

Expanding Executive Authority And Prosecuting Presidents: An Event Data Study of Developing Democracies

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Abstract

A common challenge in many developing democracies is how to hold government leaders accountable for their use of power. Even elected leaders, once in office, may seek unconstrained authority to deal with crises or overcome gridlock. Unchecked power can lead to government abuses, which opponents often seek to counter by removing and prosecuting heavy-handed leaders. Yet sanctions do not always deter successors from consolidating power themselves. Studying how leaders' fates influence successors' actions is difficult, given the observational nature of data on powerful institutions and the sparseness of events targeting individual government heads. I address these challenges by developing new datasets on leaders' efforts to consolidate power and their subsequent punishments or rewards, using digital archives of executive decrees and emerging computational methods for measurement and analysis. I find that incumbents consolidate power more when predecessors are punished arbitrarily, and exercise restraint when punishments appear more objective and predictable.

Why do some government leaders amass more power than others? In particular, why would a leader seek unconstrained control over the state, and make important policy decisions without input or consent from other offices or parties? Do all government leaders simply take as much power as they can get? Or are there consequences to pursuing too much power, consequences that can be anticipated enough to deter excessive power consolidation and encourage restraint?

There is considerable debate about the benefits and repercussions of concentrated government authority. Leaders often argue that they need more power to get things done, in the face of inefficiency or gridlock in other parts of government, and especially in times of crisis or emergencies (Poguntke and Webb, 2005; Pereira et al., 2005). Opponents argue that

concentrated authority can lead to abuses of power, as leaders use the state to enrich their supporters and eliminate those who oppose them (Cooper, 2002; Watch, 2012).

The potential backlash for abusing power has evolved over time. While entrenched leaders were historically often removed through violent revolution, in recent decades, it has become more common to remove and prosecute government leaders using existing laws and political processes (Valenzuela, 2004; Pérez-Liñán, 2007; Kim and Bahry, 2008). The aim is not to replace an entire corrupt system, but to exercise pressures and constraints within an enduring one. However, there are growing concerns that the prosecution of former leaders does not always deter subsequent abuses of power, and in some circumstances may have the opposite effect (Osiel, 2000; Roehrig, 2002; Olsen et al., 2010).

I argue that government leaders consider the fates of their predecessors when deciding how to secure their own future interests. More importantly, I argue that incumbents consider not only how many predecessors faced punishment, but whether those punishments were objective and predictable on the basis of the former leaders' decisions in office. If government leaders are only prosecuted for crimes when they have amassed too much power and used it to enrich their friends or oppress their critics, successors may be less likely to follow the same course. If punishments appear more arbitrary and politicized, however, incumbents may not believe they will be spared even if they accept constraints, and may have little to lose – and much to gain – by seeking more power to protect themselves against such threats.

These hypotheses involve more nuanced aspects of government leaders' decisions and subsequent punishments or rewards than are typically captured with high-level indicators of regime type, constitutional constraints, or leaders' post-tenure survival. In this study, I use digital sources of event data and emerging computational methods to develop new measures of power consolidation and post-tenure fates, seeking to tackle the same question from multiple angles to overcome inherent data limitations. I find that incumbents consolidate power more when predecessors are punished arbitrarily, such as when there appears to be contention or frequent setbacks in a case against a former leader. I also find that incumbents

exercise greater restraint when punishments appear more objective and predictable, such as when a strong legal case leads to a highly anticipated trial and conviction, while predecessors who are not deemed punishable instead secure positive rewards. These results have broader implications not only for the prosecution of government heads, but for the effectiveness of punitive measures as a deterrent against coercive action in other contexts as well.

1 Related Literature

This project relates to two specific bodies of work: one on the growth of presidential authority and executive orders or decrees, the other on the early removal and prosecution of former government leaders. The first set includes studies of executive orders in the U.S. (Moe and Howell, 1999; Mayer, 2001; Cooper, 2002; Howell, 2003; Wright, 2014), and a few studies on decrees in developing states (Carey and Shugart, 1998; Protsyk, 2004; Pereira et al., 2005). The second set focuses mainly on “third wave democracies,” such as in Latin America and Eastern Europe (Valenzuela, 2004; Pérez-Liñán, 2007; Kim and Bahry, 2008).

To explain the use of executive orders or decrees, existing theories generally assume that presidents seek to enact their policy agenda, to win reelection or to build a strong legacy (Moe and Howell 1999). The implication is that leaders want more unilateral decision-making power in order to get more done, and to take credit for those accomplishments. Several studies show that executive orders increase in the face of legislative opposition or gridlock (Howell, 2003; Pereira et al., 2005). Others find that presidents issue more executive orders at the end of their term and when running for reelection, in reaction to crises, and when their popularity is low (Mayer, 1999; Protsyk, 2004; Pereira et al., 2005).

Leaders may also stand to lose, however, if they seek too much power and impose their will too often. In the second body of work, recent studies of developing democracies have documented a trend in the early removal and prosecution of government heads for corruption, human rights violations, or other abuses of power (Osiel, 2000; Valenzuela, 2004; Pérez-Liñán,

2007; Kim and Bahry, 2008; Reyes and Gerber, 2011). Proponents argue that prosecution is necessary to hold former leaders accountable and signal to successors that they cannot act with impunity (Olsen et al., 2010; Conaghan, 2012). Yet there remains considerable debate about whether these forms of accountability actually work.

In the recent Color Revolutions and Arab Spring, notorious heavy-handed rulers were removed and imprisoned, yet many of their successors proceeded to consolidate power in similar ways (Tudoroiu, 2007; Tabaar, 2013; Teehankee, 2016). Some scholars have noted that cases against former presidents are often highly politicized, based on questionable legal grounds, and used for vengeance or to eliminate rivals from the political arena, which may drive embattled leaders to cling to power to avoid similar threats (Osiel, 2000; Roehrig, 2002; Olsen et al., 2010; Reyes and Gerber, 2011).

Despite this debate, few studies have empirically tested the relationship between the prosecution of former presidents and *subsequent* leaders' actions. A few studies about leadership change more broadly do indicate that leaders consider the fates of former leaders when deciding whether to circumvent term limits or engage in international conflict to cling to power (Baturo, 2010; Chiozza and Goemans, 2011). Those studies do not address leaders' efforts to change internal policy-making institutions, beyond trying to stay in office. They both use the Archigos dataset of political leaders (Goemans et al., 2009), which focuses on how leaders were removed and their immediate fate in the first year after office. Archigos is a valuable resource for studies of leadership change, but does not dissect different and potentially contentious efforts to punish former leaders over time, nor the degree of politicization of those punishments, which I argue play an important role in how successors respond.

2 Theory and Hypotheses

When studying power consolidation through observable executive action (like presidential orders or decrees), one major challenge is that leaders may seek more authority both to

get important policies enacted and to protect their own interests, and these two objectives are often intertwined. We do not expect government leaders to be selfless altruists; leaders should perform well when it is in their interest to do so. For instance, political leaders may seek support for the next election by delivering programs and services their constituents need. Yet political leaders may also take actions to retain office that do not involve winning public support. They might seek changes to electoral laws or district boundaries in order to increase their chances of retaining office with the *same* supporters they currently have.

While political leaders might prefer to retain office as long as they can, they probably also care what will happen to them afterwards, if they cannot govern forever. As in strategies for retaining office, leaders might improve their future opportunities by enacting their policy agenda and securing a positive legacy. Or, incumbents might secure their fate by installing loyalists in positions of power, weakening rival authorities to prevent future investigations or prosecutions, quieting critics and amassing wealth.

Since leaders have different options for pursuing their future interests, the path they choose may depend on which strategy seems most likely to improve their fate, given the political environment they face. If leaders expect to be rewarded for a positive record and punished only when they misuse power, they may be more likely to focus on enacting their policy agenda, while refraining from amassing too much unilateral power that could make them culpable for government abuses. On the other hand, if leaders fear that a positive record won't guarantee their survival, they might see more to gain by consolidating control over state authorities and resources, to be able to block anticipated threats.

Incumbents' expectations of the political climate they will face may be influenced by their recent predecessors' fates. If a former leader is convicted of criminal acts, such as ordering extrajudicial killings or embezzling funds, for which there is strong evidence and consensus as to the acts' illegality, a successor might be less likely to engage in similar acts. However, if a former leader is arrested on dubious charges and with weak evidence, and a successor perceives that the accused might be innocent of serious wrongdoing, the

predecessor's predicament might encourage the incumbent to strengthen his/her own control of the state to avoid a similar fate.

The following hypotheses represent the general expected relationships that this theory suggests we should observe between former leaders' punishments or rewards and successors' efforts to consolidate power. I will introduce more concrete hypothesized relationships to be tested, after discussing the data to be used and specific variable measures below.

H1. Incumbents should seek to consolidate power *more* when their predecessors appear to be punished arbitrarily, regardless of whether they actually abused power. This might occur when some former leaders are punished without consensus as to their guilt, signaled by contention or inconsistency in the same leader's punishments and rewards, or other forms of uncertainty surrounding former leaders' fates.

H2. Incumbents should seek to consolidate power *less* when predecessors are punished objectively based on clear prior abuses of power, while those who are not deemed to deserve punishment are rewarded instead. This might occur when former leaders are only punished if there is a strong case against them, and enough consensus to lead to formal trial and conviction. This outcome would also be reinforced if other former leaders – who never face punishment – obtain positive legacy roles outside of the state.

3 Data and Measures

How do we begin to address this question? The hypotheses above involve dynamic and multifaceted conflicts over presidential authority and leaders' fates, suggesting that a static variable about whether the state fits a particular regime type or whether the president has chosen to be a certain type of leader would be inadequate. Even if we tried to classify the concentration of executive authority along a continuum, it would be difficult to assess how much power a president actually has at a given time in any comprehensive way.

We might, however, be able to identify certain *changes* to the allocation of government authority, or certain actions that are more likely to change that allocation, without having to quantify exactly how far each action moves the balance of power. Some actions seem more likely to increase the president’s power than others, and to do so in more lasting ways. For instance, the creation of new executive agencies, delegation of additional authorities or resources to those agencies, or revision of internal rules and restrictions, constitute changes to internal government authority structures that are often very durable and have widespread consequences for subsequent policy decisions.

These changes are documented in official records, such as legislation, executive decrees, and other administrative memoranda. Legislation usually reflects the efforts of multiple parties bargaining across the executive and legislative branches, making it difficult to attribute legislation to particular actors without analyzing specific steps in the legislative history of each bill. Administrative memoranda vary more across countries and are less likely to be available in comprehensive, comparable archives. But executive decrees have become a well established and prominent form of decision-making across countries that can be reasonably attributed to the president or chief executive of the state.

Yet decrees are used to enact a wide variety of decisions, many of which are unlikely to change the internal allocation of government power. To distinguish decrees that may change the institutional concentration of power from the many other decrees that involve more temporary, externally-focused policy actions and symbolic measures, we need more than a count of the total decrees issued, as previous studies have used. We need to look at what the decrees actually say they do. Yet many government executives issue more than one per day, making the volume of decrees too large to sift through and classify entirely by hand. Fortunately, advances in computational methods are helping to overcome these obstacles, by making it easier to extract events automatically from text.

This section summarizes the operationalization of this study. The project involves considerable original data collection, processing, measurement and validation, using computational

methods in several ways. In the following subsections, I introduce the data sources, variable measures, and analytic models used; more details are provided in the online appendix.

3.1 Case Selection

The data collection and measurement effort described below requires considerable effort for each country studied, given differences in available databases and forms of decrees, languages used, and legal vocabulary or discourse. These constraints limit the number of countries that can be addressed in a single study with limited resources, placing importance on selecting countries with enough available data and variation to produce useful results, and with enough similarity to other developing regions to offer generalizable conclusions.

For this project, I have chosen a set of countries with strong variation in both the dependent and independent variables, and in which those factors are well documented and available in digital archives to be feasible for study. The sample is comprised of the five countries in South America’s Andean region: Peru, Ecuador, Bolivia, Colombia, and Venezuela. These countries have experienced considerable differences among them and over time in the political institutions and leadership decisions at the center of this inquiry. They also share many similarities in colonial and post-colonial history, population characteristics and culture, which are not the subject of this study, helping to reduce other dimensions of variation.

The Andean countries have experienced a mixture of strong and weak presidencies, including some notorious personalist leaders (such as Peru’s Alberto Fujimori and Venezuela’s Hugo Chavez), as well as others who did not expand their powers in similar ways. Four countries have had multiple presidents removed and/or prosecution for abuses of power (Valenzuela, 2004; Pérez-Liñán, 2007; Marsteintredet and Berntzen, 2008; Conaghan, 2012). The region has also experienced dynamic changes in other factors cited in the literature on expansions of executive authority, such as the strength of parties and legislative opposition, as well as economic and social crises that drive demands for urgent government action. Finally, the Andean countries – like many developing states – have recently made many public records

available in digital archives, to improve government transparency (Miguel-Stearns, 2011).

I focus on elected presidents since the region’s last wave of democratization. Peru’s last military regime handed power to an elected government in 1980, Ecuador’s last junta did so in 1979, and Bolivia’s in 1982. Colombia underwent a related transition at the end of the National Front, a governing pact in which the two main political parties agreed to alternate the presidency every four years, which ended in 1974. In Venezuela, the last military regime ended in 1958, but the period of study is constrained by more limited digital archives of decrees, which were only accessible since 2009.

For each of these countries and start years, I include in the dataset all presidents who were elected from the stated year onward. In some cases, digital archives of decrees were only available for more recent years (as noted in the next section). In those cases, the dataset covers the years in which I have decree data, but includes post-tenure fate events for any former leaders who were elected since the start of the democratic period noted here, and who were still alive when the decree archives began.

3.2 Power-Consolidating Decrees

For the dependent variable, leaders’ efforts to consolidate power, I focus on executive decrees, for the reasons mentioned above. I have collected the titles and dates of 73,670 total executive decrees from the five Andean countries, using public archives on government websites, usually from an official gazette or daily registry. I chose to use decree titles, which are most widely available across countries, archives, and years, and contain sufficient detail to identify the main actions and target entities of interest. Table 1 shows the years and total decrees that I was able to collect for each country. While an archive might contain an occasional error or omission, I carefully inspected document numbers and dates, and am confident that these totals represent all or very nearly all of the executive decrees issued in each country during the period shown. Section A.1 of the appendix includes further information about the challenges encountered in data collection and the choices made regarding which documents to use.

Table 1: Total decrees and years covered by country in dataset

Country	Years Covered	Total Decrees
Peru	1980-2016	30,314
Bolivia	1982-2016	13,927
Colombia	1999-2016	16,260
Ecuador	2000-2016	9,711
Venezuela	2009-2016	3,458

I then categorize these decrees, seeking to identify those that best represent presidents’ efforts to expand their own institutional power. For instance, decrees that create new executive agencies or delegate powers to them are more likely to enable a wide range of future policy decisions that the executive will be able to direct without further input or approval. Decrees that impose regulations on private actors, restructure tax or customs duties, or approve one-time contracts or public works projects, may matter a great deal in terms of who gains or loses. But the latter external actions seem less likely to change which internal government actors have the power to make other future policy decisions.

Table 2: Coding scheme with main action and target entity categories

	Label	Example Terms
Actions	<i>enable</i>	create, delegate, authorize, appoint, fund ...
	<i>regulate</i>	require, prohibit, establish regulation ...
	<i>other act</i>	execute, distribute, ratify, symbolic declaration ...
Targets	<i>gov (exec)</i>	presidency, cabinet, ministry, executive agency ...
	<i>public (other)</i>	legislature, judiciary, province/municipality ...
	<i>private</i>	corporation, industry, protected class, citizens ...

Table 2 shows the main categories in the overall coding scheme; I focus on *enabling* actions targeting *government executive* offices (rows highlighted in gray) in the main hypothesis tests. Enabling actions include the creation, reorganization, or authorization of an organizational unit, or the appointment of a senior leader. I do not focus on regulations, one-time distributions or similar policy implementations, ratification of treaties, and other symbolic acts. Government executive targets refer to the central government administration,

including the president’s office and cabinet ministries. I do not focus on decrees that target other branches or levels of government, private sector or civil society actors.

Table 3: Examples of decree titles assigned to project categories

Label	Example decree title (translated)
<i>enable, gov exec</i>	Establish the National Development Council (CONADE) as coordinating body for the Executive Branch, responsible for proposing, deliberating, and arranging economic and social policies, so that the necessary administrative measures are adopted for these policies’ implementation.
<i>regulate, private</i>	Establish regulatory provisions of Law No. 268876, Anti-Monopoly and Anti-Oligopoly Law of the Electricity Sector, regarding concentration operations in the electricity sector.
<i>other act, public</i>	Ratify Cooperation Agreement between Switzerland and Peru, regarding the Program of Support for Decentralization in Rural Areas - APODER

To categorize decrees, I use an ensemble of supervised machine learning classifiers and rule-based pattern matching, assigning labels to decrees based on key verbs, nouns, and other features extracted with natural language processing tools. Table 3 shows example decree titles assigned to the main category of interest (highlighted in gray, hereafter referred to as “power-consolidating decrees”), in contrast to examples that were assigned to other major categories. Section A.2 of the appendix provides further details about the classification methodology; Sections A.3 and A.4 provide tests of accuracy and conceptual validity.

3.3 Leaders’ Post-Tenure Fates

For the independent variables in this study, I also collected new data on former leaders’ post-tenure punishments and rewards. There is no single authoritative or primary source for these events, since they may be instigated by a wide variety of actors. Instead of seeking comprehensiveness, I prioritize consistency across leaders and across different types of fates.

I use biographical articles from Wikipedia as the basis for the inclusion of post-tenure events in the dataset. These articles have similar lengths and formats, summarizing each

leader’s major life events, including post-presidency. Multiple studies have reviewed Wikipedia’s accuracy as comparable to more traditionally edited references (Giles, 2005; Okoli, 2009), and the articles generally cite news and other investigated or expert sources for events reported. I include all post-tenure events mentioned in either the Spanish or English Wikipedia entry for each leader in the dataset, consulting the citations and searching for other news or historic references to verify and fill in key details, especially exact dates. Wikipedia’s distributed contribution structure can be thought of as producing a similar threshold of salience for events included in each leader’s biography. These summaries may be somewhat noisy, but should not reflect a particular political agenda or other relevant systematic bias.

Table 4: Post-tenure event coding scheme

General fate events	
<i>Sanction</i>	Investigation, criminal charges, prosecution, imprisonment, ...
<i>Reprieve</i>	Dismissed charges, denied extradition, acquittal, pardon, ...
<i>Reward</i>	Major new position or award in private sector or civil society, ...
Sanctions by stages of legal process	
<i>Initial sanctions</i>	Pretrial arrest, pretrial detention
<i>Final sanctions</i>	Formal criminal trial, conviction
Sanctions by predicted probability	
<i>Unexpected sanctions</i>	Low predicted probability based on prior decrees
<i>Expected sanctions</i>	High predicted probability based on prior decrees

Table 4 shows the post-tenure event coding scheme. First, I address three broad types of post-tenure events: *sanctions*, *reprieves*, and *rewards*. I consider *sanctions* to include any formal attempts to punish former leaders, including investigation, arrest, criminal charges, requested or obtained extradition, trial and/or conviction. The prosecution of former leaders often involves multiple steps, including potential setbacks or reversals especially in contentious cases. I code as *reprieves* any reversal or alleviation of a previous sanction, such as dismissed charges, release from detention, acquittal in court or political pardon. *Rewards* are any major new position, honor or award that a former leader obtained outside the state, such as leadership roles in business, academia, or civil society. I do not include new positions

in government or political parties, which may produce different incentives and involve more complex interactions between incumbents and predecessors seeking to return to power.

As discussed in the theory section above, I argue that incumbents are not only interested in how many predecessors were sanctioned in general, but how objective or predictable those sanctions were. The objectivity or predictability of sanctioning events is a latent concept that is difficult to measure. I approach this in two different ways. In the second section of Table 4, I distinguish different types of sanctions at different stages of the legal process. Early steps like arrests and pretrial detention might appear more arbitrary and politically motivated, since they are controlled by law enforcement agencies or low level courts, while later steps like a formal trial and conviction may require a higher burden of proof or at least more consensus as to the former leader’s guilt. I code subsets of sanctioning events for pretrial arrest and detention, as well as for formal trial and conviction.

In the third section of Table 4, I introduce new measures to more directly estimate the objectivity or predictability of former leaders’ fates. To do so, I first assess what we would expect to happen to each leader, if post-tenure fates were consistent across leaders who used power in similar ways. More specifically, I use machine learning and train a model to predict the post-tenure events in the dataset, with each former leader’s prior decrees as inputs and their observed sanctions, reprieves or rewards as the labels to predict. This yields predicted probabilities of sanction for each leader, given how other leaders who issued similar decrees were punished or rewarded. I then distinguish which observed sanctions were more expected (i.e. had a higher predicted probability) and which were unexpected (i.e. had a lower predicted probability). Further details on the data collection and coding of post-tenure events appear in Sections B.1 and B.2 of the appendix; Section B.3 explains the methodology used to estimate the predicted probabilities.

The dataset contains a total of 93 unique post-tenure events occurring to former leaders, during years in which I also have data on their successors’ executive decrees. There are 49 instances of formal sanctions, 19 instances of reprieves, and 25 instances of non-state

rewards. I add these events to the project’s dataset as monthly event counts, in the month after they occurred. This means that each country-month observation contains the number of power-consolidating decrees issued by the incumbent president that month, along with counts of different types of sanctions or rewards that occurred to his/her predecessors during the previous month. Lagging the post-tenure events ensures that developments in former leaders’ fates occurred before incumbents issued the decrees they may be associated with, in a given observation. While a president might be investigated for corruption while still in office, I only include post-tenure events for *former* leaders, to reduce the risk of endogeneity between incumbents’ actions and the concurrent retribution they might bring upon themselves.

Table 5: Hypotheses for post-tenure fates and power-consolidating decrees

Independent variable	Power seeking should go up	Power seeking should go down
<i>General fate categories</i>		
Former leader sanctioned	↑ if trying to amass power to block similar sanctions	↓ if deterred from provoking a similar sanctions
Former leader reprieved	↑ if fate seen as contentious, sanctions can be beat	
Former leader rewarded		↓ if rewards are tied to a positive legacy
<i>Sanctions by stages of legal process</i>		
Pretrial arrest, detention	↑ if detention seems arbitrary, by whoever controls police	
Formal trial, conviction		↓ if signals high burden of proof, objectivity/consensus
<i>Sanctions by predicted probability</i>		
Unexpected sanction	↑ if fate seen as unpredictable, subject to politicization	
Expected sanction		↓ if fate seen as predictable, can’t avoid punishment

Table 5 summarizes the specific hypotheses to be tested. These are drawn from the discussion in the theory section, and the more concrete expectations that motivated each operationalized variable. For post-tenure sanctions, in general, the expected relationship to

successors' power consolidation is ambiguous. Incumbents might be deterred from amassing or abusing power, or might cling to power to protect themselves instead. Reprieves are less ambiguous, since they signal at least some contention in a former leader's fate. I hypothesize that reprieves will induce successors to consolidate power more, to protect themselves against arbitrary threats, with the expectation that sanctions can be beat. In contrast, former leaders obtaining rewards outside the state should encourage successors to loosen their hold on government power and focus more on their external policy legacy.

The hypotheses in the second and third sections of Table 5 parallel each other. I expect pretrial arrests and detentions to appear more arbitrary or unpredictable, which should encourage successors to consolidate power more. This also applies to sanctions identified as unexpected, i.e. those with a low predicted probability based on the accused leader's prior decrees. In contrast, I expect formal trials and convictions to appear more objective and represent more consensus about former leaders' guilt, discouraging successors from consolidating power. I also expect less power consolidation in response to sanctions identified as expected, having a higher predicted probability based on the accused leader's prior actions.

3.4 Control Variables

I also include as potential control variables other explanatory factors from the literature on presidential power and executive orders. These include measures of political opposition and legislative gridlock, remaining time left in office and eligibility for reelection, and crises that might increase demands for urgent government action, as detailed below.

I have sought to only include exogenous control variables in this analysis, which is why I do not use public opinion polls, alternative measures of legislative gridlock like the rate of passage of executive-sponsored bills, or indicators of domestic economic performance or violent conflict. Economic and security crises are common justifications for decree-making authority, and some of the Andean states experienced both hyperinflation and insurgent violence during the period of study. However, most forms of violent conflict or civil unrest

are endogenous to government leaders’ decisions and actions, as are domestic macroeconomic conditions. Instead, I use global commodity price shocks and natural disasters as more exogenous sources of near-term pressure on incumbent presidents.

The main sets of potential control variables are listed below, and full details of variable specifications are in Section C of the appendix. Some of the measures listed in each category are similar, but the different specifications should help ensure that each alternative explanation is thoroughly accounted for.

- ***Political opposition and gridlock:*** Political factors include the governing party and opposition parties’ shares of seats in the legislature, and scores for fractionalization among all legislative parties and among opposition parties only, using data from the Database of Political Institutions (DPI) (Cruz et al 2016).
- ***Exogenous economic shocks:*** Price shocks are derived from International Monetary Fund (IMF) data on the global commodity prices. For each country-month in the dataset, I average the percentage price change across the country’s top three primary commodity exports for the previous quarter, six months, and year, since it might take time for price drops to affect local industries and government responses.
- ***Natural disasters:*** Major earthquakes are measured using data from the Global Significant Earthquake Database maintained by the U.S. National Oceanic and Atmospheric Administration (NOAA). Variables include the number of deaths, number of injuries, and damage in millions of USD occurring due to major earthquakes in each country-month in the dataset.
- ***Months left in office:*** I also coded the number of months left in the president’s current term, and a variable for whether the incumbent was eligible for reelection, based on each country’s constitutional provisions on presidential term limits.

3.5 Statistical Models

I structure my hypothesis tests in accordance with standard approaches to analysis of time-series cross-national data. These data may contain serial correlation across consecutive observations within the same government or president's tenure, as well as unobserved factors that may vary by country or over time. As in any study, some model decisions have clearer theoretical or empirical justifications, while for other parameters there may be multiple options that seem reasonable, and yet which could substantially alter the results.

For instance, while decrees represent similar forms of decision making across countries, decrees in Peru are not identical to decrees in Ecuador. Each country has different constitutional provisions for decree-making authority, as well as other aspects of the executive apparatus, making country fixed effects an important factor to include. Trends in the use of decrees, underlying factors like the size and scope of the modern state, and external factors like global financial crises have also changed considerably over the years covered in this study.

However, it is less clear whether we should include month fixed effects, to account for potential seasonality in country-month data. Unlike legislatures, which are only in session certain months of the year, presidents may issue decrees at any time. It is also unclear which factor should be used to cluster standard errors. It seems most plausible that decrees issued by the same leader in consecutive months may capture related calculations. Yet observations may be correlated across leadership changes within the same country as well.

Reporting individual results for a large number of separate regression models or robustness checks can become unwieldy and difficult to digest. Instead, I define a set of parameters that are theoretically well justified, empirically feasible, and consistent with established practices for analyzing time-series cross-national data. I then run a representative sample of model permutations to cover the parameters that still have multiple reasonable options, and summarize the results. The figures in the following sections include histograms of coefficients and p-values across the selected regression models, to provide more condensed information about the distribution of estimates than would be possible with individual model results.

In Section D of the appendix, I define all of the chosen parameters, and describe the process used to sample model permutations and record the results. In brief, for each independent variable, I construct 1000 regression models, including different combinations of control variables, fixed effects, clustered standard errors, and lag periods. Based on theoretical considerations and established practices, I always include country and year fixed effects, but test models both with and without month fixed effects. I cluster standard errors by presidential term or overall country, and lag independent variables by one to twelve months, to leverage the granularity of the country-month data while also testing for comparable lags to those used in country-year studies.

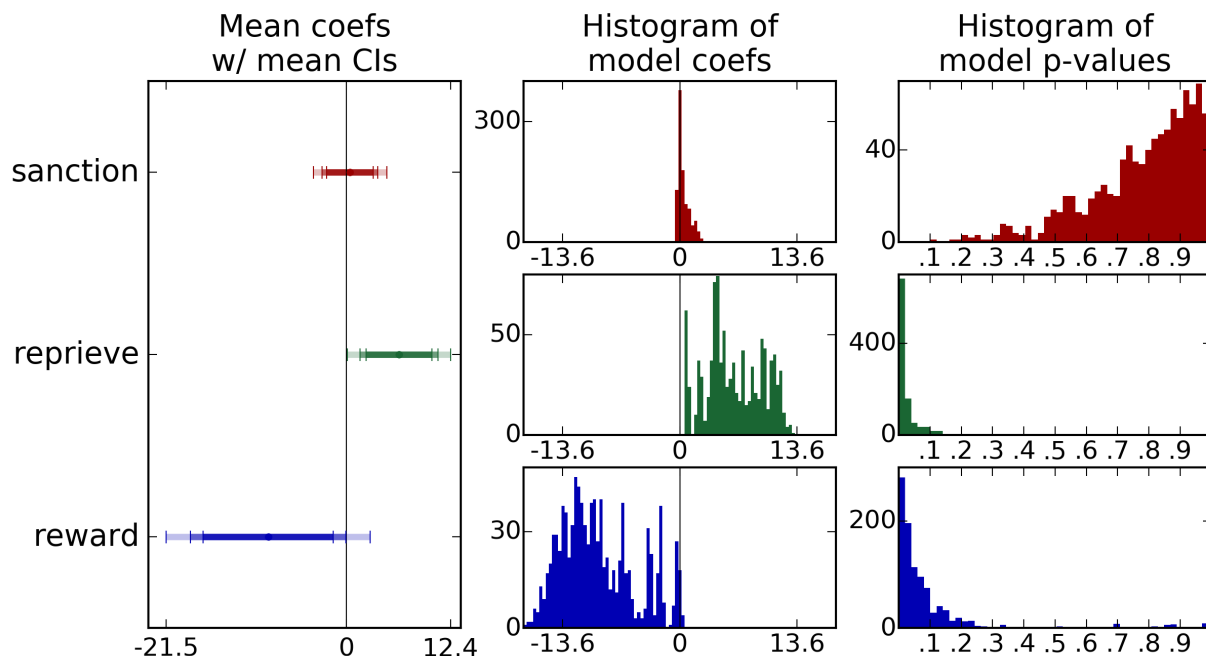
4 Results

4.1 Results for post-tenure sanctions, reprieves, and rewards

Figure 1 shows the distribution of estimates when regressing power-consolidating decrees on the high-level categories of *sanction*, *reprieve* and *reward*, including one post-tenure variable in each regression model. There are notable differences in the distribution of estimates across these event types. For post-tenure sanctions, the coefficients are all near zero, and the p-values are grouped in the higher ranges, indicating no significant relationship. For reprieves, however, the coefficients are all positive and the p-values are stacked tightly in the lowest bins; 87% of model p-values fall below 0.05 and 96% fall below 0.1.

The coefficients represent the number of additional power-consolidating decrees issued by an incumbent, in response to one post-tenure event occurring to a predecessor, over the subsequent one to twelve months (i.e. the sampled lag windows). On average, one reprieve of a former leader is associated with about six additional power-consolidating decrees issued by a successor over the next one to twelve months. These results support the hypothesis that former leaders' reprieves encourage successors to consolidate power, by indicating uncertainty in leaders' fates and the possibility that justice can be beat.

Figure 1: Summary of regression estimates for sanctions, reprieves, and rewards



Dependent variable: decrees enabling government executive; 1000 regression models for each independent variable; confidence intervals (left column, inner to outer bars): 90%, 95%, 99%

For rewards, the coefficients are all negative, and the p-values are also grouped into the lowest bins. The p-values are slightly more spread out than for reprieves, so that on average, the relationship is distinct from zero at about the 95% confidence interval as opposed to the 99% confidence interval. However, over half of the models run for rewards still had p-values below 0.05, and the coefficients are larger on average (in absolute terms) with a denser group farther from zero. On average, if one former leader obtains a reward elsewhere in society, this is associated with the current leader issuing almost ten *fewer* power-consolidating decrees over the next one to twelve months. The relationship is consistent with my expectation that non-state rewards encourage successors to accept the idea of eventually letting go of power themselves, and to focus more on building a positive external policy legacy.

In sum, reprieves are strongly associated with successors' efforts to consolidate power, while post-tenure rewards appear to encourage incumbents to exercise restraint, if predeces-

sors retire to roles outside of the state. However, there is still no a clear relationship between power consolidation and post-tenure *sanctions*, and the prosecution of former leaders is the main subject of debate. We also haven't yet addressed the more latent factors at the heart of the proposed theory: the objectivity or predictability of former leaders' sanctions may play a role in their consequences. The next section breaks down additional aspects of sanction events, to get closer to the underlying expectations of interest.

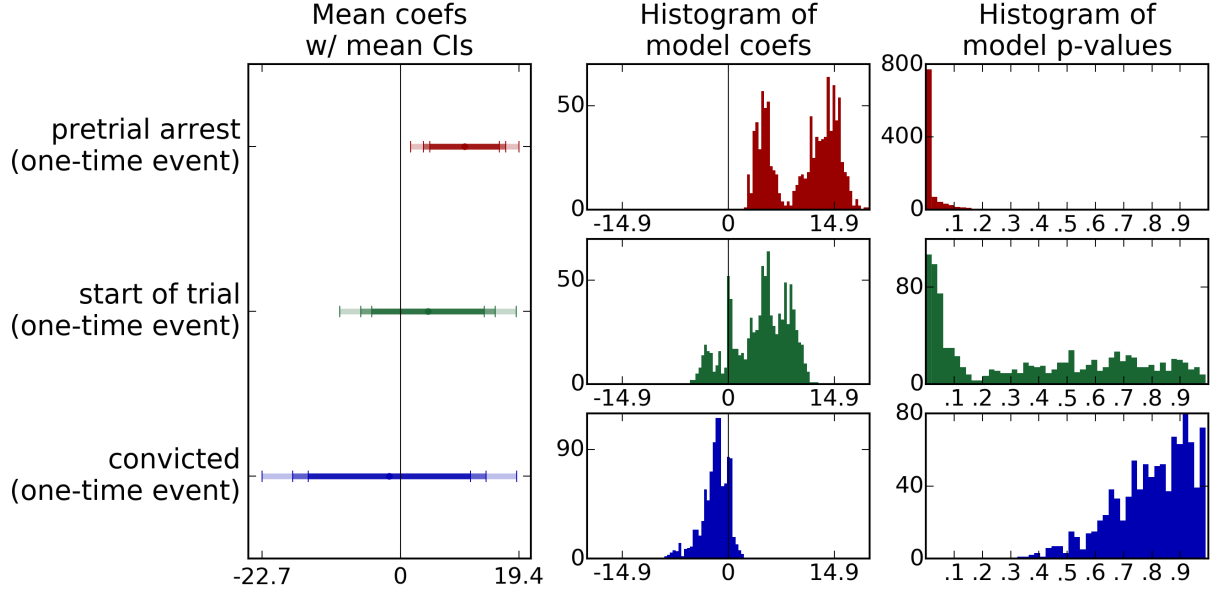
4.2 Results for sanctions by stage of legal process

The first set of more fine-grained sanction variables involve events at different stages of the legal process, especially toward the start and end of criminal proceedings against a former leader. As introduced above, the variables in this section distinguish pretrial arrests and detentions from formal trials and convictions, anticipating that the former may appear more arbitrary or easy to manipulate, while the latter may signal greater objectivity and certainty of punishment if leaders do abuse power. I use the same model specification as in all other hypothesis tests, randomly sampling 1000 regression models for each independent variable, and including the same control variables, fixed effects, clustering factors, and lag periods.

The rows in Figure 2 show specific types of sanctions in the order in which they usually occur, starting with pretrial arrests, moving to trials, and ending with convictions. (There may be many other steps in between, such as investigations, filed charges, preliminary hearings, and various legal motions to bring about a formal trial, but those events are less consistently reported and harder to assign to one specific point in the legal process.) From the top to the bottom row, the coefficients move from positive to negative values. This is consistent with the hypotheses that earlier steps to punish former leaders tend to appear more arbitrary and politically motivated, while later steps entail a higher burden of proof or at least more collective consensus, suggesting more objectivity and certainty in the former leader's fate.

For pretrial arrests, the p-values are robustly significant across models, with 86% falling below 0.05 and 94% falling below 0.1. On average, one pretrial arrest of a former president

Figure 2: Summary of regression models for stages of legal process, one-time events



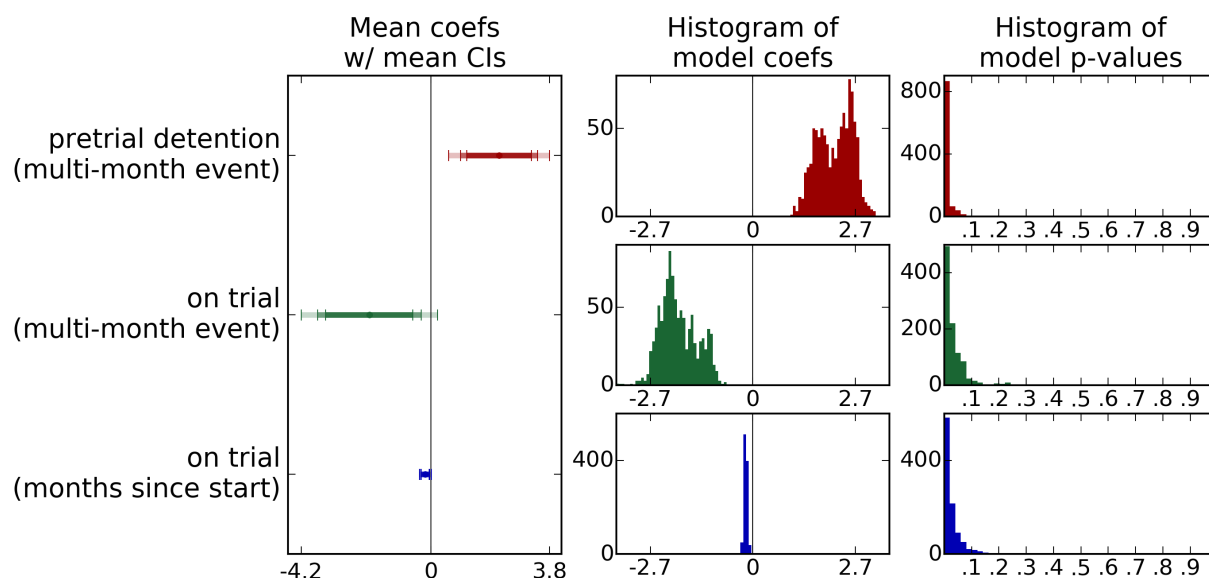
Dependent variable: decrees enabling government executive; 1000 regression models for each independent variable; confidence intervals (left column, inner to outer bars): 90%, 95%, 99%

is associated with a successor issuing about ten additional power-consolidating decrees over the next one to twelve months. The results for the start of a trial and ultimate conviction are not significant across model specifications, but again the coefficients move from weakly positive to almost all negative values for this final stage in the legal process. The start of a trial does not appear to deter successors from consolidating power, but trials may go on for long periods of time – over a year for Fujimori’s longest trial – and successors might not perceive that the accused will ultimately be convicted until closer to the end.

Up to this point, each sanction, reprieve or reward was recorded as a one-time event. Figure 3 shows an alternative set of variables, this time recording each sanction in every country-month in which it remained in effect. In the top row, instead of using the initial pretrial arrest, the independent variable is now a count of how many former leaders were in pretrial *detention* (in jail or on house arrest) per month on average during the lag period. The results have become even stronger, with the coefficients grouped more tightly together

and 96% of p-values falling below 0.05. Beyond their reaction to an initial arrest, incumbents appear to issue about two more power consolidating decrees for every additional month that a former leader remained in pretrial detention.

Figure 3: Summary of models for stages of legal process, multi-month events



Dependent variable: decrees enabling government executive; 1000 regression models for each independent variable; confidence intervals (left column, inner to outer bars): 90%, 95%, 99%

The second row shows results for the number of former leaders on trial, including all months during which a trial occurred. The coefficients have become all negative, well separated from zero, and the p-values have become robustly significant, with 77% falling below 0.05 and 94% falling below 0.1. On average, incumbents issue about two fewer power-consolidating decrees for every month in which a former president was on trial for corruption or other abuses of power. Since this relationship was not present at the start of the trial, it appears that the relationship becomes more negative over the course of the trial, such that as conviction becomes more imminent, successors exercise greater restraint.

I test this proposition directly in the third row of Figure 3, regressing power-consolidating decrees on the number of months that a former leader has been on trial. The scale is smaller, since the variable is more incremental: we are now asking how many power-consolidating

decreases an incumbent issues if a predecessor had been on trial for five months (on average during the lag period) instead of just four. But the coefficients are all negative, tightly grouped away from zero, and the p-values are robustly significant, with 86% falling below 0.05 and 96% falling below 0.1. The negative relationship indicates that incumbents issue fewer power-consolidating decrees the longer a predecessor remains on trial. All formal trials in this project’s dataset led to convictions, so this relationship would not necessarily hold for a trial that led to acquittal. Only as it becomes increasingly clear that a former leader will be convicted, successors appear to exercise greater restraint in their own use of power.

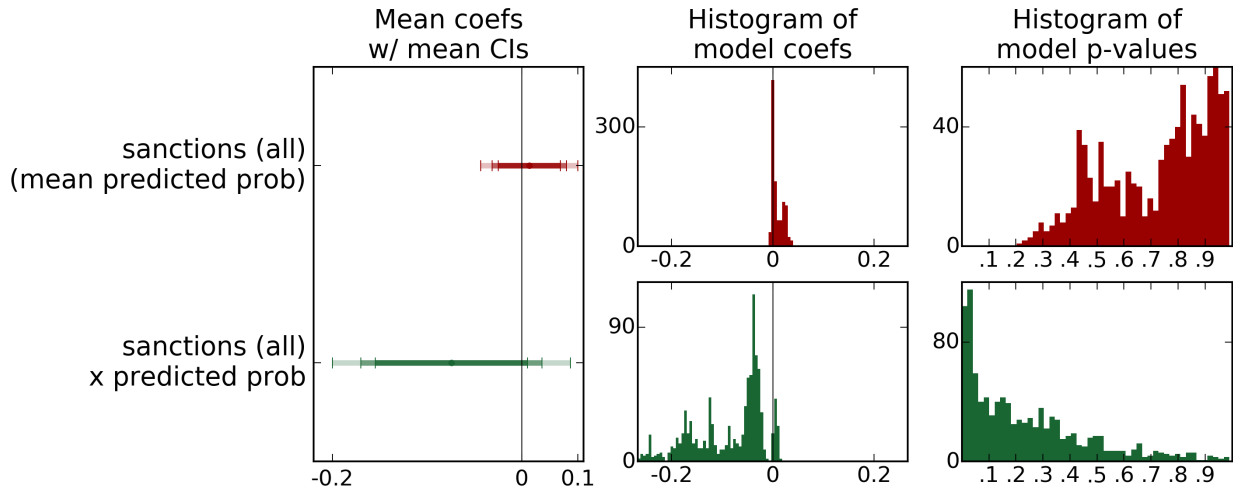
These results pose a practical challenge: they suggest that prosecutions of former presidents may not initially send the right signals to successors, and that incumbents may react to early events in less constructive ways. However, the results do not imply that all pre-trial detentions signal arbitrary or politicized justice; pretrial detentions may simply occur to both leaders who do and leaders who do not deserve to be punished, while trials and convictions are more often restricted to those who do. The theory would be more directly supported if we were able to assess the objectivity of different leaders’ fates throughout the legal process. If we expect leaders to react to weaker or more politicized cases against their predecessors before getting to a clear verdict of guilt or innocence, we need a better measure of the consistency of sanction events at any point as they unfold.

4.3 Results for sanctions by predicted probability

As discussed in the measurement section above and in Section B.3 of the appendix, I have estimated predicted probabilities of sanction for all leaders in the dataset, and use these probabilities to construct additional sanction variables that distinguish expected from unexpected events. As explained in the appendix, I incorporate these variables into the dataset in two ways: 1) interacting the original monthly sanction event counts with the de-meaned predicted probability of each event, and 2) separating sanction events into multiple event count variables, in the form of quantiles by predicted probability.

Figure 4 summarizes the results for regressing power-consolidating decrees on the interaction between post-tenure sanctions and their predicted probabilities. Since I've characterized this test as an interaction, I include both the original sanction event counts and the interaction term with the predicted probabilities. I construct the regression models in the same way as all previous hypothesis tests, randomly sampling control variables, fixed effects, the clustering factor, and the lag period, 1000 times. Figure 4 shows the distribution of coefficients and p-values for the original sanction variable on its own in the first row, and for the interaction term in the second row.

Figure 4: Summary of estimates for sanctions interacted with predicted probability



Dependent variable: decrees enabling government executive; 1000 regression models for each independent variable; confidence intervals (left column, inner to outer bars): 90%, 95%, 99%

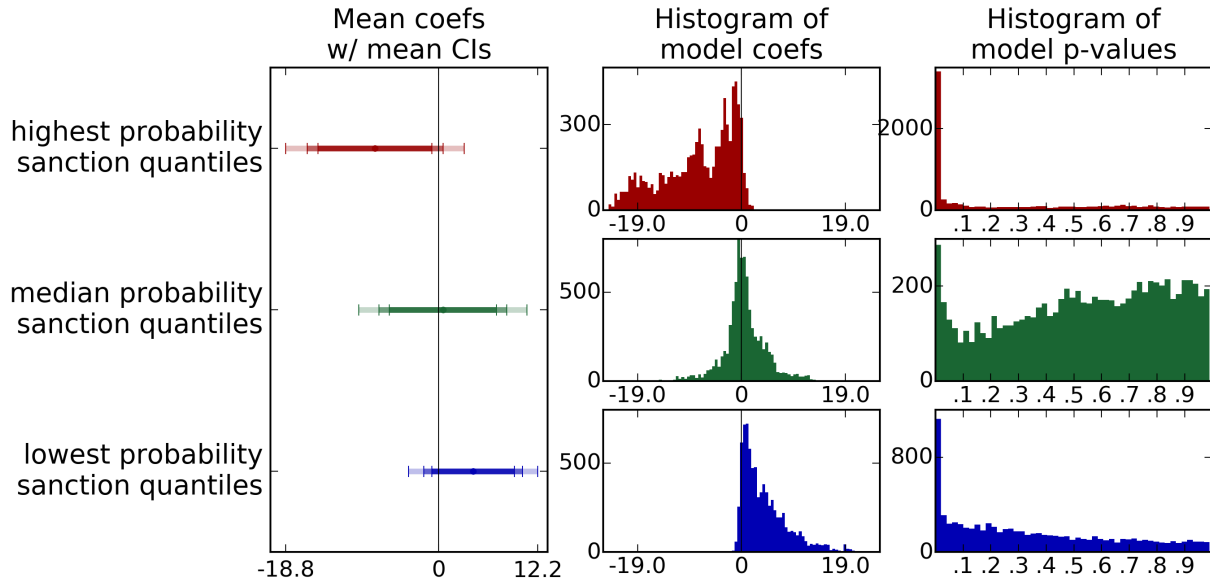
The top row captures sanctions that were observed, but had a predicted probability right at the mean, such that the interaction term was zero. We observe no clear or significant relationship in the top row, suggesting that sanction events with average probability do not sway successors one way or the other. The second row represents the relationship between power-consolidating decrees and the predicted probability of observed sanctions on either side of the mean. There does appear to be a fairly consistent and somewhat robust relationship there. The coefficients are almost all negative, and the p-values are clustered toward the

lower range of the distribution, although not tightly enough to call this a highly significant relationship. About a quarter of the regression models do have p-values below 0.05, and over a third are below 0.1. On average across all regression models, the relationship is almost significant at the marginal 90% level.

The interaction with predicted probabilities is a bit difficult to interpret, so it helps to consider specific leaders in the dataset. Peru’s Alberto Fujimori had the highest predicted probability of sanction, at 95%, while Ecuador’s Jamil Mahuad – whose case was in and out of the courts, but ultimately led to conviction – had a predicted probability of sanction at 80.9%. With a 14.1% difference in predicted probability and an average coefficient of -0.0791 on the interaction term, a sanction against Fujimori is associated with about one less power-consolidating decree issued by a successor government over the next one to twelve months, than would have been issued if Mahuad had been sanctioned instead of Fujimori. Ecuador’s Lucio Gutierrez had the lowest predicted probability of sanction at 23.6%. A sanction against Mahuad is associated with almost five fewer power-consolidating decrees, issued over the next one to twelve months, than would have been issued if Gutierrez had (much more surprisingly) been sanctioned that month instead.

Figure 5 shows results for the second approach, separating sanctions into quantiles by predicted probability, while leaving the variables as raw event counts (which may be easier to interpret). As explained in Section B.3 of the appendix, I partition the original sanctions in the dataset using a range of quantiles, from three large bins to ten smaller bins. Since I expect the strongest relationships to appear at the two ends of the spectrum, I focus on the highest and lowest probability quantiles from each partition, as well as the median quantile for comparison. In other words, with 49 post-tenure sanctions in the dataset, I regress power-consolidating decrees on the top tercile of sanctions (i.e. the 15 highest probability sanctions), then on the top quartile, on up to the top decile (i.e. the 5 highest probability sanctions), combining these results in the top row of Figure 5. I do the same for the median quantiles in the second row, and for the lowest probability quantiles in the third row.

Figure 5: Summary of estimates for sanctions by predicted probability quantiles



Dependent variable: decrees enabling government executive; quantiles: $q \in \{3, \dots, 10\}$; 1000 regression models run for each number of quantiles q ; aggregated highest, median, and lowest-probability quantiles from each q ; confidence intervals (left column, inner to outer bars): 90%, 95%, 99%

The results in Figure 5 are consistent with those in Figure 4 and provide visual evidence of the main hypotheses. Consistently across different sizes of quantiles, the highest probability sanctions are associated with less power consolidation, while the lowest probability sanctions are associated with more power consolidation. The coefficients for the top quantiles are almost all negative and about half of the p-values are stacked in the lowest bin. There is a thin tail over the remainder of the spectrum, which makes the average p-value fall just outside the 95% confidence interval, but the full distribution of results suggests that there is a strong negative relationship between power-consolidating decrees and sanctions against former leaders who were highly expected to be sanctioned, which is robust across most model specifications. One sanction of a former leader, whose previous actions in office suggested a high likelihood of facing sanction, is associated with a successor issuing about eight fewer power-consolidating decrees than if no former leader had been sanctioned at all.

For sanctions in the median quantile of predicted probabilities, there is no clear relationship that is robust across quantile bin sizes or model parameters. These results are consistent with the upper row of Figure 4, which showed estimates right at zero for sanctions with average predicted probabilities. For sanctions in the lowest quantile, the coefficients are now almost all positive, and again the largest concentration of p-values is in the lowest bin. There is a somewhat fatter tail over the remaining range than there was for the top quantile, which makes the average p-value not quite significant over all model specifications. That said, the distribution of estimates at the bottom of Figure 5 suggests a consistently positive, fairly large and sometimes significant, if not very robust, relationship between unexpected sanctions of former leaders and successors' power-consolidating decrees.

I expect that there is considerable noise in this latest set of variables, since I estimated the predicted probabilities of sanction, based on each leader's decrees as I previously categorized them. However, the stark contrast between the estimates in the highest, middle, and lowest quantiles of sanctions by predicted probability, provides visually compelling support overall for the main hypotheses in this project, and gets us closest to the underlying expectations at the heart of the theory.

4.4 Results for post-tenure events by foreign actors

There may be lingering concerns about endogeneity, which are difficult to fully eliminate in any observational study about complex political institutions and continuous struggles for power. I have sought to limit the potential circularity between incumbents' actions and the backlash they might incur against themselves, by only using the fates of *former* leaders as explanatory variables, by lagging these post-tenure events, and by thoroughly testing for robustness across potential confounders. Many different actors are involved in sanctioning former leaders, including legislative commissions investigating misconduct, prosecutors pursuing criminal charges, and courts overseeing hearings, trials, and verdicts. However, presidents may be able to influence at least some of these actors in different ways. If presidents

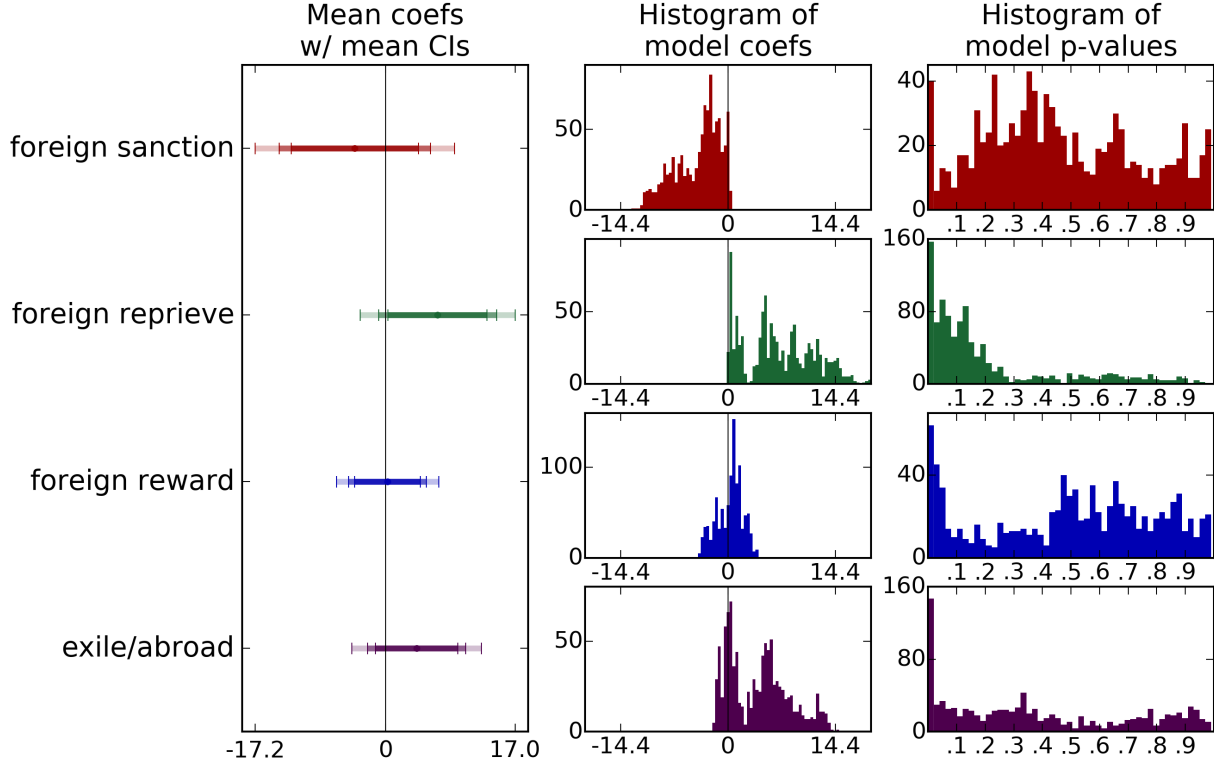
are sometimes able to influence their predecessors' fates, this might alter our interpretation of the relationship between those fates and the incumbents' own subsequent decrees.

To address this concern, I present a final set of tests, including only post-tenure events carried out by foreign actors. Foreign actors are less likely to be manipulated by domestic leaders, providing a clearer test of whether incumbents are *reacting* to their predecessors' fates. These data are limited; all cases in this study involve domestic legal proceedings, rather than trials in foreign or international courts. However, many embattled leaders ended up in exile, and foreign governments were asked to extradite some of them home to stand trial. In this dataset, foreign governments complied six times, constituting foreign sanctions, and denied extradition requests seven times, constituting foreign reprieves.

Former leaders who chose to depart their country after office also often obtained rewards from foreign institutions, such as leadership roles in international organizations or multinational corporations, or fellowships at foreign universities. I treat these rewards as separate from domestic non-state rewards, since they include an element of exile as well. It is often difficult to tell whether former leaders living abroad are truly escaping justice; even some who did not formally request asylum eventually faced charges back home. To capture these possibilities, I add variables for any foreign reward and for any former leader living abroad, other than those traveling for a short-term visit (e.g. for medical reasons) or as an ambassador officially representing the home government.

Figure 6 shows results for post-tenure sanctions, reprieves, and rewards by foreign actors, as well as for former leaders departing into exile. While the data are limited and not all results are robustly significant across all model specifications, the relationships are consistent with the theory and the previous results. Sanctions in the top row show the least statistical significance, as we saw in earlier analysis, and there are too few foreign sanctions to break them down further by which leaders were more expected to face punishment. However, the coefficients are all negative, which suggests that when foreign governments comply with extradition requests, successors might be somewhat deterred from consolidating power

Figure 6: Summary of regression models for post-tenure events by foreign actors



Dependent variable: decrees enabling government executive; 1000 regression models for each independent variable; confidence intervals (left column, inner to outer bars): 90%, 95%, 99%

themselves. Foreign governments may be less easily manipulated by domestic political interests, and more likely to require concrete evidence of wrongdoing to warrant extradition, suggesting that these sanctions might appear at least modestly objective, and might signal to successors that they will be less likely to escape justice for abuses of power.

In the second row, the coefficients on foreign reprieves are all positive, and the p-values are generally grouped into lower bins, with about a quarter of models having p-values below 0.05. On average across all models, the relationship is marginally significant at the 90% level. This relationship is consistent with the stronger result for all reprieves, suggesting that successors do react when their predecessors evade justice by seeking to consolidate power themselves, including when the reprieve is granted by a foreign actor over whom the incumbent has no control. In the third row, there is no clear relationship for foreign

rewards, but in the forth row, exile appears to have a weakly positive association with successors' power consolidation. Foreign rewards may combine signals about the potential to survive and prosper outside the presidency, with signals that predecessors had to leave the country to do so. Since domestic non-state rewards (which are also exogenous to incumbents' actions) showed a strong negative relationship to power consolidation, and exiles here show a marginal positive relationship, the combination may be responsible for the ambiguous relationship observed for foreign rewards.

The analysis of foreign sanctions, reprieves, and rewards reinforces the preceding tests, suggesting that government leaders do react to their predecessors' fates when deciding how to consolidate and use their own power, in complex ways that take into account more than just whether a former leader was ultimately punished or rewarded. The nature of the punishment, including the potential back-and-forth between sanctions and reprieves, and signals about whether leaders can escape justice, appear to contribute to decisions about subsequent power consolidation. The more detailed analysis of different types of post-tenure events, instigated by different actors or in different sectors, compounds the challenges of dealing with already sparse data on relatively infrequent events. However, by tackling the same question from multiple angles, the results collectively produce a consistent and meaningful story about government leaders' expectations and actions in the pursuit of power.

5 Conclusion

This paper contributes to two important and emerging bodies of work: studies of the expansion of presidential power and executive orders, and studies of the removal and prosecution of government leaders for abuses of power. This study offers a new theoretical framework for understanding a broader range of government leaders' motivations for consolidating power – beyond simply trying to enact their policy agenda – and the potential repercussions for seeking too much power. The results shed light on current debates about

the consequences of prosecuting former leaders too widely, especially when driven more by political vengeance than objective standards of justice. The lessons are especially relevant for developing democracies with weak institutions, frequent crises, and struggles to hold leaders accountable through consistent institutionalized processes within an evolving state.

The results suggest that when leaders are punished whose actions strongly warrant it, successors appear to restrain their efforts to consolidate power. In those cases, the prosecution of former leaders does appear to have the intended result of encouraging accountable leadership, deterring future leaders from consolidating too much unchecked power and potentially abusing it. However, when former leaders are also sanctioned whose actions *may not* warrant punishment, this appears to encourage successors to consolidate power, potentially signaling that successors will not be spared even if they exercise restraint.

These findings are consistent across different measures of the underlying phenomena. Pretrial arrests and detentions – which may appear more arbitrary or manipulable – are associated with more power consolidation by successors. In contrast, the final stages of a formal trial and ultimate conviction – which may require greater consensus or a higher burden of proof – are associated with less power consolidation by successors. There is also strong evidence that post-tenure reprieves – which indicate greater contention and uncertainty in a former leader’s fate – are associated with increases in successors’ power-consolidating decrees. This suggests that when former leaders’ fates appear more contentious and potentially reversible, incumbents may infer that they will be able to escape their own justice if they can amass enough power to manipulate or defeat future political and legal threats to themselves.

The answer to achieving more constrained and accountable authority, then, appears to be neither more punishment nor less, but more deliberate punishment when appropriate – avoiding excessive pretrial detention and ensuring that authorities pursue strong cases that lead to trial and conviction – while refraining from seeking punishment when leaders’ actions do not clearly warrant it. Meanwhile, for leaders whose actions do not deserve punishment, encouraging their departure into private sector or civil society roles is also associated with

successors' restraint. Non-state rewards may signal to incumbents that their future survival and continued success do not depend on retaining control of the state, encouraging them to focus on external policy accomplishments and a positive legacy.

These lessons are not specific to Latin America, nor even to presidential systems. Using a set of similar neighboring countries helps control for unobserved factors, while bringing into focus those phenomena that do vary across them and are of interest to this study. The Andean states' similar institutions and common language also made the data collection and measurement effort more feasible. Yet similar trends in the rise of strongman presidents, and their removal and prosecution for abuses of power, have been documented in other developing democracies in Eastern Europe, the Middle East and Asia (Tudoroiu, 2007; Kim and Bahry, 2008; Tabaar, 2013; Teehanke, 2016). Studies of "presidentialization" have also argued that many parliamentary systems are experiencing related developments in the unilateral decision-making power of the executive (Poguntke and Webb, 2005; Mughan, 2000).

In this project, I have introduced new measures of government leaders' efforts to consolidate power, as well as their post-tenure fates, using digital sources of information and computational methods for data processing, information extraction, and prediction. I have also taken a comprehensive approach to statistical models for hypothesis tests, randomly permuting model parameters to cover a wider range of alternative specifications, and summarizing the full distribution of results. This approach demonstrates greater robustness and transparency than would be possible when reporting results for a few individual regression models alone, or relying on a single threshold of significance.

All statistical analyses involve choices about assumptions, parameters, data aggregation and conceptual abstraction. Yet these decisions may not need to rely solely on researchers' judgment, constrained to the few alternatives we are able to analyze and present individually. Computational tools and methods are making it possible to dissect social phenomena in more detailed and nuanced ways, and to combine these data into analyses that account for a greater variety of possible combinations and interactions. The methods used in this study

have broad potential applications. Similar text classification methods could be applied to other public records, to analyze a wide range of policy decisions and who gains or loses.

Finally, calculating the predicted probability of punishment for certain acts, based on observed patterns in targeted individuals' prior actions and subsequent fates, could be used to analyze the objectivity and predictability of other criminal sanctions, below heads of government. There are also ongoing debates in law enforcement and national security about the merits of heavy-handed policing and counter-terrorism, and whether more punitive measures actually lead to more deterrence. It may be difficult to judge whether targeted individuals are truly innocent, or whether certain punishments are too severe for certain crimes. It might be more feasible, however, to ask whether sanctions are at least consistent across individuals who engage in similar acts. If punishment is not predictable on the basis of actions that targeted individuals can change, it is unlikely to deter unwanted behavior. My results suggest that when individuals anticipate that punishment will be arbitrary, inevitable, or based on criteria they cannot control, they may seek *more* power (or, in other contexts, more violent or illegal means) to protect themselves against such threats. Understanding these expectations could help to develop more effective mechanisms of accountability in contentious political contexts and modern societies.

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