

Presidentialism, Parliamentarism, and Democracy

JOSÉ ANTONIO CHEIBUB

University of Illinois



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The concern with presidential democracies stems from the constitutional separation between the executive and the legislative assembly: the government, headed by the president, does not require any legislative support in order to exist. From this fact are supposed to follow, as I demonstrated in the previous chapter, a number of consequences that may eventually lead to the death of the democratic regime.

The first step in evaluating the empirical validity of this view is to identify the set of democracies that should be at risk. This requires that we first identify the set of countries that are democratic and then the democratic regimes that have a system in which the government and the assembly are independent from one another. Therefore, in this chapter I start by presenting the rules for classifying political regimes into democracies and dictatorships. I then review the criteria underlying existing classifications of democratic forms of government and provide an alternative that focuses exclusively on the relationship between the government and the legislative assembly. Following the existing literature, I distinguish three types of regimes: pure presidential democracies, pure parliamentary democracies, and mixed systems.

Democracies and Dictatorships

Since the concern of this book is with the survival of democracies, the first order of business is to separate democracies from dictatorships. Here I use the classification of political regimes first proposed in Alvarez et al. (1996) and updated in Przeworski et al. (2000). There are, as anyone who has done empirical work on democracy knows, several alternative ways to observe political regimes. However, the dichotomous regime classification employed here is superior on several

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grounds – most importantly that it provides a nonarbitrary and entirely reproducible way of distinguishing democracies from dictatorships.¹

Given that there have been no changes in the rules for classifying political regimes presented in Przeworski et al. (2000), here I simply summarize those rules and discuss one modification I make in the way they are applied. I also discuss why extending the period of coverage to 2002 (the original classification ended in 1990) leads to changes in the coding of specific cases. As will become clear in what follows, these changes were entirely due to the fact that new information about specific cases became available and not to the application of new rules.

Democracies are regimes in which governmental offices are filled as a consequence of contested elections (Przeworski 1991). This definition has two main parts: “offices” and “contestation.” For a regime to be democratic, both the chief executive office and the legislative body must be filled by elections.²

Contestation occurs when there exists an opposition that has some chance of winning office as a consequence of elections. This entails three features:

1. *ex ante uncertainty* – the outcome of the election must be unknown before it takes place;
2. *ex post irreversibility* – the winner of the electoral contest must be the one who actually takes office;
3. *repeatability* – elections that meet the first two criteria must occur at regular and known intervals.

The challenge is to provide an operational definition for these features. We need rules to assess whether the relevant offices are filled through elections as well as rules to assess whether elections are competitive. A regime is classified as a democracy if it meets the requirements stipulated in *all* of the following rules.

1. The chief executive must be elected.
2. The legislature must be elected.

¹ An extensive comparison between the dichotomous classification of political regimes adopted here and existing alternatives (such as the Freedom House and Polity measures) can be found in Cheibub and Gandhi (2006).

² That not all offices need to be filled by elections is uncontroversial. Collier and Adcock (1999:549), in fact, believe that having only one of those offices filled by elections should be sufficient for a regime to qualify as “at least partially democratic.” Yet I have serious reservations about classifying as a democracy any regime in which the president is elected in contested elections but the laws are made by a legislative body consisting of presidential appointees.

3. There must be more than one party competing in the elections. This condition is violated (and so the regime is nondemocratic) if (a) there are no political parties; (b) there is only one political party; (c) the current term in office ended in the establishment of no-party or one-party rule; or (d) the incumbents unconstitutionally closed the legislature and rewrote the rules in their favor.
4. Given that the first three conditions have been met, an alternation in power under rules identical to the ones that brought the incumbents to power must have taken place.

Implementing the first two rules presents no problem because it is simple to observe whether the relevant offices are filled as a result of elections. Implementing the third and fourth rules is more complex, and their implementation requires some discussion.

The “Party” Rule

The party rule can be conceived of as having two components. The first, represented by conditions 3(a) and 3(b) in the previous listing, is straightforward. This component says that, in order for a contested election to take place, voters must have at least two alternatives to choose from, and any year in which these alternatives do not exist cannot be considered democratic. Hence, elections in which voters are presented with a single list do not qualify as contested, and the years during which these elections occur – as well as the subsequent years up to the next election – cannot be considered as democratic.³

The second component of the party rule can be thought of as the “consolidation rule.” Consolidation of no-party or one-party rule occurs whenever incumbents either ban all parties (or all opposition parties) or force all parties to merge with the ruling one. If the incumbents instituted a one-party or no-party rule during their current tenure in office then, according to 3(c), the regime is considered to have been authoritarian from the moment the present incumbents

³ Note that what matters is not the number of parties represented in the legislature but rather the number of choices that voters have. Even though three parties and several Catholic groups were represented in the Polish legislature under communist rule, voters were offered only one list at elections. Similarly, the Vanguard of the Malagasy Revolution (AREMA) did not control all the seats in the parliament in Madagascar from 1976 to 1990, yet during this period the High Constitutional Court had decreed (in allowing multipartism) that all political associations had to operate within the National Front of the Malagasy Revolution, which was the only list offered to voters (Freedom House 1992:318).

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assumed office. Consolidation of incumbent rule also applies, according to 3(d), whenever there was more than one party but at some time the incumbents unconstitutionally closed the legislature and rewrote electoral rules to their own advantage.

Such actions constitute *prima facie* evidence that incumbents were not prepared to yield office as a result of elections (thus violating the *ex post* certainty and repeatability provisos of the definition of contested elections), so the entire period preceding the legislature's closing is then considered authoritarian. To see how this works, consider the following examples.

- In South Korea, President Chung-Hee Park held elections in 1963 and 1967, when he obtained (respectively) 43% and 52% of the vote. His party was able to secure legislative majorities of 63% and 74%, respectively. After a constitutional amendment was approved in 1969 allowing him to seek re-election for a third term in office, elections were held in 1971, when Park obtained 51% of the vote and his party secured “only” 55% of the legislative seats. Not satisfied with these results, he proclaimed martial law in October 1972, dissolved congress, and called legislative elections under new rules. Between elected and appointed representatives, the government party was able to secure 67% of the seats. Under the party rule, the years prior to the closing of congress in 1972 are considered authoritarian, even though there were elections for the presidency and congress in which more than two parties competed.
- Alberto Fujimori was elected president of Peru in competitive elections in 1990. In April 1992 he dissolved congress and announced the formation of an Emergency Government of National Reconstruction. Under the party rule, transition to dictatorship in Peru occurred in 1990, when Fujimori first came to power.
- In the Philippines, Ferdinand Marcos first came to power when he won 52% of the vote in presidential elections in 1965. Re-elected in 1969 with 62% of the vote, he proclaimed martial law in 1972 when his ability to remain in power became uncertain. Under the party rule, the breakdown of democracy occurred in 1965, when Marcos first came to power.
- Finally, there had been three legislative elections in Malaysia since independence in 1957. The incumbents won an absolute majority of votes in the first two elections but not in the third. They then declared a state of emergency, closed the congress, and changed the rules in a way that secured their permanence in power. According to Ahmad (1988:357), “the better showing by the opposition caused a temporary loss of confidence and even the conclusion by some in the ruling party that it had lost its mandate.” The parliament was

dissolved in 1969, a state of emergency was proclaimed, and a tough internal security law was adopted. The constitution was rewritten to assure that no more electoral defeats would occur. Under the party rule, Malaysia has never had any democratic experience because the elections that occurred between 1957 and 1968 led to the consolidation (perhaps the perpetuation) of the incumbent party in office.

The Alternation Rule: Extension to the Post-1990 Period

Implementing the last operational rule – the alternation rule – requires that we make one assumption and one decision about what kind of error we are willing to accept. It does not, however, require any subjective judgment on the part of the analyst and hence does not compromise the classification's reproducibility – probably the one attribute that any measure of political regimes should strive to guarantee and one that distinguishes the classification of democracy used here from existing alternatives.⁴

An alternation in power takes place when the individual or party occupying the chief executive office is replaced through elections that were organized under the same rules as the ones that brought the executive to office. For obvious reasons, alternation becomes relevant only in cases where the first three rules apply. However, implementing this rule is complicated by the fact that, given the occurrence of elections in which two or more parties compete, it is difficult to distinguish regimes where incumbents never lose power because they are popular from regimes in which incumbents hold elections only because they know they will not lose them. Since there is nothing in any conception of democracy that precludes the emergence of a highly popular incumbent who is repeatedly returned to office by very pleased voters, the first case should be considered a democracy; and since incumbents who are ready to call off elections at the moment they anticipate a defeat violate the ex ante uncertainty and repeatability conditions for contested elections, the second case should be considered a dictatorship. But these two cases are observationally equivalent, so it is impossible to distinguish them empirically.

Part of the problem can be addressed if we assume that current actions reveal what incumbents would have done at different moments in time. Thus, Japan's Liberal Democratic Party was in office continually until the 1993 election, when

⁴ As discussed in Cheibub and Gandhi (2006), one advantage of this regime classification over existing alternatives is that it is exclusively based on explicit criteria and observable events. For this reason it is *reproducible* in a way that the alternatives are not.

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it finally lost its legislative majority. A coalition government (not including the LDP) was formed, thus characterizing an alternation in power – the first since the end of World War II. Japan is therefore classified as a democracy under the assumption that the LDP would have yielded power had it lost elections prior to 1993.

Yet even if such assumptions are made, there are cases in which it is impossible to tell what type of incumbent is in office. The best example is Botswana, where seven multiparty elections were held since independence in 1966 under conditions that most analysts consider to be free and fair (no constraints on the opposition, little visible repression, no apparent fraud)⁵ and where the incumbent won each by an atypically (for democratic elections) high margin of victory.⁶ Had the Botswana Democratic Party lost one of these elections and allowed a different party to form a government – or, in the face of defeat, had it closed parliament and changed the electoral rules – then we would be able to identify the regime either as a democracy or a dictatorship. As it is, however, we simply do not know; until one of these events happens, we need to accept that we are simply not capable of classifying Botswana with the rules we now have.⁷ We can exclude all cases such as Botswana from the data set, we can call them democracies, or we can call them dictatorships. The decision is a function of the kind of systematic error one is willing to risk in classifying political regimes – that is, whether one prefers to risk calling a real democracy a dictatorship (Type I error), or calling a real dictatorship a democracy (Type II error). Whatever our preferences, the fact remains that we cannot say for sure what kind of regime exists in Botswana. The choice here is to avoid committing Type II errors; hence regimes that meet the first three rules but have not experienced an alternation in power are classified as dictatorships.⁸

⁵ According to the U.S. Department of State's country profile, "each of the elections since independence has been freely and fairly contested and has been held on schedule"; (<http://www.state.gov/r/pa/ei/bgn/1830.htm>). The Freedom House, in turn, states that "international observers declared polling free and fair" (2005:95).

⁶ Przeworski et al. (2000) estimate that the conditional probability that the share of seats obtained by the largest party is larger than two thirds, given that a regime is democratic, is 0.126. By Bayes' rule, the probability that a country is democratic – given that the share of seats for the largest party is larger than two thirds – is 0.0877.

⁷ It is important to emphasize that this is not an argument for the necessity of creating some sort of intermediate regime category. The fact that we cannot tell which regime it actually is does not make Botswana any less of a democracy or dictatorship.

⁸ In practical terms this decision makes little difference. The data set contains a variable, TYPEII, which identifies the cases that are coded as a dictatorship because of this decision. Consequently, it is easy to reclassify political regimes so that Type I errors are avoided, or simply to exclude these cases from specific analyses.

One consequence of formulating the rule for regime classification in this way is that the uncertainty inherent in cases such as Botswana may be resolved as history unfolds. Indeed, the regime classification is inherently “dated” in the sense that decisions will be made on the basis of the information available *at the time the classification is being implemented*. Uncomfortable as this may be, in 1990 Japan would thus have been classified as a Type II dictatorship.

In the original classification (Przeworski et al. 2000), 92% of the regimes of all the countries that existed between 1950 and 1990 were unambiguously classified by the application of the four rules; 8% of the cases were classified as a dictatorship because multiparty elections occurred but with no alternation. As we extend the classification to 2002, these proportions remain exactly the same: 8% of country-years between 1946 and 2002 are classified as dictatorships on the grounds that they fail the alternation rule. The particular cases, however, are not the same – either because new countries have emerged since 1990 and events were not sufficient to allow us to determine their regime type (e.g., in Georgia, Kyrgyzstan, and Tajikistan) or because history provided the needed information to resolve the uncertainty about the type of political regime, thus requiring that the original coding be revised (e.g., for Mexico and Senegal).

The issue that arises with countries such as Mexico under Vicente Fox and Senegal under Abdoulayé Wade, where the opposition won after a long period of incumbent victory in multiparty elections, is to determine when exactly the transition occurred. That the new government should be classified as a democracy according to our rules is not problematic. But should the government that allowed the alternation to take place be also classified as a democracy? If we answer Yes, then what about the government prior to that one, the previous one, and so on? Specifically, does the fact that Fox took office in Mexico in 2000 require that we recode the regime as a democracy all the way back to the 1920s, when the PRI first came to office?

This issue is addressed by focusing on the rules under which the incumbent came to power. If the opposition wins under rules that are identical to the ones that led to the victory of the incumbent, then the incumbent is considered democratic: the years under that person’s rule meet all four rules for classifying a regime as a democracy. This is done with all previous governments up to the point where the rules under which the incumbent came to power were changed.

The rules that matter are the broad electoral rules: who votes, how votes are counted, and who counts the votes. Thus, in the case of Mexico, we date the transition to democracy to 2000, when Fox – the candidate of one of the opposition parties – was sworn into the presidency. The electoral rules were changed under the Zedillo presidency (1994–2000) when, in 1996, an accord between

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the ruling PRI and the two opposition parties (PAN and PRD) ended the PRI's control of the Federal Electoral Institute. Similarly, transition to democracy in Senegal occurred in 2000 when the incumbent Abdou Diouf, of the Socialist Party, lost to Abdoulayé Wade, of the Democratic Party. Diouf's last victory had been in the 1993 election, prior to the creation of the independent National Observatory of Elections in 1997.

Applying these rules leads to the identification of 3,273 years of democracy in 129 countries between 1946 and 2002. Appendix 2.1 lists these cases, which represent 41.5% of the 7,880 possible years experienced by the 199 countries that existed at some point since 1946. These are the cases for which we must now identify the form of government.

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There is, of course, more than one way to distinguish democracies. Given the necessity of organizing competitive elections and alternation in power, rules – that is, institutions – are paramount in democracies. A moment's consideration of what these rules entail is sufficient to convey the complexity and the variety of what needs to be specified for *competitive elections* to take place.⁹ There are hundreds of ways to combine these rules and thus, in principle, hundreds of ways to differentiate democratic regimes. The focus here is on the form of government, that is, on the rules defining who the government is, how it comes to power, and how it remains in power. As seen in Chapter 1, there is a vast literature that suggests the form of government is causally related to the survival chances of democratic regimes.

Classifications of forms of democratic government abound in the literature. There seems to be a general consensus that there are two “pure” types of systems, parliamentary and presidential, as well as one system that combines features of both – variously called a mixed, semipresidential, or parliamentary–presidential system.¹⁰ The classification to be presented in this chapter likewise

⁹ This includes, *at the least*, rules about how to run the elections; about what is to be the object of competition, which includes the organization of the legislature and the definition of the government; about who is entitled to vote and to run in the election, which includes whether parties (universally the main vehicle for electoral competition) are to be organized and financially supported; and about who counts the votes and who proclaims the winner.

¹⁰ Shugart and Carey (1992) seem to depart from this consensus in distinguishing two “nonpure” regime types: premier-presidential and president-parliamentary. Their distinction, however, is subsumed by the classification here in that all such cases fall within our category of mixed regimes.

groups democracies into these three categories. Existing classifications, however, use redundant and/or insufficient criteria and thus are unable to unambiguously place all cases into one of the three categories. What is distinctive about the classification offered here is that it provides a clear set of operational criteria by which democratic regimes are distinguished according to their form of government.

Conceptually, the form of government in a democracy depends on the relationship between the government, the assembly, and (where they exist) elected presidents. The main issue is whether the government can be removed by the assembly in the course of its constitutional term in office. Systems in which governments cannot be removed by the assembly are *presidential*. Systems in which they can be so removed are either *parliamentary* (when only the assembly is allowed to remove the government) or *mixed* (when either the assembly or the directly elected president can remove the government). The mechanism of removal by the legislature is the vote of no confidence initiated by the legislature – or by a failed vote of confidence that was initiated by the government itself (Huber 1996). The mechanism of removal by the elected president may be direct, such as when the president can partially or completely replace the government unilaterally, or indirect, such as when the president dissolves the assembly, calls early elections, and thus causes the government to fall.

There are several other important aspects related to the nature and operation of the government in democracies, some of which have been made into defining features of democratic forms of government. These include the nature of executive power, thought to be collective or collegial in parliamentarism and individual in presidentialism (Verney 1992; Lijphart 1999:118); the separation of heads of state and government under parliamentarism and their fusion under presidentialism (Verney 1992); the indirect election of government in parliamentarism and popular election in presidentialism (Lijphart 1999:117); the existence of a president with “constitutionally granted lawmaking authority” in presidential regimes or with “considerable powers” in “mixed” regimes (Shugart and Carey 1992:19, 24).

These features of democracies, however, are not sufficient to distinguish forms of government. Uruguay is a presidential democracy that had a collective executive between 1952 and 1967; in contrast, decisions within the British government, dominated as they are by the prime minister, can hardly be characterized as collegial.¹¹ Between 1996 and 2001, Israel popularly elected its prime minister while retaining the basic features of a parliamentary system: the

¹¹ There is a relatively large literature that emphasizes the different ways in which executive power is organized in parliamentary democracies. See Sartori (1994), Elgie (1997), and Figueiredo (2005).

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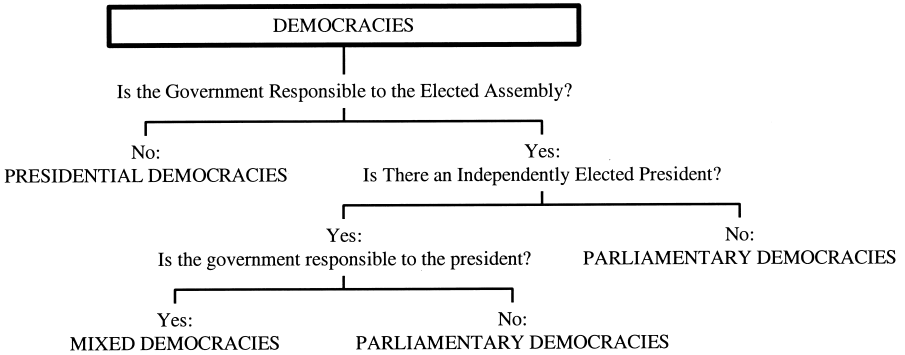


Figure 2.1 Classifying Forms of Democratic Government.

government could be removed in its entirety if the parliament passed a vote of no confidence in it. In Bolivia the president is, under some circumstances, elected by the assembly and yet the regime is not parliamentary; Venezuela prior to its 1999 constitution had a president with no constitutionally mandated legislative powers, but it was universally considered to be a presidential democracy.

Some might suggest that these constitute anomalous or intermediate cases, hybrid regimes that fall into neither the parliamentary nor the presidential category (see Mainwaring 1993; Lijphart 1999). Yet, unless we are able to provide a positive criterion for identifying these regimes, this does not seem to be a satisfactory solution because it simply creates a residual category that lumps together some very heterogeneous cases.¹² We therefore need to produce a set of criteria that unambiguously classify democratic regimes according to their form of government.

Thus: systems in which governments must enjoy the support of a legislative majority in order to exist are classified as parliamentary; systems in which governments do not need the support of a legislative majority in order to exist are classified as presidential; and systems in which governments depend both on a majority in the legislative assembly *and* on elected presidents in order to exist are classified as mixed. Operationally, the following three questions provide a sequence of steps – summarized in Figure 2.1 – that unambiguously identify presidential, parliamentary, and mixed democracies.

¹² Incidentally, as will become clear shortly, the “mixed” democracy in my classification is not a residual category. Although it combines features of both pure parliamentarism and pure presidentialism, the mixed system is a well-defined type of democracy. In this sense, it is not an intermediate or somewhat blurred category lying between the two pure forms.

Is the Government Responsible to the Assembly? Assembly responsibility means that a legislative majority has the constitutional power to remove the government from office. Since assembly responsibility is a necessary condition for the existence of a parliamentary or a mixed system, cases where there is no assembly responsibility cannot be either; hence they are presidential. In turn, cases in which assembly responsibility exists can be either parliamentary or mixed.

Formally, assemblies may affect both the formation and the survival of governments, and whether it does one or the other (or both) has been made one of the dimensions along which democratic regimes are classified (Shugart and Carey 1992; Mainwaring 1993). However, the crucial aspect for assembly responsibility is not formation of but rather survival of the government. Theoretically the latter subsumes the former: an assembly deprived of the right to elect the government yet able to pass a vote of no confidence can do so immediately following the government's formation, thereby preventing it from coming into existence. Conversely, an assembly that is allowed to elect the government may, as in Switzerland and Bolivia (when popular elections do not produce a majority winner), be barred from removing it from office, thus characterizing effective independence of the executive with respect to the legislature. As Strøm (2000:265) points out, "in the real world ... parliamentarism rarely means that the legislature actually elects the executive."¹³ What matters, he continues, "is that the cabinet must be tolerated by the parliamentary majority, not that the latter actually plays any direct role in the selection of the former." Note also that the nature of the executive – collective or not – is immaterial for the classification of forms of democratic regimes. Thus Switzerland, where the assembly elects a collective government that cannot be removed before the end of its term, is classified as a presidential regime: the assembly does not affect the survival of the government.

Identification of cases in which the government is responsible to the assembly is fairly unproblematic. The language in the vast majority of constitutions is unambiguous when it allows the assembly to initiate a vote of no confidence in the existing government, or when it stipulates that governments may request such a vote in connection with specific pieces of legislation. There are, however, two points that need to be clarified. First, it does not matter whether the assembly's ability to pass a no-confidence vote is restricted. For example, article 87 of the 1996 Ukrainian constitution allows the assembly to consider a vote of

¹³ As a matter of fact, such an election is not that rare. According to Laver and Schofield (1998:64), it is required in nine out of twenty European parliamentary democracies. Nonetheless, a formal vote of investiture is not required at all in a significant number of parliamentary democracies.

no confidence in the government only once in each of the two annual legislative sessions. Article 117 of the 1993 Russian constitution – probably the most restrictive in the set of democratic constitutions – requires that the Duma approve a motion of no confidence in the government twice within three months before the president is forced to choose between the resignation of the government and the dissolution of the assembly. But even in these restrictive cases the government is subject to the confidence of the assembly in a way that it is not under presidential constitutions, where the government cannot under any circumstances be removed by a vote of the legislative assembly.

Second, government removal by the assembly means that the entire government must resign when the assembly approves a no-confidence vote. This implies that cases in which the assembly can remove individual ministers but not the government as a whole – as in Chile during its “parliamentary” republic (Stanton 1997) – are not instances of assembly responsibility. Similarly, cases in which there is a council of ministers that can be removed by the assembly but in which the head of the government serves a fixed term, as in most Peruvian constitutions, do not qualify as cases of assembly responsibility either.¹⁴

Is There an Independently (either Directly or Indirectly) Elected President? By itself the existence of a directly elected president is neither a necessary nor a sufficient condition for identifying a democratic system: direct presidential elections take place in both presidential and mixed systems; and indirect presidential elections may be a feature of both presidential systems (as in the United States or in Argentina until 1994) and parliamentary systems (e.g., Germany, Italy, Greece). However, in conjunction with information about assembly confidence, the lack of a directly elected head of government identifies most cases of parliamentary democracies. Hence, this question allows us to identify countries that, owing to the absence of a directly elected head of government (in combination with assembly confidence), can neither be presidential nor mixed. These countries must therefore be parliamentary, even if their heads of government are – as in South Africa, Kiribati, and the Marshall Islands – called “presidents.”

¹⁴ The 1993 Peruvian constitution stipulates that the president is the head of the government (article 118) who chooses the president of the council of ministers (i.e., the prime minister) and the other ministers independently (article 122). The president of the council of ministers as well as the ministers themselves are individually and collectively subject to assembly confidence, but the president is not. This has been a feature of Peruvian constitutions since the one promulgated in 1856 (Paz-Soldan 1943). The 1978 constitution in Sri Lanka has similar provisions: article 30 names the president as the head of the government, and article 43 creates a cabinet of ministers of which the president is a member and the head. The cabinet is subject to assembly confidence, but if dissolved the president remains in office.

Is the Government Responsible to the President? Given assembly responsibility, the issue is to determine whether the government is responsible to the president. Government responsibility to the president can be direct, as when the president can unilaterally dismiss the government in its entirety or one minister at a time. It can also be indirect, as when the president dismisses the government by dissolving the assembly. In both cases the government depends on the support of a legislative majority *and* an independently elected president in order to stay in office. Thus, given assembly responsibility and an independently elected president, either type (direct or indirect) of government responsibility to the president is sufficient to characterize the regime as “mixed.”¹⁵ Cases in which the president cannot dismiss the government and/or dissolve the assembly are classified as parliamentary democracies.

Operationally, answering these questions and identifying the form of government is largely unproblematic. Both popular election of the president and government responsibility to the legislative assembly are easily identified in the existing constitutions. Government responsibility to the president is slightly more difficult to determine.

A government is responsible to the popularly elected president when at least one of the following three facts is true: (1) the president is the head of the government; (2) the president can dissolve the assembly to which the government is responsible (this will cause the government to fall); or (3) the president has some discretionary power, as indicated by the language in the constitution, to appoint and dismiss the government or individual members of the government.

It turns out that, with two exceptions, all cases in which the president is popularly elected meet at least one of these conditions. The two exceptions – the cases in which there is a popularly elected president to whom the government is *not* responsible – are Finland, where the 2000 constitution instituted a parliamentary form of government by removing the president’s power to dissolve the assembly and appoint/remove the government, and Ireland under its 1937 constitution. The language in these constitutions is subtle but clear. Regarding dissolution, the president in Finland can act only in response to a proposal by the prime minister. Section 26 of its 2000 constitution states: “The President of the Republic, in response to a reasoned proposal by the Prime Minister, and after having heard the parliamentary groups, and while the Parliament is in session, may order that extraordinary parliamentary elections shall be held.

¹⁵ This distinction is the basis for Shugart and Carey’s (1992) definition of “premier-presidential” and “president-parliamentary” democracies, although it is unclear in their detailed discussion of these systems (pp. 55–75) whether the distinction really matters.

Thereafter, the Parliament shall decide the time when it concludes its work before the elections.” In Ireland, the constitution allows the president to refuse dissolution suggested by the prime minister,¹⁶ but it does not grant the president the power to initiate dissolution. As for appointment of the government, in both Finland and Ireland it is simply ratification by the president of an election in parliament; removal of the government is required when the assembly approves a vote of no confidence in the government.¹⁷ Thus, with the exception of these two cases, all systems with a popularly elected president and government responsibility to the legislative assembly are mixed.

Observe that the classification of democracies here is entirely based on the rules prescribed in the country’s constitution. This decision is justified, in part, because we are dealing with a set of countries that have been classified as democratic on other grounds. Given this fact, it makes sense to take the constitution as the document that effectively stipulates the way in which governments are formed and survive in power. In the vast majority of cases this leads to clear and uncontroversial decisions, since the rules of government formation are well-defined and political practice conforms to the constitutional provisions. In some cases, however, there will be ambiguity – mostly because some of the scenarios prescribed by the constitution have never materialized, but also because of misconceptions induced by the language adopted in the constitution (or by the translations upon which I relied when assessing the constitutions of some countries).

The best example of the latter issue comes from South Africa, where the head of state and government are one and the same person who is called the president. However, according to the 1996 constitution (as well as the interim 1994 constitution), this “president” is subject to a vote of no confidence by a majority of the

¹⁶ Article 13, 2.2° of the 1937 constitution states that “the President may in his absolute discretion refuse to dissolve Dáil Éireann on the advice of a Taoiseach who has ceased to retain the support of a majority in Dáil Éireann.”

¹⁷ Section 61 of the 2000 Finnish constitution reads: “The Parliament elects the Prime Minister, who is thereafter appointed to the office by the President of the Republic. The President appoints the other Ministers in accordance with a proposal made by the Prime Minister.” In turn, section 64 reads: “The President of the Republic grants, upon request, the resignation of the Government or a Minister. The President may also grant the resignation of a Minister on the proposal of the Prime Minister. The President shall in any event dismiss the Government or a Minister, if either no longer enjoys the confidence of Parliament, even if no request is made.” The text of the Irish constitution is as follows: “Article 13.1.1°: The President shall, on the nomination of Dáil Éireann, appoint the Taoiseach, that is, the head of the Government or Prime Minister; 2° The President shall, on the nomination of the Taoiseach with the previous approval of Dáil Éireann, appoint the other members of the Government; 3° The President shall, on the advice of the Taoiseach, accept the resignation or terminate the appointment of any member of the Government.”

National Assembly; if approved, the president must resign and a new government must be formed.¹⁸ The fact that votes of no confidence have been unlikely in South Africa has nothing to do with what its constitution says, I believe, and everything to do with the dominance in parliament of a party holding about two thirds of the seats since competitive elections were held in 1994. Had such a large majority not existed, the relationship between the government and the parliament in South Africa would have been considerably different, with issues of government survival vis-à-vis legislative action probably occupying the forefront of political life.

Regarding the former issue – constitutional scenarios that do not materialize – the major uncertainty emerges with respect to mixed democracies, where the room for ambiguity is the largest and where the feeling is strongest that a mixed system is in fact a pure parliamentary or pure presidential democracy in disguise. In Iceland, for example, the directly elected president is commonly perceived as “a figurehead and symbol of unity rather than a political leader” (Kristinsson 1999:87). Hence, as Kristinsson puts it, “it is customary in Iceland to regard the form of government as a parliamentary one, essentially similar to the Danish one, despite the different ways heads of states come into office” (p. 86). Yet the Icelandic constitution is ambiguous with regard to the powers of the president. The president may dissolve parliament (article 24) and appoint and discharge ministers, including the prime minister (article 15). At the same time, the constitution also states that ministers execute the power of the president (article 13), thus providing the grounds for the “passive presidency” view of Icelandic politics. At the opposite extreme, although many African countries have adopted “French style” (i.e., mixed) constitutions, there is a strong sense that real power lies with the president (Bratton and van de Walle 1997; Carlson 1998).

Note, however, that it should matter whether the rules in a country *allow* for behavior that is proscribed elsewhere. In almost every instance of formal rules that do not seem to match political practices, we do find examples of behavior that conform to the constitutional prerogatives of the president and/or the assembly. Thus, in Iceland, the president’s constitutional prerogative of choosing the *formateur* was crucial for bringing to power the coalition between the Social Democratic Party and the Independence Party, a coalition that governed between 1959 and 1971. Similarly, the head of state’s decision to form a nonpartisan government – after two legislative elections and successive failed attempts at government formation by different parties – played an important role in the formation of subsequent governments in Iceland (Kristinsson 1999:93–4).

¹⁸ This is also true in the constitutions of the Marshall Islands and Kiribati.

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With respect to the mixed democracies that may look more like presidential ones, examples of government change due to confidence votes, or threats of confidence votes, abound. On 11 April 1995 the prime minister of the Central African Republic, Jean-Luc Mandaba, resigned upon the filing of a no-confidence motion signed by a majority of National Assembly members; on 19 May 1993, the prime minister of the Comoro Islands resigned after losing a vote of no confidence in the legislature; on 18 June 1995, the Comoran president dissolved the assembly to forestall a vote of no confidence in the government; the Congolese government of Stéphane Maurice Bongho-Nouarra fell on 14 November 1992 as a result of a vote of no confidence approved by the assembly; the government of prime minister Rosny Smarth in Haiti survived a vote of no confidence on 27 March 1997; in Madagascar, the government of prime minister Emmanuel Raketohahiny fell on 17 May 1996 after a motion of no confidence was approved by a vote of 109 to 15; in Niger, the government of Souley Abdoulaye resigned on 16 October 1994 after losing a no-confidence vote in the assembly. Faced with the choice of appointing a prime minister supported by opposition parties or dissolving the National Assembly, Niger's president Mahamane Ousmane chose to dissolve the assembly and call elections for January 1995; the government of Abdirizak Hadji Husseing in Somalia lost a vote of no confidence on 13 July 1964, after which it resigned. In other countries, such as Albania, Armenia, Brazil (in 1962), Senegal, Sri Lanka, and Taiwan, there is evidence that political practice was clearly guided by the possibility that the legislature could pass a vote of no confidence in the government.

Thus, the presence of a constitutional provision allowing or forbidding the president, the assembly, or both to affect a government's survival matters for the way the system works, and it is these provisions that are used here to classify democratic regimes. Of course, politics may unfold differently under similar constitutional provisions. Consider, for example, the constitutions of Germany (1919), Iceland (1944), and France (1958), whose stipulations regarding the president's power to dissolve the assembly and to appoint or remove the government are reproduced in Appendix 2.2. The German (Weimar Republic) and French constitutions read very much like the Icelandic constitution.¹⁹ Nonetheless, we have seen that Iceland's political system functions like a parliamentary democracy; Weimar is considered to be the epitome of presidential-parliamentary

¹⁹ The Icelandic constitution seems to give more power to the president than either the Weimar constitution or de Gaulle's constitution: in the former, the president is limited in his ability to dissolve parliament because he can only do it once for the same reason; in France, the president is supposed to consult the prime minister and the presidents of both legislative assemblies before dissolution. No such limitations exist in Iceland.

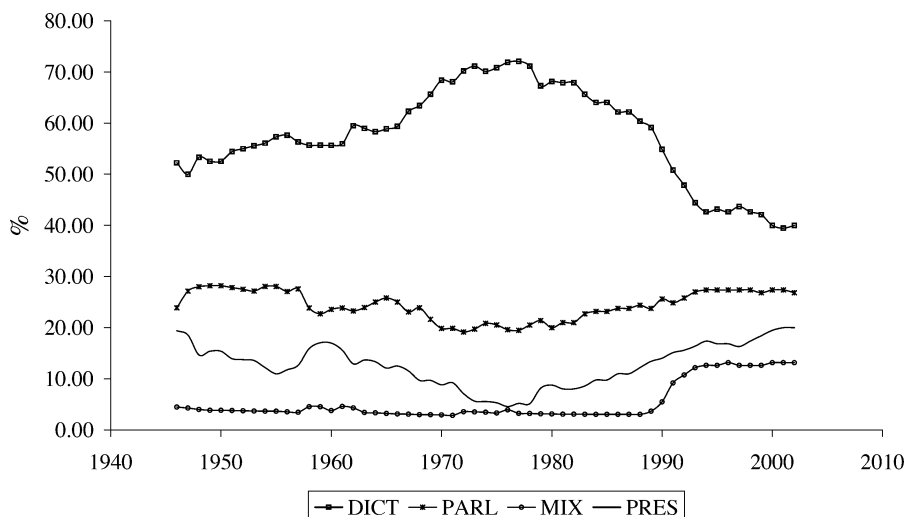


Figure 2.2 Proportion of Democracies and Dictatorships in the World, 1946–2002.

systems, which are characterized not only by the government’s assembly responsibility but also by the primacy of the president (Shugart and Carey 1992:24); and France is considered to be the prototypical mixed or semipresidential system (Duverger 1980; Shugart and Carey 1992; Sartori 1994). Clearly the system’s actual operation cannot itself be taken as the basis of regime classification, because politics actually unfolds in ways that necessarily depend on factors that are extra-constitutional. That mixed constitutions accommodate polities that operate sometimes like a presidential regime, sometimes like a parliamentary one, and sometimes like a “true” mixed system is intriguing and should be the object of investigation. Perhaps there is something about mixed constitutions that, in combination with some other factors, tilts the system in one way or another. Nonetheless, the constitutions in all these systems are similar in the sense that they make the government responsible to both the president and the assembly.

A Note about Mixed Systems

It is a well-known fact that the number of democracies in the world has increased considerably, in both absolute and relative terms, since the 1980s. Whereas 110 of the 162 countries (68%) that existed in 1982 had nondemocratic regimes, in 2002 only 76 out of 190 countries (40%) were not living under some form of democratic system. This evolution is displayed in Figure 2.2. The 114 democracies

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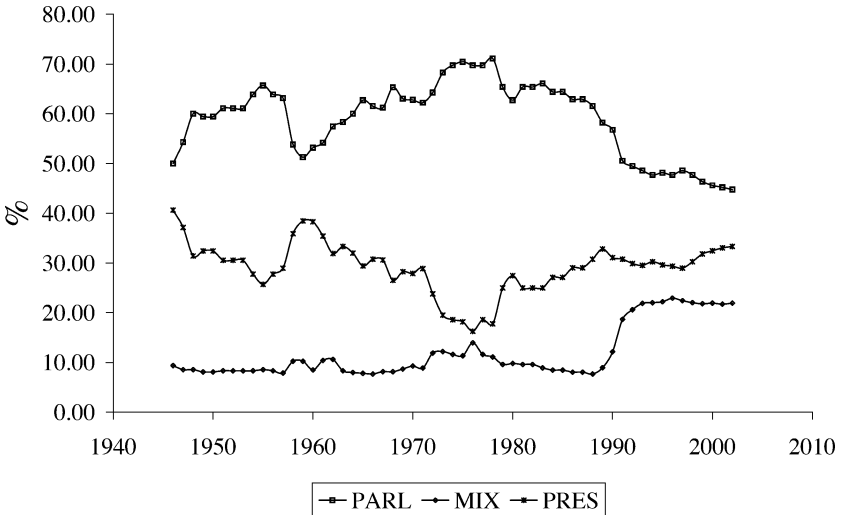


Figure 2.3 Forms of Government in Democratic Systems.

that existed in 2002, as can be seen in Figure 2.3, were distributed in terms of their form of government as follows: 45% of them were parliamentary, 33% presidential, and 22% mixed. This is in contrast with the distribution in 1946, when only three countries – Austria, Finland, and Iceland – out of 32 (about 9%) with a democratic form of government had a mixed constitution. In relative terms, the expansion of mixed systems took place at the expense of both parliamentary and presidential democracies: the increase in the number of mixed democracies by thirteen percentage points was accompanied by a reduction of five and eight percentage points in the number of parliamentary and presidential democracies, respectively.

It took some time for mixed systems to be more widely adopted. The first addition to the three systems in existence in 1946 came when France adopted de Gaulle's constitution in 1958. There were short-lived experiences in Brazil (1961–1963) and Pakistan (1972–1977); Portugal, which democratized in 1976, adopted a mixed system that remains in place to this date. The steady increase in the absolute and relative number of countries with mixed constitutions started with the 1989 transition to democracy in Poland. Between 1990 and 1992, mixed constitutions were adopted in Bulgaria, Cape Verde, the Central African Republic, the Comoros Islands, the Congo, Lithuania, Macedonia, Madagascar, Mali, Mongolia, Niger, Romania, Russia, São Tomé e Príncipe, Slovenia, and the Ukraine. Some of these regimes (e.g., the Congo, the Comoros Islands, and

Niger) have collapsed since they were first adopted, but the proportion of mixed democracies among the set of democracies was about the same in 2002 as it was in 1992.

The amount of scholarly attention paid to mixed democracies has followed a similar pattern, with a flurry of recent studies that seek to understand whether the government's responsibility to both the president and the assembly is a curse or a blessing and with – to no one's surprise – positions varying considerably from one scholar to another.²⁰ Well-deserved as this attention may be, the current study shall not be joining the fray.

The main reason for this is theoretical. Without denying the importance of systematically considering the consequences (if any) of a mixed constitution, I argue that, for the purposes of the arguments of interest in this book, these systems are equivalent to parliamentary democracies. My aim here is to study the effect of the separation of power systems on the survival of democracy. In terms of the propositions evaluated in this book – namely, claims about the deleterious consequences of the constitutional separation of executive and legislative powers – mixed and parliamentary systems are equivalent. In both cases, the government lacks a fixed mandate and hence the rigidity that is characteristic of presidential systems is not present. Therefore, in most of the book I compare presidential with nonpresidential democracies, that is, both parliamentary and mixed systems. The results reported in the following chapters are not dependent on whether the set of countries to which presidential democracies are compared includes mixed systems or not, since nothing of substance is changed by treating parliamentary and mixed systems together.

Appendix 2.1: Classification of Democratic Forms of Government

Parliamentary Democracies Albania (1992–2002), Andorra (1993–2002), Antigua (1981–2002), Australia (1946–2002), Bahamas (1973–2002), Bangladesh (1991–2002), Barbados (1966–2002), Belgium (1946–2002), Belize (1981–2002), Canada (1946–2002), Czechoslovakia (1990–1992), Czech Republic (1993–2002), Denmark (1946–2002), Dominica (1978–2002), Estonia (1991–2002), Finland (2000–2002), France (1946–1957), Germany (1949–2002), Ghana (1969–1971), Greece (1946–1966), Greece (1974–2002), Grenada (1974–1978), Grenada (1984–2002), Hungary (1990–2002), India (1947–2002), Ireland (1946–2002), Israel

²⁰ See Roper (2002), Schleiter (2003), Moestrup (2004), Elgie (2004, 2005), and Schleiter and Morgan-Jones (2005).

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(1948–2002), Italy (1946–2002), Jamaica (1962–2002), Japan (1947–2002), Kiribati (1979–2002), Laos (1954–1958), Latvia (1991–2002), Lebanon (1946–1974), Lesotho (1993–2002), Liechtenstein (1990–2002), Luxembourg (1946–2002), Malta (1964–2002), Marshall Islands (1991–2002), Mauritius (1968–2002), Myanmar (1948–1957), Myanmar (1960–1961), Nauru (1968–2002), Nepal (1991–2001), Netherlands (1946–2002), New Zealand (1946–2002), Nigeria (1960–1965), Norway (1946–2002), Pakistan (1947–1955), Pakistan (1988–1998), Papua New Guinea (1975–2002), St. Kitts & Nevis (1983–2002), St. Lucia (1979–2002), St. Vincent (1979–2002), Sierra Leone (1961–1966), Slovak Republic (1993–2002), Solomon Islands (1978–2002), Somalia (1960–1968), South Africa (1994–2002), South Korea (1960), Spain (1977–2002), Sri Lanka (1948–1976), Sudan (1956–1957), Sudan (1965–1968), Sudan (1986–1988), Suriname (1975–1979), Sweden (1946–2002), Thailand (1975), Thailand (1983–1990), Thailand (1992–2002), Trinidad & Tobago (1962–2002), Turkey (1961–1979), Turkey (1983–2002), United Kingdom (1946–2002), and Vanuatu (1980–2002).

Mixed Democracies Armenia (1995–2002), Austria (1946–2002), Brazil (1961–1962), Bulgaria (1990–2002), Cape Verde (1991–2002), Central African Republic (1993–2002), Comoros (1990–1994), Republic of Congo (1992–1996), Croatia (1991–2002), Finland (1946–1999), France (1958–2002), Haiti (1994–2002), Iceland (1946–2002), Lithuania (1991–2002), Macedonia (1991–2002), Madagascar (1993–2002), Mali (1992–2002), Moldova (1996–2002), Mongolia (1992–2002), Niger (1993–1995), Niger (2000–2002), Pakistan (1972–1976), Poland (1989–2002), Portugal (1976–2002), Romania (1990–2002), Russia (1991–2002), São Tomé e Príncipe (1991–2002), Senegal (2000–2002), Slovenia (1991–2002), Taiwan (1996–2002), Ukraine (1991–2002).

Presidential Democracies Argentina (1946–1954), Argentina (1958–1961), Argentina (1963–1965), Argentina (1973–1975), Argentina (1983–2002), Armenia (1991–1994), Benin (1991–2002), Bolivia (1979), Bolivia (1982–2002), Brazil (1946–1960), Brazil (1963), Brazil (1979–2002), Burundi (1993–1995), Chile (1946–1972), Chile (1990–2002), Colombia (1946–1948), Colombia (1958–2002), Costa Rica (1946–1947), Costa Rica (1949–2002), Cuba (1946–1951), Cyprus (1983–2002), Dominican Republic (1966–2002), Ecuador (1948–1962), Ecuador (1979–1999), El Salvador (1984–2002), Ghana (1979–1980), Ghana (1993–2002), Guatemala (1946–1953), Guatemala (1958–1962), Guatemala (1966–1981), Guatemala (1986–2002), Guinea-Bissau (2000–2002), Guyana (1992–2002), Honduras (1957–1962), Honduras (1971), Honduras (1982–2002), Indonesia (1999–2002), Ivory Coast (2000–2002), Kenya (1998–2002), Malawi (1994–2002), Mexico (2000–2002),

Micronesia (1991–2002), Namibia (1990–2002), Nicaragua (1984–2002), Nigeria (1979–1982), Nigeria (1999–2002), Palau (1994–2002), Panama (1949–1950), Panama (1952–1967), Panama (1989–2002), Peru (1946–1947), Peru (1956–1961), Peru (1963–1967), Peru (1980–1990), Peru (2001–2002), Philippines (1946–1965), Philippines (1986–2002), San Marino (1992–2002), Sierra Leone (1996), Sierra Leone (1998–2002), South Korea (1988–2002), Sri Lanka (1989–2002), Suriname (1988–1989), Suriname (1991–2002), Switzerland (1946–2002), Uganda (1980–1984), United States (1946–2002), Uruguay (1946–1972), Uruguay (1985–2002), Venezuela (1946–1947), Venezuela (1959–2002), Zambia (1991–2002).

Appendix 2.2: Government Formation and Assembly Dissolution in Three Mixed Constitutions – Weimar (1919), Iceland (1949), and France (1958)

Definition of the Government

Weimar Article 52: The Reich government consists of the chancellor and the Reich ministers.

Iceland Article 2: Althingi and the President of Iceland jointly exercise legislative power. The President and other governmental authorities referred to in this Constitution and elsewhere in the law exercise executive power. Judges exercise judicial power.

Article 16: The State Council is composed of the President of the Republic and the Ministers and is presided over by the President. Laws and important government measures shall be submitted to the President in the State Council.

France Article 21: The Prime Minister directs the operation of the Government. [Government is not explicitly defined.]

President's Power to Dissolve Assembly

Weimar Article 25: The Reich president has the right to dissolve the Reichstag, but only once for the same reason. New elections are held no later than sixty days after the dissolution.

Iceland None.

France Article 12: The President of the Republic, after consulting the Prime Minister and the Presidents of the Assemblies, can declare the National Assembly dissolved. General elections take place not less than twenty days and not more than forty days after the dissolution. The National Assembly convenes as

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of right on the second Thursday following its election. If it convenes outside the period prescribed for the ordinary session, a session is called by right for a fifteen-day period. No new dissolution can take place within a year following this election.

Appointment of the Government

Weimar Article 53: The Reich chancellor, and, at his request, the Reich ministers, are appointed and dismissed by the Reich President.

Iceland Article 15: The President appoints Ministers and discharges them. He determines their number and assignments.

Article 20: The President appoints public officials as provided by law. The President may remove from office any official whom he has appointed.

France Article 8: The President of the Republic appoints the Prime Minister. He terminates the functions of the Prime Minister when the latter tenders the resignation of the Government. On the proposal of the Prime Minister, he appoints the other members of the Government and terminates their functions.

Operation of the Government

Weimar Article 55: The Reich chancellor presides over the Reich government and conducts its affairs according to the rules of procedure, to be decided upon by the Reich government and to be approved by the Reich president.

Article 56: The Reich chancellor determines the political guidelines and is responsible for them to the Reichstag. Within these guidelines every Reich minister leads his portfolio independently, and is responsible to the Reichstag.

Iceland Article 13: The President entrusts his authority to Ministers.

France Article 9: The President of the Republic presides over the Council of Ministers.

Article 13: The President of the Republic signs the ordinances and decrees deliberated on in the Council of Ministers.

Assembly Confidence

Weimar Article 54: The Reich chancellor and the Reich ministers, in order to exercise their mandates, require the confidence of the Reichstag. Any one

of them must resign if the Reichstag votes by explicit decision to withdraw its confidence.

Iceland Article 14: Ministers are accountable for all executive acts. The accountability of the Ministers is established by law. Althingi may impeach Ministers on account of their official acts. The Court of Impeachment has competence in such cases.

France Article 49: The Prime Minister, after deliberation by the Council of Ministers, may make the Government's program or possibly a statement of its general policy an issue of its responsibility before the National Assembly. The National Assembly may question the responsibility of the Government by the vote on a motion of censure. Such a motion shall be admissible only if it is signed by at least one-tenth of the members of the National Assembly. The vote may only take place forty-eight hours after the motion has been filed; the only votes counted shall be those favorable to the motion of censure, which may be adopted only by a majority of the members comprising the Assembly. Except in the case specified (*prévu*) in the paragraph below, a deputy cannot be signatory to more than three motions of censure in the course of the same ordinary session and more than one in the course of the same extraordinary session. The Prime Minister may, after deliberation by the Council of Ministers, make the passing of a bill an issue of the Government's responsibility before the National Assembly. In that event, the bill shall be considered adopted unless a motion of censure, introduced within the subsequent twenty-four hours, is carried as provided in the preceding paragraph. The Prime Minister may ask the Senate to approve a statement of general policy.

Article 50: Where the National Assembly carries a motion of censure, or where it fails to endorse the program or a statement of general policy of the Government, the Prime Minister must tender the resignation of the Government to the President of the Republic.