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TI Is only the president in charge? - Powers of decree and institutional design in Brazil and Argentina

SO DESARROLLO ECONOMICO-REVISTA DE CIENCIAS SOCIALES

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DT Article

ID GOVERNMENT; REFORM; MENEM

AB What is the effect of constitutional decree authority on the policy-making process of a presidential regime? In spite of recent efforts to answer this question, there is still a great deal of uncertainty in the literature about the extent to which decree powers may allow presidents to control the legislative process. This article argues that in a separation-of-powers system the existence of constitutional decree authority effectively enhances the ability of executives to act as agenda setters. This capacity, however, is not uniform across all cases. Developing a spatial model of executive-legislative relations, the author argues that the greater or lesser bargaining power of the executive to promote legal changes through decrees varies according to two interrelated factors: the

rules

governing the approval of decrees and the extent of partisan support of

the executive in the legislature. These propositions are supported by

a

comparative analysis of the process of constitutional design and implementation of legislative decrees in Brazil and Argentina, two cases that present significant variation in the rules regulating the validity of decrees and in the nature and composition of legislative majorities.

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