

## **Can Presidentialism Work Like Parliamentarism?<sup>1</sup>**

THE ADVANTAGES AND DISADVANTAGES OF DEMOCRATIC REGIMES based upon separate elections and division of powers have been submitted to a lively and sustained discussion. In particular, separate elections have been blamed for creating a 'dual legitimacy', while division of powers has been made responsible for inter-institutional conflicts and governmental paralysis. Certainly, none of these potential inconveniences do exist in parliamentary regimes, in which governments emerge from and remain responsible to the legislature. In a parliamentary regime, there is usually political consistency between the majority of the parliament and the cabinet. Even a cabinet formed by parties with less than a legislative majority is forced to secure sufficiently broad support in Parliament to win confidence or censure votes and pass legislation. If the parliament is elected by proportional representation, then political consistency can also be achieved between the parliamentary multiparty system and voters' preferences, thus favouring efficient representation and social satisfaction with political outcomes.

However, since about half of present democracies in the world are organized as presidential or semi-presidential regimes and will probably keep this kind of regime for the foreseeable future, we want to discuss the conditions of good governance when elections are separate and powers are divided. We choose to focus mainly on Latin American presidential democracies because, in contrast to the United States, they usually have divided government in the context of multiparty systems, a feature that several students of Latin

<sup>1</sup> We are grateful for comments and suggestions on previous versions to John M. Carey, Barbara Geddes, William Keech, Fabrice Lehoucq, Juan Molinar, G. Bingham Powell and Arturo Valenzuela.

American political institutions have considered to be especially difficult to combine with presidential democracy.<sup>2</sup>

Our approach differs from the two main answers given to this question. First, the supporters of the so-called 'checks and balances' model, as was elaborated during the discussion of the United States Constitution, argue that mutual controls between the president, the two chambers of congress and the supreme court can prevent arbitrary collective decisions. In this perspective, the politics of 'negative powers' has been praised for its ability to prevent a 'majority tyranny', 'populist government' and the formation of socially inefficient 'redistributive coalitions'. This option, however, usually implies the acceptance of low governmental performance in policy-making and even 'gridlock'.

<sup>2</sup> There is a long list of relevant works dealing with these issues. For the United States, see, for instance, Thomas H. Hammond and Gary J. Miller, 'The Core of the Constitution', *American Political Science Review*, 81 (1987), pp. 1155–74; Fred W. Riggs, 'The Survival of Presidentialism in America: Para-constitutional Practices', *International Political Science Review*, 9: 4 (1988), pp. 247–78; James L. Sundquist, 'Needed: A Political Theory for the New Era of Coalition Government in the United States', *Political Science Quarterly*, 103 (1988), pp. 613–35; James L. Sundquist, *Constitutional Reform and Effective Government*, Washington, DC, Brookings Institution, 1992; Gary Cox and Samuel Kernell, *The Politics of Divided Government*. Boulder, CO, Westview, 1991; Morris Fiorina, *Divided Government*, London and New York, Macmillan, 1992; William H. Riker, 'The Justification of Bicameralism', *International Political Science Review*, 13: 1 (1992), pp. 101–16; Gary Cox and Matthew D. McCubbins, *Legislative Leviathan: Party Government in the House*, Berkeley, University of California Press, 1993; Alberto Alesina and Howard Rosenthal, *Partisan Politics, Divided Government, and the Economy*, Cambridge and New York, Cambridge University Press, 1995; David Brady and Craig Volden, *Revolving Gridlock*, Boulder, CO, Westview Press, 1998; Keith Krehbiel, *Pivotal Politics: A Theory of U.S. Lawmaking*, Chicago, University of Chicago Press, 1998; Charles M. Cameron, *Veto Bargaining. Presidents and the Politics of Negative Powers*, Cambridge and New York, Cambridge University Press, 2000.

For a comparative perspective, mostly on Latin America, see Juan J. Linz, 'The Perils of Presidentialism', *Journal of Democracy*, 1: 1 (1990), pp. 51–69; Juan J. Linz, 'The Virtues or Parliamentarism', *Journal of Democracy*, 1: 4 (1990), pp. 84–91; Matthew S. Shugart and John M. Carey, *Presidents and Assemblies. Constitutional Design and Electoral Dynamics*, New York, Cambridge University Press, 1992; Scott Mainwaring, 'Presidentialism, Mutipartism, and Democracy: The Difficult Combination', *Comparative Political Studies*, 26 (1993), pp. 198–228; Juan J. Linz and Arturo Valenzuela (eds), *The Failure of Presidential Democracy*, Baltimore, Johns Hopkins University Press, 1994; Mark P. Jones, *Electoral Laws and the Survival of Presidential Democracies*, Notre Dame, IN,

Secondly, the 'presidentialist' argument, which has found more support among students of Latin American institutions, considers that presidential regimes can be viable as long as the president's party controls a majority in congress or the executive is invested with strong proactive legislative powers (such as decrees) to overcome gridlock. Either of these options, however, implies a high concentration of power in the presidency, even if it has only minority electoral and social support. The formula of 'unified government' in presidentialism could work in a somewhat similar way to plurality-rule based parliamentary regimes according to the Westminster model, which tend to favour a high concentration of power in the single-party cabinet and its prime minister, even if it is based on only a minority of voters' support.<sup>3</sup>

In contrast to these proposals, we aim to identify the conditions of good governance in a framework of separation of powers not by neutralizing institutions against each other nor by making the presidency dominant, but by inducing inter-institutional cooperation between a multiparty congress and the presidency. We aim at adapting the logic of separation of powers to the consensual modes of representation and policy-making that prevail in multiparty parliamentary regimes.

Different institutional proposals, as well as the corresponding criticism of alternative formulae on which they are based, reflect

University of Notre Dame Press, 1995; Scott Mainwaring and Matthew S. Shugart (eds), *Presidentialism and Democracy in Latin America*, Cambridge and New York, Cambridge University Press, 1997; Timothy J. Power and Mark J. Gasiorowski, 'Institutional Design and Democratic Consolidation in the Third World', *Comparative Political Studies*, 30: 2 (1997), pp. 123–55; Dieter Nohlen and Mario Fernández (eds), *El presidencialismo renovado*, Caracas, Nueva Sociedad, 1998; Josep M. Colomer, *Political Institutions: Democracy and Social Choice*, Oxford and New York, Oxford University Press, 2001; Stephan Haggard and Matthew D. McCubbins (eds), *Presidents, Parliaments, and Policy*, Cambridge and New York, Cambridge University Press, 2001; Jorge Lanzaro (ed.), *Tipos de presidencialismo y coaliciones políticas en América Latina*. Buenos Aires, CLACSO, 2001.

<sup>3</sup> For a discussion of these options, see Sundquist, 'Needed, A Political Theory', op. cit.; Shugart and Carey, *Presidents and Assemblies*, op. cit.; Mainwaring, 'Presidentialism, Multipartism, and Democracy', op. cit.; Jones, *Electoral Laws and the Survival of Presidential Democracies*, op. cit.; Mainwaring and Shugart, *Presidentialism and Democracy in Latin America*, op. cit.; Argelina Chebub Figueiredo and Fernando Limongi, 'Presidential Power, Legislative Organization and Party Behavior in the Legislature', *Comparative Politics*, 32 (2000), pp. 151–70.

different values, even if these are only implicit in written presentations. The 'checks and balances' model, for instance, is logically congenial with giving priority to individual freedom and the corresponding limited government. In contrast, the 'presidentialist' model can be associated with a taste for compact, forcible decision-making.

We adopt a policy outcome-oriented perspective that also implies a value option. In the following analysis, policy outcomes of institutional processes are valued more positively the more satisfactory they are for the higher number of citizens. We only need to assume that the varied citizens' preferences, political party positions and public policies can be located along some policy space, such as the typical left-right axis, so as to be able to establish relative 'distances' between them. Then 'closeness' – as opposed to 'distance' – between citizens' preferences and policy outcomes is considered to be the basic criterion of collective satisfaction or social utility.

To make the analysis operational, we adopt the simple criterion that social satisfaction is higher the closer the policy outcomes are to the median voter's preference, that is, the preference of the voter who has the same number of citizens on each side of his or her preference on the policy space. The focus of the median voter's preference is based upon the mathematical property that the median position – wherever it is located in the policy-ideology space – minimizes the sum of distances from all the other positions. Since we have adopted 'closeness' as the basic criterion of satisfaction, the policy coinciding with the median voter's preference will minimize the sum of distances and, therefore, can be considered able to produce the highest satisfaction or social utility. The best institutions for this purpose will be, thus, those producing elections in which policy decisions will be made in correspondence to the median voter's preference.

We distinguish two types of institutional formulae: those regulating elections and those regulating the post-electoral inter-institutional process of decision-making. Each is addressed in the two following sections. Note that both elements are necessary to achieve social efficiency of policy outcomes. Otherwise, with unfair electoral rules, for instance, effective institutions could promote collective decisions consistent with the preferences of political representatives, but not in correspondence with those of voters. In that case, institutional decisions could be considered to be 'collectively' satisfactory from the point of view of the institutional actors directly involved in

decision-making, but not 'socially' satisfactory from the point of view of the citizens they claim to represent. Fair representation, likewise, must be complemented with the effective capacity of representatives to make decisions producing socially efficient policy. The last section summarizes our logical findings and the corresponding institutional choices. Although we maintain our discussion mostly at an analytic level, we also survey the present institutional formulae in democratic presidential regimes in Latin America, in contrast to those in the United States, focusing on those features that the analysis shows to be more relevant.

#### ELECTORAL RULES

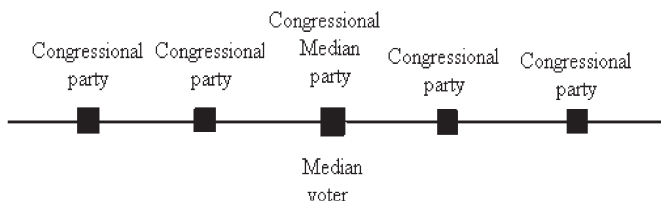
In the perspective of promoting good governance under division of powers regimes, electoral rules should, first, provide fair representation of citizens' preferences, and, second, favour cooperative exchanges between the presidency and the congress. Specifically, we can identify four desirable properties of the electoral system in a regime of separation of powers:

- It should promote sincere revelation of voters' preferences, not creating incentives for strategic calculations to vote insincerely for or against likely winning parties.
- It should not produce unified government, that is, a president's single-party majority in congress, without having a broad majority support among voters.
- The median party's preference should be as close as possible to the median voter's preference, so as to produce collectively satisfactory outcomes within institutions that were also socially satisfactory from the perspective of the voters.
- The president should be elected by citizens' broad support, including the median voter. However, since no electoral procedure can guarantee this outcome it is better to choose those electoral rules selecting the median candidate with higher probability than others.

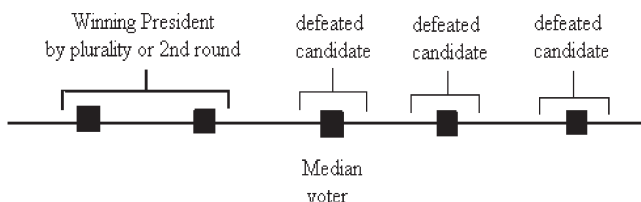
If these electorally derived conditions were fulfilled, then it should be expected that, with other appropriate institutional rules to be discussed later, policy decision-making should produce outcomes that are close to the median voter's preference and thus able to create high and broadly distributed citizens' satisfaction.

**Figure 1**  
*Decisive Actors in Elections*

1.1. Congressional election by PR: multiple winners



1.2. Presidential election: single winner



*Proportional Representation in Congress*

From a normative perspective in favour of institutional arrangements that enhance social efficiency, it seems clear that an electoral system for the single or the lower chamber of congress based on some formula of party list proportional representation (PR) should be considered superior to any plurality or majority formula. PR is the principle of representation that more often leads to the creation of legislative majorities supported by a majority of voters, including, of course, the median voter. This relation is suggested in Figure 1.1.<sup>4</sup>

<sup>4</sup> John D. Huber and G. Bingham Powell, Jr, 'Congruence Between Citizens and Policymakers in Two Visions of Liberal Democracy', *World Politics*, 46: 3 (1994), pp. 291–326; Arend Lijphart, *Patterns of Democracy*, New Haven, CT, Yale University Press, 1999; G. Bingham Powell, Jr, *Elections as Instruments of Democracy: Majoritarian and Proportional Visions*, New Haven, CT, Yale University Press, 2000; Colomer, *Political Institutions*, op. cit.

While in the USA representatives are elected by plurality in single-member districts, the principle of proportional representation has been incorporated into virtually all the electoral systems in Latin America to allocate seats in the single or lower chamber of congress. The most important differences among proportional representation systems depend on the rules determining the degree of party control over the nomination and order of candidates in the party list, the existence of vote pooling among party candidates and the magnitude of the districts.

Admittedly, certain formulae of PR have some drawbacks. One such is the so-called Hare-quota formula (Number of Votes/Number of District Seats), which provides incentives for the proliferation of small candidacies, as has been experienced in Colombia since 1991.<sup>5</sup> It can also be the case of open lists, which promote competition among candidates of the same party, inducing the provision of private goods to their districts rather than large-scale public goods.

However, an appropriate institutional design like the d'Hondt formula (usually called distributive figure or *cifra repartidora* in Latin America) and sufficiently large district magnitudes may permit the formation of a moderate multiparty system, inducing largely sincere choices of voters and guaranteeing sufficiently fair representation to parties so as to create a close correspondence between the median party's and the median voter's preferences. On this basis, the further stage of forming multiparty congressional majorities can be able to encompass representatives of different groups of voters around legislative decisions, always including the median voter's preference among them.

Some combination of party list PR with personalized vote might strike the right balance between political parties and individual candidates' prominence in the relation between candidacies and voters. This should lead to the choice of some system of 'personalized proportional representation', by which virtually all seats are allocated to parties on the basis of their share of votes, but the individuals to fill those seats are chosen partly from party lists and partly from

<sup>5</sup> Michel L. Balinski and H. Peyton Young, *Fair Representation: Meeting the Ideal of One Man, One Vote*, Washington, DC, Brookings Institution, 2001; Gary Cox and Matthew S. Shugart, 'In the Absence of Vote Pooling: Nomination and Vote Allocation Errors in Colombia', *Electoral Studies*, 14: 4 (1995), pp. 441-60.

single-member constituencies. This mix gives each party fair representation and allows parties to maintain significant degrees of policy consistency and voting discipline among their legislators, while also creating incentives for close exchanges between voters and a number of their representatives and the opportunity for the latter's accountability. A variant of this system, originally created in Germany and later adopted by other parliamentary regimes, regulates the congressional elections of the presidential regime of Bolivia today and was used in Venezuela during the period 1989–98.

This kind of 'mixed-member proportional' electoral systems, as they are also known, should be distinguished from so-called 'mixed-member majoritarian' systems. In the latter, a significant portion of seats is allocated to parties in single-member districts by plurality or majority rule, which tends to create higher distortions between parties' vote-shares and seat-shares, including a single-party majority of seats supported by only a minority of popular votes. This kind of system is applied today, among other cases, in the election of the lower chamber in Mexico.<sup>6</sup>

### *Second-round Rules for President*

While in parliamentary regimes representation is mainly determined by the election of parliament, in presidential regimes representation also depends on the separate election of the chief executive. In contrast to the virtue of proportional representation in congressional elections, there is no formula in presidential elections able to guarantee the selection of a candidate in correspondence to the preferences of the median voter, as we suggest in Figure 1.2. However, in order to fulfil the desirable properties of the electoral system listed above, we should evaluate more negatively the electoral college and direct elections based on plurality rule than those by majority or qualified-plurality rules with second rounds, whether by popular vote or by congress. Far from aiming to close the discussion, we will

<sup>6</sup> Matthew S. Shugart and Martin P. Wattenberg (eds), *Mixed-Member Electoral Systems. The Best of Both Worlds?*, New York, Oxford University Press, 2001; Josep M. Colomer (ed.), *Handbook of Electoral System Choice*, London and New York, Palgrave Macmillan, 2004.

consider some of the relevant advantages and disadvantages of these electoral rules for good governance in regimes of separation of powers.

Majority runoff has been criticized for promoting too high a number of candidates at the first round, while, presumably, simple plurality rule would create stronger incentives to form only a few candidacies.<sup>7</sup> Each of these formulae, however, implies a different type of coalition. Under simple plurality rule, coalition candidacies have to be formed before voting, which permits minor parties to negotiate favourable side-payments within a major candidacy on the basis of uncertain expectations and threats. If minor parties are not rewarded by major candidates, they can blackmail the latter by running independently and, indirectly, produce the victory of some other candidate. Then, they can expect larger shares of candidates in congressional lists, offices, programme concessions or other compensations and spoils, even beyond the proportions of their likely voting support. Majority runoff, in contrast, encourages the formation of large coalitions between the first and the second rounds of voting in which each small candidacy can be rewarded according to the popular vote support obtained in the first round. Then, it can be expected that the multiparty support for the president will correspond with the proportional representation of each party.

Majority runoff has been adopted for presidential elections in a number of countries in Latin America during the recent periods of democratization, including Brazil, Chile, Colombia, Dominican Republic, El Salvador, Guatemala, Peru and Uruguay. Accordingly, during the present democratic periods in most countries, multipartism has not only been a feature of congressional elections but also of presidential ones.

The most important advantage of majority runoff is that the winner of the second round cannot be the least preferred option of an electoral majority. This means that, in the worst of the cases, the elected president will be considered at least a lesser evil by many of the voters and therefore can expect to find significant popular and

<sup>7</sup> Matthew Shugart and Rein Taagepera, 'Plurality Versus Majority Election of Presidents. A Proposal for a "Double Complement Rule"', *Comparative Political Studies*, 27: 3 (1994), pp. 323–48; Jones, *Electoral Laws and the Survival of Presidential Democracies*, op. cit.; Mainwaring and Shugart, *Presidentialism and Democracy in Latin America*, op. cit.

political party support to try to build a consensual political majority around his or her proposals. In more technical terms, while the winner by majority at a second round may not be the Condorcet-winner because he might be defeated by some other previously eliminated candidate in a competition by pairs, he will never be the Condorcet-loser. This is so because, under majority runoff, the Condorcet-loser will be defeated, if not earlier, at least at the second round. The Condorcet-loser, in contrast, may be the winner in a contest by plurality rule.

Qualified plurality rules establish thresholds at, for instance, 40 or 45 per cent of popular votes to become the winner, with the proviso that if no candidate attains the threshold, a second round is held between the two most popular ones. This type of rule, today adopted (in different forms) in Argentina, Costa Rica, Ecuador and Nicaragua, creates higher incentives than majority runoff to form broad electoral coalitions already at the first round. While achieving an absolute majority in the first round may seem difficult and can move political leaders to postpone the formation of a coalition for only the second round, a threshold of 40 or 45 per cent is more accessible and can induce the formation of candidacies with broad support already at the first round. Actually, only two of the 20 presidential elections held by qualified plurality rules in Latin America until 2002 have required a second round. About 85 per cent of the winners by this kind of procedure have obtained the support of the median voter (authors' calculations).<sup>8</sup>

<sup>8</sup> In order to know whether the winning president has the support of the median voter, only relative positions from the other candidates to the winner are necessary to be identified. In general terms, the winner contains the median voter's support if the other candidates gather less than 50 per cent of votes both on the winner's right and on the winner's left. In the particular case that the winner has obtained an absolute majority of votes, he surely has the median voter's support. Thus, neither cardinal positions nor strictly complete orderings of the different candidates or parties are necessary for this analytical purpose. See Colomer, *Political Institutions*, op. cit. For political party spatial positions, and distributions of votes and seats, see John D. Huber and Ronald Inglehart, 'Expert Interpretations of Party Space and Party Locations in 42 Societies', *Party Politics*, 1: 1 (1995), pp. 73–111; Scott Mainwaring and Timothy E. Scully (eds), *Building Democratic Institutions. Party Systems in Latin America*, New York, Cambridge University Press, 1995; Michael Coppedge, *A Classification of Latin American Political Parties*, The Helen Kellogg Institute for International Studies, University of Notre Dame, Working paper no 244, 1997; Georgetown University/Political

Finally, a second round in congress is a formula with many historical precedents in Latin America during the nineteenth and early twentieth centuries and presently used in the 'parliamentarized presidential regime' of Bolivia. It forces the formation of a multiparty majority coalition in support of the president in congress. This coalition may not be as stable as the typical cabinet coalition in a parliamentary regime because the president can remove cabinet ministers at will. But it can facilitate legislative decisions and cooperation between the presidency and the congress, thus favouring one of the desirable properties of electoral rules previously identified for good governance.

Globally considered, more-than-plurality rules with a second round runoff have produced relative better results than simple plurality rule in Latin American presidential elections. Specifically, out of 57 elections in thirteen countries having used second-round rules, in 42 per cent of the cases the winning candidate has obtained an absolute majority of popular votes at the first round, in contrast to only 37 per cent of cases with simple plurality rule in 35 elections in nine countries having used this rule during present democratic periods (the total account for present democratic periods also includes two indirect elections by electoral colleges). More-than-plurality rules with second round have produced winning presidents supported by the median voter at the first round in 53 per cent of the cases, in contrast to only 48 per cent of the cases in elections by simple plurality rule (authors' calculations).

In order to evaluate electoral results for the conditions they create in favour of further governability, it can be interesting to compare some features of congressional elections and presidential elections just mentioned. In total, barely two thirds (65 per cent) of presidential elections have given the victory to the median voter's candidate. But in a number of these, amounting to about 15 per cent of total, the president's party has not been the median voter's party in congressional elections. This is due to the lower number of candidacies running in presidential elections in comparison with those in con-

Database of the Americas ([www.georgetown.edu/pdba](http://www.georgetown.edu/pdba)); J. Mark Payne, Daniel G. Zovatto, Fernando Carrillo Flórez and Andrés Allamand Zavala, *Democracies in Development. Politics and Reform in Latin America*, Washington, DC, Inter-American Development Bank, 2002; Josep M. Colomer and Luis E. Escatel, *The Left-Right Dimension in Latin America*, Mexico, CIDE, Documento de Trabajo, 2003.

gressional elections – as mentioned above for the incentives to concentrate support provided by majoritarian presidential rules. This makes some median voters' presidential candidates located at relatively high distances from the median voter's preference, which can be closer to some other congressional candidacy.

Thus, in total, only 50 per cent of winning presidents (47 out of 94) have been supported by the median voter's party in both presidential and congressional elections. To put it simply: presidential regimes in present Latin American democracies have worked like parliamentary regimes, at the electoral level, only half of the time. Successful cases include a number of candidates not having obtained an absolute majority support in popular votes at the first round, but located in a very advantageous position around the centre of the left–right political spectrum. This has usually been the case of the Justicialists (PJ) in Argentina, the Nationalists (MNR) in Bolivia, the Liberals (PL) in Colombia and the Colorados (PC) in Uruguay – typically median voters' parties in both congressional and presidential elections.

In contrast, other presidential candidates have obtained the support of the median voter only thanks to the support of the congressional median voter's party already at the first round of the presidential election. Cases include the candidates of the Social Democrats (PSDB) in Brazil, enjoying the support of the median voter's Party of Democratic Movement (PMDB, which did not present its own candidate for president), and of the Socialists (PS) in Chile, also enjoying the support of the Christian Democrats (PDC) within the 'Concertación' broad electoral coalition (promoted by a relatively restrictive congressional electoral system).

Finally, a number of elected presidents have been neither the median voter's candidate at the first round of the presidential election nor have they had the support of the median voter's party at the congressional election. These include non-MNR presidents in Bolivia, and certain minority, extreme candidates in Brazil, Dominican Republic, Ecuador, and other countries. Most of them faced wide popular and political opposition once in office.

### *The Disadvantages of Plurality Rule*

In contrast to second-round rules just discussed, simple plurality rule tends to produce the worst possible electoral results. First, plurality

rule is the one that most induces insincere voting in favour of the less rejected of likely winning candidacies, both in congressional and in presidential elections. The importance of strategic voting under plurality rule is most visible in settings in which third or fourth parties manage to survive, but obtain lower proportions of votes than they would in more permissive electoral systems. However, strategic votes, as well as the abstention of 'alienated' voters, are also significant in two-party systems, which always imply some degree of acquiescence or resignation among broad layers of voters that would have chosen other (non-available) alternatives.

Secondly, congressional elections in single-member districts by plurality rule tend to produce a single-party majority in seats with a minority of popular votes. This specifically happened in about one third of the United States congressional elections since 1828, as well as in most parliamentary elections by plurality rule in Britain and other former British colonies like Canada, India and New Zealand in the corresponding periods with broad popular suffrage. With some significant frequency, the party to which these electoral rules allocate an absolute majority of seats may have obtained even fewer popular votes than some other party, thus blatantly distorting voters' representation.

These possible results of plurality rule suggest that it may be confusing to label such a formula as 'majoritarian'. In fact, relative majority rule tends to create *minority* winners. In contrast, proportional representation, which is typically associated with the protection of minority rights, tends to create legislative majorities supported by a majority of voters, at least when districts are fairly apportioned.

Finally, the winner by plurality may be located on a rather extreme position on the policy-ideology spectrum so as to face the opposition of a popular and political party majority. In other words, a clear majority of voters may prefer some other defeated candidate rather than the winner by plurality, who can even be the last option in the preference ordering of a majority of voters. More technically, the plurality winner may be the Condorcet-loser, that is, someone who would lose every election against each of the other candidates in pair-wise voting.

Under some conditions of sufficiently high social homogeneity or successful political leaders' and voters' strategic coordination, elections by plurality rule can concentrate most votes around two major

parties.<sup>9</sup> However, and contrary to long-held views about the general benefits of bipartism, in the typical situation of divided government in which the president's party has not a majority in congress, two-party systems may make governance very difficult. If party members in congress are strongly disciplined, the expected result of bipartisan competition at the policy-making level should be either hard-won unanimous agreements or adversarial politics, confrontation and 'gridlock'.

To sum up, we have identified a set of electoral rules that we believe could promote both fair representation and inter-branch cooperation: basically, personalized proportional representation for congressional elections, and majority or qualified-plurality rules with second round, whether by popular vote or by congress, for presidential elections. As can be seen in Table 1, these electoral rules, particularly for presidential elections, are now predominant in present Latin American democratic regimes.

In complex, heterogeneous societies, relatively inclusive electoral rules such as those mentioned may facilitate the consolidation of moderate multiparty systems and minority presidents – which are the most common features in Latin America. Several influential authors have considered that this typical situation can prevent good governance.<sup>10</sup> We argue, however, that this claim is unwarranted. Multipartism and minority presidents can lead to socially efficient outcomes if the distribution of powers among separate institutions provides, like in parliamentary regimes, sufficient incentives for inter-branch cooperation and integration. This is the topic of the next section.

## INTER-INSTITUTIONAL RELATIONS

Due to the single electoral origin of the legislature and the cabinet, a parliamentary regime with inclusive electoral rules makes possible

<sup>9</sup> Gary Cox, *Making Votes Count*, Cambridge and New York, Cambridge University Press, 1997.

<sup>10</sup> Shugart and Carey, *Presidents and Assemblies*, op. cit.; Mainwaring, 'Presidentialism, Multipartism, and Democracy', op. cit.; Mainwaring and Shugart, *Presidentialism and Democracy in Latin America*, op. cit.

**Table 1**  
*Electoral Rules, 2003*

| Country       | Year | Congress                |            |                         |                  | President |                  | Electoral Calendar        | Party System |
|---------------|------|-------------------------|------------|-------------------------|------------------|-----------|------------------|---------------------------|--------------|
|               |      | 1 <sup>st</sup> Chamber |            | 2 <sup>nd</sup> Chamber |                  | Term      | Rule             |                           |              |
|               |      | Term                    | Rule       | Term                    | Rule             |           |                  |                           |              |
| Argentina     | 1994 | 4 + ...                 | PR         | 6 + ...                 | Mixed            | 4 + 4     | Qualfd-plurality | Mixed                     | Multi-party  |
| Bolivia       | 1995 | 5 + ...                 | PR (P)     | 5 + ...                 | Mixed            | 5         | Majority-Congrs  | Concurrent                | Multi-party  |
| Brazil        | 1999 | 4 + ...                 | PR         | 8 + ...                 | Plurality        | 4 + 4     | Majority-runoff  | Concurrent/partial Senate | Multi-party  |
| Chile         | 1997 | 4 + ...                 | PR (M = 2) | 8                       | Plurality & life | 6         | Majority-runoff  | Non-conc./partial Senate  | Multi-party  |
| Colombia      | 1997 | 4 + ...                 | PR         | 4 + ...                 | Mixed            | 4         | Majority-runoff  | Non-concurrent            | Multi-party  |
| Costa Rica    | 1997 | 4                       | PR         | -                       | -                | 4         | Qualfd plurality | Concurrent                | Two-party    |
| Dominican R.  | 1994 | 4 + ...                 | PR         | 4 + ...                 | Plurality        | 4         | Majority-runoff  | Concurrent                | Multi-party  |
| Ecuador       | 1998 | 2-4 + ...               | PR         | -                       | -                | 4         | Qualfd plurality | Concurrent                | Multi-party  |
| El Salvador   | 1982 | 3 + ...                 | PR         | -                       | -                | 5         | Majority-runoff  | Non-concurrent            | Two-party    |
| Guatemala     | 1993 | 5 + ...                 | PR         | -                       | -                | 5         | Majority-runoff  | Concurrent                | Multi-party  |
| Honduras      | 1982 | 4 + ...                 | PR         | -                       | -                | 4         | Plurality        | Concurrent                | Two-party    |
| Mexico        | 1996 | 3                       | Mixed      | 6                       | Mixed            | 6         | Plurality        | Mixed/partial Senate      | Multi-party  |
| Nicaragua     | 1995 | 5 + ...                 | PR         | -                       | -                | 5 + 5     | Qualfd plurality | Concurrent                | Two-party    |
| Panama        | 1994 | 5 + ...                 | PR         | -                       | -                | 5         | Plurality        | Concurrent                | Multi-party  |
| Paraguay      | 1992 | 5 + ...                 | PR         | 5 + ...                 | Plurality        | 5         | Plurality        | Concurrent                | Two-party    |
| Peru          | 1993 | 5 + ...                 | PR         | -                       | -                | 5 + 5     | Majority-runoff  | Concurrent                | Multi-party  |
| United States | 1951 | 2 + ...                 | Plurality  | 6 + ...                 | Plurality        | 4 + 4     | Elect. College   | Mixed                     | Two-party    |
| Uruguay       | 1997 | 5 + ...                 | PR         | 5 + ...                 | PR               | 5         | Majority-runoff  | Concurrent                | Multi-party  |
| Venezuela     | 1999 | 5 + 5                   | PR (P)     | -                       | -                | 6 + 6     | Plurality        | Non-concurrent            | Multi-party  |

*Notes:*

+ . . . : indefinite re-election

PR: proportional representation

(P): personalized

M: District magnitude

the coexistence of multipartism with fair representation, socially efficient outcomes and relatively effective government. An inclusive parliamentary regime makes it highly likely that the median party in parliament will play a pivotal role in cabinet formation and policy-making, thus promoting closeness between governmental or legislative coalitions and the median citizen.<sup>11</sup> While a consensual parliamentary regime may be less decisive than the Westminster type, it nevertheless secures a certain level of legislative effectiveness because it forces governments to keep broad support in parliament in order to remain in power.

In contrast, the simultaneous achievement of both congruence between citizens and policy makers and effective governments is more complicated in a multiparty presidential regime. First, there is no procedure able to guarantee that the separately elected president has the support of the median voter. Secondly, presidents regularly have legislative powers to influence policy outcomes. Thirdly, presidents have the right to form cabinets regardless of the share of seats or the policy position of the presidential party in congress. These characteristics may produce policies far off the preferences of the median voter and inter-institutional conflict between the presidency and the majority in congress.

In order to satisfy the normative perspective presented in this article, the distribution of powers should fulfil the following desirable properties:

- It should reduce the policy influence of minority presidents with an extreme, minority position on the policy space.
- It should favour negotiations between the president and the median legislative party when the latter is different to the president's.
- It should encourage the formation of multiparty presidential cabinets including the median legislative party.

The satisfaction of all these properties may make a presidential regime work in a way similar, though not identical, to a multiparty parliamentary regime. In particular, it would foster cooperation between the executive and the legislative and produce policy outcomes as close as possible to the preferences of the median legislative party, which, with appropriate electoral rules, is the party closest to the preference of the median voter.

<sup>11</sup> Powell, *Elections as Instruments of Democracy*, op. cit., pp. 240–3.

*Legislative Decisions*

In separation-of-power systems, both the congress and the president can act proactively, introducing legislative proposals, or reactively, approving or rejecting other actors' proposals. The most relevant rules for the corresponding legislative decisions are the following: who can introduce proposals of legislative change (the 'proactive' actor)? who can reject or amend them (the 'reactive' actor)? under which procedures is a new proposal approved? and which is the reversionary outcome in case of no decision?

In the US typical design, the congress plays the proactive role, thus introducing legislative proposals, and the president the reactive role, enabling him to approve or reject the congressional proposals. Cases fitting this model also include Costa Rica, Dominican Republic, El Salvador, Guatemala, Mexico and Panama. In the corresponding interaction, the congress can approve a bill by simple majority, the president may either approve or veto it, and, in the latter case, the congress can override the presidential veto by some defined rule, usually (but not always) above simple majority. If the president does veto the congressional bill and opposition legislators do not have sufficient votes to override the veto, the reversion point is the previous status quo or existing policy.

Alternatively, the president may play the role of the 'proactive' actor or 'agenda setter', presenting initiatives that the congress must either approve or reject.<sup>12</sup> Under this procedure, the main instruments by which presidents can influence outcomes are the so-called urgency bills and urgency decrees. Urgency bills provide the president with the capacity to force congress to vote on his initiatives within a certain time limit. Variants of this procedure have been incorporated into the constitutions of Brazil, Chile, Ecuador, Nicaragua, Paraguay, Peru and Uruguay. Urgency decrees, which

<sup>12</sup> John Carey and Matthew S. Shugart (eds), *Executive Decree Authority*, Cambridge and New York, Cambridge University Press, 1998; Gary Cox and Scott Morgenstern, 'Epilogue: Latin America's Reactive Assemblies and Proactive Presidents', in Scott Morgenstern and Benito Nacif (eds), *Legislative Politics in Latin America*, Cambridge and New York, Cambridge University Press, 2002; Gary Cox and Matthew D. McCubbins, 'The Institutional Determinants of Economic Policy Outcomes', in Stephan Haggard and Matthew D. McCubbins (eds), *Presidents, Parliaments, and Policy*, Cambridge and New York, Cambridge University Press, 2001, pp. 21–63.

allow the president to legislate without the previous approval of congress, are included among the presidential powers in Argentina, Brazil, Colombia and Peru. In both cases, the reversion point in case of absence of approval by congress may be the previous status quo, the presidential proposal, or an amended version of it, depending on whether congress can amend presidential proposals and whether the approval of these proposals requires an explicit vote of legislators.<sup>13</sup>

Policy outcomes, however, depend not only on institutional rules but also on the relative positions of three decisive actors: the president's party, the veto party and the median party. The veto party is crucial to override a presidential veto, while the median party is able to gather a legislative majority around it. There are three possible situations, as illustrated in Figure 2. First, the president's party may be both the veto and the median party. Secondly, the president's party may be only the veto party but not the median party. Thirdly, the president's party may be neither the veto nor the median party.<sup>14</sup>

When the president's party is both the veto and the median party, we have a form of government that can be called 'presidential'. Note that 'presidential' government does not require – in contrast to the traditional definition of unified government – the president's party to have a majority of seats in congress. A sufficient condition is that the president's party is appropriately located around the 'centre' of the policy space, in a manner similar to minority governments in parliamentary regimes.<sup>15</sup> The configuration of decisive actors is illustrated in Figure 2.1. The governments of the nationalist MNR in Bolivia, the Liberals in Colombia, the Social Democrats (PLN) in

<sup>13</sup> It should be noted, however, that urgency decrees might make a return to the status quo ante impossible because they enact policies with immediate force of law. On the rules that determine the reversionary outcome in the absence of approval of presidential proposals, see Gabriel Negretto, 'Government Capacities and Policy-Making by Decree in Latin America: The Cases of Brazil and Argentina', *Comparative Political Studies*, 37: 5 (2004) pp. 531–62.

<sup>14</sup> Gabriel Negretto, 'Minority Presidents and Types of Government in Latin America', paper presented at the Latin American Studies Association Meeting, Dallas, 26–9 March 2003.

<sup>15</sup> Kaare Strom, *Minority Government and Majority Rule*, Cambridge and New York, Cambridge University Press, 1990; Michael Laver and Norman Schofield, *Multiparty Government*, Oxford and New York, Oxford University Press, 1990.

**Figure 2**  
*Decisive Actors in Congress*

Figure 2.1. Presidential government

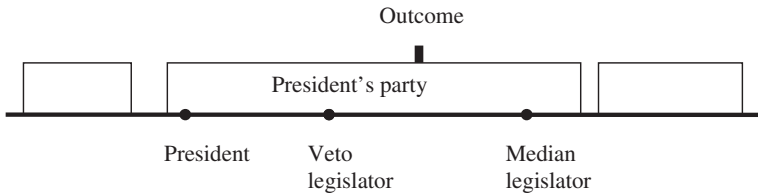


Figure 2.2. Divided government

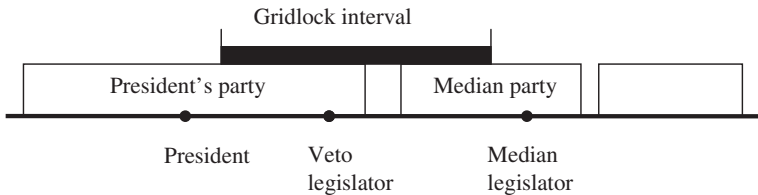
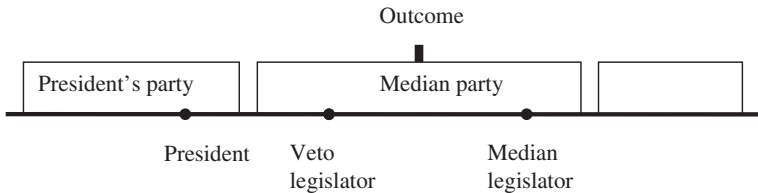


Figure 2.3. Congressional government



Costa Rica and the Colorados in Uruguay, for example, usually fit this characterization. Regardless of the location of the status quo or the reactive or proactive powers of the president, this form of government may produce inter-branch cooperation and socially efficient outcomes located around the median party's preference.

When, alternatively, the president's party is also the veto party but not the median party, we have 'divided government' – narrowly defined. Most governments of the Dominican Republic since 1986, El Salvador since 1985 and Mexico since 1997, for example, can be included in this category. If the president has no proactive powers,

policy outcomes under divided government will depend on the location of the status quo.<sup>16</sup>

There are basically two cases. First, if the legislative status quo is located at a rather distant position from the decisive actors' ideal points, a new policy coinciding with the ideal point of the median legislative party can be approved. This is so because the president will not veto proposals from the median party if they are closer to the president's preferences than the status quo. Secondly, if, in contrast, the initial status quo policy is located between the preferences of the median party and the president's party, policy changes may be impossible. The president will veto any change approaching the outcome to the median party's preference and moving it away from the presidential one. This space between the two decisive actors defines the 'gridlock interval', that is, the set of policy decisions that will be stable in spite of the existence of a legislative majority favouring policy change – as illustrated in Figure 2.2. The larger this set, the more socially inefficient some of the possible outcomes can be.

When, in addition to the veto, the president is invested with agenda powers, he may be able to promote policy changes relatively close to his own position or even impose his policy preferences. Specifically, when the president has the capacity to submit bills subject to urgent treatment and legislators are unable to amend presidential proposals, he may induce legislative changes close to his own position and away from the ideal position of the median party. When the presidency is invested with the authority to issue decrees with immediate force of law he may always be able to make his policy preferences prevail. Regardless of their powers of approval, legislators may be forced to maintain the decree in its original form if, in the face of a drastic departure from the status quo, the costs of rejecting the proposal outweigh the costs of acceptance.<sup>17</sup>

Finally, what can be called 'congressional government' refers to the situation in which a minority, extreme president's party is neither the veto nor the median party. This situation is represented in Figure 2.3. Some governments in multiparty systems, such as those of Brazil since 1985 or Ecuador since 1980, may fit this definition.

<sup>16</sup> Keith Krehbiel, 'Institutional and Partisan Sources of Gridlock: A Theory of Divided and Unified Government', *Journal of Theoretical Politics*, 8 (1996), pp. 7–40; Krehbiel, *Pivotal Politics*, op. cit.

<sup>17</sup> Negretto, 'Government Capacities and Policy-Making', op. cit.

‘Congressional government’ may produce decisions coinciding with the preferences of the median legislative party. In separation-of-powers systems, however, this kind of government, in which the presidency is deprived of all legislative influence, may provoke conflicts of ‘dual legitimacy’ and illegal or barely legal presidential reactions to regain power. Whether or not these conflicts actually occur would depend on the incentives for the president to accept the congressional rule and form multiparty coalition cabinets. These incentives exist when presidents have no proactive powers and the congress may control the appointment and removal of cabinet members. Presidents Collor in Brazil (1990–92) and Paz Zamora in Bolivia (1989–93), for instance, faced situations of congressional government. However, while Collor intended to govern with a minority coalition and rule by decree (and was finally impeached by congress), Paz Zamora formed a multiparty coalition and legislated through congress.

To sum up, a distribution of powers able to produce good governance under separate powers should provide minority presidents with an incentive to cooperate with congress and, in case of conflict, produce outcomes as close as possible to the preferences of the median legislative party. Regardless of the distribution of powers between presidency and congress, both cooperation and policy outcomes located at the position of the median party can be expected to occur when the president’s party is the median legislative party. When the president’s party is the veto but not the median party, policy outcomes will likely be located relatively close to the median position if the president lacks decree powers and congress has the right to introduce amendments to presidential proposals. Finally, if the president’s party is neither the median nor the veto party, outcomes will always coincide with the position of the median legislative party unless the president has decree powers or the legislators are unable to amend his proposals.

### *Cabinet Formation*

Inter-branch cooperation under ‘divided’ or ‘congressional’ government can also be achieved by giving the congress the capacity to participate in the process of appointing and dismissing the executive cabinet. Specifically, the president may be obliged to obtain the

congress's approval of his appointees for executive offices in the cabinet. Also, the congress may be given the opportunity to censure and provoke the dismissal of cabinet members. These formulae can be combined in different ways with different consequences.<sup>18</sup>

Consistent with the above discussion, especially regarding electoral rules, the most efficient form of approval of presidential executive appointments by congress should correspond to the majority of the lower chamber, if there is more than one, in order to establish a close correspondence between the median party, presumably reflecting the median voter's preferences, and the cabinet. In actual regimes with division of powers, however, the only known form of ratification of cabinet ministers exists in the US Constitution, which places this power in hands of the Senate. Due to majoritarian electoral rules for the Senate, this mechanism can increase the biases in representation, as well as the difficulties in decision-making embodied in the typical checks and balances model.

The capacity of legislators to present censure motions on cabinet members may also encourage cooperation between the legislative and the executive. This has been a common feature in recent constitutional reforms in Latin America in the 1990s, such as those in Argentina, Colombia and Paraguay, which joined the previous adoption of this mechanism in Bolivia, El Salvador, Guatemala, Peru, Uruguay and Venezuela. However, several observations are in order with respect to the design of this mechanism.

In the first place, for the same reasons that were mentioned in the case of ratification, motions of censure should be in the hands of the lower chamber of congress in bicameral systems. However, all bicameral legislatures with the capacity to present motions of censure in Latin America place this power in the hands of both or either of the two chambers. In addition, in the absence of previous ratification by congress, motions of censure alone may not be sufficient to secure a closer integration between the executive and the legislative and, in

<sup>18</sup> On the formation of multiparty presidential cabinets in Latin America, see Octavio Amorim Neto, 'Of Presidents, Parties and Ministers: Cabinet Formation and Legislative Decision-Making Under Separation of Powers', unpublished PhD dissertation, San Diego, University of California, 1998; Grace Ivana Deheza, 'Gobiernos de coalición en el sistema presidencial: America del Sur', in Dieter Nohlen and Mario Fernández (eds), *El presidencialismo renovado: Institucionalismo y cambio político en America Latina*, Caracas, Nueva Sociedad, 1998, pp. 151–69.

fact, lead to a dual responsibility of cabinet ministers that invites inter-branch conflict. Finally, to be effective, the approval of censure motions should imply the dismissal of the corresponding officers, as is the case in Argentina (for the chief of cabinet only), Colombia, Guatemala, Peru, Uruguay and Venezuela. Otherwise, non-binding censure motions may create chances for legislators to develop opportunistic criticisms of public officers, addressed to public opinion with no responsible consequences within the regular work of institutions.

The formulae that can be considered to be more able to favour consensual and cooperative relations between the presidency and the congress are, thus, either congressional ratification of presidential executive appointments, or approval and enforceable censure, but not censure alone. In actual presidential regimes, constitutional regulations in Bolivia are perhaps the closest to this model. When the regular election of the president by congress has been enforced, presidential candidates could only win by forming in advance cabinet coalitions able to obtain the support of a legislative majority. In addition to this quasi-investiture process, congressional parties are constitutionally able to check cabinet policies by means of the interpellation of ministers and motions of censure. A legislative majority can censure ministers in a joint session of congress, although, in its present regulation, the censure is not binding for presidents.

The temptation for legislators to initiate motions of censure without taking responsibility for future appointments may also be limited by the authority of the president to dissolve congress and call an anticipated election, as is established in Uruguay and (after a series of motions of censure against ministers) in Peru and Venezuela. However, the dissolution of congress by the president contradicts the principle of dual legitimacy produced by the separate election of the two branches of government and in practice may nullify congressional control of governments.

The rules of congressional impeachment of the president can also be revised from the perspective of inducing congressional control in the conduct of government.<sup>19</sup> The distinction between impeachment

<sup>19</sup> On the origins and significance of impeachment, see Charles L. Black, *Impeachment: A Handbook*, New Haven, CT, Yale University Press, 1974; Walter Ehrlich, *Presidential Impeachment: An American Dilemma*, St Charles, MO, Forum, 1974; Colin G. C.

and criminal trial of the president is only explicit in a few countries, like Bolivia and Chile. As a matter of fact, most impeachment regulations of present-day presidential democracies do not establish the need to achieve judicial sentences in order to remove the president or other officers. From the perspective here adopted, the impeachment of the president could, thus, be considered not a special judicial process, but a paramount form of control and dismissal of the executive by the congress.

A survey of the central institutional features that affect inter-institutional relations in presidential regimes is provided in Table 2. As can be seen, increasing numbers of constitutions in Latin America tend to approximate the model of congressional control of cabinets. But a more mixed picture emerges regarding the distribution of legislative powers between the presidency and the congress. While some regimes provide the president with relatively weak veto powers, they are often compensated with strong agenda powers. This means that while there seems to be a tendency toward greater integration between executives and legislatures presidents still maintain a degree of autonomy to deviate from the type of consensual government that characterizes multiparty parliamentary regimes.

## CONCLUSION

We coincide with a number of authors in holding that, while some types of presidential regimes with separate elections and divided powers have negative effects on the quality and performance of democratic regimes in comparison to multiparty parliamentary regimes, relatively good governance could be achieved thanks to appropriate institutional arrangements. However, we differ from some of these authors on which institutional formulae can be more appropriate.

Regarding the electoral system, we emphasize the advantages of personalized forms of proportional representation for the single or lower chamber of congress and inclusive rules for presidential elections. These formulae, which are consistent with moderate

Tite, *Impeachment and Parliamentary Judicature in Early Stuart England*, London, Athlone, 1974; Peter C. Hoffer and N. E. H. Hull, *Impeachment in America, 1635–1805*, New Haven, CT, Yale University Press, 1984.

**Table 2**  
*Inter-institutional Relations, 2003*

| Country            | Year | Veto Rule         | President's Initiative |           |         | Budget Amendments  |                            | Bicameral                  | Cabinet             | Impeachment              | Dissolution |
|--------------------|------|-------------------|------------------------|-----------|---------|--------------------|----------------------------|----------------------------|---------------------|--------------------------|-------------|
|                    |      |                   | Override               | Exclusive | Urgency | Decree             | Restrictions               | Reversion                  | Decision            |                          |             |
| Argentina          | 1994 | 2/3 each chamber  | No                     | No        | Yes     | Deficit            | Previous year              | Origin chamber 2/3         | Chief               | Deputies & Senate 2/3    | No          |
| Bolivia            | 1995 | 2/3 joint session | Yes (finance)          | No        | No      | –                  | President's proposal       | Joint session              | Cabinet non-binding | Deputies & Court         | No          |
| Brazil             | 1999 | 1/2 joint session | Yes (army)             | Yes       | Yes     | Deficit & spending | President's proposal       | Revising chamber           | –                   | Deputies & Senate/ Court | No          |
| Chile              | 1997 | 2/3 each chamber  | Yes (finance)          | Yes       | Yes     | Deficit & spending | President's proposal       | Mix committee/ Origin cha. | –                   | Dpts & Senate 2/3/ Court | No          |
| Colombia           | 1997 | 1/2 each chamber  | Yes (finance)          | No        | Yes     | Deficit & spending | President's/ previous year | Mixed committee            | Cabinet             | Deputies & Senate 2/3    | No          |
| Costa Rica         | 1997 | 2/3               | No                     | No        | No      | –                  | President's proposal       | –                          | Cabinet 2/3         | Deputies 2/3 & Court     | No          |
| Dominican Republic |      | 2/3 each chamber  | No                     | No        | No      | Deficit & spending | Previous year              | Revising chamber           | –                   | Deputies & Senate 3/4    | No          |
| Ecuador            | 1998 | 2/3               | No                     | Yes       | No      | Deficit & spending | President's proposal       | –                          | –                   | Deputies 2/3             | No          |
| El Salvador        | 1982 | 2/3               | No                     | No        | No      | Deficit & spending | President's new bill       | –                          | Cabinet non-binding | Deputies & Court         | No          |
| Guatemala          | 1993 | 2/3               | No                     | No        | No      | –                  | Previous year              | –                          | Cabinet 2/3         | –                        | No          |

| Country       | Year | Veto Rule        | President's Initiative |           |         | Budget Amendments   |                           | Bicameral         | Cabinet                   | Impeachment           | Dissolution |
|---------------|------|------------------|------------------------|-----------|---------|---------------------|---------------------------|-------------------|---------------------------|-----------------------|-------------|
|               |      |                  | Override               | Exclusive | Urgency | Decree              | Restrictions              | Reversion         | Decision                  |                       |             |
| Honduras      | 1982 | 2/3              | No                     | No        | No*     | –                   | President's new bill      | –                 | –                         | ?                     | No          |
| Mexico        | 1996 | 2/3 each chamber | No                     | No        | No      | Deficit             | No funds                  | Revising chamber  | –                         | Deputies & Senate     | No          |
| Nicaragua     | 1995 | 1/2              | No                     | No        | No      | –                   | ?                         | –                 | –                         | –                     | No          |
| Panama        | 1994 | 2/3              | No                     | No        | No      | Deficit & spending  | President's/previous year | –                 | Cabinet                   | Deputies              | No          |
| Paraguay      | 1992 | 1/2 each chamber | No                     | Yes       | No      | –                   | President's/previous year | Revising chamber  | Cabinet 2/3 non-binding   | ?                     | No          |
| Peru          | 1993 | 1/2              | No                     | Yes       | Yes     | Spending            | President's proposal      | –                 | Cabinet                   | Deputies              | Yes         |
| United States | 1951 | 2/3 each chamber | No                     | No        | No      | –                   | No funds                  | Committee         | –                         | Deputies & Senate 2/3 | No          |
| Uruguay       | 1997 | 3/5 each chamber | Yes (finance)          | Yes       | No      | Deficit & spending  | Previous year             | Joint session 2/3 | Cabinet 3/5               | Deputies & Senate 2/3 | Yes         |
| Venezuela     | 1999 | 1/2              | No                     | No        | No**    | Revenues & spending | Previous year             | –                 | Cabinet 3/5, Vicepres 2/3 | –                     | Yes         |

*Note:* 'Year' refers to the most recent regulation currently enacted.

\* The president may regulate economic rights by decree through extraordinary measures in economic and financial matters.

\*\* The president may regulate economic rights by decree during the state of economic emergency.

multiparty systems actually existing in most presidential regimes, depart significantly from plurality and other restrictive electoral rules advocated by some students of presidentialism in Latin America. While the latter rules might produce unified forms of presidential government (which would be expected to be associated with effective government), they would either need two-party systems – which do not exist in most Latin American countries – or would break the correspondence between governments and electoral majorities.

Regarding the distribution of powers, we have discussed alternative formulae to the ‘negative power’ politics of the traditional checks and balances model, in favour of a greater integration between separate branches of government. From this perspective, we emphasize the advantages of congressional legislative powers and a closer integration between the presidency and the congress in the process of cabinet formation. We believe that this model of design could be able to make compatible fair representation and relatively effective government in a way that would approximate the logic of multiparty parliamentary regimes.

All these formulae have been analysed for their ability to create forms of representation and processes of collective decision whose outcomes may provide satisfaction to the greatest number of citizens. Even though the normative model of social utility presented in this paper may be attractive to the reader, in the real world the choice of institutions usually results from processes of strategic interaction in which actors with different preferences act according to their own interests. In other words, political actors may choose institutions not to enhance social efficiency but to maximize their probability of winning office and their capacity to influence policy outcomes once elected. For instance, individuals and parties controlling or expecting to control the presidency usually support concentration of powers in the presidency, while opposition legislators, as well as parties expecting to lose the presidency in foreseeable elections, tend to support rules enhancing the power of congress. Likewise, institutions designed by multiple parties tend to foster pluralistic institutional choices in search of new opportunities to gain or share power. The outcome of the corresponding interactions will be determined by the relative bargaining power of each actor.<sup>20</sup>

<sup>20</sup> On institutional choices in recent processes of democratization, see Adam Przeworski, *Democracy and the Market*, Cambridge and New York, Cambridge University

In fact, a number of the rules we have indicated as potentially conducive to good governance in separation-of-powers systems are today gaining greater acceptance in Latin America, as can be observed from the survey in Tables 1 and 2. Specifically, along with the general adoption of proportional representation systems for the single or lower chamber of congress – in contrast to the United States model of single-member districts – in the last decade many countries have replaced the system of presidential elections by simple plurality rule with more inclusive formulae of majority or qualified-plurality rules with a second round. Today, only four out of eighteen democratic countries in Latin America maintain simple plurality rule for the election of presidents.

Regarding inter-institutional relations, one can observe that some recent constitutional reforms have provided the president with decree powers, while other constitutions have provided the president with the ability to initiate urgency bills. This strengthening of the executive's agenda powers, however, has been compensated for in some cases with a lowering of the veto override rule – a measure that can deprive the president's party from effective veto power and create 'congressional governments', as discussed above – as in Brazil and Colombia. Finally, mechanisms of cabinet responsibility to congress have been incorporated in recent reforms, although focusing on censure rather than on ratification of congressional powers.

Press, 1991; Jon Elster, 'Constitutionalism in Eastern Europe: An Introduction', *University of Chicago Law Review*, 58: 2 (1991), pp. 447–82; Jon Elster, 'Constitution-Making in Eastern Europe. Rebuilding the Boat in the Open Sea', *Public Administration*, 71: 2 (1993), pp. 169–217; Arend Lijphart, 'Democratization and Constitutional Choices in Czechoslovakia, Hungary and Poland 1989–91', *Journal of Theoretical Politics*, 4: 2 (1992), pp. 207–23; Josep M. Colomer, 'Strategies and Outcomes in Eastern Europe', *Journal of Democracy*, 6: 2 (1995), pp. 74–85; Josep M. Colomer, *Strategic Transitions: Game Theory and Democratization*, Baltimore, Johns Hopkins University Press, 2000; Josep M. Colomer, 'Disequilibrium Institutions and Pluralist Democracy', *Journal of Theoretical Politics*, 13: 3 (2001), pp. 235–48; Barbara Geddes, 'Initiation of New Democratic Institutions in Eastern Europe and Latin America', in Arend Lijphart and Carlos H. Waisman (eds), *Institutional Design in New Democracies*, Berkeley, University of California Press, 1996, pp. 15–41; Gabriel Negretto, 'Constitution-Making and Institutional Design: The Transformation of Presidentialism in Argentina', *European Journal of Sociology/Archives Européennes de Sociologie*, 40: 2 (1999), pp. 193–231; Gerard Alexander, 'Institutions, Path Dependence, and Democratic Consolidation', *Journal of Theoretical Politics*, 13: 3 (2001), pp. 249–71.

It may happen that a mix of reforms such as some of those just summarized may foster inter-institutional conflict in higher measure than either unified presidential governments or fully parliamentary regimes. Specifically, if the legislative powers of the president are reduced on one side, for instance by introducing a low veto override rule, but strengthened on the other side, for instance by giving the president decree or other compensatory powers, it may induce the presidency to try to legislate on its own without the concurrence of the congress. If the congress is given the power to censure and overthrow cabinet members but not the right to ratify their appointment, it may be tempted with frequent negative initiatives without taking co-responsibility in the formation of the executive.

A number of separation-of-power systems in Latin America seem, thus, to have moved away from certain traditional formulae of 'presidentialism' implying a high concentration of power, but they are still far away from some crucial consensual mechanisms enforced in parliamentary regimes. Most present Latin American presidents cannot now rule absolutely – as many of their predecessors used to do in the past – while the restoration of unified presidential governments do not seem to be a viable alternative in most present multiparty democratic contexts. But most congresses are not yet able to develop full legislative initiative – in contrast to the typical US feature – or shape the political composition of executive cabinets. This intermediate stage in the balance of powers may foster inter-institutional conflict with some relatively high frequency. But it can also be conceived as a provisional stage towards more parliamentarizing formulae able to produce more socially efficient results, perhaps in a way similar to how traditional non-democratic regimes based on separation of powers between the non-elected executive and the parliament (like the traditional British and other European monarchies) also evolved in the past towards parliamentary regimes.

The institutional formulae we have identified for 'parliamentarizing' presidentialism should be useful, thus, to evaluate the outcomes and relative performance of democratic regimes in Latin America, as well as in the United States and elsewhere. In this paper we have just proposed an analytic and normative framework for future discussion, expansion and empirical testing. All the arguments have been derived from the assumption that the basic objective of democratic institutions should be the production of effective decision-making in correspondence with voters' preferences. Specifically,

promoting greater integration between executives and legislatures and congruence between citizens and policy makers, which is a typical feature of multiparty parliamentary regimes, should also be the best way to produce good governance in so-called presidential regimes.