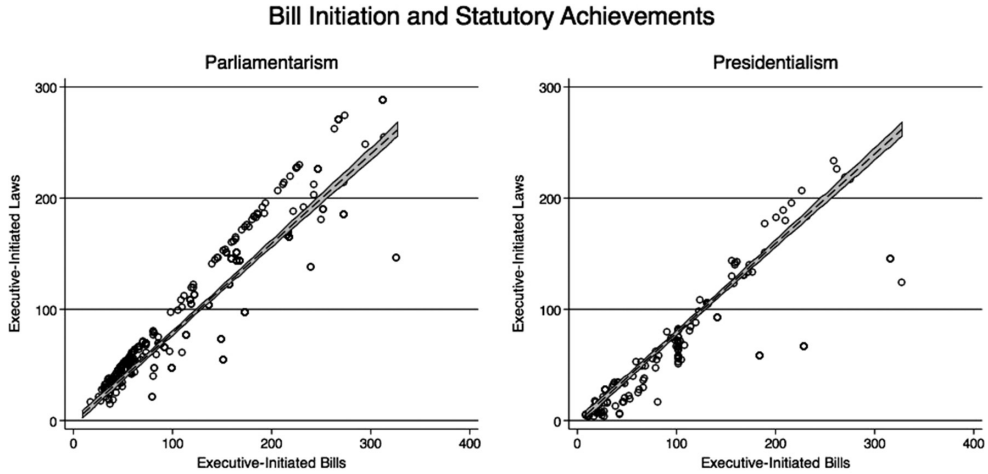


Figure 12.3 Bill initiation and statutory achievements

a difference of means test indicates that the null hypothesis cannot be rejected at conventional levels. Therefore, at least with regard to the amount of legislation introduced by the executive to the legislature every year, the evidence indicates that presidents are not necessarily more reckless than prime ministers.

It might be argued that a chief executive's carefulness is reflected in the content rather than the amount of legislation. Unfortunately the argument cannot be put to a test using the available data. Nonetheless, it is still possible to gauge how "strategic" chief executives are when it comes to bill initiation. In particular, the data can be used to address the following questions: (1) is it true that some chief executives can manage to fatten their "batting average" by withholding legislation?; and (2) what is the relationship between bill initiation and statutory achievements?

Figure 12.3 shows the number of executive-initiated bills approved by the legislature as a function of the total number of proposals introduced by the chief executive in a given year (i.e. the box score's numerator and denominator, respectively). The dashed line in Figure 12.3 represents the predicted number of executive-initiated laws obtained from a linear regression, where the number of executive-initiated laws is regressed on the number of executive bills. The shaded areas are the 95 percent confidence intervals around these estimates.

The evidence clearly rejects the notion that chief executives can obtain higher passage rates by initiating less legislation. The data on Figure 12.3 also indicate that the difference between presidentialism and parliamentarism regarding passage rates is unrelated to bill initiation. Finally, even though the data are not rich enough to test the claim directly, the patterns in Figure 12.3 suggest that chief executives under different constitutional structures do not necessarily successfully adjust the content of their bills all the time either.

Regime stability

As noted in the introduction, chief executives both under presidentialism and parliamentarism, may require adequate partisan support in the legislature to govern (in the case of the former), as well as to survive in office (in the case of the latter). Most scholars point out that the powers that the executive derives from partisan support in the legislature can be as important as those derived from authority constitutionally vested in the office. And, numerous studies have noted that

party systems influence the workability of executive-legislative relations. For example, focusing on the experiences of the Weimar Republic, the Third and Fourth French Republics, and Italy during the Cold War, some of the literature in the mid-1990s claimed that extreme executive-legislative conflict would inevitably lead to government deadlock and/or regime breakdown (Linz 1990; Mainwaring 1990; Stepan and Skach 1993; Linz 1994; Valenzuela 1994; Mainwaring and Scully 1995; Linz and Stepan 1996; Huang 1997).¹⁴

Most of this literature, however, is primarily inferential. It does not offer much evidence of governmental performance, and the term is vaguely defined via constitutive referents, such as stability or viability. Thus, the bulk of the research infers performance from probable causes, like constitutional structures and political fragmentation. But, as Di Palma (1977) notes, performance is closely related to the execution and accomplishment of an intended task. It refers to "... what is rendered, given back, returned, yielded, in short, to outputs ..." (p. 7). Rules represent one of the most significant outputs of a political system; therefore, rule-making epitomizes political performance. Therefore, by linking the notion of governability to chief executives' ability to enact policy changes, it should be possible to examine whether chief executives unable to accommodate change are threatened.

Recent research in comparative politics has demonstrated that executive-legislative confrontation is not a necessary condition for political instability (Pérez-Liñán 2007). Instead, the ability of the opposition to remove a chief executive from office ultimately hinges on the degree of popular mobilization against the government. It should be noted, though, that social conflict, turmoil and even violence can be the product of the government's incapacity to solve urgent societal problems. These phenomena, however, can also be the result of unpopular policies. Therefore, governments often face a number of dilemmas and trade-offs. In this section, I evaluate these dilemmas both from an empirical as well as a normative standpoint. Empirically, I study the relationship between chief executives' legislative passage rates and social upheaval. From a normative standpoint, the goal is to establish if, in terms of governability, some intermediate degree of control of the executive by the legislature (i.e. accountability) is optimal.¹⁵

The political gap revisited

More than 40 years have passed since the late Samuel P. Huntington argued that Great Britain, the United States, and the Soviet Union belonged to the same category of political systems. According to his landmark expression, in "...all three systems the government governs..." (Huntington 1968: 1). What he meant was that in these countries, the cabinet, the president, or the politburo could successfully enact policy changes. To establish how policy immobilism and governability are related, it would be ideal to know if regime stability is threatened when governments are unable to successfully enact policy changes. Unfortunately, endogeneity problems and the lack of appropriate data pose significant barriers to answering this question directly.

Nonetheless, this issue can be indirectly addressed, by examining the relationship between chief executives' legislative passage rates and social/political unrest. Social conflict can be the result of extraordinary problems. Yet, it can also be the product of a government's inability to address such challenges. External or domestic threats may require immediate action by the authorities, and failure to do so may lead to social and political chaos. Similarly, engaging in partisan squabbling during times of economic crisis could generate social and political unrest. Therefore, poor performance by the incumbent administration during critical times can incite popular discontent. In practical terms, there should be a correlation between chief executives' passage rates and observable manifestations of social unrest – such as protests, demonstrations, riots, strikes, road blockages, and so on. In particular, chief executives with higher passage rates

should be less likely to face popular protests than chief executives unable to accommodate change.

Political upheaval may also be the product of unpopular policies. As Przeworski (2010) notes, majority rule generates winners and losers, and authorizes the winners to impose their will on the losers, even if within constraints. The losers may try to persuade the government to modify its views; or they may be able to exercise their institutional prerogatives to block some legislation. Suppose, however, that the government is certain that its preferences will triumph in the policymaking process. Then, the political losers might graciously accept their short-term destiny and hope to do better in the future, or they may turn to violence out of desperation. Should the losers engage in the latter, the government can decide to persevere and repress the protests, wait for the protests to subside while tolerating a breakdown of order, or accommodate the demands of its opponents. So, if governments are too powerful within the institutional framework, they may achieve the paradoxical effect of undermining political stability (Przeworski 2010; Machado *et al.* 2011).

A non-linear relationship should thus be observed between a chief executive's legislative passage rate and social unrest. Specifically, chief executives' statutory performance should incite popular discontent when: (1) passage rates are extremely low (i.e. stalemate); and (2) passage rates are extremely high (i.e. lack of accommodation of opposition's demands). In contrast, social turmoil should decrease when chief executives' passage rates are at moderate levels. The solid line in Figure 12.4 presents the predicted number of violent demonstrations as a function of chief executives' box scores, while the shaded areas denote the 95 percent confidence intervals around these estimates.¹⁶

Chief executives' legislative passage rates and levels of social unrest exhibit a non-linear relationship. The predicted number of violent demonstrations first diminishes and then increases in statutory performance. Since observations of extremely ineffective governments (i.e. legislative paralysis) are few, the standard errors are large. The relationship between passage rates and social upheaval, however, is pronounced when the opposition poses little chance of blocking the executive's proposals. Countries governed by chief executives whose legislative passage rates are above 85 percent are statistically more likely to experience a larger number of riots than those ruled by chief executives with lower passage rates.

The evidence thus suggests that polities are more stable when the chief executive passes some of its agenda through the legislature. But, at the same time, the opposition must have a reasonable

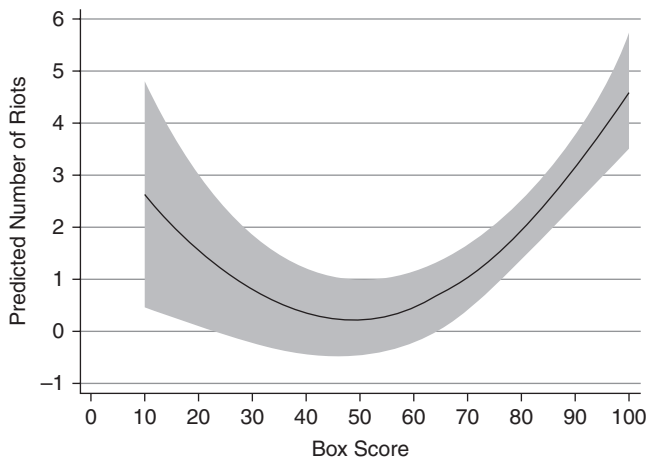


Figure 12.4 Riots and passage rates

chance of defeating some government proposals. As such, these results lend support to Ralph Dahrendorf's views on governability:

... A free society does not need a strong government. It may indeed fare better if government is fairly inactive and quiet. But a free society needs an unworried government, and that means one which is effective where necessary and legitimate throughout ...
(Dahrendorf 1980, 409–410)

Conclusions

The empirical evidence presented in this chapter indicates that, while the observation of the relatively shorter life of presidential democracy stands, the Linzian concern with concentration of executive authority under presidentialism appears to be unwarranted. Instead, the empirical evidence seems to support Przeworski's (2010) view that, at least part of the answer to the question of "What makes democracies endure?" lies in the willingness of the relevant political actors to process their conflicts through the system of representative institutions and to accept the outcomes these institutions generate.

As such, it seems like much of the variation in democratic survival across countries depends on the different strategies employed by their main political actors regarding government formation, statutory policymaking, and the institutionalized accommodation of dissenting views. In this respect, there is still much to be learned about each of these aspects of the relationship between executives and legislatures under alternative constitutional structures.

Take the case of government formation. A large and important literature that uses game theoretic models of bargaining to study this phenomenon has emerged over the last two decades. These contributions have shed light on which coalitions are most likely to form, how long governments last, and the consequences of various institutional arrangements. The lion's share of this literature, however, focuses on parliamentary democracies. Some recent empirical work has broadened our understanding of the strategic use of cabinet appointments by executives in presidential systems (Amorim Neto 2006; Negretto 2006; Raile *et al.* 2011; Martinez-Gallardo 2012). But, our understanding of government formation in presidential systems still remains limited.

For example, students of parliamentarism have yet to settle the issue of whether there is an advantage to being "*formateur*" (the party called to form the government). While a substantial body of empirical research indicates that there is little advantage (the so-called "Gamson's Law"), other studies find that, once bargaining power is accounted for, *formateurs* do enjoy sizable advantages (Warwick and Druckman 2001; Snyder *et al.* 2005).¹⁷ In presidential democracies, as discussed, the process of government formation is more unilateral. Therefore these regimes provide the natural ground where theories of *formateur* advantage should be tested. Recent empirical work by Amorim Neto and Samuels (2011) has examined some of these issues. Nonetheless more research, both deductive as well as empirical, on how the government formation process works under different constitutional structures is needed.

With regard to statutory policymaking, as the analysis presented indicates, constitutional arrangements and partisan configurations do matter. These features, however, are not the key to understanding why governments suffer legislative defeats. Saiegh (2011) identifies two major factors that shape lawmaking: the unpredictability of legislators' voting behavior, and whether buying legislative votes is a feasible option. The source of the uncertainty is the existence of cross-pressured legislators: in deciding how to vote, lawmakers consider a variety of influences, including their personal values, announced positions, the views of their constituents, and the

preferences of their party leadership. Therefore, legislators' voting behavior can seldom be perfectly anticipated.

The emphasis on the unpredictability of legislators' behavior elucidates the empirical puzzle posed by chief executives' legislative defeats. It also leads to some clear empirical implications regarding the relationship between legislators' induced preferences and statutory policymaking. The existence of a winning voting coalition depends on the partisan distribution of seats in the legislature but also on the distribution of the policy preferences of legislators' supporters. If a legislator's partisan identity accurately predicts her constituency's ideal policies, then a chief executive may be able to calculate more accurately how she will cast her votes. In contrast, if partisanship is weakly correlated with constituency interests, chief executives are more likely to make mistakes.

Saiegh (2011) argues that the uncertainty surrounding statutory policymaking is in part related to constitutional and electoral structures. For example, the extent to which legislators represent a "national" rather than a "local" constituency is an important institutional factor that affects the correlation between partisans' and districts' ideal policies. Nonetheless, we still have very little knowledge regarding the unpredictability of legislators' voting behavior at the micro level. Most studies rely on recorded votes in legislatures (roll call data) to measure politicians' spatial preferences. But, very few studies concentrate on the predictability of legislators' voting behavior rather than on their ideological location.¹⁸

Buzard and Saiegh (2014) study how trade policy is determined when lobbying effort is endogenous, ratification of free trade agreements is needed, and legislative decision-making is not perfectly predictable. In particular, they focus on cross-industry trade policy and lobbying efforts for the three trade agreements that were passed during the 112th Congress in the United States. Using roll call votes and Bayesian Markov chain simulation statistical methods, they generate estimates of legislators' ideal points as well as their 95 percent posterior confidence intervals. The latter are of particular interest to Buzard and Saiegh (2014), as they use them to gauge the unpredictability of each legislator's voting behavior. Finally, using subsets of roll call votes, they estimate how friendly or unfriendly each legislator is with respect to a certain industry, as well as the unpredictability of his/her voting behavior when matters affecting that industry are considered. The analysis of political uncertainty in Buzard and Saiegh (2014) is a step in the right direction. However, by focusing on the United States, their work has not produced cross-national measures of political uncertainty.

Finally, the cross-national evidence presented in this chapter suggests that governmental *performance*, defined as the ability of chief executives to enact policy changes through statutes, affects the governability of a polity in complex ways. The findings also lend indirect support to the notion that regime stability is not threatened by ineffective governments. Furthermore, the analysis shows that in the developing world, popular discontent is higher when chief executives' passage rates are extremely high than when they are extremely low. And, if popular uprisings are a necessary condition for regime breakdown, then even deadlocked governments may be able to *survive without governing* (Di Palma 1977; Pérez-Liñan 2007).¹⁹

The findings presented have another important implication for the study of regime breakdown. Most clearly, they demonstrate that governability is best served in developing countries when the chief executive passes some of his agenda through the legislature but not when the opposition has no possibility of blocking any government proposals. Therefore, democracy is possibly threatened when the government tries to do too much rather than doing too little.

Consider the fall of Chile's Salvador Allende in 1973. According to some scholarly interpretations, this episode exemplifies how policy immobilism leads to a breakdown of democracy (Linz 1990;

Valenzuela 1994). It should be noted, though, that despite facing a hostile Congress, Allende passed more than a hundred pieces of legislation in 1971 (Alemán 2009). His passage rate fell precipitously in 1972 (he passed fewer than 30 laws), but he hardly faced complete and absolute gridlock (Alemán 2009). The notion that Allende stood idle in the face of congressional opposition also seems unwarranted. Without the passage of any new legislation, and using an obscure law dating from 1932, Allende managed to nationalize 187 firms (including industrial establishments, banks, and media companies) by the end of his first year in office. And, while the conflict with Congress increased the illegitimacy of Allende's social reforms in the view of the opposition parties who withheld their consent, it was not enough to block them (Cohen 1994). As opposition forces found themselves increasingly limited in stopping Allende's agenda in the legislative arena, they took the struggle to the streets. By September 1973, a truckers' confederation strike that had started a few months earlier finally strangled Chile's flow of supplies, making a major contribution to the crisis atmosphere in which the coup took place (Goldberg 1975).

This historical example is quite illustrative. But, it does not provide conclusive evidence to support the view that democracy may be threatened when the government tries to do too much rather than doing too little. In other words, one could also find examples indicating that democracy is threatened when the government is legislatively unsuccessful. One possible direction would be to empirically examine the issue in a statistical fashion. Unfortunately, despite being the most comprehensive dataset on chief executives' legislative passage rates in existence, the data compiled by Saiegh (2011) are still inappropriate to conduct a direct test of the relationship between policy immobilism and regime stability. As such, this is another area that deserves future research.

Notes

- 1 Other forms of government cannot be classified as parliamentary or presidential based on these criteria. These are countries where the president is elected for a fixed term, but the government serves at the discretion of the parliament. These constitutional structures are often referred to as "premier-presidential," "semi-presidential," or "mixed" (Przeworski *et al.* 2000).
- 2 There are no pure presidential democracies in which the president has the authority to dissolve the legislature, as French and Finnish presidents may do. The Peruvian Constitutions of 1933, 1979, and 1993, though, have all allowed the president to dissolve Congress in response to repeated censures of cabinets. Uruguay's Constitution also allows for dissolution after censures, but the censure provision requires a two-third vote (rather than a majority as in Peru), making it very difficult to enact (Mainwaring and Shugart 1997: 18).
- 3 A veto player is an individual or collective actor "whose agreement is required for a policy decision" (Tsebelis 1995: 293).
- 4 This section draws from previous work with José Cheibub and Adam Przeworski (Cheibub *et al.* 2004).
- 5 The Database of Political Institutions (DPI) is compiled by the Development Research Group of the World Bank for research in comparative political economy and comparative political institutions. Beck *et al.* (2001) present the database; the coding rules and sources are described in detail in the codebook (Keefer 2005).
- 6 In a study of 132 governments in 12 parliamentary democracies, Taylor and Laver (1973) find that 34.1 percent constitute minority governments. Arend Lijphart (1984) reports the proportion as 67 of 218 (30.7 percent) governments in 20 countries over the period from 1945 to 1980. Cheibub (1998) finds a similar proportion of cases using data for 21 industrialized parliamentary regimes between 1946 and 1995.
- 7 Cheibub *et al.* (2004) also note that portfolio coalitions will be formed only when the president's party and the one closest to it are relatively distant in policy terms. Otherwise, the president governs alone, satisfied with the legislative outcomes. Therefore, they conclude that coalition governments are necessarily heterogeneous.
- 8 It should be noted, though, that the definition of government parties used by the Database of Political Institutions is different from the one used by Cheibub *et al.* (2004). Unlike, the latter (who focus on

- portfolio coalitions), the authors of the DPI dataset classify parties as being in government on the assumption that they support the president/prime minister.
- 9 This chapter includes a few excerpts from my book *Ruling by Statute: How Uncertainty and Vote Buying Shape Lawmaking*, published by Cambridge University Press in 2011. Reprinted with permission of Cambridge University Press.
 - 10 The data are displayed using a boxplot. Each box extends from approximately the first to third quartiles. Observations more than the 1.5 interquartile range beyond the first or third quartile are plotted individually. See Saiegh (2011) for information about the composition of the sample, and the sources from which the data were obtained.
 - 11 The variable *Electoral Rules* takes the value of 1 if plurality governs the majority/all of the seats in the lower house of the national legislature, 0 if proportional representation is used, and 0.5 if it is a mixed system. Source: Keefer (2005). The variable *Average District Magnitude* is calculated as the total number of seats allocated in the lowest tier divided by the total number of districts in that tier. Source: Golder (2005). The variable *Seats from a National District* indicates the proportion of legislators that are elected via a national tier to the lower house of the national legislature. Source: Wallack *et al.* (2003). The variable *Bicameral System* takes the value of 1 if the national legislature is bicameral; 0 otherwise. Source: Wallack *et al.* (2003).
 - 12 The first column reports the results of a model in which standard errors are robustly estimated and the disturbance terms for each country are allowed to be correlated, while the second column presents the results of a model with regional dummies.
 - 13 The following countries in the sample were coded as Westminster-style systems: Canada, Bangladesh, Ireland, Malta, United Kingdom, and New Zealand.
 - 14 In the case of presidential regimes, according to this view, when party systems fail to provide the president with sufficient legislative support, "...there is no alternative but deadlock..." (Mainwaring and Scully 1995: 33), and "... the norm is conflictual government..." (Jones 1995: 38). Therefore, "... the very notion of majority government is problematic in presidential systems without a majority party ..." (Huang 1997: 138), "... stable multi-party presidential democracy ... is difficult..." (Mainwaring 1990), and "... presidential systems which consistently fail to provide the president with sufficient legislative support are unlikely to prosper..." (Jones 1995: 38). Or, as Tsebelis (1995: 321) put it "... in regimes where government change is impossible (except for fixed intervals like in presidential regimes), policy immobilism may lead to the replacement of the leadership through extra-constitutional means..."
 - 15 This chapter includes a few excerpts from my book *Ruling by Statute: How Uncertainty and Vote Buying Shape Lawmaking*, published by Cambridge University Press in 2011. Reprinted with permission of Cambridge University Press.
 - 16 I model the relationship between chief executives' legislative passage rates and social unrest by fitting a second-order polynomial on the data. I use the box score measure and data on social upheaval collected by Banks (1996). The main variable of interest, Riots, measures the number of violent demonstrations or clashes of more than 100 citizens that involve the use of physical force. I restrict my attention to democratic countries with a per capita income below \$6,055 (measured in 1985 purchasing power parity dollars).
 - 17 For an exception of the latter see Carroll and Cox (2007). They extend standard bargaining models by allowing parties to form pre-election pacts, which potentially introduce a strong Gamsonian element into portfolio allocations.
 - 18 An analysis focusing both on legislators' ideological location as well as the predictability of their behavior based on their partisanship is presented in Saiegh (2011), Chapter 8.
 - 19 Indeed, Pérez-Liñan (2007) concludes that popular uprisings were the only condition necessary to remove an elected president from office in Latin America between 1978 and 2005.

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