

Assessing the powers of the presidency

In this chapter we undertake a process of assessing just how powerful a president is in constitutional terms. We identify two basic dimensions of presidential power: one concerning power over legislation, the other encompassing nonlegislative powers, including authority over the cabinet and calling of early elections for congress. Additionally, because the latter powers are directly related to the question of separation of powers, we provide a comparison of presidential powers over the composition of cabinets to separation of executive from assembly. There are two main, related lessons we shall be able to draw from this exercise. First, systems that score high on presidential powers, and in particular those that are extreme on presidential legislative powers, are often those systems that have exhibited the greatest trouble with sustaining stable democracy. Second, systems that give the president considerable powers over the composition of the cabinet but also are low on separation of survival of assembly and executive powers likewise tend to be among the "troubled" cases. There are thus left two basic clusters that, we argue, are "safer" for the success of democracy: (1) those with high separation of survival of powers but low presidential legislative powers; and (2) those with low separation of survival but also low presidential authority over the cabinet. These categories happen to be those approximating the (more or less "ideal") types we have discussed in previous chapters: presidential and premier-presidential, respectively. The more troubled regimes prove to be hybrids.

POWERS OF THE PRESIDENCY: LEGISLATIVE POWERS

To assess presidential powers, it is possible to devise a simple interval scoring method on each of several aspects in which systems with elected presidencies vary. The first set of aspects entail legislative powers constitutionally granted to the president. These aspects are the veto, the partial veto, presidential authority to legislate by decree, exclusive right to initiate certain legislative proposals, budgetary initiative, and power to propose referenda. Aspects of presidential power apart from the legislative domain include cabinet formation, cabinet dismissal, lack of assembly censure, and

dissolution of the assembly. The scores on each aspect of each dimension can then be summed to arrive at an overall indicator of presidential powers on the respective dimension. This is not a perfect method – for instance, it might be justifiable to weight some dimensions more than others – but it is preferable to a purely nonquantitative, impressionistic ranking or to no assessment of comparative presidential powers at all.

Package veto/override. As discussed in Chapter 7, if presidents are to have any authority to shape the legislative output of the congress, they must be provided with a veto over legislation. However, if this veto were absolute, hence no piece of legislation objected to by the president could ever pass, hence the president would be extremely powerful. The latter scenario existed in Chile in the mid-nineteenth century. Something similar, but not quite as strong, exists today on nonbudgetary legislation in Ecuador. A veto cannot be overridden by congress alone, but the congressional majority can submit the vetoed bill to a binding referendum, thereby potentially weakening the absolute nature of the veto. In most other cases, as in the United States, a veto may be overridden by a two-thirds majority of the congress. As seen in Table 8.1, we have given a score of 4 to a veto that may not be overridden, 2 to one requiring a two-thirds override, and 0 to one that can be overridden by the exact same majority that passed the original bill. Intermediate cases are also possible.¹ If the majority required is more difficult for congress to obtain than a two-thirds majority, but the veto is nonetheless not absolute, we score it a 3. We include Ecuador as a 3, because the provision for a referendum means that the president's veto is not final, but it is costly for congress to seek overrides with great frequency. At the other end of the scale, we score at 1 any case in which the veto override requires more than a simple majority but less than two-thirds. Included here are the several cases in which the majority is 50 percent plus one of the whole membership (as in Nicaragua), rather than half plus one of a quorum (as in Venezuela).

Partial veto. As discussed in Chapter 7, some presidential systems allow the president to veto part of a bill rather than simply being required to accept or veto the entire package. The majority needed to override a partial (item) veto varies, as does the override majority for package vetoes. Usually the majority is the same for both types of vetoes (Ecuador is an

¹ We have not considered separately those cases in which an override is voted in a joint session of both chambers of a bicameral assembly (Bolivia, Brazil), rather than by both chambers voting separately. Whether such a provision strengthens or weakens presidential power is contingent on other factors, including how the two houses are constituted and whether the president would be more likely to find favor in the upper house (the power of which is diluted in a joint session with a typically larger lower house). At any rate, the difference in scoring for these systems would be marginal.

Table 8.1. Powers of popularly elected presidents

LEGISLATIVE POWERS	
Package Veto/Override	Partial Veto/Override
4 Veto with no override	4 No override
3 Veto with override requiring majority greater than 2/3 (of quorum)	3 Override by extraordinary majority
2 Veto with override requiring 2/3	2 Override by absolute majority of whole membership
1 Veto with override requiring absolute majority of assembly or extraordinary majority less than 2/3	1 Override by simple majority of quorum
0 No veto; or veto requires only simple majority override	0 No partial veto
Decree	
4 Reserved powers, no rescission	Exclusive Introduction of Legislation (Reserved Policy Areas)
2 President has temporary decree authority with few restrictions	
1 Authority to enact decrees limited	
0 No decree powers; or only as delegated by assembly	
Budgetary Powers	
4 President prepares budget; no amendment permitted	Proposal of Referenda
3 Assembly may reduce but not increase amount of budgetary items	
2 President sets upper limit on total spending, within which assembly may amend	
1 Assembly may increase expenditures only if it designates new revenues	
0 Unrestricted authority of assembly to prepare or amend budget	
NONLEGISLATIVE POWERS	
Cabinet Formation	Cabinet Dismissal
4 President names cabinet without need for confirmation or investiture	4 President dismisses cabinet ministers at will
3 President names cabinet ministers subject to confirmation or investiture by assembly	2 Restricted powers of dismissal
1 President names premier, subject to investiture, who then names other ministers	1 President may dismiss only upon acceptance by assembly of alternative minister or cabinet
0 President cannot name ministers except upon recommendation of assembly	0 Cabinet or ministers may be censured and removed by assembly
Censure	Dissolution of Assembly
4 Assembly may not censure and remove cabinet or ministers	4 Unrestricted
2 Assembly may censure, but president may respond by dissolving assembly	3 Restricted by frequency or point within term
1 "Constructive" vote of no confidence (assembly majority must present alternative cabinet)	2 Requires new presidential election
0 Unrestricted censure	1 Restricted: only as response to censures
	0 No provision

exception). The power of the partial veto when it requires a two-thirds override is so formidable a weapon in the hands of the president that we have scored such a power as a 3. (An absolute partial veto would, of course, be a 4.) Where a majority of the whole membership is required to

override (an absolute majority), we give it a 2, while a simple majority of a quorum is a 1. The reason that a simple majority override of a partial veto is not scored as 0 is that a part of a bill that was passed because of a logroll may not pass when sent back to congress after a veto, as the whole package most surely would. As suggested in Chapter 7, members of congress who voted for an amendment only to gain assent to other parts of the bill no longer have incentive to pass the amendment when the president already has promulgated the other parts of the bill.

Decree. We refer here to the ability of the president to make law. Such power should be distinguished from decrees that are of a regulatory or "rule-making" nature, as we saw in Chapter 7. "Decree" here refers to the authority to make new laws or suspend old ones without the power of decree first having been delegated through enabling legislation. The most severe form of presidential lawmaking power is found in Brazil, where the president may declare a matter "urgent." These matters have the force of law upon such a declaration and remain law unless congress explicitly votes to rescind within forty-five days. Since the president is not prevented from simply redeclaring the same measure upon such congressional action, a determined president can simply make law over the head of the congress. Rescission in this case is ineffective and we score this a 4. Colombia before 1991 is an example of the second most powerful decree authority, for reasons detailed in Chapter 7. Unanimity of president and cabinet was required, but because the president alone appointed and dismissed ministers, this was a minimal restraint. We score such cases a 2. Cases such as Colombia 1991, in which the president and a cabinet that does not depend exclusively on assembly confidence can impose a state of "emergency" and legislate with little or no involvement by the assembly, are scored as 1. Also at 1 are provisions granting the president discretionary spending not to exceed a constitutionally specified share of the budget in the event of executive-declared "emergencies."

Exclusive introduction of legislation. Where the assembly is barred from considering legislation in certain policy areas unless the president first introduces a bill, the president possesses a powerful agenda-setting power: If she or he does not want a matter discussed, it will not be discussed. The greatest power would be if the president could require a strict up or down vote, not subject to amendment by the congress. Such a power exists nowhere, but could be provided for. If it existed, we would score it a 4. Considerably weaker, but still significant, is any restriction on amendment, which would be scored a 2. The actual powers in most systems that grant exclusive power of legislative introduction to the president are weaker still: Just as with any bill, congress may amend it or reject it outright, so we give these countries only a 1 on this power.

Budgetary initiative. Several constitutions stipulate that it is the president who initiates the annual budget bill. However, this alone would not be a formidable power. There will be a budget, whether or not the congress may initiate one, so giving the right of initiative to the president means little unless there are restrictions on congressional amending ability. If the president's budget could only be approved or rejected, while congress obviously would be far from powerless, its ability to attend to specific political needs via the budget would be sharply curtailed. It would be like the presidential package veto already discussed: a blunt instrument, merely requiring that the initiating agency (here, the executive) make the whole package minimally acceptable to the majority of legislators. Such a power would be scored a 4. Variations on restrictions on amendment exist elsewhere, from prohibition on congressional increase in the amounts allocated to any item or the creation of new items (scored a 3) to a ceiling on overall spending, within which the congress may move funds around (scored a 2), to a requirement simply that congress must designate the revenue source of new expenditures not proposed by the president (scored a 1).

Proposal of referendum. In some systems, the president is granted the power to propose referenda, usually on matters that have been previously rejected by the assembly. If this power is unrestricted, we score it a 4. In some cases, there are various restrictions on the president's power to submit legislative proposals to referenda. For example, in France the constitution requires that a proposal be made jointly with the cabinet or else by a concurrent resolution of the two houses of the assembly. In Guatemala the president may submit any matter of "special importance" to a referendum, but so may the congress. If only the president had this power, as is the case in Ecuador (except on vetoed bills, as just discussed), it obviously would be a 4. In such a case, the ability of congress to give consideration to amendments to a proposed bill would be blunted by the realization that the president could always submit the matter to a plebiscite, in which case the president's preferred text is voted up or down. However, uniquely in Guatemala, the congress also has the power to submit matters to referendum, thus bypassing a possible presidential veto. This symmetry to the process of initiating a referendum justifies a "restricted" score (2) on the president's power.

NONLEGISLATIVE POWERS

In the realm of nonlegislative powers are presidential authority over the cabinet and the power to dissolve the assembly and call new elections.

Cabinet formation. In some systems the process of cabinet formation depends entirely on the president's choices. If the president names members

of the cabinet without any need for confirmation of appointees by the assembly, we score this a 4. Where the assembly (or a special committee elected by it, as in the Philippines) must approve nominations made by the president, the president's ability to get "ideal" ministers is weakened, thus we score such cases a 3. Considerably weaker are instances in which the president first nominates a premier, needing parliamentary confirmation (or investiture), and the premier then nominates the rest of the cabinet (with or without presidential involvement). Such cases are scored a 1. The weakest of all, and thus scored a 0, is any case in which the president is barred from nominating anyone to a cabinet post, including premier, except upon the prior recommendation of the assembly, or an agent thereof, such as a speaker of the house.

Cabinet dismissal. Many presidents have the right to dismiss members of the cabinet (or the entire cabinet) at will. Such cases are scored a 4. In other cases, the president has no such power, giving the president a 0. We have a few instances in which the president may dismiss ministers, but the power is restricted. In Portugal since 1982, for example, the president may take such action only when he or she can justify it as a response to a threat to the democratic institutions themselves. While presidents need not be very creative to find a "threat" to democracy when they dislike the policies of some ministry that enjoys the confidence of the assembly, such a move in times of no obvious threat to the country could be subject to judicial review and may entail political costs. Thus the power is weaker than if the president may simply dismiss a minister or cabinet without even being required to give a justification. There could also be a stronger restriction requiring the president to propose an alternative minister or government that would need assembly approval before the incumbent minister or cabinet could be replaced. Such a "constructive" dismissal would be scored a 1.

Censure. The power of censure is actually, of course, not a presidential but an assembly power. However, it directly concerns the authority of the president over the cabinet and is clearly separate from cabinet formation and dismissal. Accordingly, when there is no censure, meaning that only the president may remove ministers, the president's authority is strongest, hence the score 4. When censure is unrestricted, the president's score is 0. There are some intermediate cases – for example, Cuba, in which a minister could not be censured in his or her first six months in a given post – that are scored 3 because the restriction limited the extent to which ministers were genuinely subject to assembly confidence. If a vote of censure is tied to a process that leads to dissolution of the assembly, the score is 2. When a censure must be "constructive," requiring the assembly majority to propose a new minister or cabinet at the time of censure, the score is 1.

Dissolution of the assembly. Some presidents are permitted to dissolve the assembly at any time, a power that is scored a 4. Others have dissolution powers but with restrictions. If the restriction is defined either in terms of frequency – once a year, for example, as in France – or in terms of time point within the term – not in the last six months of the president's term, as in Portugal – we score it a 3. Another restriction that renders the power of dissolution more symmetrical with regard to the assembly's powers is where the president, too, must stand for reelection along with the assembly after a dissolution (as in Namibia). Hence we score such situations as 2. Weaker still (scored as 1) is where dissolution may be invoked only after censure or a certain number of censures by the assembly (as in Peru and Uruguay).

Table 8.2 shows the scores on our two dimensions of presidential power for a nearly exhaustive sample of democracies that have had popularly elected presidents. In a few instances, two lines are needed for a given case because the president's powers are different according to the type of legislation in question. In such cases only the aspects of presidential power that differ are shown separately, with the main line being simply an average of the two lower scores. We now turn to graphing these regime's scores in order to visualize how powerful different presidents are in different dimensions.

POWERS: LEGISLATIVE VERSUS NONLEGISLATIVE

Figure 8.1 graphs the strength of the presidents across all the cases in two dimensions. Thus the very strongest presidents in both dimensions would be found in the upper right region, while presidents with no power in either dimension would be at the origin (0,0). Most of the systems commonly understood to be presidential are located on the vertical line running at 12 on the dimension of nonlegislative power. These systems are thus all identical in the extent of authority they give to the president over the government and the assembly: All have exclusive authority over the cabinet and none may dissolve the congress. These systems differ only on the dimension of presidential legislative powers, but there is a very wide range of variation on this dimension. Two systems are located farther to the right – Chile 1989 and Paraguay – owing to the additional power granted to the president, who may dissolve the congress. To the immediate left of this group are those presidential systems in which the assembly must confirm cabinet appointments. All those farther left provide for censure, including the several cases of premier-presidentialism. We shall see later another way to visualize these cases that clarifies the distinction between presidential and premier-presidential regimes. For now, we attempt just to assess an overall measure of presidential power, as located in a two-dimensional space.

We have divided the space of Figure 8.1 into six regions, numbered counterclockwise from the upper right. Region I consists of the very power-

Table 8.2. Powers of popularly elected presidents by country

Country	Pack. Veto	Part. Veto	Decree	Excl. Intro.	Budg. Power	Refer.	TOT.	Cab. Form.	Cab. Disim.	Cen- sure	Disso- lution	TOT.
Argentina current	2	0	0	0	0	0	2	4	4	4	0	12
Argentina proposal	2	0	0	0	0	0	2	1	2	0	4	7
Austria	0	0	0	0	0	0	0	1	0	0	4	5
Bolivia	2	0	0	0	0	0	2	4	4	4	0	12
Brazil	2	3	0	1	1	0	7	4	4	4	0	12
1946	1	2	4	1	1	0	9	4	4	4	0	12
1988	0	0	0	0	0	0	0	0	0	0	0	0
Bulgaria	2	3	1	1	1	0	8	4	4	4	0	8
1891	2	3	1	1	1	0	8	4	4	4	0	12
1925	2	4	1	2	1	2	12	4	4	4	0	12
1969	2	0	0	1	2	0	5	4	4	4	3	15
1989	1.5	2.5	2	1	1	0	8	4	4	4	0	12
Colombia pre-1991	2	3	0	0	0	0	3	4	4	4	0	12
(expend.)	1	2	1	0	1	0	5	4	4	0	0	8
(other)	1	2	1	0	1	0	5	4	4	0	0	8
1991	1	0	0	0	0	0	1	4	4	4	0	12
Costa Rica	0	0	0	0	0	0	0	4	4	4	0	12
(budget)	2	0	0	0	0	0	2	4	4	3	0	11
(other)	2	0	0	0	0	0	2	4	4	4	0	12
Cuba 1940	2	0	0	0	0	0	2	4	4	4	0	12
Dominican Republic	1.5	1.5	1	0	0	2	6	4	4	0	0	8
Ecuador	0	0	0	0	0	0	0	4	4	4	0	12
(budget)	3	3	1	0	0	0	3	4	4	4	0	12
(other)	2	0	0	0	0	0	0	4	0	0	4	8
El Salvador	0	0	0	0	0	0	0	1	0	0	3	4
Finland	0	0	1	0	0	0	1	1	0	0	4	12
France	0	0	2	0	0	2	4	4	4	0	4	12
Germany	2	0	0	0	0	2	4	4	4	4	0	12
(Weimar)	0	0	0	0	0	0	0	4	4	4	0	12
Guatemala	0	0	0	0	0	0	0	4	4	4	0	12
Haiti	2	0	0	0	0	0	2	4	4	4	0	12
Honduras	2	0	0	0	0	0	2	4	4	4	0	12
Iceland	0	0	1	0	0	2	3	4	4	0	4	8
Ireland	0	0	0	0	0	0	0	0	0	0	0	0
Korea	1	0	1	0	0	0	2	4	4	0	0	8
1948	2	0	1	0	3	0	6	4	4	4	0	12
1962	2	0	1	0	3	0	6	1	4	4	0	9
1987	2	3	0	0	0	0	5	4	4	4	0	12
Mexico	2	0	0	0	0	0	2	4	4	4	0	12
Namibia	2	0	0	0	0	0	2	4	4	4	0	12
Nicaragua	1	2	0	0	0	0	3	4	4	4	0	11
Nigeria	2	0	0	0	0	0	2	3	4	4	0	12
Panama	2	3	0	0	0	0	5	4	4	4	0	16
Paraguay	2	2	2	0	0	0	6	4	4	4	4	1
Peru	0	0	0	0	0	0	0	4	4	4	0	11
Philippines	2	3	0	0	0	0	5	3	4	4	4	9
Portugal	4	0	0	0	0	0	4	1	4	0	4	6
1976	1.5	0	0	0	0	0	1.5	1	2	0	3	6
1982	2	0	0	0	0	0	2	4	4	4	0	12
(for pol.)	1	0	0	0	0	2	2	1	0	0	1	2
(other)	0	0	0	0	0	0	0	4	4	0	4	12
Romania	0	0	0	0	0	0	0	3	4	4	0	11
Sri Lanka	2	0	0	0	0	0	2	4	4	4	2	1
United States	1	1	0	2	2	0	6	4	4	4	4	12
Uruguay	0	0	0	0	0	0	0	4	4	4	0	12
Venezuela	0	0	0	0	0	0	0	4	4	4	0	12

Table 8.3. Frequency of democratic failure, grouped by regions in Figure 8.1

Region of Figure 8.1	Number of cases	Number of breakdowns	Percentage of breakdowns
I	12	6	50
II	3	0	0
III	0	0	0
IV	4	0	0
V	4	1	25
VI	9	3	25

Note: Nondemocratic systems and constitutions under which a full electoral cycle had not been completed as of 1990 are excluded.

clearly nondemocratic, or have been nondemocratic for most of their existence. This criterion eliminates Mexico and Paraguay, which happen to be among the Region I very powerful presidencies, lending support to our suggestion in Chapter 3 that there might be an affinity between very strong presidencies and authoritarianism. By the criterion of nondemocracy, we should also eliminate Sri Lanka, since elections were suspended for a long period during emergency rule and civil strife. Other cases to be set aside in order to investigate the link between presidential powers and democratic performance are those too new to evaluate: Brazil 1988, Bulgaria, Colombia 1991, Haiti, Korea 1987, Namibia, Panama, and Romania, as well as the mere proposal made for Argentina. This leaves us with thirty-two cases, which are grouped by region in the manner shown in Table 8.3.

Although the sample is too small to make any claims of statistical significance, six of the ten breakdowns have occurred in the region we have suspected would be most problematic: very strong presidencies (Region I). Fully half of these cases have suffered breakdowns at some point. We thus have reason to be concerned (absent constitutional revision) about the future viability of democracy in three countries. In the 1980s, Brazil and the Philippines have adopted constitutions with powers at least as strong as in the earlier, failed constitutions. Chile has adopted a new constitution that, while weakening legislative powers compared to the earlier period, expands nonlegislative powers.

Regions II and V of Figure 8.1, which contain the "confused" cases of shared presidential-parliamentary authority over cabinets, also include several cases of dubious democratic performance, although only one breakdown. (Two more such regimes, the Weimar Republic and Sri Lanka, are found in Region I.) Besides Peru, where a breakdown occurred, the Chilean parliamentary republic and Portugal 1976 both engendered discontent that resulted in significant constitutional revision, strengthening overall presidential powers in Chile and weakening them in Portugal. Finally,

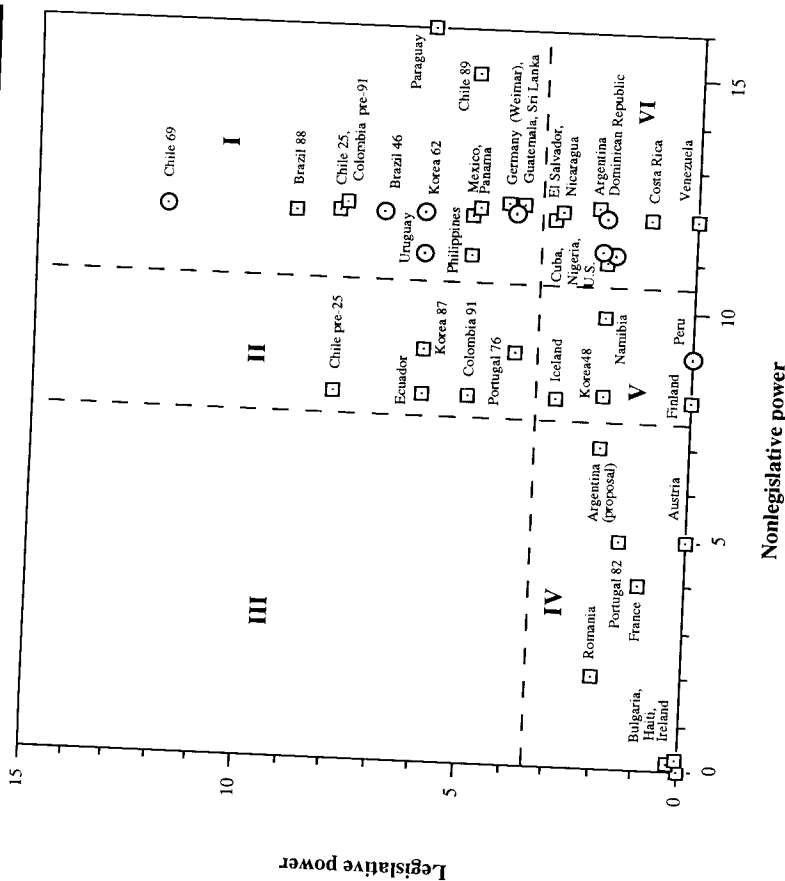


Figure 8.1. Powers of popularly elected presidents (democratic regimes that have broken down indicated by circles)

ful presidents. Presidencies in Region I have great powers in both dimensions. Region II comprises presidents with great legislative powers, but whose powers outside the legislative process are somewhat weaker. Region III is empty, reflecting the lack of any logical reason to give great legislative powers to a president whose power over the composition of governments is even weaker than those in Region II. Region IV, in the lower left of Figure 8.1, contains our weakest presidents in both dimensions. Almost all of the premier-presidential regimes are located here. Region V also includes premier-presidential systems, as well as other systems with moderately powerful presidents. Finally, Region VI includes only presidential systems with relatively weak legislative powers but great powers over government formation.

If we consider the performance of the regimes in Figure 8.1, we find reason to believe that the more powerful presidencies are also the more problematic. First let us remove from consideration those cases that are

among this group is Ecuador, arguably the Latin American case with the most aggravated presidential-congressional relations in the 1980s (Conag-1989).

We are left with two regions. One, Region IV contains three premier-presidential systems and no breakdowns.² The other, Region VI, contains the presidential systems with relatively weak presidential legislative powers. Of the nine cases, two (Argentina and Nigeria) have suffered breakdowns at some time. Cuba's ambiguous system (see Chapter 6) is also found here. We also observe that the longest-lived presidential systems – all scoring 11 or 12 on the dimension of nonlegislative power – may be found at the low end of the scale of presidential legislative powers. These cases include:

Costa Rica	United States
Dominican Republic	Venezuela

These are the four of the five longest-lived presidential democracies in the world (the other is Colombia, where presidential powers recently were reduced in both dimensions). If there really is a link, then there are reasons to be optimistic about several fledgling presidential democracies that rank low on presidential legislative powers. Regimes such as those of Argentina and El Salvador, for example, have weathered severe crises that have not been allowed to become clashes between the two elected branches of government over constitutional powers, in part because the assembly is clearly the dominant branch.

SEPARATION OF SURVIVAL AND PRESIDENTIAL CABINET POWER: DEVELOPING A COMPREHENSIVE TYPOLOGY OF REGIMES

We next consider the relation between presidential authority over the cabinet and the extent to which the survival of executive and assembly powers are separate, themes discussed in Chapter 6. Legislative powers do not enter into the consideration at all. We are concerned here with the nature of the regime and the power of the president over its officials. As noted in Chapter 2, these are the dimensions on which the various types of regime diverge. Considering these dimensions will allow us to develop a comprehensive typology of regimes. The value of this typology is not simply in providing cells into which empirical regimes may be placed, but, more fundamentally, in letting us perceive what has not previously been an obvious point to scholars or regime designers: Any given democratic regime involves some shading on the degree to which powers rest only in the

² This lack of breakdowns among the premier-presidential systems provides support for Lijphart and Rogowski's (1991) suggestion that such regimes may be especially well equipped to manage political cleavages.

assembly or in an official elected outside the assembly (a president). We still have ideal types and definitions, as presented in Chapter 2, but we also have many intermediate types. This is an important finding because it makes clear that the basic types (presidential and parliamentary and, for that matter, premier-presidential) are not based on incompatible principles but rather on mixtures of elements, such as separate survival of powers or assembly sovereignty over cabinets, that may be applied in varying degrees to come up with different regime constellations.

In developing this typology, a regime's score on Presidential Cabinet Authority is the sum of the scores on Cabinet Formation and Cabinet Dismissal from Table 8.2. The other dimension takes into consideration Censure and Dissolution. For the latter score on this dimension, however, it is necessary to reverse the scoring order from that used in Table 8.2, for here we are not measuring dissolution as an indicator of presidential power, but rather as an indicator of the degree to which the assembly's survival is separated from the president. Where a president has the power to dissolve the assembly, the latter's survival is not separate, hence the score of such a regime is lowered on that dimension.

Figure 8.2 shows how the cases fit in these two dimensions. The groups defined above as being near the two extreme corners, (0,0) and (8,8), thus encompass those regimes in which the definition of authority and survival are clearest: premier-presidential and presidential, respectively. At the far upper right are the "pure" presidential systems, with maximum separation of survival and maximum presidential control over the cabinet. As we move away from this corner but remain close to it, a regime still exhibits the characteristics of presidentialism, as with the systems that are slightly lower on the dimension of authority over the cabinet: Nigeria, the Philippines, and the United States. Moving to the left we find several regimes that begin to deviate from the basic principles of separation of powers that define presidentialism. These regimes include Chile 1989, Cuba 1940, and Uruguay, which, while not "pure" types, resemble presidential systems more than any other type that we have identified.

At the lower left are the premier-presidential systems. In the far lower left corner (at 0,0), where we have no empirical cases, would be a system in which the premier, whose authority stemmed only from the parliamentary majority, was constitutionally dominant over the president. Nevertheless, since there would be no separation of survival in such a system, the president could dissolve the assembly. In this hypothetical system, the only way presidents could hope to have any say in the composition of the cabinet would be to use their power of dissolution. At times this could work for the president, with the voters returning a majority to the president's liking; at other times it might not work. Thus the compatibility of president and premier (and the cabinet headed by the latter) would depend entirely on what cabinet could gain the assent of the assembly. This feature of such a

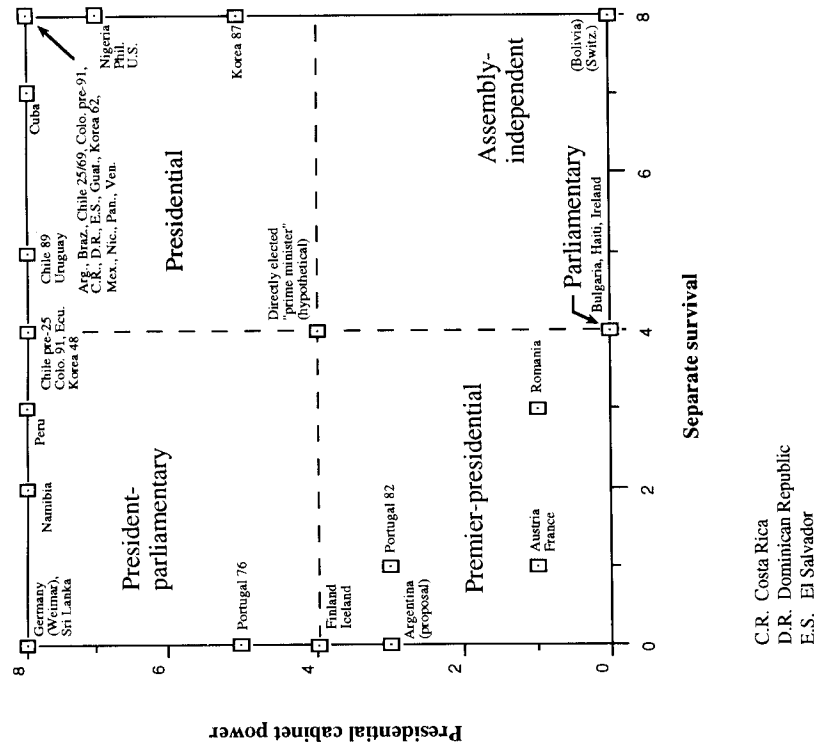


Figure 8.2. Separate survival and presidential cabinet power: a comprehensive typology of democratic regime types

system justifies placing the title of the executive who depends on parliamentary confidence ahead of that of the popularly elected official: premier-presidential. As we move away from the lower left, either the president gains increasing authority over the composition of the cabinet (upward movement) or the president's powers of dissolution are restricted, at least to some degree (rightward movement).

There is also a considerable cluster of cases near the upper left of the figure. Regimes in this area have divided authority over the cabinet as well as a lack of separate survival of powers. The extreme point is represented by Weimar Germany and Sri Lanka: no separation of survival plus presidential authority to appoint members of cabinets (subject to censure) as well as full authority to dismiss ministers. Because of the greater role of the president in these regimes than in premier-presidentialism, and the likelihood that the premier (if any) would be unable to serve as a viable

head of government, we have suggested that these regimes be identified as "president-parliamentary," reflecting their lack of clarity on the question of who wields authority over the government. Some cases, such as the new constitution of Colombia and the Chilean parliamentary republic, are intermediate cases between the presidential and president-parliamentary types.

The group of regimes we have identified as president-parliamentary can be regarded as troubled, or even confused, as each has suffered from regime crises and each has broken down at some time or been re-formed to make it conform to one of the pure types, either presidentialism or premier-presidentialism. For instance, Chile's parliamentary republic was transformed into a presidential system after a pair of presidential coups in 1925, and Portugal was transformed toward the premier-presidential type by an assembly-sponsored constitutional amendment in 1982. While this group consists of several cases and thus constitutes an identifiable regime type that has proven attractive to some regime designers, most recently to delegates to Colombia's and Namibia's³ constituent assemblies, we suggest that it is a type best avoided.

Now let us consider the lower right, for the final "pure" type that is suggested by the two dimensions of Figure 8.2. Literally understood, such a regime would be one in which there was maximum separation of survival of powers – neither censure nor dissolution – but no presidential role in the composition of the cabinet. Such a regime has never existed, to our knowledge, with a popularly elected president. However, the scenario just described comes close to fitting a regime such as that of Switzerland, in which the entire cabinet is chosen by the assembly but is not responsible thereto. Bolivia would be similarly situated (unless a presidential candidate's slate were to win a majority of the popular vote), even though the assembly formally elects only the president, who then chooses the rest of the executive. The dependence of the president, and therefore ultimately the whole executive, on selection by the assembly – but for a *fixed* term – implies assembly primacy in the origin of the executive to an extent that nearly approximates that of Switzerland. Therefore these regimes could be placed in this cell and called assembly-independent regimes, in order to identify both what institution has control over the origin of executive power, and the separation of survival.⁴

3 As we have discussed, Namibia's constitution contains one provision that may make for somewhat less contentious presidential-assembly relations than in cases like Weimar or Sri Lanka: dissolution in Namibia requires a new presidential election.

4 Because the terms of comparison literally require a popularly elected president, and there is much room in the lower right of Figure 8.2 for intermediate cases, is there any basis to imagine a hypothetical regime in which a president would have some (limited) powers over the composition of the government but there would be separation between the survival of assembly and executive powers? Imagine a popularly elected president who could propose a cabinet to the assembly, which would then have to ratify (or reject) the proposal. Once

A few regimes appear as borderline between the main categories. We have already referred to those, such as the new constitution of Colombia, that are basically president-parliamentary but tending more toward presidentialism because of the lack of a power of dissolution. Finland and Iceland appear to be intermediate regimes between president-parliamentary and premier-presidential types. While this placement is somewhat surprising, it results from the provision in both constitutions that the president alone appoints all ministers.⁵ This feature, combined with the provision that only the assembly may remove ministers, gives the president at least marginally greater influence over cabinet composition, as we argued in Chapter 6. As a result, greater instability of cabinets is a possibility, although, as Finland demonstrates, this need not be regime-threatening, as is the combination of features that characterizes the Weimar Republic or Sri Lanka. If Finland and Iceland represent cases that deviate from an ideal type of premier-presidentialism by granting the president marginally greater power over cabinets, Korea's 1987 constitution represents a deviation from presidentialism that grants the president marginally less power over cabinets. It does so by providing that only the premier is directly appointed by the president, subject to confirmation by the assembly. The premier then appoints all other ministers. All ministers, including the premier, may be removed by the president but are not subject to censure, thus accounting for this regime's placement on the far right-hand axis. As discussed in Chapter 6, this design makes the president's ability to get his or her preferred cabinet dependent entirely on how good an agent the premier proves to be, but the president retains the key powers of initiative in the process.

Parliamentary regimes. Another small cluster of intermediate cases in Figure 8.2 turns out to be identical to one of the most basic regimes types: parliamentarism. Literally, as with assembly-independent regimes, parliamentary regimes are off this figure unless there also happens to be a popularly elected president. However, in the same sense that assembly-independent regimes can be accommodated conceptually within the dimensions of whether or not authority over the cabinet rests within a separately elected constitutional power, so can parliamentary regimes. Such regimes feature assembly censure of the executive, but no popularly elected president with authority either over the government or to dissolve parliament. Thus, parliamentary regimes have a score of 4 on separate survival and 0 on presidential authority

ratified, however, the government would not be subject to parliamentary confidence, nor could the president dismiss the ministers. (Of course, if the president could dissolve the assembly, the regime would be located to the left side of the lower-right cell.)

⁵ Recall that our definition of premier-presidentialism requires only that the president have some powers, but that those powers not include unrestricted authority to dismiss ministers or cabinets that enjoy parliamentary confidence.

over the cabinet. Such cases in Figure 8.2 are Bulgaria, Haiti, and Ireland. In none of these constitutions does the president have any constitutional authority, rendering these cases effectively parliamentary. If we ignore the question of whether or not there is a popularly elected president in a parliamentary system on the grounds that such a president would be utterly feckless anyway, then all parliamentary systems are located at the point (4,0) on our graph, along with Bulgaria, Haiti,⁶ and Ireland.

Another intermediate type of regime is represented by the case of Lebanon, which was discussed briefly in Chapter 5. Lebanon and similar regimes that have existed at one time or another in Indonesia, Kenya (before 1969), Turkey, and elsewhere, have an executive chosen entirely by the assembly, but part of that executive depends on parliamentary confidence while another part of it serves a fixed term that is, under some constitutions, longer than that of parliament. If the fixed-term part of the executive is more than just a ceremonial head of state, the regime's score on the horizontal axis of Figure 8.2 is somewhat greater than 4 but less than 8. (It still scores 0 on the vertical axis, given the lack of a popularly elected president with authority over the cabinet.) Some of these assembly-selected presidents have initiative in cabinet formation, the power to dissolve the assembly, a veto on legislation, or some combination of these and other powers. As with assembly-independent regimes, the "president" in this regime format remains an agent of the parliament, but a more independent one than a purely parliamentary executive, given the lack of a vote of no-confidence. If the agent is eligible for reappointment, there should be little slack between the wishes of the parliamentary majority and the actions of the agent, since the agent can anticipate the possibility of being denied reappointment. In some of these regimes, however, the president cannot be reappointed and is thus potentially truly independent. Still, given the mechanism of parliamentary confidence binding a part (usually the more important part) of the executive to the assembly on an ongoing basis, these regimes, while not strictly parliamentary, are closer to that type than to any other.

A possible alternative regime: the directly elected "prime minister." A question that might arise is whether or not there is any conceivable regime

⁶ One interpretation of the military coup that ousted Haitian president Jean-Bertrand Aristide in September 1991 is that the president, while enormously popular, had failed to win a majority in either house of the parliament and therefore was powerless. He proceeded to use his popularity to incite mob action against the parliament, compelling it to accept a pro-Aristide prime minister that the president had no constitutional authority to impose. The military subsequently removed the president on the not entirely unfounded grounds that he was acting unconstitutionally. The Haitian experience suggests that a president should not have zero constitutional powers, even at the same time that several other cases that we have studied have led us to the conclusion that presidential powers should be quite limited in the constitution.

design that would be placed at or near the center of Figure 8.2, where we have no empirical cases. While not the only possible configuration that would place a regime at the center of the figure, there is an important alternative regime type that has been proposed by reformers in countries such as Israel (Libai et al. 1990), Italy (Barbera 1990), and the Netherlands (Lijphart 1984). Such proposals are typically referred to as featuring the direct election of the "prime minister," and Barbera calls his proposal "neo-parliamentary"; however, the elected head of government would be a president by our definition. The proposals consist of the concurrent election of the head of government (whom we shall call a prime minister, in keeping with the terminology of the proposals) and the assembly. The prime minister would be permitted to dissolve the assembly, but then she or he would have to stand concurrently for reelection. Similarly, the assembly could censure the prime minister or the entire government, but then it would have to stand for reelection along with the prime minister. Thus, on separation of survival, we would score a 4, that is, 2 on each aspect, as the powers of censure and dissolution are both restricted by requiring the new election of the power that initiated the process. The placement on the vertical dimension would depend upon the specific process by which members of the government other than its elected head would be appointed and dismissed. The Israeli proposal would require the elected prime minister to present her or his government to the assembly for investiture, thus suggesting a score of 3 on (President's) Cabinet Authority. The proposal would also allow the prime minister to dismiss ministers at will, leading to a combined score on this dimension of 7. Because of the possibility that, especially in a multiparty context, the prime minister and the assembly majority might not always be entirely compatible, it might be advisable to weaken the prime minister's power of dismissal. Otherwise some of the same kinds of conflicts that befall the president-parliamentary regimes could result, although the means of breaking deadlock would be more symmetrical, given the assembly's ability to oust the "president." Some restrictions – for example, by number of dismissals or how long a minister who enjoys parliamentary confidence must be allowed to serve before being dismissed by the prime minister – would reduce the overall score to a 5. If the prime minister's power of dismissal were made "constructive" (akin to the constructive vote of no-confidence) by requiring that the prime minister present for the assembly's approval an alternative candidate for the minister that she or he wants to replace, then the regime would score 4 on both dimensions, with neither elected body being more powerful than the other. We would thus have the "ultimate" compromise between the principle of parliamentary sovereignty over the composition of cabinets and that of placing governmental authority in the hands of an extra-parliamentary official. Even without the suggested restrictions on the power of the directly elected prime minister, such a regime is indeed a compro-

mise regime. Thus it is not surprising that it would be developed as an alternative in some countries where there is dissatisfaction with existing parliamentarism. Perhaps what should be surprising is that there are no empirical cases, as of 1991.

CONCLUSIONS: PRESIDENTIAL POWERS

Our examination of the dimensions of presidential power suggests the regimes with great presidential legislative powers are problematic, as are those in which authority over cabinets is shared between assembly and president. These issues need to be addressed in turn. On matters of legislation, we suggest that relatively strong assemblies should be associated with more stable and effective government relative to strong presidencies because assemblies serve as arenas for the perpetual fine-tuning of conflicts. An assembly represents the diversity of a polity far better than an executive dependent on the president's whims is likely to do. Because of the diverse forces represented in an assembly, such a body has the potential for encompassing divergent viewpoints and striking compromises on them. The dual democratic legitimacies decry by critics of presidentialism – the claim that no democratic principle exists to resolve conflicts over who better can claim to represent the "will" of the electorate – are minimized to the extent that an assembly is accorded a more powerful role in legislation than is the president. Thus presidentialism with a strong congress indeed does afford a democratic principle for the regulation of interbranch conflicts; that principle is that the assembly prevails, subject to a need for compromise with the president. The relatively weaker presidents (those of Costa Rica and the United States, for example) cannot use decree legislative authority to break a "logjam" in congress, as many presidents can do with perfect legality. Thus, a fundamental conclusion is that the criticisms of presidential regimes should not be put forward as if all presidencies were created equal; rather, these criticisms apply with greatest force to strong presidents.

On the matter of authority over cabinets, again the shared control that we said typifies the president-parliamentary type goes right to the heart of the concern of many with dual democratic legitimacies. If there is no "democratic principle" that defines who fills cabinet posts, one of the most basic elements to any democracy, then conflicts of a very basic nature are likely. Are the ministers the president's ministers, or are they the assembly's? In some regimes the answer is both. In either a premier-presidential regime or a presidential regime, on the other hand, the primacy of one branch over the other is clear. Both types make for a cabinet subject (whether exclusively or primarily) to one branch or the other even when the branches are controlled by different political tendencies. This does not prevent conflict, but it is not as clearly guaranteed to generate conflict as is the president-parliamentary type. Democratic institutions are supposed to

Electoral dynamics: efficiency and inefficiency

be conflict regulators, not conflict generators. Either giving great legislative powers to the most majoritarian component (the presidency) of a regime meant to be consensual, or granting shared authority over the composition of the cabinet, is a potentially dangerous arrangement. Finally, we saw in this chapter that actual regimes, as well as a promising proposal for a directly elected "prime minister," entail varying combinations on two dimensions – separation of executive and assembly, and presidential power over cabinets. In the next chapters we shall see how presidential powers interact with the means of electing the assembly and president.

In this and the following three chapters we discuss institutional variations related specifically to elections. The way in which the checks and balances of presidentialism or the relations between president and cabinet in premier-presidentialism play themselves out depends in part on how likely it is that the president confronts an assembly that does not reliably conform to the president's will on legislation. As we shall see, such factors as the method of electing the president and assembly and the relative timing of elections to the two branches are crucial factors in affecting the number of competitors. Thus we must return to the issues with which we started this book and which constitute one of its major themes: the ways in which the processes of electing representatives and of executive formation interact. Here we deal with electoral dynamics, by which we mean the ways in which the practices used for electing the assembly interact with the form and powers of the executive to shape the functioning of democratic regimes. This chapter concerns itself primarily with presidential systems, while the following three deal with both presidential and premier-presidential regimes.

We begin this chapter by reconsidering the tension between representation based on parochial interests versus that which articulates national policy perspectives. We develop an archetype of a presidential system in which the two forms of representation coexist. In so doing, we are drawn to a novel conclusion: that regimes that maximize the articulation of local particularism in congressional elections tend to be associated with very powerful presidencies. We develop a theoretical consideration of why this would be so, then contrast these regimes with those that entail weaker presidents, concluding that the latter regimes are more conducive to the articulation of national policy alternatives, especially when elections to the two branches are concurrent. Thus we build in this chapter on the concerns of the previous one on presidential powers, while introducing new concerns about the organization of elections for president and assembly.

PAROCHIALISM VERSUS NATIONAL POLICY

There is a certain tension inherent in presidential systems, since the legislative assembly and the executive have separate origin and survival. On the