

**From Power Gaps to Instability Traps:
Reflections on Institutional Instability in Latin America¹**

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I. Introduction

Latin America and political instability have long been synonymous.² Although the specter of military coups largely receded during the 1980s, political crises, like the one currently battering Brazil's political class and resulting in the impeachment of President Dilma Rousseff this April, continue to plague the region. Excluding Haiti, if Rousseff loses the impeachment battle that is looming over her country, she will be the 18th elected president in the region since 1985—and the second Brazilian President since Fernando Collor de Mello resigned under threat of impeachment in 1992—forced to leave office through means other than the ballot box.³

Such contemporary examples of institutional instability are neither limited to Latin American leaders, nor to the region. Throughout Central and South America, scores of judges on high courts have been sacked or had their benches stacked—often repeatedly. Carlos Menem's packing of the Argentine Supreme Court during the early 1990s quickly comes to mind. As do the multiple attempts by his opponents to “reverse the damage,” which eventually succeeded under Néstor Kirchner a decade later. Similarly egregious attacks on national high courts have been carried out in Bolivia, Ecuador, Peru, Venezuela, Paraguay, and Nicaragua.

Nor have legislatures remained entirely unscathed. Although Latin American congresses have been subjected to institutional instability far less frequently than the other two main branches of government, their survival has also been called into question, particularly in the Andean countries. The signal case here is the *autogolpe* (self-coup) carried out by Alberto Fujimori in Peru in 1992, in which the president used tanks to surround and shut down congress. A year later, Guatemala's President, Jorge Serrano Elías, tried and failed to do the same. More recently, leaders like Hugo Chávez in Venezuela and Rafael Correa in Ecuador have instead relied on Constituent Assemblies controlled by the president's supporters to do their dirty work.

Beyond Latin America, institutional instability also continues to grab the headlines. Since 2000, presidents have been impeached in Indonesia (2001) and the Philippines (2001), legislatures have been closed in Egypt (2012) and Nepal (2012), and assaults against judicial independence have taken place in Hungary (2011), Pakistan (2007), Cambodia (2014), and Poland (2016), to name but a few recent examples.

The main ambitions of this essay are to 1) define and delimit the concept of inter-branch crises as a particular form of institutional instability, 2) elucidate the normative and theoretical problems

² Although the vast majority of Latin American presidents prior to the 1980s fell in military coups, presidential impeachments by the legislature were carried out in Cuba (1936) and Panama (1951; 1955; 1964). Self-coups took place in Uruguay (1933; 1942), Panama (1946), Colombia (1949), Honduras (1954), and Ecuador (1970) (See Pérez-Liñán 2007: 52-55). And in many countries the judiciary was manipulated by civilian and military leaders alike. In Bolivia alone, between 1900 and 2009, the supreme court was reshuffled more than twenty times, with an average of one reshuffle every five years, despite ten year terms (Castagnola and Pérez-Liñán 2011: 284).

³ Argentina 1989; 2001, Bolivia 1985; 2003, Brazil 1992; 1990, Dominican Republic 1996, Ecuador 1997; 2002; 2005, Guatemala 1993; 2015, Honduras 2009, Paraguay 1999; 2012, Peru 2000, Venezuela 1993.

and puzzles that inter-branch crises raise for democracy, 3) offer a novel micro-level theory of inter-branch crises, which highlights how increasing the stakes of presidential power is destabilizing, 4) connect the “shadow” of presidential instability to instability across other branches of the government and, finally, 5) show how my theoretical framework generates insights into the broader problem of instability traps.

II. Conceptualizing Inter-branch Crises

Conceptual clarity is the foundation upon which sound theoretical and empirical work rests. Yet, like most social science concepts, institutional instability is elusive, often at risk of becoming “congenitally muddled” as Przeworski and his co-authors (2000) once labelled the related term, political instability. Following North’s (1990) understanding of institutions, one interpretation might simply be that the rules of the game are in flux. Regime change (*ibid*), by this understanding, would surely be the most studied form of institutional instability, but everything from constitutional mortality (Elkins et al. 2009), to changes in electoral rules (Boix 1999), to judicial reform (Ginsburg 2003; Finkel 2008), would qualify.

Another approach, which I take here, builds on a narrower and arguably more colloquial understanding, viewing instability through the lens of the political actors occupying the institutions. That is, do elected politicians and selected judges fulfill their terms in office? And, if not, do they enter and exit their posts according to the rules or (admittedly harder to pin down) the spirit of the rules? This type of instability, which I refer to as inter-branch crises (IBCs hereafter), is the subject of this essay. In Helmke (*forthcoming*), I develop seven criteria by which IBCs can be systematically identified and thus distinguished from other forms of political instability. Here, I boil these criteria down to three main elements.

Actors. The first selection criterion for IBCs is simply that at least two of the three major branches of the government (executive, legislature, and high court(s)) are involved in the crisis. The terms “presidential crisis,” “legislative crisis,” and “judicial crisis,” then denote distinct sub-types of IBCs in terms of the particular branch that is targeted for removal by a second branch. In the first type of crisis, the president serves as the target and the legislature serves as the aggressor branch. In the second type, the roles are reversed, whereas in the third type either the president or the legislature can target the judiciary. As such, this criterion includes as an IBC everything from the presidential impeachments in Brazil (1992) and Venezuela (1993), to the self-coups carried out in Peru (1992) and attempted in Guatemala (1993), to the judicial-presidential debacle that swept the Gutierrez administration in Ecuador during 2004-5.⁴

⁴ Of course, the degree to which a given political crisis involves at least two branches varies. As experts routinely note, some presidents are primarily targeted by congress, whereas in other instances, the military or the “street” plays a much bigger role. Consider President Jamil Mahuad’s overthrow by a military-civilian junta in 2000, which culminated with Congress’s blatantly false declaration that the Ecuadorian president abandoned his post. Or think of Argentinean President Fernando de la Rúa’s resignation in 2001, which came on the heels of demands by the

Composition. The second criterion is that at least one branch of government must attempt or succeed in changing fundamentally the composition of another branch of government. Notice that because I am ultimately interested in understanding the origins of IBCs, attempts that succeed and fail are both included. This allows me to include all of the early presidential exits as well as address such well-known cases as the failed attempt made by the Colombian Congress to impeach President Samper in 1995-1996 for allegedly accepting drug money during his electoral campaign, as well as the two separate unsuccessful attempts to get rid of Paraguayan president Gonzalez Macchi in 2001 and again in 2002.⁵

Membership Threshold. The third and related criterion for IBCs is that attempts by one branch to alter the composition of the targeted branch must also reach a certain level and/or number of members. Specifically, with respect to the executive, I only include efforts to remove the president, not his or her ministers. Although countries like Ecuador and Brazil suggest that the interpellations and dismissal of cabinet members may go hand in hand with an eventual threat to the president, by themselves such incidents do not necessarily alter control over the executive branch and thus, consistent with the first selection rule, are not treated as IBCs.

Identifying the thresholds for legislative and judicial crises is somewhat more complicated. There is obviously a difference that needs to be captured between Correa's forced removal of 57 Ecuadorian legislators who refused to grant the Constituent Assembly plenipotentiary powers and a single Brazilian deputy being stripped of immunity so that he can face corruption charges. The former clearly suggests that the institution is being attacked, whereas the latter attack could simply indicate that an errant legislator is being held to account for his misdeeds. The rule of thumb employed for these multimember bodies is whether, given the removals, the institution remains functional or not.

III. Why IBCs matter

The very term "inter-branch crisis" clearly conveys that something negative is afoot. Throughout the region, such crises are widely blamed for short-circuiting elections, undermining faith in existing institutions, and threatening investor confidence and economic growth. According to many observers, the widespread failure of institutions in the region is one of the most important and difficult challenges facing citizens and policy makers alike today. Noting the relative

Peronist opposition for his impeachment following mass protests. In both of these ousters, Congress played a marginal, albeit still identifiable, role. Hence, both are considered IBCs.

⁵ Following my preliminary distinction between rules and actors, other sorts of threats or attacks that change an institution's powers, but do not raise issues of composition are outside of this definition. Therefore, although attempts to strip a court's jurisdiction or expand or contract the executive's decree powers may occur alongside of threats to replace or remake a key branch of government, I do not treat them as inter-branch crises here unless the composition of the targeted branch is also on the table.

absence of the military in contemporary Latin American politics, former U.S. Assistant Secretary of State for the Western Hemisphere Arturo Valenzuela lamented that,

“The ratcheting down of polarization and the military’s withdrawal to the barracks have not, however, ushered in an era of uniformly successful presidential governments. Instability remains a persistent problem” (Valenzuela, 2004, 5–6).

And yet it is just as tempting to conclude that such instability may not be that problematic after all. If corrupt presidents or crooked judges are being impeached for their misdeeds, then shouldn’t we instead simply infer that checks and balances are working properly?

To cite an easy example, it is hard to dispute that the quality of democracy in the Dominican Republic was vastly improved by forcing fraudulently elected President Joaquín Balaguer to leave office early. Likewise, imagine how experts would have reacted had Fernando Collor de Mello not been impeached following revelations about the corruption endemic in his administration. Or, consider recent events in Guatemala. Caught in the middle of a corruption scandal uncovered by the International Commission Against Impunity (CICIG), pundits have applauded the stunning resignation of Guatemalan president Otto Pérez Molina, touting his downfall as a sign of a “democratic spring” in Central America.

More broadly, considering that one of the longstanding concerns about presidentialism in Latin America is its rigidity, and, hence, its vulnerability to regime breakdown, presidential crises might well be taken as a positive sign that these systems are adopting “parliamentary traits” (Carey, 2005; Marsteintredet and Berntzen, 2008; Pérez-Liñán, 2005, 2007). In this spirit, Hochstetler and Samuels (2011) analyze a slew of governmental and economic indicators and argue that in cases where presidents fall, re-equilibration occurs quickly.⁶ Notwithstanding these important observations, I want to highlight two sets of reasons why we should remain concerned.

Succession. The first revolves around succession. Precisely because such contexts are often marked by rampant corruption, campaign platform switching, and general mismanagement, it is hardly surprising that allegations against targeted institutional actors stick. Yet, in the vast majority of IBCs that succeed, the resolution is rarely politically neutral. Latin American presidents are famous for decrying the politicization and corruption of the courts and legislatures only to reconstitute them with their own loyal supporters. Likewise, legislatures are often all too quick to by-pass vice presidents and replace ousted leaders with members of the opposition.

The crisis unfolding in Brazil illustrates this point perfectly. Not only is the impeachment being instigated by her opponents—but, as the *New York Times* recently noted, “some Brazilians argue that the impeachment upheaval has less to do with stamping out corruption than with an

⁶ Yet, subsequent work by Gibilisco and Helmke (2013), for instance, finds not only that a presidential crisis lowers growth in the subsequent year by as much as 1% to 2%, but that the mere prospect of presidential instability hurts the economy by as much as 7%. Clearly, more research on this question is warranted.

effort to shift power by lawmakers with questionable records themselves.”⁷ Meanwhile, the entire line of succession is currently under investigation for corruption. A week before the Chamber of Deputies voted for impeachment, the Supreme Federal Tribunal ruled that Vice President Michel Temer, whom Rousseff alleged was masterminding the conspiracy against her,⁸ must face separate impeachment charges in Congress.⁹ The next in line, the Speaker of the Lower House, Eduardo Cunha, was named the week before in the Panama Papers leak, and is charged with stealing up to 40 million dollars in bribes. Likewise, the Senate President, who is third in line, is also deeply implicated in the Petrobras scandal, among other corruption charges.¹⁰

Across Latin America, we see that of the 16 ousted leaders in the region¹¹, vice presidents were chosen as the successor in only 6 instances and in most of those cases the vice president was not from the same party as the president (Sánchez de Lozada 2003; Collor 1992; Mahuad 2002; Gutiérrez 2005; Pérez Molina 2015; Lugo 2012).¹² Thus, when we look closely at the process of succession and replacement, in most cases it is hard to escape the conclusion that such actions serve as partisan tools.

⁷ Romero And Sreeharsha April. “Dilma Rousseff Targeted In Brazil By Lawmakers Facing Scandals Of Their Own.” *The New York Times*. April 14, 2016.

⁸ “Facing Impeachment Vote in Brazil, Dilma Rousseff Accuses Vice President of Conspiracy” *The New York Times*. April 13, 2016.

⁹ “Brazil’s Congress Must Consider Impeaching Vice President.” *The New York Times*, April 05, 2016.

¹⁰ Peçanha and Romero. “Corruption Scandals in Brazil Reach All the Way to the Top.” *The New York Times*, April 1, 2016.

¹¹ I am not including Argentina 1989, because by selection rule 1 it does not qualify as an IBC.

¹² To be sure, in some instances there simply was no vice-president waiting in the wings to take the helm. Between 1858 and 1999, for instance, the Venezuelan Constitution had no provision for a Vice President. When Carlos Andrés Pérez was suspended in 1993, therefore, the head of Congress temporarily took power until Congress could designate a successor. In Argentina, Carlos “Chacho” Álvarez had already resigned from Argentina’s first coalition government over a bribery scandal a little more than a year before De la Rúa was forced from power. In the space of few weeks Congress designated no fewer than four interim presidents; each was from the Peronist opposition. And in Paraguay, where President Cubas was impeached for allegedly having had his own Vice President Luis Argaña assassinated, Congress stepped in to designate someone from the rival Colorado faction.

Table 1: Presidential Crises and Succession (1985-2016)

Country	President/Party	Year of Exit	Replaced by VP	Successor/Party Affiliation
Argentina	De la Rúa/UCR	2001	No	Duhalde/PJ
Bolivia	Siles Zuazo/MNR	1985	No	Paz Estensorro/MNR
Bolivia	Sánchez de Lozada/MNR	2003	Yes	Mesa/Independent
Brazil	Collor/PRN	1992	Yes	Franco/PRN
Brazil	Sarney/PMDP	1990	No	Collor/PRN
Dominican Republic	Balaguer/SCR	1996	No	Fernández/DLP
Ecuador	Bucaram/PRE	1997	No	Alarcón/ARF
Ecuador	Mahuad/DP	2002	Yes	Noboa/DP
Ecuador	Gutiérrez/PSP	2005	Yes	Palacio/Independent
Guatemala	Serrano/MAS	1993	No	De León Carpio/Independent
Guatemala	Pérez Molina/PP	2015	Yes	Maldonado/Independent
Honduras	Manuel Zelaya/Liberal	2009	No	Micheletti/Liberal
Paraguay	Cubas/Colorado	1999	No	González Macchi/Colorado
Paraguay	Lugo/FG	2012	Yes	Franco/ARLP
Peru	Fujimori/Peru2000	2000	No	Paniagua/AP
Venezuela	Pérez/AD	1993	No	Velásquez/Independent

Spillover. Although the academic literature on presidential crises, constitutional coups, and judicial independence (or lack thereof) has tended to develop along separate tracks, in the real world institutional instability is far more permeable. Thus, the second reason that IBCs warrant our concern has to do with this sort of spillover across institutions.

Consider Table 2, which summarizes the various combinations of IBCs by administration. Starting at the top, we see that just 30% of all IBCs occur in isolation (i.e., only one branch attacks another branch). Of these, about half, or a mere 15% (14/89) of the total number of crises, are confined to the so-called “new institutional instability” discussed in the literature in which legislatures only target presidents (Carey, 2003; Hinojosa and Pérez-Liñán, 2003; Pérez-Liñán, 2007; Valenzuela, 2004; Lehoucq, 2008; Mainwaring and Pérez-Liñán, 2005; Hochstetler, 2006; Negretto, 2006; Hochstetler and Edwards, 2009; Kim and Bahry, 2009; Llanos and Marsteintredet, 2010). The remaining isolated crises involve the executive only targeting the court (10/89).

The vast majority of IBCs, however, are not one-off affairs. Most administrations that experience one type of a crisis experience at least another type as well. Specifically, in fully 9 administrations in which a presidential crisis occurs, the executive also attacks the court. In other instances, we find reciprocal attacks between the legislature and the executive (Ortega, Palacio, Pastrana), 2 against 1 attacks against the court (Fujimori, Menem, Frei), or cases involving pure aggression against the other two branches by either the president (De León, Chávez) or the legislature (Borja).

Other administrations are even more crisis-ridden. For example, under Bolaños and Duarte, the legislature targeted the executive and both elected branches target the court. Under Correa, Fujimori and Serrano, the legislature targeted the executive, while the president went after both the legislature and the court. And, under Chamorro, the executive targeted the legislature, while the legislature launched attacks against both the president and the court. In sum, spillover challenges the tendency in the literature to silo different types of crises.

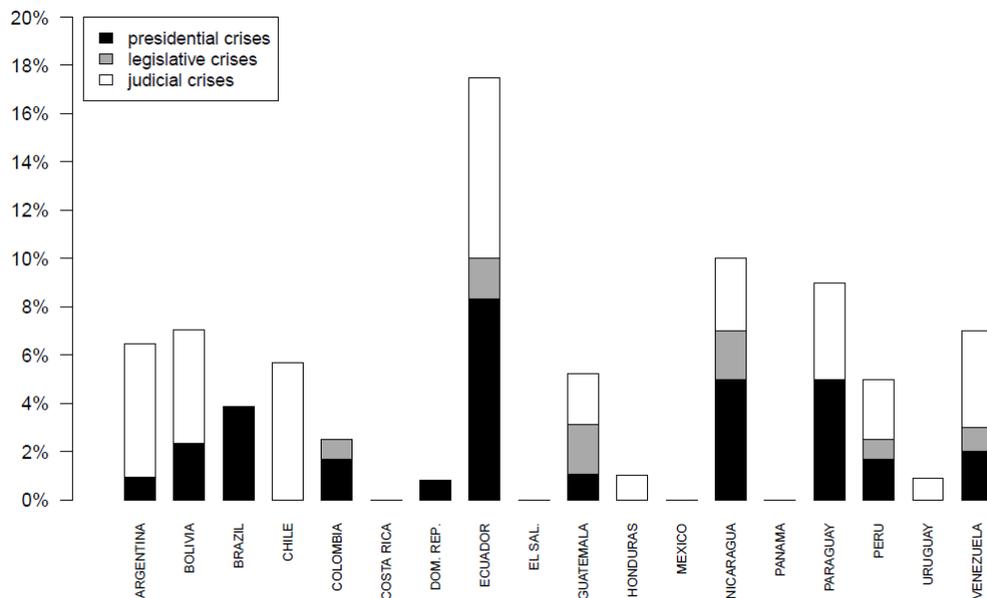
Table 2: Distribution of Crises within Administrations

Type and Combination	Total Number of Crises	Administration
Single Crises		
Presidential Crisis	14	Alemán, Balaguer, Cardoso, Collor, Cubas, de la Rúa, Fujimori3, Lula, Mahuad, Samper, Sarney, Siles, González Macchi (2)
Judicial Crisis (E)	10	Alarcón, Alfonsín, Duhalde, Kirchner, Paz Estenssoro, Aylwin (2), Morales (3)
Judicial Crisis (L)	3	Córdova, Menem, Sanguinetti
Double Crises		
Presidential Crisis; Judicial Crisis (E)	22	Bucaram (2), Durán-Ballén (2), Febres Cordero (2), Paz Zamora (2), Pérez (2), Sánchez de Lozada (2), Wasmosy (2), Chávez2 (3), Gutiérrez (5)
Presidential Crisis; Legislative Crisis	6	Ortega (2), Palacio (2), Pastrana (2)
Judicial Crisis (L); Judicial Crisis (E)	7	Fujimori2 (2), Menem (2), Frei (3)
Judicial Crisis (L); Presidential Crisis	3	Borja (3)
Legislative Crisis; Judicial Crisis (E)	4	De León (2), Chávez2 (2)
Triple Crises		
Judicial Crisis (E); Judicial Crisis (L); Presidential Crisis	8	Bolaños (4), Duarte (4)
Presidential Crisis; Legislative Crisis; Judicial Crisis (E)	9	Correa (3), Fujimori1 (3), Serrano (3)
Presidential Crisis; Legislative Crisis; Judicial Crisis (L)	3	Chamorro (3)

IV. Patterns and Puzzles

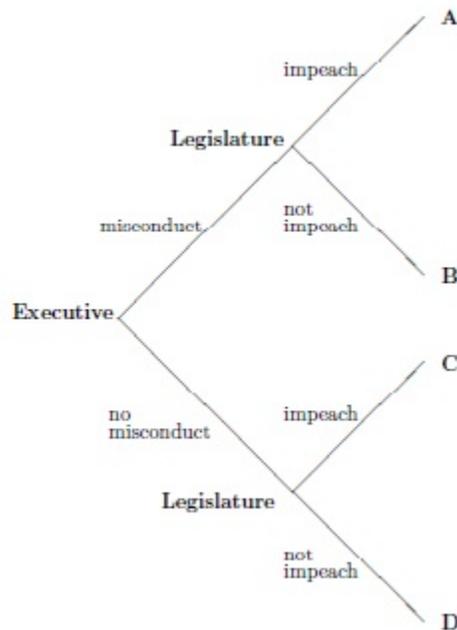
Looking at the cross-sectional data, the following patterns become clear. According to Figure 1, IBCs tend to concentrate in countries like Ecuador, Nicaragua, Paraguay, and to a somewhat lesser degree, Argentina and Bolivia, stand out as regional basket cases, whereas Costa Rica, El Salvador, Mexico, and Panama are relative bastions of stability. What is more, we see plenty of instances in which legislatures go after presidents without themselves being targeted, but in no country do we find presidents threatening legislatures without a reciprocal threat having been made or carried out. This raises a series of questions: Why do only certain countries get caught in instability traps, while others manage conflict in more “normal” ways? If some political actors in the region routinely fail to avert conflicts that threaten each other’s very survival, why do others succeed? Do the same factors that spawn a crisis in one branch of government spill over into other branches? And, if so, why, when, and how?

Figure 1: Patterns of Inter-Branch Crises by Country



At a fundamental theoretical level, IBCs represent a conundrum for classic and contemporary theories of democratic institutions alike. Recall that, at least as originally envisioned by *The Federalist Papers*, checks and balances are designed primarily to serve as a deterrent. Thus, even if presidents who committed misdeeds are appropriately removed from office, we should still be concerned that institutions are failing ex ante, at least in this basic sense. To see this logic more clearly, consider the following stylized scenario.

Figure 2: The Impeachment Game



In this game there are two players, the executive and the legislature. The executive makes an initial decision about whether to engage in misconduct or not. Here, for the sake of simplicity we assume that what constitutes misconduct is clear to both players. The legislature then makes a subsequent decision about whether or not to impeach the executive. This leads to four possible outcomes, labeled as A-D. A obtains if presidents abuse their powers and the legislature impeaches them for doing so. B occurs if presidents abuse their powers and get away with it. C is defined by the president respecting the rule of law but getting punished by the legislature anyway, an infelicitous scenario that neatly captures the politicized outcome articulated by Hamilton in *The Federalist Papers*. Finally, D (deterrence) arises when presidents stay within the bounds of their power and keep their posts.

Assuming complete information (i.e. each player knows each other's preferences, each player knows that the other player know his preferences, and so on and so forth), what is required for deterrence to work? In other words, what needs to be true about the players' preference ordering in order for D to be the unique subgame perfect equilibrium to this elementary game?

The answer is straightforward. First, presidents must prefer remaining in power to getting impeached ($B > A$; $D > C$). Given the various attempts made by Latin American presidents to overturn term limits and remain in office this hardly seems an unreasonable assumption to make about executive preferences. That Latin American presidents also routinely face criminal prosecution or exile once they leave office (e.g. see Carey, 2009) only further underscores the plausibility of this assumption. Second, however, we must also assume that the legislature only opts for impeachment when the president has actually overstepped his or her bounds ($A > B$; $D >$

C). As long as Congress punishes transgressions and only transgressions, and the president knows this and wishes to keep his or her post, then he or she will be compelled to respect the rule of law. As in other versions of the standard deterrence model, the core implication is that impeachment remains entirely in the shadows.

If traditional and modern separation-of-powers theories—theories which were, after all, born in the US context—wildly under predict inter-branch strife, the canonical comparative literature on Latin American presidentialism risks erring in the opposite direction. Starting with Juan Linz’s seminal work on the perils of presidentialism, a prominent strain in the literature has long argued that presidentialist systems are inherently prone to conflict and institutional breakdown (Linz, 1990, 1994; Przeworski et al., 2000; Valenzuela, 2004, but also see, Mainwaring, 1993; Shugart and Carey, 1992; Mainwaring and Shugart, 1997; Cheibub, 2007). In Linz’s archetypal formulation, such systems suffer from a litany of intrinsic problems, ranging from the winner-take-all quality of elections, to the on-going dilemmas of dual legitimacy between the executive and legislative branches, to the rigidities imposed by fixed terms.

A decade on, Arturo Valenzuela (2004) astutely observed that even with the military now safely relegated to the barracks, elected governments throughout Latin America still remain vulnerable to the many of the same vagaries and dysfunctional relationships outlined by Linz. Because of the enormous popular expectations placed on the office of the president, leaders often find their administrations blamed for any and all policy failures. Protests against specific policies therefore have a dangerous tendency to morph into the general demand of “Que se vayan todos!” (“Everyone must go!”). Moreover, despite the widespread belief that Latin American leaders are all-powerful, the vast majority of leaders lack sufficient legislative support to accomplish their objectives. Opposition parties have little incentive to cooperate with minority presidents; and even the support of members of president’s own party cannot be guaranteed, particularly if the president’s policies lose popular support. The result, as Valenzuela succinctly puts it, is that Latin American leaders are often forced to reign rather than rule (2004:12).

Yet, precisely why so many Latin American politicians are seemingly unable to anticipate such cycles from playing out and adjust their behavior accordingly is rarely called into question. Notwithstanding the limits of human reasoning or the hubris of certain leaders, a fully coherent theory of institutional crisis requires explaining why, if sanctions are clearly in play, political actors open themselves to risk and often end up suffering the consequences.

Rather than treat IBCs as either strictly “off the equilibrium path,” as separation of powers theorists would suggest, or as the inevitable outcome of presidentialism writ large, as some Latin American experts would have it, we need a framework that explains the fundamental fact that IBCs in the region vary dramatically across institutions and countries. The next section aims to fill this gap.

V. Power Gaps and Presidential Crises

Writing in the context of regime change, scholars have long recognized that increasing the stakes of power destabilizes those who hold it. Thus, in his seminal analysis of democracy, Przeworski (1991) wrote that “constitutions that are observed and last for a long time are those that reduce the stakes of political battles” (Przeworski 1991: 36). Building on this framework, Weingast (1997) likewise observed that democracy is more likely to become self-enforcing when the stakes of political battles are reduced such that being out of power in the current term is not too costly for opponents.

Yet, most empirical analyses of presidential crises in Latin America have focused on only the most proximate causes of instability, such as economic crises, protests, and scandals. While it is hard to overstate the importance of such triggers, this section shall argue that the underlying rules of the game captured by political institutions also matter. Borrowing the metaphorical distinction made by Elkins et al. (2009), if we now have a good understanding of the physiology of inter-branch crises, we still need insight into the genetic code that predisposes some countries to institutional instability but not others.

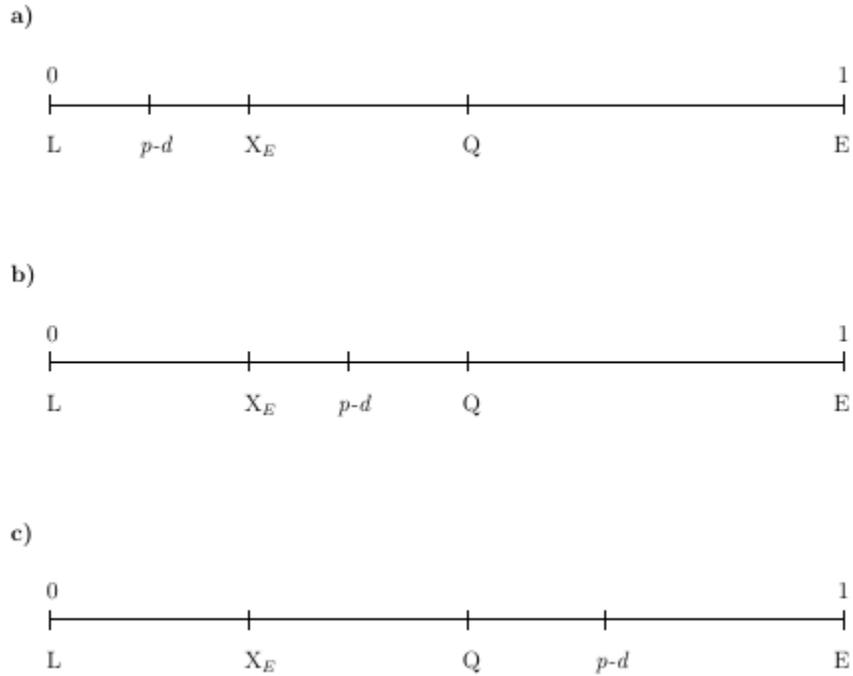
My argument thus begins with the familiar premise that Latin American presidents enjoy two types of powers: *de jure* powers, such as the president’s formal institutional powers specified by the Constitution, and *de facto* powers, such as the president’s level of partisan support in Congress or their degree of public support (cf. Mainwaring and Shugart, 1997). Imagine a scenario in which the president enjoys a relatively high level of constitutional power, but lacks significant partisan powers. If the president has the proverbial last word in a given policy dispute, it is easy to conclude that he will be tempted to simply go it alone. Cox and Morgenstern (2002) describe just this sort of an equilibrium emerging in contexts where presidents face recalcitrant congress and have no other means at their disposal for enacting their legislative agendas (also see Jones, 1995).

Shift to a world in which legislatures can effectively sanction presidents (i.e. impeach or otherwise force them out of office early) who opt for this strategy, however, and the problem suddenly becomes more interesting. Under this latter scenario, the size of the gap between the president’s partisan support and constitutional powers now not only affects the president’s incentives to reign rather than rule, but also simultaneously increases the legislature’s incentives to get rid of the rogue president.

To see this more clearly, consider the bargaining scenario depicted in Figure 3 similar to Powell (1999). Here, I use the following notation: E represents the executive branch, L represents the Congressional branch, Q represents the status quo distribution of the president’s power to shape policies, X_E represents the president’s offer. Note that unlike standard spatial models, where each

actor's utility improves as policy moves closer to his or her ideal point, the figure requires a different interpretation. Think of the distance between, say, the executive branch, E , and the status quo, Q , as the extent to which the president controls policymaking. Moving Q to the left expands the president's power; moving it to the right contracts it.¹³

Figure 3: Bargaining in the Shadow of a Presidential Crisis



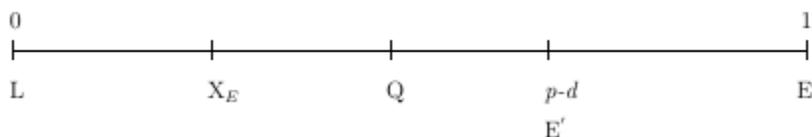
The legislature's best response is derived by comparing its utilities over the various outcomes. Thus, imagine that the legislature is choosing between accepting the president's encroachment on the legislature's powers versus getting rid of the president. If the legislature accepts the president's proposal, then effectively it receives Q up until its acceptance of the president's proposal and X_E thereafter. Conversely, if the legislature decides to attempt to get rid of the president, its payoffs reflect both the probability that it may win, p , and thus gain control over the presidency, minus the costs of carrying out such an attack, d , plus the probability that it may fail, $1 - p$, minus the costs of carrying out such an attack, d . Intuitively, the legislature faces an incentive to attack whenever $p-d > Q$.

¹³ The model is depicted in terms of the legislature's pie, whereby 1 implies that the legislature has total control over policy and 0 represents complete executive control over policy. For the ease of interpretation, the reversionary point for the legislature in the static model is 0.

As such, the legislature's incentives for getting rid of the president depend on the relationship between these costs and benefits relative to the current distribution of policymaking power, or Q . To clarify this, consider the first figure above, in which the legislature's payoff to attacking is still relatively small and X_E (and by extension Q) remains to the right of $p-d$. Here, the legislature has no incentive to challenge the president and the president can move policy to X_E . In the second figure, however, $p-d$ now falls in between Q and X_E , but as long as the president sticks with the status quo level of his policymaking powers, the legislature still does not have an incentive to attack. In the third scenario, though, $p-d$ instead falls to the right of both X_E and Q and the legislature now has an incentive to go after the president.

Several points flow from this. The first is that, under complete information, it is easy to see that the foregoing set-up dictates that as long as presidents know the legislature's payoffs, they should always make an offer that reflects the underlying distribution of partisan power. As Figure 4 shows, presidents should restrict their use of policymaking power to the point on the line at which E' is located. Of course, were this the case, we would simply confirm the initial intuition that impeachment always remains strictly off the equilibrium path.

Figure 4: President's Best Response under Complete Information



But, if presidents do not know where precisely E' falls (surely a much more reasonable assumption), then they cannot be sure how much power they can use and get away with. Consistent with Powell's (1999) line of reasoning, this presents presidents with a clear risk-return trade-off. The more policymaking control a president gives up, the more likely she is to satisfy the legislature, but also the more likely the president is to unnecessarily curtail her influence. Conversely, the less the president concedes, the more control she is able to exert, but the less likely she is to appease the legislature.

This leads to the second point, which is that the size of the stakes clearly affects the threshold for inter-branch conflict. Specifically, the status quo allocation of constitutional power drives the calculus, such that the more policy-making control the executive has (i.e. the further Q is to the left), the lower the legislature's probability of success needs to be in order for it to face an incentive to attack. In the extreme, the strongest presidents imply that Q is pushed to a point where the legislature will face incentives to attack, even if the prospects for success are quite low. Conversely, it will take that much more for legislatures to be willing to attack relatively

weak presidents. Indeed, at the other extreme, this theoretical framework suggests that weak presidents should be secure in office, even if they lack partisan support. In a nutshell, the higher the president's *de jure* powers are relative to the president's *de facto* powers, the greater the likelihood is for a bargaining problem to emerge.

Third, at the same time, the model also allows us to subsume the proximal cause arguments by indicating that the cost to the legislature for going after the president should also make a difference in the legislature's calculus. All else equal, legislatures should be less willing to go after presidents when the costs for doing so are relatively high. In terms of the core model, a higher *d*, think mass protests against the government, governmental scandals, and/or failing public trust in the president, also effectively makes it more difficult for the legislature to overturn the status quo.

Table 3: Illustrative Cases of the Power Gap

	Strong <i>de jure</i> Powers	Weak <i>de jure</i> Powers
Unified Government	Chile (1990-2010)	Mexico (Pre-1997)
Divided Government	Ecuador (Pre-2006)	Mexico (1997-present)

To see this logic at work, compare Mexico under unified and divided government to both Chile and Ecuador. In contrast to its South American neighbors, the Mexican president is notoriously weak in terms of constitutional power. Throughout the most of the 20th century, of course, the PRI was hegemonic and precisely because Mexican presidents enjoyed enormous partisan powers they were able to utterly dominate policymaking (Weldon, 1997; Magaloni, 2003). And, indeed, during that period in Mexican history executive-legislative relations were nothing if not stable. Yet, even with the collapse of single party rule at the end of the 1990s, and the onset of enormous social violence with the Drug War beginning in the mid-2000s, presidents have been unpopular and lost elections, but they have not been threatened with early exit.

If we switch to contexts in which the president holds far more *de jure* powers, the effects of divided government become much more noticeable. Specifically, consider Chile and Ecuador. Both countries are in the 90th percentile in terms of formal presidential powers, but the distribution of partisan support for the president varies dramatically from one country to the other. In Chile from 1990 until 2010, presidents came from the center-left coalition, *Concertación*, and essentially controlled the majority of the lower house seats. Since the coup that toppled Salvador Allende in 1973, not a single democratically-elected president has been ousted.

Now, take Ecuador. With the partial exception of President Correa, over the last few decades no Ecuadorian president has even come close to controlling a majority of seats in the legislature. As a result, presidents in the 1980s and early 1990s were often forced to rely on so-called “ghost coalitions” in order to govern (Mejia Acosta, 2006, 2009). Unlike Chile, such post-electoral coalitions proved fleeting and unstable, as the defection of the PSC from Durán-Ballén’s government and the subsequent ouster of his Vice President, Alberto Dahik, in 1996 illustrated. Meanwhile, the very institutional reforms that further increased presidential powers in the late 1990s severely undermined the president’s ability to sustain such coalitions (Mejía Acosta and Polga-Hecimovich, 2010). Given this fateful combination, the massive wave of institutional instability that swept over Ecuador’s minority presidents from 1997 until 2006 is entirely in keeping with the general theoretical perspective advanced here.

VI. Preventive Strikes: An Alternative Approach to Constitutional Coups and Judicial Manipulation

Having offered a new micro-level explanation of presidential removals, the same theoretical framework also generates fresh insights into why presidents might target the legislature and/or the courts. Simply put, if presidents are able to anticipate bargaining failures, then they might be tempted to preventively shut down recalcitrant legislatures and/or pack potentially hostile courts with their own supporters.

Consider for a moment leaders like Fujimori, Chávez, or Correa. To be sure, such leaders have rightly earned labels like “populist,” “authoritarian,” or “caudillo.” But aside from the fact that each of these presidents has taken steps to dismantle checks and balances, it is hard to ascertain whether such cultural or psychological traits sufficiently explain their behavior. Surely many Latin American leaders have had similar notions of grandeur. Instead, what sets these leaders apart is that fact that each of them also clearly faced the specter of removal driven by the gap or expected gap in their presidential powers.

In Fujimori’s case, for instance, the president had already clashed with both the judiciary and the opposition-controlled legislature on multiple occasions. In the months leading up to the April coup, local newspapers repeatedly speculated about the president’s ouster and the possibility of impeaching Fujimori was openly discussed in Congress. As one keen observer of Peruvian politics writes, “By threatening to dismiss Fujimori, the legislature provided him with a strong motive to close Congress” (Kenney, 2004, 186). Following the coup in an interview with the Brazilian magazine *Veja*, Fujimori candidly admitted as much:

“Veja: Before 5 April, did you come to think that Congress would have deposed you, as it did in Brazil with Fernando Collor and with Andrés Pérez in Venezuela?”

Fujimori: If I hadn't taken those measures, they would have deposed me. And not in order to moralize the country but rather to maintain their privileges." (cited in Kenney, 2004, 207).

For leaders like Chávez and Correa, in turn, the threat of removal was perhaps more distal, but no less real. Both presidents came into office with extremely low partisan support and considerable leeway for unilateral action. In Venezuela, the outgoing opposition parties had moved to non-concurrent elections ostensibly to reduce their losses. Although this institutional change effectively watered down Chávez's party's control over the legislature, he enjoyed tremendous popular support for his campaign promise to change the constitution to bolster his own powers and rid the country of its corrupt elite. By using the Constituent Assembly to immediately take over both Congress and the courts, Chávez not only eliminated obstacles to getting his policies enacted, but also deprived the opposition of the major institutional routes it could have potentially used to get rid of him. As subsequent events like the botched coup attempt in 2002 or the failed recall referendum in 2004 suggest, Chávez's strategy proved highly effective.

Correa's exploits have a very similar flavor. Following the logic outlined in the previous section, Ecuadorian presidents are Latin America's most constitutionally powerful presidents, yet have also been the most vulnerable. In fact, in the decade leading up to Correa's election in 2006, no elected president had been able to complete their term in office. From the very beginning, Correa thus staked his presidency on creating a powerful Constituent Assembly that would allow him to overtake institutions controlled by the country's entrenched elite. Instead of running members of his party to serve in Congress, Correa campaigned on its wholesale reformation. Again, there is little doubt this had more to do with securing his political life span than enacting his policy agenda.

As Ecuadorian expert, Simón Pachano, remarked at the time:

"In this way, [the constituent assembly] that had been conceived as the basic tool for carrying out political reform was to become at the same time guarantor of the survival of his government" (2007, 5).

Taken together, the broader implication is that bargaining failures that stem from infelicitous institutional combinations not only prompt legislatures to seek out presidents, but also have the potential to provoke presidents to act preventively by launching attacks of their own. In this way, we begin to forge an understanding both of how particular types of crises emerge, as well as how they potentially cascade across multiple institutions within a given administration.

VII. Instability Traps or Inoculation?

*“Mr. Pérez Molina, 64, is the first president in Guatemalan history to resign over a corruption scandal, experts said, a striking rarity in a country long known for the impunity of its political establishment. And though the economy in Guatemala has lagged compared with those of other countries in Latin America, Mr. Pérez Molina’s sudden reversal of fortune put it firmly within a wave of efforts elsewhere in the region to make political systems more accountable.”*¹⁴

*“This is a coup, a traumatic injury to Brazil’s presidential system,” said Pedro Arruda, a political analyst at the Pontifical Catholic University in São Paulo. “This is just pretext to take down a president who was elected by 54 million people. She doesn’t have foreign bank accounts, and she hasn’t been accused of corruption, unlike those who are trying to impeach her....It’s putting a very large bullet in Brazilian democracy,” said Lincoln Secco, a professor of history at the University of São Paulo. “This will set a very dangerous precedent for democracy in Brazil, because from now on, any moment that we have a highly unpopular president, there will be pressure to start an impeachment process.”*¹⁵

As these two quotes suggest, speculation in the midst of an IBC usually lends itself to one of two narratives. The first one, nicely illustrated in the quote on the resignation of Guatemalan President Otto Pérez Molina, is optimistic. In this view, IBCs are salutary; they not only cleanse the system of corruption, but they set the country on a new path in which horizontal accountability can finally emerge. In a word, instability inoculates.

Switch the context to 18th century England and a very similar view emerges in North and Weingast’s foundational work on the Glorious Revolution (1989; See also Weingast 1997). By their interpretation, the king was beheaded for trampling rights, and thereafter leaders and citizens alike learned the limits of the government. In the language of the simple deterrence game described in section 4, the rule of law emerges precisely because the threat of punishment is a credible commitment. Instability that occurs at time t , is effectively off the equilibrium path at time $t+1$ and beyond.

By contrast, the second narrative, eloquently captured in the quote on the impeachment debacle in Brazil, clearly forebodes of a very different future. In this view, not only is the act of impeachment seen as unjust and undemocratic—overturning the votes of 54 million Brazilians—but the long-term consequences are feared to be even more pernicious. Indeed, contrary to the

¹⁴ Ahmed And Malkin. “Otto Pérez Molina of Guatemala Is Jailed Hours After Resigning Presidency.” *The New York Times*, September 3, 2015.

¹⁵ Jacobs, Moura and Sreeharsha. “Vote to Impeach Brazil’s Leader Passes Strongly.” *The New York Times*. April 18, 2016

instability qua inoculation mechanism, the implication here is that instability becomes a trap. Politicians and citizens thus also learn from an IBC, but they absorb a very different lesson. Specifically, instability is the new equilibrium.

In sum, if both views treat IBCs as critical junctures, the question is which narrative will be borne out in a particular case. Putting the core bargaining model in a more dynamic framework provides us with clues about the various mechanisms that might drive either process.

Let me return to the optimistic view. Recall that in the bargaining framework sketched out in section 5, president's best response to legislatures who have the incentive to oust them ($p - d > Q$) was to simply adjust their offer to E' . To the extent that a previous crisis helps subsequent presidents better understand precisely where E' lies, bargains can now be struck. Likewise, to the extent that the credibility of legislators and judges is enhanced by the crisis, the costs to the next president for launching preventive strikes against these institutional actors rise accordingly.

Conversely, however, there are multiple ways in which the main payoffs might instead change in a way that makes subsequent crises more likely. Starting with p , which is the probability that the opposition succeeds in removing the president, if a previous crisis teaches leaders how to reign in their power, it also teaches opposition politicians how to coordinate to effectively remove presidents, thus E' becomes a moving target.

Likewise, if crises destroy trust in institutions, not just particular leaders (i.e. a lower d in the next rounds), then this both lowers the threshold for presidential crises going forward, as well as raises the likelihood that outsiders with little legislative support will hold office. Put differently, if crises serve to both endogenously lower the legislature's threshold for removal by reducing d and raising p , then crises become that much more likely down the road.

Last but not least, the model also reminds us of the importance of the formal institutional response to the crisis. If the theory is right, one of the most disheartening facts about a country like Ecuador is that, in the wake of such crises, incoming presidents have falsely inferred that strengthening the president's constitutional powers will help them overcome any weaknesses associated with being in the minority. Instead, the model tells us that reforms that push Q to the left will only exacerbate inter-branch bargaining failures. Along these very lines, Mejía Acosta and Polga-Hecimovich (2010) highlight the perverse consequences of granting the president more unilateral powers in periods following Durán-Ballén's troubled administration. In particular, they describe how such reforms increased the president's incentives to go it alone and reduced the president's capacity to forge lasting coalitions, thus resulting in the wave of repeated presidential ousters post-1996.

VIII. Conclusion

When democratic institutions work, political elites tend to resolve their differences through bargaining and compromise. When institutions fail, inter-branch bargaining breaks down and institutional crises reign. In contemporary Latin America, witness the removal of President Manuel Zelaya, who was ferreted out of Honduras in the middle of the night in his pajamas in 2009, or consider the accelerated impeachment of President Fernando Lugo in Paraguay in 2012, the first non-Colorado politician to hold office since the country transitioned to democracy. In the last year alone, we have seen corruption scandals result in the sudden resignation of President Otto Molina Pérez in Guatemala in 2015 and threaten to destroy much of the political class in Brazil. Meanwhile, as the Venezuelan economy continues in free fall, calls to impeach President Nicolas Maduro mount.

The main takeaways from this essay can be summarized as follows:

Lesson 1: Succession is rarely politically neutral; hence, most IBCs are driven by partisan conflict.

Lesson 2: Spillover across institutions within administrations suggests that there is more to the new institutional instability than simply presidential crises. Thus, we need a theoretical framework that explains not only how presidential crises emerge, but how they cascade across the other branches.

Lesson 3: High stakes, high instability. Starting with presidential crises, the usual triggers like protest and economic crises obviously matter, but so do formal institutions. Specifically, the larger the gap between the presidents *de jure* and *de facto* powers, the greater the incentive and capacity of the legislative opposition for getting rid of the president.

Lesson 4: The shadow of instability created by this gap gives rise to the logic of preventive strikes whereby presidents may be tempted to launch constitutional coups against the other branches. This obviously stands in sharp contrast to the conventional view that because most Latin American presidents fancy themselves as somehow omnipotent, they attack institutions to prove their prowess. Rather, the central implication of my argument is that such characterizations mistake effect for cause. Indeed, it is precisely those presidents who anticipate being targeted themselves who are also the most likely to target other branches of power.

Lesson 5: Theoretically, IBCs can launch either virtuous or vicious cycles. With a coherent baseline theory of institutional instability in place, however, we can better pinpoint the mechanisms that produce one cycle versus the other.

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