DEMOCRATIZATION AND CONSTITUTIONAL CRISES IN PRESIDENTIAL REGIMES

Toward Congressional Supremacy?

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This article explores the impact of democratization on the resolution of executive-legislative crises in Latin American presidential regimes. The author studies 27 episodes in which the executive branch closed the legislature or the legislature removed the chief executive from office between 1950 and 2000. It is hypothesized that the democratization of Latin American presidential systems has hindered the ability of presidents to challenge the legislature and encouraged the emergence of congressional supremacy (i.e., the capacity of congress to impeach the president if a serious conflict emerges). Three causal mechanisms account for this outcome: (a) a lower likelihood of military intervention, (b) the elimination of constitutional tools used by authoritarian presidents to dissolve congress, and (c) greater stability in the constitutional environment. After discussing the limitations of conventional maximum likelihood tests, the author assesses this hypothesis using a fuzzy-set qualitative comparative model.

Keywords: democratization; Latin America; presidential crises; comparative method; fuzzy sets

To what extent does the process of democratization alter the balance of powers in cases of extreme executive-legislative conflict in presidential regimes? This article explores the outcome of 27 constitutional crises in Latin America between 1950 and 2000. These crises were marked by their

dramatic resolutions: Either the executive was able to close the legislature, or congress was able to oust the chief executive. I contend that in more consolidated democracies, presidents lose the ability to challenge the legislature, and a more balanced relationship (which includes the capacity of congress to impeach the president if a serious conflict emerges) eventually develops. Three indirect causal mechanisms account for this outcome: (a) Democratization reduces the likelihood of military intervention, (b) it promotes the elimination of constitutional tools used by authoritarian presidents to dissolve congress, and (c) it creates stability in the constitutional environment.

The evidence suggests that the first two conditions developed in Latin America after the 1970s but that the third condition is still precarious. For this reason, new democracies in the region have evolved from a pattern of moderate executive supremacy in the 1960s and 1970s to one of possible (but still uncertain) congressional preeminence. In recent years, most cases of dissolution have involved the removal of the president from office rather than the closure of congress. This emerging pattern of presidential defeat may challenge a deeply rooted tradition of executive dominance in Latin America.

The first part of this article documents the cases of interbranch conflict under study and introduces the dependent variable, congressional success in the confrontation with the executive. In the second section, I explore three major historical transformations that have taken place over the past two decades. Because cases of interbranch conflict have increasingly occurred in a context of democratic rule, military intervention has been less likely to shape the outcome of these confrontations, and the constitutional rules framing these conflicts have created an institutional imbalance in favor of congress. However, some presidents have challenged the survival of congress through the creation of loyal constitutional assemblies. In the third section, I discuss the limitations of conventional maximum likelihood tests to deal with this hypothesis and develop a fuzzy-set qualitative comparative model (Ragin, 2000). The fourth section discusses the relevance of these findings for new democracies and for the theories of presidentialism.

THE DISSOLUTION OF GOVERNMENTS AND "PARLIAMENTS" IN PRESIDENTIAL REGIMES

One of the essential traits of presidential constitutions is the virtual absence of constitutional mechanisms for the mutual dissolution of the elected branches of government. By "dissolution," I refer to the process by which one branch, the executive or the legislature, closes the other to reshape its composition. In parliamentary systems, dissolution is a "normal" episode.

Parliaments can dissolve the government through a vote of no confidence and reshape the ruling coalition, and prime ministers can trigger the dissolution of the parliament and call for new elections. Dissolution is built into parliamentary constitutions as a mechanism to guarantee political coherence between the executive and the legislature.

Presidential regimes, in contrast, have few and very restrictive constitutional procedures for interbranch dissolution. The American constitution, the model for Latin American political organization throughout the 19th century, has no provision for the closure of Congress, and impeachment, the only procedure allowing Congress to remove the president from office, is an extraordinary event demanding a supermajority in the Senate and evidence of "high crimes and misdemeanors" committed by the chief executive. The rigidity of this principle, by which the president and the legislators are elected independently and remain in office for fixed terms, led Juan Linz (1990, 1994) to warn scholars about the "perils" of presidentialism.

Yet although the legal principle of dissolution is extraneous to the presidential constitutional tradition, the actual practice of presidents closing congress or legislators dissolving governments is not. At least 45 attempts at dissolution took place in Latin America between 1950 and 2000, in 27 cases successfully. In 8 of these cases, the president or the legislators used the available constitutional tools to reshuffle the other branch of government. In the remaining 19 cases, dissolution was justified in legal terms but enforced through military action.

In spite of formal constraints, interbranch dissolution has occurred with some regularity in Latin America over the past five decades. On average, the region witnessed a case every 2 years. Whether invoking legal provisions or military support (or a combination of both), executives ordered the closure of congress in Argentina in 1962, Brazil in 1966 and 1968, Colombia in 1991, Ecuador in 1970, Honduras in 1954, Paraguay in 1959, Peru in 1992, Uruguay in 1973, and Venezuela in 1999. Similarly, legislative action legalized the ousting (through military intervention or constitutional procedures) of the presidents of Bolivia in 1979; Brazil in 1955 (twice), 1964, and 1992; Ecuador in 1961, 1997, and 2000; Guatemala in 1957 and 1993; Panama in 1951, 1955, and 1988; Paraguay in 1954 and 1999; Peru in 2000; and Venezuela in 1993.

The comparative study of these cases provides a unique window into the operation of weakly institutionalized presidential regimes. The presence of these episodes in any given historical context indicates an extreme form of executive-legislative conflict. In turn, the likelihood of a triumph of congress over the president shows the actual capacity of legislators to check executive

power (by constitutional or military means) in that particular historical context.

THE DEPENDENT VARIABLE

The dependent variable in this study is congressional "dominance," defined as the capacity of congress to remove the president from office in the context of a dissolution crisis.[1] Operationally, the degree of dominance can be defined as the probability of government dissolution (the ousting of the president and the cabinet), conditional on the occurrence of an episode of dissolution—that is, $p(D \mid \text{Event})$, where D accounts for the removal of the president, and Event refers to a case of interbranch dissolution.[2] I refer to congressional supremacy when the probability of congressional dominance approaches 1 in any given historical situation.[3]

Because this definition identifies congressional success with the removal of the president, it is unable to discriminate between cases in which the legislators truly dominate the confrontation and those in which congress legalizes the de facto resolution of a broader political crisis. For instance, Ecuadorian legislators sanctioned the ousting of President Jamil Mahuad in January 2000 only after a failed military coup had forced Mahuad out of office (Lascano Palacios, 2001, pp. 116-118). Later that year, the "impeachment" of Peruvian president Alberto Fujimori did not begin until he had left the country and submitted his resignation from abroad (Carey, 2003). In such cases, congress controls the formality of the dissolution process, but its capacity to dominate the actual course of the events may be weak. I discuss a technical solution for this measurement problem in the third section of this article. For the moment, I simply acknowledge that congressional supremacy can be overt (or strict)

1. Cases of dissolution are coded according to the ultimate outcome of the confrontation, not their intermediate stages. If a president attempts to dissolve congress (e.g., Panama in 1951) but is ultimately removed from office and impeached, this is coded as a case of congressional success.

2. Given this definition, the universe for this study is given by all episodes of unilateral dissolution rather than by all episodes of extreme interbranch confrontation (presidential crises). Presidential crises may lead to alternative outcomes: attempts at dissolution that never materialize (e.g., the impeachment of Bill Clinton), lasting situations of stalemate, and full military takeovers in which both branches are defeated by the military. These outcomes do not indicate the clear predominance of any branch and thus are excluded from this study.

3. The terms *dominance* and *supremacy* are used here in the context of extreme executive legislative confrontation, and they are not informative of congressional leverage in the normal policy-making process. The removal of the constitutional prerogatives of the executive to dissolve congress discussed below, however, may signal the increasing leverage of legislators in shaping the rules of the game prior to any crisis.

when legislators clearly control the process of dissolution and weak (or dubious) when they respond to external pressures.

DEMOCRATIZATION AND CONGRESSIONAL SUPREMACY

I contend that the greater the level of democratization of a presidential system, the greater the odds of congressional supremacy in dissolution crises. Three justifications drive this hypothesis. First, greater democratization constrains the use of military force to oust legislators (or the president, for that matter; Fitch, 1998). Second, to the extent that authoritarian presidents lose power and congress gains visibility as a democratic policy-making actor, the constitutional right to dissolve congress enjoyed by the executive in some authoritarian systems is likely to be abolished during democratic transitions. This creates a legal imbalance in favor of congress, which typically preserves its capacity to impeach the president (and in some cases to decide on the mental ability of the chief executive). Third, the constitutional environment tends to be more stable, meaning that the legal advantage enjoyed by congress is known and accepted by legislators and presidents alike. This means that in fully democratic presidential regimes, one should observe either no episodes of dissolution at all (because the two branches avoid extreme confrontations) or episodes that end with the ousting of the president.

The experience of Latin America after the third wave of democratization is consistent with this prediction. Episodes of presidential impeachment, virtually unknown 20 years ago, multiplied during the 1990s. Presidents Fernando Collor in Brazil in 1992 (Rosen & Downes, 1999), Carlos A. Pérez in Venezuela in 1993 (Kada, 2003), Abdalá Bucaram in Ecuador in 1997 (Pérez-Liñán, 2000), and Raúl Cubas Grau in Paraguay in 1999 (Abente Brun, 1999) were removed or forced to resign through legislative procedures. A failed case of impeachment took place against Colombian President Ernesto Samper in 1996 (Dugas, 2001). In the face of these events, Carey (2002) noted that, at last, the logic of "parliamentarism comes to Latin America."

Table 1 lists the outcome of all the episodes of interbranch dissolution that took place in Latin America (the Caribbean is not included) during the period under study. Cases have been classified according to the nature of the regime (Mainwaring, Brinks, & Pérez-Liñán, 2001) and the branch prevailing in the confrontation.[4]

4. Democratic regimes are defined as those in which the president and congress are elected in free and fair elections, the franchise is inclusive, civil liberties are respected, and the elected gov-

Table 1
Cases of Dissolution in Latin America, 1950 to 2000

	Outcome		
	Congressional Dominance		
Type of Regime	Strict	Weak	Dissolution of Congress
Democratic	Brazil, 1992	Brazil, 1955 (twice)[a]	Uruguay, 1973[a]
	Ecuador, 1997	Brazil, 1964[a]	Venezuela, 1999
	Venezuela, 1993	Ecuador, 2000[a]	
Semidemocratic	Ecuador, 1961[a]	Guatemala, 1993[a]	Argentina, 1962[a]
	Paraguay, 1999		Colombia, 1991
			Ecuador, 1970[a]
			Peru, 1992[a]
Authoritarian	Bolivia, 1979[a]	Guatemala, 1957[a]	Brazil, 1966[a]
	Panama, 1951[a]	Panama, 1988[a]	Brazil, 1968[a]
	Panama, 1955	Paraguay, 1954[a]	Honduras, 1954[a]
		Peru, 2000	Paraguay, 1959[a]

a. Dissolution involved military intervention.

Table 1 supports two conclusions. First, the political arena for executive-legislative conflict has clearly changed in recent years. In 1950, less than 40% of the countries in Latin America were democratic; by 1995, almost 80% could be considered democracies (Mainwaring et al., 2001, p. 58). The average Polity IV score for cases of dissolution was −1.9 during the 1950s and −2.8 during the 1960s, as opposed to 7.4 during the 1990s.[5] Ten out of 17 cases of dissolution took place under some form of overtly authoritarian rule between 1950 and 1989, as opposed to only 1 out of 10 (if one considers the Peruvian regime authoritarian by late 2000) in the later period.

Second, although the third wave of democratization has not reduced the incidence of interbranch dissolution throughout the region, there has been a slightly increasing trend toward congressional supremacy in these confrontations. On average, a case of dissolution took place every 23 months between 1950 and 1978, and this rate remained constant for the period from 1979 to 2000. During the first period, 53% of the crises (8 of 15) led to the removal of the president, but after the third wave of democratization, 75% of these episodes (9 of 12) asserted the supremacy of congress. This historical transfor-

ernment is allowed to rule. Semidemocratic regimes present a partial violation of any of these four principles, and authoritarian regimes violate at least one of those principles in full (see Mainwaring et al., 2001).

5. The Polity score measures levels of democratization between −10 (institutionalized dictatorship with no democratic components) and 10 (full democracy; Polity IV Project, 2000).

mation appears to be related to the increasing levels of democratization: 78% of the crises taking place under fully democratic conditions (7 of 9) between 1950 and 2000 led to some form of congressional dominance, as opposed to only 56% (10 of 18) of the ones taking place under semidemocracy or authoritarianism.

Given the small-n problem (quite evident in these figures), careful process tracing and hypothesis testing are required. In the following sections, I trace the evolution of three causal processes that presumably account for the connection between democratization and congressional power: the decline in military intervention, the consolidation of the constitutional supremacy of congress, and the stabilization of the constitutional environment. Although the first two trends have developed in significant ways following the third wave of democratization, the third one has been derailed in few cases.

DEMILITARIZATION

Together with the greater levels of democratization, the patterns of military intervention in executive-legislative crises have declined over time. Between 1950 and 1989, only 1 case of dissolution (of 17) was achieved without military intervention. Between 1990 and 2000, 7 out of 10 cases occurred in a purely constitutional way. The phenomenon of the demilitarization of executive-legislative conflict is clearly related to, but analytically distinct from, the process of democratization. Previous waves of democratization (e.g., in the late 1950s) failed to prevent military intervention in politics. Conversely, nondemocratic regimes have implemented civilian processes of dissolution.

Augusto Varas (1990) explained the withdrawal of the military from politics as the result of social and military causes. Among the former were the increasing unity of civilian elites, the decline of "ideologism," mass mobilization against the military in power, and the defection of the main political forces previously supporting the generals. The military causes were rooted in the professional crisis created by the confusion of international (defense) and domestic (internal security) functions and the inability of military leaders to manage government issues. In addition to these factors, important transformations at the international level—the end of the cold war, increasing economic integration, and new U.S. policies toward Latin America—reinforced the process of demilitarization in the 1990s (Perelli & Rial, 1996; Wiarda, 2001, p. 327).

The data suggest that legislators have been disproportionately successful in episodes of dissolution with no military involvement. The only case of clear civilian dissolution before 1990, the impeachment of Panamanian Pres-

ident José Guizado in 1955, is also an example of strict congressional dominance (Zúñiga Guardia, 1957). Of the seven cases taking place without military action after 1978, five were episodes of congressional dominance (the impeachment or resignation of Presidents Collor de Mello, Pérez, Bucaram, Cubas Grau, and Fujimori), and only two were cases of congressional dissolution (Colombia in 1991 and Venezuela in 1999). Thus, it seems that low military intervention is likely to strengthen the position of congress.

These cases suggest that, for reasons that will become clear in the following sections, the absence of military intervention is almost sufficient to ensure the predominance of congress. But to what extent is it necessary? There is no historical evidence in favor of the argument that presidents prevail in a context of military intervention. The use of military force against congress, the so-called self-coup, is typically a risky enterprise. For example, in May 1951, when Panamanian President Arnulfo Arias attempted to dissolve the Assembly, the National Police entered the presidential palace in a violent confrontation, arrested the president, and allowed for his impeachment (Pippin, 1964; Pizzurno Gelós & Aráuz, 1996, pp. 369-373). This episode resembles the ousting of Guatemalan President Jorge Serrano 42 years later (Jonas, 1994; Villagrán de León, 1993). Although it created (quasi-)sufficient conditions for congressional dominance, low military intervention has not been necessary for this outcome. Of 19 episodes involving military action between 1950 and 2000, only 8 led to the dissolution of congress. Surprisingly, in most cases the military allied with congress to remove the president from office.

If military officers have not been particularly inclined to support the executive, declining military intervention may favor congressional success only to the extent that legislators have a disproportionate advantage in constitutional cases of dissolution. I contend that this is the case because constitutional rules typically give legislators tools to remove the president from office (e.g., impeachment) while depriving the president of equivalent powers.

INSTITUTIONAL IMBALANCES

A major characteristic of presidential constitutions is that presidents typically lack the legal resources to dissolve congress (Shugart & Carey, 1992, pp. 126-129), whereas legislators can invoke impeachment provisions and sometimes a declaration of incapacity to remove the president from office. This means that institutions regulating extreme confrontations tend to favor the legislators over the president. In this section, I compare the constitutional framework for the 27 political crises under study (21 constitutions from 12 countries) in terms of the impeachment procedures, the rules for declaring

the president unfit to rule, and the president's authority (if any) to dissolve the legislature.

Impeachment. The classic model of presidential impeachment was established by the American constitution of 1787 and later absorbed with minor modifications by most Latin American countries. The Philadelphia Convention established that the lower chamber would be in charge of the accusation, and the Senate would operate as a jury in which a two-thirds supermajority would be necessary to remove the president from office (Gerhardt, 1996). Most bicameral systems in Latin America have followed this scheme, although the requirement of a supermajority has sometimes been extended to the lower chamber (e.g., Serrafero, 1997, p. 42).

Some Latin American constitutions have established what Naoko Kada (2003) calls the "judiciary-dominant" model of impeachment, in which congress authorizes a trial to be performed by the judiciary. This model deprives congress of part of its dissolution power by creating a judicial veto player. The constitutions of Costa Rica (1949), El Salvador (1982), Bolivia (1967, 1994), and Venezuela (1961, 1999) have relied on this principle. A third group of constitutions has very weak impeachment procedures. The constitutions of Guatemala (1956, 1985), Honduras (1936, 1982), and Nicaragua (1995) allow congress to authorize criminal charges against the chief executive without explicit provisions for the suspension or ousting of the chief executive. The Paraguayan constitution of 1940 did not even mention the possibility of impeachment.

Declaration of incapacity. The term *incapacity* typically refers to any physical or mental disability preventing the president from exercising his or her duties. The constitutions of Peru (1979, 1993) and Ecuador (1979, 1998) allow congress to declare the president unfit to rule by simple majority, a discretionary power that Ecuadorian legislators used to oust President Abdalá Bucaram in February 1997 (Pérez-Liñán, 2000). The constitutions of El Salvador (1982, Article 131) and Guatemala (1985, Article 165) allow two thirds of the legislators to declare the physical or mental incapacity of the president after a committee of five physicians has reported on the case.

Most other constitutions fail to establish an explicit legislative procedure to declare the president *incapacitado*. However, some legislatures have used constitutional references to presidential incapacity to justify the dissolution of an administration. For instance, in 1955, the Brazilian congress invoked a vague incapacity clause (Article 79, 1, of the 1946 constitution) to legalize the military ousting of Presidents Carlos Luz and João Café Filho (Dulles, 1970, p. 47; *Diario do Congresso Nacional, Seção I*, 1955, pp. 8372-8382).

Dissolution of congress by the chief executive. Only a few Latin American constitutions have empowered the president to dissolve the legislature. The Paraguayan constitution of 1940 authorized the president to dissolve the uni-cameral legislature and to call for new elections within 2 months (Article 53). A similar principle was preserved in the 1967 charter (Article 182) but removed in 1992. The Chilean constitution of 1980 also established an unre-stricted form of congressional dissolution (Article 31, § 5), but this clause was abolished during the transition to democracy. After 1964, the Brazilian military imposed its own "constitutional law" through the so-called Institu-tional Acts (temporary amendments to the 1946 or 1967 charters). The first (1964, Article 10), second (1965, Article 31), and fifth Institutional Acts (1968, Article 2) empowered the chief executive to "suspend" the operation of congress or individual legislators. Strong powers of dissolution in favor of the president are characteristic of authoritarian regimes seeking to discour-age congressional opposition.

In contrast, Peru and Uruguay have established dissolution clauses in some their constitutions, but the conditions are so restrictive that presidents have been unable to make them work in their favor. In Uruguay, dissolution was first introduced in the 1934 constitution (following President Terra's self-coup in 1933). Article 141 established that the president could dissolve congress if legislative attempts to censure a minister failed to achieve a two-thirds majority on two opportunities. With minor modifications, this clause was preserved in the 1942 and the 1966 constitutions. The Peruvian constitu-tion of 1979 allowed the president to dissolve the Chamber of Deputies if the latter censured three or more cabinets (Articles 227 to 229). The 1993 consti-tution reduced the requirements to the censure of two cabinets.

Table 2 compares the 27 episodes of dissolution in terms of the constitu-tional arrangements at the time of the event. Although few constitutions empowered the president to close congress, the table confirms an overall con-stitutional imbalance in favor of the legislature. This pattern suggests that congress has a natural advantage to impose interbranch dissolution under conditions of constitutional stability.[6]

The last column in Table 2 displays an index measuring to what extent the constitution has sanctioned the American model of imbalance in favor of congress. To grade the powers of legislators, I gave a score of 1 (strong pow-ers of impeachment) to those constitutions following the American model;

6. Of course, members of congress may also be removed from office if they are charged with misdemeanors. But it is typically congress itself, not the president, that exercises this authority, thus making impeachment a unilateral weapon in favor of the legislature. I am indebted to an anonymous reviewer for this point.

Table 2
Constitutional Rules for Dissolution, 1950 to 2000

Country	Year of Event	Outcome	Year of Charter	Impeachment			Declaration of Incapacity			Dissolution of Congress	Imbalance (I)
				Lower Chamber	Senate	Courts	Lower Chamber	Senate	Other		
Argentina	1962	DC	1853	2/3	2/3		$1/2^{a,b}$				0.50
Bolivia	1979	SCD	1967	$1/2^{a,b}$		X					0.50
Brazil	1955	WCD	1946	$1/2^c$	$2/3^c$						1.00
	1955	WCD	1946	$1/2^c$	$2/3^c$						1.00
	1964	WCD	1946	$1/2^c$	$2/3^c$						1.00
	1966	DC	AI 2							Strong (Article 31)	0.00
	1968	DC	AI 5							Strong (Article 2)	0.00
	1992	SCD	1988	$2/3^c$	$2/3^c$						0.50
Colombia	1991	DC	1991	$1/2^b$	2/3			$1/2^b$			1.00
Ecuador	1961	SCD	1946	$1/2^b$	$1/2^b$		$1/2^a$				1.00
	1970	DC	1967	$1/2^b$	$1/2^b$		$1/2^a$				1.00
	1997	SCD	1979^d	$2/3^e$			$1/2^b$				0.75
	2000	WCD	1998^d	$2/3^c$			$1/2^b$				0.75
Guatemala	1957	WCD	1956^d	$2/3^{c,f}$		X	$2/3^c$		X^g		0.25
	1993	WCD	1985^d	$2/3^{c,f}$		X	$2/3^c$		X^g		0.25
Honduras	1954	DC	1936^d	$1/2^{b,f}$		X					0.00
Panama	1951	SCD	1946^d	$2/3^e$							0.50
	1955	SCD	1946^d	$2/3^e$							0.50
	1988	WCD	1972^d	$2/3^e$							0.50

(continued)

Table 2 (continued)

Country	Year of Event	Outcome	Year of Charter	Congress						Dissolution of Congress	Imbalance (I)
				Impeachment			Declaration of Incapacity				
				Lower Chamber	Senate	Courts	Lower Chamber	Senate	Other		
Paraguay	1954	WCD	1940[d]							Strong (Article 53)	0.00
	1959	DC	1940[d]							Strong (Article 53)	0.00
	1999	SCD	1992	2/3	2/3[c]						0.50
Peru	1992	DC	1979	1/2[b]	1/2[b]		1/2[b]	1/2[b]		Weak (Article 227)	0.50
	2000	WCD	1993[d]	1/2[b,h]			1/2[b]			Weak (Article 134)	0.50
Uruguay	1973	DC	1966	1/2[b]	2/3[c]					Weak (Article 148)	0.25
Venezuela	1993	SCD	1961		1/2[c]	X					0.50
	1999	DC	1999[d]	1/2[b]		X	1/2[b]		X[i]		0.50

Sources: Table 1; Carey, Amorim Neto, and Shugart (1997); and national constitutions.

Note: AI = Institutional Act (issued by military dictatorship in Brazil); DC = dissolution of congress; WCD = weak congressional dominance; SCD = strict congressional dominance. Fractions represent proportion of the votes required to remove president from office. *I* represents the constitutional imbalance in favor of congress (the fuzzy membership score).

a. Joint session.

b. No supermajority explicitly required (simple majority is assumed).

c. Of total members (otherwise, of members present).

d. Unicameral system.

e. Supermajority established by law.

f. Congress authorizes criminal charges against the president, but no provision for suspension or ousting.

g. Constitution requires a decision made by a commission of five physicians.

h. Permanent committee (25% of members) presents accusation, rest of congress votes on trial.

i. Tribunal Supremo de Justicia appoints a medical commission and Asamblea Nacional decides following its recommendation.

0.5 (moderate powers of impeachment) to those requiring a supermajority in every chamber, a joint session, or the intervention of the judiciary; and 0 (weak powers of impeachment) to those with no explicit procedures for the removal of the president. Whenever the constitution established an additional procedure for the declaration of incapacity (usually less restrictive than the one for impeachment), I averaged the two scores. Similarly, I gave a score of 1 to presidents with strong powers of dissolution, 0.5 to those with weak powers, and 0 to all other presidents.

The index measuring the constitutional imbalance in favor of congress was defined as $I = L(1 - P)$, where L is the score for legislative powers of removal (because of impeachment or incapacity), and P is the score for the presidential dissolution of congress. This variable measures imbalance by weighing the powers of the legislature against the powers of the executive branch.[7] A value of 1.0 indicates that the constitution replicates the American model of asymmetric dissolution and a score of 0 that there is no imbalance in favor of congress (the power of dissolution is equally distributed between the president and congress, or fully concentrated in the executive).[8] Values smaller than 0.5 suggest that congress has very little advantage in the dissolution game.

CONSTITUTIONAL FLUIDITY

To the extent that constitutions have created power asymmetries in favor of legislators and they have not been overruled by military intervention, episodes of dissolution have tended to work in favor of congress. But even in the absence of military involvement, constitutional rules were sometimes bypassed or contested as part of the interbranch confrontation itself. To address this issue, one must consider the distinction between cases of dissolution taking place in a context of constitutional stability and those taking place in a context of constitutional "fluidity."

By "constitutional fluidity," I refer to a situation in which a constitutional assembly, operating in parallel to congress, is placed "above" the constitutional rules supposed to regulate the process of dissolution. To my knowledge, only two cases of dissolution have taken place in a context of constitu-

7. "Against" is technically defined as the complement of fuzzy set *P*.

8. This index of institutional imbalance is asymmetric, meaning that it measures the degree to which an imbalance in favor of congress is present, without discriminating between no imbalance and an imbalance in favor of the president, which is of course very rare. Fuzzy-set analysis demands this sort of operational asymmetry for a very simple reason: The degree of membership in a given set is not necessarily equivalent to nonmembership in a conceptually different set (Ragin, 2000, p. 164).

tional fluidity since 1950. The first one was the Colombian constitutional reform of 1991. President César Gaviria encouraged the installation of the Constitutional Assembly, which operated as a separate body from congress. Capitalizing on a public mood against traditional parties, the assembly ordered the dissolution of the congress elected just a year earlier (Bejarano, 2001, pp. 56-7). Gaviria had not sought the dissolution of congress to strengthen his personal rule, but the dynamic of the constitutional assembly ultimately led him to a confrontation with the legislators.

The Colombian assembly of 1991 inaugurated what Barros (2001) has dubbed a "plebiscitary model of unconventional constitutional change" (p. 18). Because the assembly was assumed to be the ultimate source of "constitutionality," it could order the closure of congress that the executive was legally banned from pursuing. Nobody understood the implications of this episode better than Venezuelan President Hugo Chávez Frías. The leader of a failed military coup in 1992, Chávez campaigned in 1998 as an independent candidate, promising that he would call a constitutional assembly to reform the political system. Chávez won the presidential election with 56% of the vote, and elections for the Constitutional Assembly took place on July 25, 1999. Having won 123 of the 131 seats, Chávez's forces moved swiftly to reshuffle the Punto Fijo regime. The assembly deprived the adversarial congress of most legislative powers, virtually dissolving the legislature until a new, unicameral congress was elected (Decarli, 2000, p. 106-107; see Ellner, 2001, p. 11-14).

The cases of Colombia and Venezuela in the 1990s represent rare instances of legal congressional dissolution in a context of constitutional fluidity.[9] Assembly members invoking constitutional powers were able to bypass the existing restrictions and empowered the president to close congress on an ad hoc basis. In Colombia, this was the outcome of a very complex negotiation, whereas in Venezuela, it was the president's goal from the outset. Constitutional fluidity thus created weak presidential dominance in Colombia and strong presidential dominance in Venezuela.

In contrast, all cases of constitutional dissolution taking place in the absence of constitutional fluidity led to congressional dominance. In Panama in 1955, Brazil in 1992, Venezuela in 1993, Ecuador in 1997, Paraguay in

9. A third case resembling constitutional fluidity took place in Guatemala in 1957, when the constitutional congress annulled the presidential election and appointed a new provisional president. However, this case represents a very different historical configuration because (a) the constitutional congress was not distinct from the regular legislature, and (b) the dissolution was backed (indeed triggered) by military intervention, and constitutional rules were therefore of little practical relevance (see Ebel, 1998, pp. 57-90; James, 1957).

1999, and Peru in 2000, the removal of the president, rather than the closure of congress, was the natural outcome. I infer from this pattern that constitutional fluidity tends to favor the president, whereas constitutional stability tends to benefit congress. We are now in condition to revise the hypothesis outlined at the beginning of this section: Assuming a constitutional imbalance in favor of congress, the absence of military intervention and constitutional fluidity appears to be sufficient (but not necessary) for strict congressional dominance.

EMPIRICAL ANALYSIS

In the preceding sections, I have discussed the role of three variables in the promotion of congressional dominance: the civilian or military resolution of the crises, the fluidity of constitutional arrangements, and the degree of imbalance of these arrangements in favor of congress. Figure 1 illustrates this causal argument. Although the level of democratization may not have any direct impact on the outcome of the executive-legislative confrontations, it may have indirect effects by shaping these factors.

In this section, I model the joint impact of these proximate causes on the historical patterns of dissolution. It follows from the previous historical discussion that the civilian resolution of an executive-legislative crisis should be sufficient for the congress to dominate if and only if the constitution is not fluid and it creates a legal imbalance in favor of congress. This hypothesis can be summarized in a simple Boolean equation:

$$D = C \text{ and } [(\text{not } F) \text{ and } I], \tag{1}$$

where D is congressional dominance (the president is removed from office given an episode of dissolution), C is civilian resolution, F is constitutional fluidity, and I is the constitutional imbalance favoring congress.

Equation 1 deserves some clarification. First, it depicts a pattern conjunctural causation (Ragin, 1987, p. 42-44), an interactive rather than an additive causal process. The joint action of the three independent variables is expected to create congressional dominance, even if each of the variables operating in isolation fails to increase the probability of this outcome. Second, the equation poses a hypothesis of sufficiency without necessity. Although congressional dominance may take place in the absence of these three factors (e.g., when in the past the military supported congress against the president), the interaction of these factors guarantees that the process of dissolution will operate against the chief executive.
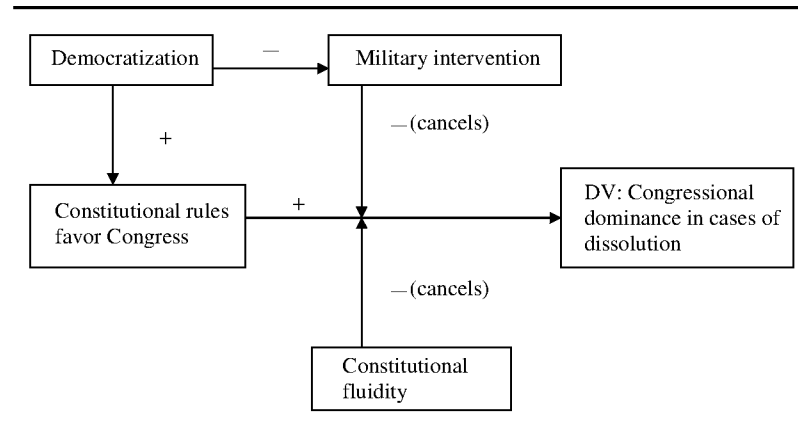
Figure 1.   **Expected effect of democratization, military intervention, constitutional imbalances, and constitutional fluidity on congressional dominance.**

CHALLENGES TO HYPOTHESIS TESTING

Unfortunately, three problems complicate the development of a solid empirical test for this hypothesis. First, the small number of episodes of dissolution between 1950 and 2000 ($n = 27$) hinders the use of maximum likelihood models. Second, most statistical techniques introduce potential problems of specification because usual procedures assume predictors to be stochastically necessary and sufficient conditions. Third, as explained in the introductory section, ambiguities in the historical record cast some doubts on the coding of the dependent variable. Conventional statistical tests are forced to treat this issue as a mere problem of measurement error, but fairness to the historical cases suggests that one should incorporate this uncertainty to the analysis.

The limitations created by these problems are illustrated in Table 3. This table presents a logistic regression model with the 27 cases of dissolution as the units of analysis. The dichotomous dependent variable is coded 1 if the president was removed from office and 0 otherwise. Three categorical predictors indicate (a) if the country was democratic at the time of the crisis, (b) if the resolution was purely civilian (the coding for both is based on Table 1), and (c) if the constitution was not fluid (all cases with the exception of the episodes in Colombia and Venezuela, discussed above, and Guatemala, discussed in footnote 9). The index presented in Table 2 served as a continuous indicator of institutional imbalance.

Table 3
Predictors of Congressional Dominance (n = 27)

Predictor	Model 3.1	Model 3.2	Model 3.3
Democracy	1.030	0.449	0.579
	(0.932)	(1.078)	(1.442)
Civilian resolution		1.048	−20.760
		(1.222)	(142.310)
No fluid constitution		2.305	−9.845
		(1.642)	(109.207)
Constitutional imbalance		1.791	2.600
		(1.425)	(1.695)
Interaction: Civilian ×			
Not Fluid × Imbalance			60.047
			(305.643)
Constant	0.223	−2.793	8.736
	(0.474)	(1.841)	(109.206)
Nagelkerke *R*	.066	.252	.593

Note: Logistic regression coefficients are shown, with standard errors in parentheses. No coefficient was significant at the .10 level

Although every coefficient has the expected sign, the small number of cases prevents the achievement of acceptable significance levels. If an interaction term is incorporated to improve the specification according to equation 1 (Model 3.3), the coefficients and standard errors adopt unrealistic values. The failure to achieve conventional significance levels may be explained by the robustness of the null hypothesis, but in this case, it may also be the product of the small number of cases, measurement error, or misspecification due to the pattern of sufficient but not necessary causation.

One way to address this problem is by simulating artificial scenarios in which episodes of dissolution take place with greater frequency. Rather than once every 2 years, one may assume that crises take place every year, every 6 months, and so on, increasing the number of cases in a controlled experiment. In the absence of additional information about these counterfactual samples, assume that the distribution of attributes across cases remains fixed. In practical terms, this is the same as reweighting the existing sample to inflate the number of cases.

Figure 2 shows the improvement in the significance values of the Wald tests for all four coefficients in Model 3.2 as the number of cases is increased. Clearly, the p values for constitutional fluidity and legal imbalance are constrained by the small number of cases, but they easily achieve standard levels of significance (at .05 and .10, respectively) when the sample size is doubled ($n = 54$). In contrast, the effects of demilitarization and democracy are more
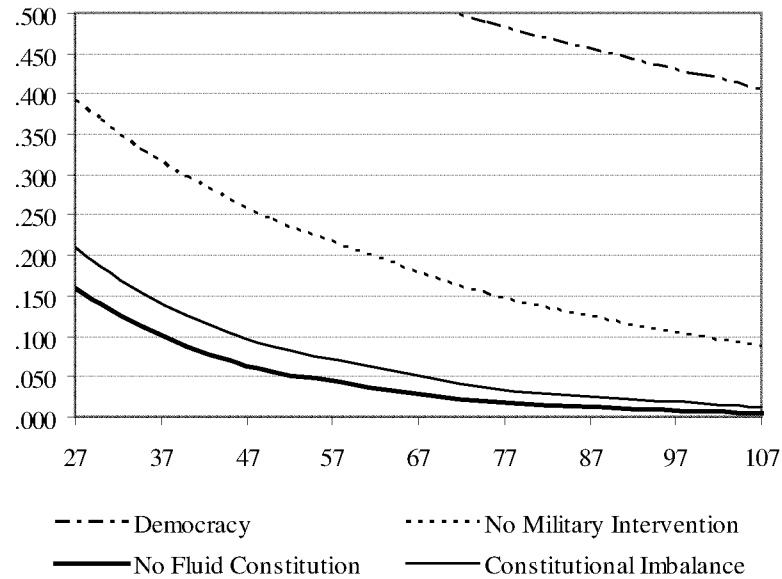
Figure 2.   **Significance values for Wald tests (Model 3.2), by number of cases.**

elusive. The sample size would need to be increased more than 5 times and 23 times, respectively, for these variables to achieve the 5% level of significance. The weakness of the democracy dummy is consistent with the argument that democratization has altered the balance of forces between branches only through indirect effects. But the weakness of the demilitarization variable points out to the question of proper specification. The absence of military intervention only is expected to strengthen the position of congress if and when the other two factors specified in equation 1 are present. Joint, not additive, causation must be tested.

To address this second problem, consider that the principle of sufficiency can be approached in a deterministic or in a probabilistic way. A deterministic—or "veristic," to use Ragin's (2000) terminology—interpretation of the sufficiency clause implies that every case meeting the set of conditions specified in equation 1 must also be a case of congressional dominance. In contrast, a probabilistic approach implies that the conditions posed in equation 1 will almost always create congressional dominance—where the "almost-always" clause must be subject to operationalization and statistical testing. A few indices are capable of measuring quasi-sufficiency: Yule's Q (Anderson,

Watts, & Wilcox, 1966, p. 50) and Guttman's coefficient of reproducibility (Smithson, 1987, pp. 94-95; Verkuilen, 2001).

Table 4 presents new evidence to test equation 1. For operational purposes, I coded as cases of constitutional imbalance those with scores greater or equal to 0.5 in Table 2. Congressional success (D) and Civilian resolution (C) were coded following the information in Table 1.

The distribution of cases passes a deterministic test of sufficiency, because all cases corresponding to equation 1 display congressional dominance. But given the small number of cases, how confident can one be about this finding? The null hypothesis for a statistical test of sufficiency is that the number of cases in the upper-right cell is greater than zero (i.e., that there could be cases of dissolution meeting the conditions in equation 1 and yet failing to display congressional dominance). The statistical evidence leads us to reject the null hypothesis. Yule's Q for Table 4 is 1.0, indicating a perfect one-way association. This result is significant at the .05 level (one-sided Fisher's exact test).

FUZZY-SET ANALYSIS

The test presented in Table 4 constitutes a better approximation to the causal argument proposed by equation 1, but it is unable to discriminate between cases in which congress clearly prevailed in a confrontation with the executive (labeled "strict dominance" in Table 1) and cases in which congress legalized a de facto solution of the crisis. This distinction between strict and merely formal congressional success during the confrontation, already outlined in the first section of this article, underscores a more complex problem of uncertainty in the classification of the historical cases. Students can document strict congressional dominance when the historical record suggests that legislators were able to drive the resolution of the political crisis. When, in contrast, congress was dissolved, it is clear that legislators failed to shape the outcome of the confrontation. But cases of weak dominance are hard to classify because the historical record is typically ambiguous on whether legislators legalized the dissolution of the existing administration because they had no choice or because a large proportion of them were actually part of a civil-military conspiracy against the executive.

It is useful to think about this problem of historical uncertainty in terms of fuzzy-set logic (Zadeh, 1965). Whereas traditional set theory assumes cases to be either inside or outside a given category, fuzzy-set theory allows for different degrees of membership ranging between zero (fully outside the set) and one (fully into the set) (Ragin, 2000; Smithson, 1987; Zadeh, 1965). This principle is particularly relevant for the systematic coding of historical ambi-

Table 4
Categorical Test of Sufficiency for Equation 1

Causal Configuration	President Ousted	Congress Dissolved	Total
[C and (not F)] and I	6	0	6
All other configurations	11	10	21
Total	17	10	$n = 27$

Note: C = constitutional resolution, F = constitutional fluidity, I = imbalance in favor of congress. Yule's $Q = 1.0$, Fisher's exact test (.042) significant at the .05 level (one-sided).

guity. In the absence of detailed historical evidence about the negotiations behind the dissolution process, fuzzy-set coding provides an operational solution to this problem. whereas episodes of strict dominance belong in the category of congressional dominance with certainty (full membership), and cases of congressional dissolution are out of this set with certainty (zero membership), cases of weak dominance belong to this category with a degree greater than zero but smaller than one. For operational purposes, we can think of them as being at the crossover point ($D = 0.5$).

To the extent that fuzzy-set coding provides a more accurate measurement of the dependent variable, the argument of sufficiency can be subject to a fuzzy-set qualitative comparative test (Ragin, 2000). This test follows three principles:

1. Partial degrees of membership in the causal configuration are expected to match partial degrees of membership in the dependent variable. Like the dependent variable, one of the predictors (the constitutional imbalance index) adopts different values between zero and one. The other two variables (civilian resolution and the absence of constitutional fluidity) have been defined as dichotomous variables.
2. Sufficiency can be established if the degree of membership in the dependent category is greater than or equal to the degree of membership in the hypothesized causal configuration. Cases with full membership in the causal configuration are expected to have full membership in the dependent outcome. In contrast, cases with zero membership in the causal configuration may have different degrees of membership in the dependent category, because the causal condition is sufficient but not necessary for the outcome (Ragin, 2000, chap. 9).
3. The degree of membership in a multivariate causal configuration (e.g., equation 1) is established through the "weakest link" principle: Inclusion in the complex category equals the lowest degree of membership in any of the constituent categories. For instance, if the military intervenes to remove the presi-

dent from office, the event has zero membership in equation 1 because the res-
olution was not fully civilian, even if the constitution was not fluid and it
clearly favored congress (Zadeh, 1965, p. 341).

Figure 3 illustrates the operation of the test. The vertical axis depicts the
degree of membership of the different cases in the dependent set (congressio-
nal success in episodes of dissolution). The horizontal axis depicts the degree
of membership of those cases in the causal configuration hypothesized in
equation 1. Operationally, sufficiency means that all cases must lie on or
above the diagonal. For the purpose of a z test (Agresti, 1996, p. 10), I have
operationalized the almost-always clause as the expectation of congressional
dominance in more than 90% of the cases presenting the causal configura-
tion. With 100% of the cases located on or above the diagonal and $n = 27$, the
model passes the test at the .05 level.

Figure 3 additionally helps explain the tenuous pattern of congressional
dominance in the past and the bolder resurgence of congress in recent years.
Of the six cases displaying partial membership in equation 1, five took place
over the past 10 years (the remaining one took place in 1955). The decline of
military intervention since the 1980s, combined with the amendment of old
authoritarian constitutions that allowed for the dissolution of congress, has
"funneled" cases of dissolution into the upper-right corner of Figure 3.

DISCUSSION

The results presented in previous pages suggest four conclusions. First,
despite constitutional restrictions, the dissolution of "parliaments" and gov-
ernments has been common in Latin America in the past, and it remains an
issue in the present. Since the third wave of democratization, episodes of dis-
solution have continued to occur, and they still represent traumatic events for
weakly institutionalized presidential systems.

Second, the incidence of military intervention in such episodes has sub-
stantially declined since the 1980s. In this context, constitutional rules favor-
ing legislators have allowed for greater congressional leverage. Impeach-
ment, virtually unknown in Latin America in the past, has shaped the
resolution of most political crises since 1992 and will presumably dominate
the resolution of most crises taking place in the absence of constitutional
fluidity.

Third, this trend suggests that we need to reevaluate the "perils of presi-
dentialism" (Linz, 1990, 1994). Although students of Latin America have
claimed that the institutional features of presidentialism vary from country to
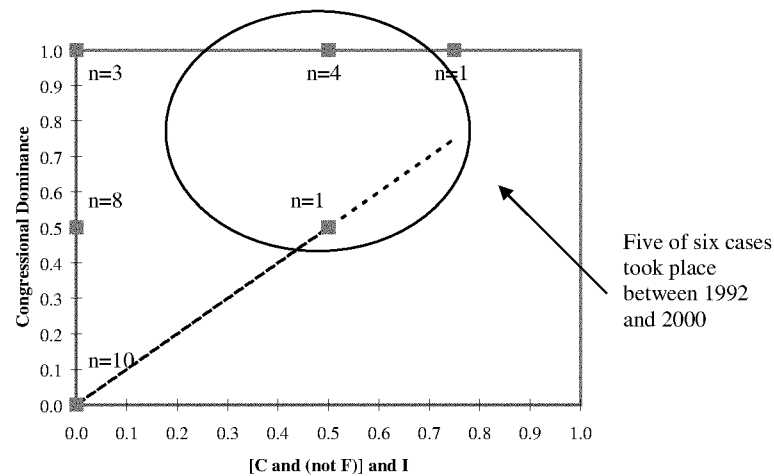
Figure 3. **Fuzzy membership in the set of congressional dominance by membership in equation 1.**
Note: Z test (1.73) significant at the .05 level ($p_0 = .90$).

country and that some features are more likely to create interbranch confrontation than others, the underlying assumption has been that confrontation is a major source of regime instability (Jones, 1995; Mainwaring, 1993; Mainwaring & Shugart, 1997; Shugart & Carey, 1992). The evidence presented in this article suggests that dissolution is now taking place within constitutional rules and that regime instability is less of a problem than in the past.

Finally, these findings suggest that institutional explanations are historically embedded and that they should be modeled in relation to different historical contexts (see Ames, 1999; Peters, 1999). International transformations after the third wave of democratization have restricted the possibility of military intervention and therefore augmented the effect of constitutional rules in shaping the resolution of political crises. Even though constitutional arrangements have displayed little variance over the past five decades, the impact of these rules on the dependent variable has increased over time. Neoinstitutional approaches may demand further exploration of the specific historical conditions that allow formal rules to shape the political process.

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