

## The Challenges of Research on Executive-Legislative Balance of Power



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After the major expansion of democracy in the 20<sup>th</sup> century, the emergent political climate in the early blush of the 21<sup>st</sup> century presents a paradox. Recent decades have witnessed a surge in political discontent, dissatisfaction and mistrust in old and new democracies alike. On the one hand, many countries define themselves as democratic, even where democratic values have been slow to take root; conversely, democratization processes have also given rise to a considerable number of so-called “hybrids,” illiberal or not fully realized regimes. Research on the nature and function of democratic regimes has long been part of the study in comparative politics. But a much larger and comprehensive development has emerged during the last four decades, with the beginning of what Huntington called the “third wave” of democratization. Nascent democracies in Southern Europe and Latin America and transitional governments in Eastern and Central Europe have provided a complex and multidimensional empirical field of study, spurring our academic community to analyze patterns of contemporary political transformation and new features of governance often established under contradictory conditions.

As a consequence, our research agenda has been enriched by transitions **to** and **from** democracy, and the conditions, both favourable and less favourable, under which democratic governance is allowed to take hold. Systemic analyses of democratic regimes, and particularly assessments of their quality, provide a rich and complex area of study. Arendt Lijphart, Guillermo O’Donnell, Leonardo Morlino and others, including Robert Dahl, have called attention to aspects directly or indirectly related to the quality of democratic governance. This new approach involves innovative analytical and methodological perspectives that call for qualitative and quantitative analyses, and these allow us to compare all types of existing democracies and their respective political institutions.

Major features unique to democratic governance have helped us renew our efforts to carry out comparative analyses of political institutions. One of the most important outcomes of this development is the study of inter-institutional accountability – the obligation of elected political leaders to be accountable for their decisions. Holding

them to account are institutions and collective actors with the expertise and power to control their behaviour. Inter-institutional accountability hinges on a legal system of checks and balances by various public institutions, which in theory must be autonomous and independent of government. In addition to a responsible and vigilant political opposition, this form of accountability, to be effective, requires a strong and independent legislative authority, along with well-established intermediary structures, including parties, independent media, and a network of active and informed civic organizations with shared democratic values.

Important as it is, the study of the balance of power between the executive and the legislature has acquired renewed theoretical relevance. Juan Linz has pioneered work in this area with his reflections on the inherent conflict between these powers under the presidential system. Other contributions, including those of Shugart and Carey (1992) and Mainwaring and Shugart (1997), focus on the legislative and non-legislative powers of the executive. A parallel body of literature has justly dealt with specific legislative models. One such contribution in this area is the collection organized by Morgestern and Nacif (2002) showing, for example, that Latin American executive and legislative powers are not homogeneous branches; instead, they involve varying degrees of power distribution. The focus of the debate has shifted, then, from the governing capability of the executive to the quality of governance in various democracies.

On the whole, these developments draw attention to the importance of measuring the powers of the legislature. Fish and Kroening (2009) and Montero (2009) have done just that. Of particular interest are the efforts by Fish and Kroening to establish a global index of legislative power: They brought their measurements to bear on hundreds of national parliaments in an effort to qualify the analysis of political institutions beyond the simple division of countries classified on the basis of their form of government, be it parliamentary, presidential or mixed. They argue that differences in the distribution of institutional power can exist within each of these forms of government, thus alerting us to the need to refine indicators for measuring power distribution under democratic governance.

The work of Montero (2009) constitutes another promising contribution in this area. In essence, her research sample – which is quite theoretical and involves in-depth analysis – covers Latin American case studies. Montero's chief aim is to explain the varying degrees of legislative activity in Latin America (participation and success) through the use of institutional variables and policy indicators. Thus, her Institutional Legislative Power Index (IPIL) is intended to serve as an explanatory variable of legislative activity. The index is composed of a variety of topics, including parliamentarian initiatives, legislative proceedings and the effectiveness of parliaments, and regular legislative processes. These topics are meant to correspond to different stages in the legislative process, such as agenda-setting, the exclusive power of committee-based initiatives, the relationship between lower and upper houses, and the existence and treatment of vetoes. All these variables are essentially drawn from constitutions and legislative bylaws.

Ultimately, assessments of legislature power are a function of the kind of variables included in analytical models and the types of legislature to which they refer. Figueiredo and Limongi (2004), for their part, have shown that typologies such as those advanced by Polsby (1975) and Cox and Morgenstern (2002) – two of the best-known

analytical models – are hampered by theoretical and empirical inconsistency owing to the fact that they are disproportionately anchored in two extreme examples of presidential and parliamentary systems: the English and the American. In contrast to American presidential systems, for example, Latin American systems are usually characterized as having too strong an executive and too weak a legislative, though this is not always the case. This suggests that the decision to choose indicators of legislative power should force us to consider the singularities specific to different forms of democratic regimes in order to contribute to the advancement of knowledge.

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