

THE PERILS OF PRESIDENTIALISM

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As more of the world's nations turn to democracy, interest in alternative constitutional forms and arrangements has expanded well beyond academic circles. In countries as dissimilar as Chile, South Korea, Brazil, Turkey, and Argentina, policy-makers and constitutional experts have vigorously debated the relative merits of different types of democratic regimes. Some countries, like Sri Lanka, have switched from parliamentary to presidential constitutions. On the other hand, Latin Americans in particular have found themselves greatly impressed by the successful transition from authoritarianism to democracy that occurred in the 1970s in Spain, a transition to which the parliamentary form of government chosen by that country greatly contributed.

Nor is the Spanish case the only one in which parliamentarism has given evidence of its worth. Indeed, the vast majority of the stable democracies in the world today are parliamentary regimes, where executive power is generated by legislative majorities and depends on such majorities for survival.

By contrast, the only presidential democracy with a long history of constitutional continuity is the United States. The constitutions of Finland and France are hybrids rather than true presidential systems, and in the case of the French Fifth Republic, the jury is still out. Aside from the United States, only Chile has managed a century and a half of relatively undisturbed constitutional continuity under presidential government—but Chilean democracy broke down in the 1970s.

Parliamentary regimes, of course, can also be unstable, especially under conditions of bitter ethnic conflict, as recent

African history attests. Yet the experiences of India and of some English-speaking countries in the Caribbean show that even in greatly divided societies, periodic parliamentary crises need not turn into full-blown regime crises and that the ousting of a prime minister and cabinet need not spell the end of democracy itself.

The burden of this essay is that the superior historical performance of parliamentary democracies is no accident. A careful comparison of parliamentarism as such with presidentialism as such leads to the conclusion that, on balance, the former is more conducive to stable democracy than the latter. This conclusion applies especially to nations with deep political cleavages and numerous political parties; for such countries, parliamentarism generally offers a better hope of preserving democracy.

PARLIAMENTARY VS. PRESIDENTIAL SYSTEMS

. . . Two things about presidential government stand out. The first is the president's strong claim to democratic, even plebiscitarian, legitimacy; the second is his fixed term in office. Both of these statements stand in need of qualification. Some presidents gain office with a smaller proportion of the popular vote than many premiers who head minority cabinets, although voters may see the latter as more weakly legitimated. To mention just one example, Salvador Allende's election as president of Chile in 1970—he had a 36.2 per cent plurality obtained by a heterogeneous coalition—certainly put him in a position very different from that in which Adolfo Suárez of Spain found himself in 1979 when he became prime minister after receiving 35.1 per cent of the vote . . . Allende received a six-year mandate for controlling the government even with much less than a majority of the popular vote, while Suárez, with a plurality of roughly the same size, found it necessary to work with other parties to sustain a minority government. Following British political thinker Walter Bagehot, we might say that a presidential system endows the incumbent with both the 'ceremonial' functions of a head of state and the 'effective' functions of a chief executive, thus creating an aura, a self-image, and a set of popular expectations which are all quite different from those

associated with a prime minister, no matter how popular he may be.

But what is most striking is that in a presidential system, the legislators, especially when they represent cohesive, disciplined parties that offer clear ideological and political alternatives, can also claim democratic legitimacy. This claim is thrown into high relief when a majority of the legislature represents a political option opposed to the one the president represents. Under such circumstances, who has the stronger claim to speak on behalf of the people: the president, or the legislative majority that opposes his policies? Since both derive their power from the votes of the people in a free competition among well-defined alternatives, a conflict is always possible and at times may erupt dramatically. There is no democratic principle on the basis of which it can be resolved, and the mechanisms the constitution might provide are likely to prove too complicated and aridly legalistic to be of much force in the eyes of the electorate. It is therefore no accident that in some such situations in the past, the armed forces were often tempted to intervene as a mediating power. One might argue that the United States has successfully rendered such conflicts 'normal' and thus defused them. To explain how American political institutions and practices have achieved this result would exceed the scope of this essay, but it is worth noting that the uniquely diffuse character of American political parties—which, ironically, exasperates many American political scientists and leads them to call for responsible, ideologically disciplined parties—has something to do with it. Unfortunately, the American case seems to be an exception; the development of modern political parties, particularly in socially and ideologically polarized countries, generally exacerbates, rather than moderates, conflicts between the legislative and the executive.

The second outstanding feature of presidential systems—the president's relatively fixed term in office—is also not without drawbacks. It breaks the political process into discontinuous, rigidly demarcated periods, leaving no room for the continuous readjustments that events may demand. The duration of the president's mandate becomes a crucial factor in the calculations of all political actors, a fact which . . . is fraught with important consequences. Consider, for instance, the provisions for succession in case of the president's death or incapacity: in some cases,

the automatic successor may have been elected separately and may represent a political orientation different from the president's; in other cases, he may have been imposed by the president as his running-mate without any consideration of his ability to exercise executive power or maintain popular support. Brazilian history provides us with examples of the first situation, while Maria Estela Martínez de Perón's succession of her husband in Argentina illustrates the second. It is a paradox of presidential government that while it leads to the personalization of power, its legal mechanisms may also lead, in the event of a sudden mid-term succession, to the rise of someone whom the ordinary electoral process would never have made the chief of state.

PARADOXES OF PRESIDENTIALISM

Presidential constitutions paradoxically incorporate contradictory principles and assumptions. On the one hand, such systems set out to create a strong, stable executive with enough plebiscitarian legitimation to stand fast against the array of particular interests represented in the legislature. In the Rousseauian conception of democracy implied by the idea of 'the people', for whom the president is supposed to speak, these interests lack legitimacy; so does the Anglo-American notion that democracy naturally involves a jostle—or even sometimes a *mêlée*—of interests. Interest-group conflict then bids fair to manifest itself in areas other than the strictly political. On the other hand, presidential constitutions also reflect profound suspicion of the personalization of power: memories and fears of kings and caudillos do not dissipate easily. Foremost among the constitutional bulwarks against potentially arbitrary power is the prohibition on re-election. Other provisions like legislative advice-and-consent powers over presidential appointments, impeachment mechanisms, judicial independence, and institutions such as the Contraloría of Chile also reflect this suspicion. Indeed, political intervention by the armed forces acting as a *poder moderador* may even be seen in certain political cultures as a useful check on overweening executives. One could explore in depth the contradictions between the constitutional

texts and political practices of Latin American presidential regimes; any student of the region's history could cite many examples.

It would be useful to explore the way in which the fundamental contradiction between the desire for a strong and stable executive and the latent suspicion of that same presidential power affects political decision-making, the style of leadership, the political practices, and the rhetoric of both presidents and their opponents in presidential systems. It introduces a dimension of conflict that cannot be explained wholly by socio-economic, political, or ideological circumstances. Even if one were to accept the debatable notion that Hispanic societies are inherently prone to *personalismo*, there can be little doubt that in some cases this tendency receives reinforcement from institutional arrangements.

Perhaps the best way to summarize the basic differences between presidential and parliamentary systems is to say that while parliamentarism imparts flexibility to the political process, presidentialism makes it rather rigid. Proponents of presidentialism might reply that this rigidity is an advantage, for it guards against the uncertainty and instability so characteristic of parliamentary politics. Under parliamentary government, after all, myriad actors—parties, their leaders, even rank-and-file legislators—may at any time between elections adopt basic changes, cause realignments, and, above all, make or break prime ministers. But while the need for authority and predictability would seem to favour presidentialism, there are unexpected developments—ranging from the death of the incumbent to serious errors in judgement committed under the pressure of unruly circumstances—that make presidential rule less predictable and often weaker than that of a prime minister. The latter can always seek to shore up his legitimacy and authority, either through a vote of confidence or the dissolution of parliament and the ensuing new elections. Moreover, a prime minister can be changed without necessarily creating a regime crisis.

Considerations of this sort loom especially large during periods of regime transition and consolidation, when the rigidities of a presidential constitution must seem inauspicious indeed compared to the prospect of adaptability that parliamentarism offers.

ZERO-SUM ELECTIONS

The preceding discussion has focused principally on the institutional dimensions of the problem; the consideration of constitutional provisions—some written, some unwritten—has dominated the analysis. In addition, however, one must attend to the ways in which political competition is structured in systems of direct presidential elections; the styles of leadership in such systems; the relations between the president, the political élites, and society at large; and the ways in which power is exercised and conflicts are resolved. It is a fair assumption that institutional arrangements both directly and indirectly shape the entire political process, or 'way of ruling'. Once we have described the differences between parliamentary and presidential forms of government that result from their differing institutional arrangements, we shall be ready to ask which of the two forms offers the best prospect for creating, consolidating, and maintaining democracy.

Presidentialism is ineluctably problematic because it operates according to the rule of 'winner-take-all'—an arrangement that tends to make democratic politics a zero-sum game, with all the potential for conflict such games portend. Although parliamentary elections can produce an absolute majority for a single party, they more often give representation to a number of parties. Power-sharing and coalition-forming are fairly common, and incumbents are accordingly attentive to the demands and interests of even the smaller parties. These parties in turn retain expectations of sharing in power and, therefore, of having a stake in the system as a whole. By contrast, the conviction that he possesses independent authority and a popular mandate is likely to imbue a president with a sense of power and mission, even if the plurality that elected him is a slender one. Given such assumptions about his standing and role, he will find the inevitable opposition to his policies far more irksome and demoralizing than would a prime minister, who knows himself to be but the spokesman for a temporary governing coalition rather than the voice of the nation or the tribune of the people.

Absent the support of an absolute and cohesive majority, a

parliamentary system inevitably includes elements that become institutionalized in what has been called 'consociational democracy'. Presidential regimes may incorporate consociational elements as well, perhaps as part of the unwritten constitution. When democracy was re-established under adverse circumstances in Venezuela and Colombia, for example, the written constitutions may have called for presidential government, but the leaders of the major parties quickly turned to consociational agreements to soften the harsh, winner-take-all implications of presidential elections.

The danger that zero-sum presidential elections pose is compounded by the rigidity of the president's fixed term in office. Winners and losers are sharply defined for the entire period of the presidential mandate. There is no hope for shifts in alliances, expansion of the government's base of support through 'national unity' or 'emergency' grand coalitions, new elections in response to major new events, and so on. Instead, the losers must wait at least four or five years without any access to executive power and patronage. The zero-sum game in presidential regimes raises the stakes of presidential elections and inevitably exacerbates their attendant tension and polarization.

On the other hand, presidential elections do offer the indisputable advantage of allowing the people to choose their chief executive openly, directly, and for a predictable span rather than leaving that decision to the backstage manoeuvring of the politicians. But this advantage can only be present if a clear mandate results. If there is no required minimum plurality and several candidates compete in a single round, the margin between the victor and the runner-up may be too thin to support any claim that a decisive plebiscite has taken place. To preclude this, electoral laws sometimes place a lower limit on the size of the winning plurality or create some mechanism for choosing among the candidates if none attains the minimum number of votes needed to win; such procedures need not necessarily award the office to the candidate with the most votes. More common are run-off provisions that set up a confrontation between the two major candidates, with possibilities for polarization that have already been mentioned. One of the possible consequences of two-candidate races in multi-party systems is that broad coalitions are likely to be formed (whether in run-offs or in pre-

election manœuvring) in which extremist parties gain undue influence. If significant numbers of voters identify strongly with such parties, one or more of them can plausibly claim to represent the decisive electoral bloc in a close contest and may make demands accordingly. Unless a strong candidate of the centre rallies widespread support against the extremes, a presidential election can fragment and polarize the electorate.

In countries where the preponderance of voters is centrist, agrees on the exclusion of extremists, and expects both rightist and leftist candidates to differ only within a larger, moderate consensus, the divisiveness latent in presidential competition is not a serious problem. With an overwhelmingly moderate electorate, anyone who makes alliances or takes positions that seem to incline him to the extremes is unlikely to win, as both Barry Goldwater and George McGovern discovered to their chagrin. But societies beset by grave social and economic problems, divided about recent authoritarian regimes that once enjoyed significant popular support, and in which well-disciplined extremist parties have considerable electoral appeal, do not fit the model presented by the United States. In a polarized society with a volatile electorate, no serious candidate in a single-round election can afford to ignore parties with which he would otherwise never collaborate.

A two-round election can avoid some of these problems, for the preliminary round shows the extremist parties the limits of their strength and allows the two major candidates to reckon just which alliances they must make to win. This reduces the degree of uncertainty and promotes more rational decisions on the part of both voters and candidates. In effect, the presidential system may thus reproduce something like the negotiations that 'form a government' in parliamentary regimes. But the potential for polarization remains, as does the difficulty of isolating extremist factions that a significant portion of the voters and élites intensely dislike. . . .

PARLIAMENTARISM AND POLITICAL STABILITY

This analysis of presidentialism's unpromising implications for democracy is not meant to imply that no presidential

democracy can be stable; on the contrary, the world's most stable democracy—the United States of America—has a presidential constitution. Nevertheless, one cannot help tentatively concluding that in many other societies the odds that presidentialism will help preserve democracy are far less favourable.

While it is true that parliamentarism provides a more flexible and adaptable institutional context for the establishment and consolidation of democracy, it does not follow that just any sort of parliamentary regime will do. Indeed, to complete the analysis one would need to reflect upon the best type of parliamentary constitution and its specific institutional features. Among these would be a prime ministerial office combining power with responsibility, which would in turn require strong, well-disciplined political parties. Such features—there are of course many others we lack the space to discuss—would help foster responsible decision-making and stable governments and would encourage genuine party competition without causing undue political fragmentation. In addition, every country has unique aspects that one must take into account—traditions of federalism, ethnic or cultural heterogeneity, and so on. Finally, it almost goes without saying that our analysis establishes only probabilities and tendencies, not determinisms. No one can guarantee that parliamentary systems will never experience grave crisis or even breakdown.

In the final analysis, all regimes, however wisely designed, must depend for their preservation upon the support of society at large—its major forces, groups, and institutions. They rely, therefore, on a public consensus which recognizes as legitimate authority only that power which is acquired through lawful and democratic means. They depend also on the ability of their leaders to govern, to inspire trust, to respect the limits of their power, and to reach an adequate degree of consensus. Although these qualities are most needed in a presidential system, it is precisely there that they are most difficult to achieve. Heavy reliance on the personal qualities of a political leader—on the virtue of a statesman, if you will—is a risky course, for one never knows if such a man can be found to fill the presidential office. But while no presidential constitution can guarantee a Washington, a Juárez, or a Lincoln, no parliamentary regime

can guarantee an Adenauer or a Churchill either. Given such unavoidable uncertainty, the aim of this essay has been merely to help recover a debate on the role of alternative democratic institutions in building stable democratic polities.