

Legislatures and Executives

An extremely important set of institutional decisions facing constitutional designers relates to the relationship between the executive and legislative branches of government (the judicial branch is also important, but we will deal with this topic in Chapter 9). This, fundamentally, involves the choice between *presidential* versus *parliamentary* systems. Indeed, there is considerable empirical evidence that presidential and parliamentary systems have very different effects on a whole range of political issues, ranging from public spending, trade policy to political stability (Linz, 1990; Shugart and Carey, 1992; Keech and Pak, 1995; Evans, 2004; Cheibub, 2006; Tavits, 2009). Thus, some consideration of the features of presidential versus parliamentary system is crucial to an understanding of how institutional choices affect the development of democracy.

What are the key differences when comparing between presidential and parliamentary systems? Further, what are the characteristics of the internal structuring of executive offices and legislatures, and how do these affect the development of political democracy? These topics are the focus of this chapter.

Presidentialism

What are the primary features of presidential systems? Essentially, presidential systems are those in which there is a directly elected executive who represents an entire country and whose tenure in office is not dependent

upon legislative support. There are of course many countries that also have Presidents, such as Germany, Hungary, and India, but these are largely ceremonial heads of state, in many ways serving the same role as the monarch in constitutional monarchies such as the United Kingdom, the Netherlands, and Japan. Thus merely having a president does not make for a presidential system.

In general, there are four key characteristics of presidential systems. First, there is the *separation of powers* between the various branches of government (Shugart and Carey, 1992). This refers to a division of responsibility between the executive, legislative, and judicial branches, where the executive branch administers the law, the legislature writes the laws, and the judiciary interprets or reviews the constitutionality of the laws. In parliamentary governments, this separation is lacking inasmuch as the executive and legislative branches are fused together (Robbins, 2010).

Second, Shugart and Carey (1992) note that presidents are *directly elected* through some type of nationwide vote. Thus, ascendance to office is not dependent on sufficient legislative support as in parliamentary systems, but rather upon support of the entire country as a constituency. Various countries use different electoral rules to govern such elections. Some countries use a simple-majority (or plurality) electoral system, in which the winner is the candidate who secures the most votes. The plurality method is used in the presidential elections in Bosnia and Herzegovina, Cameroon, the Comoros Islands, Equatorial Guinea, Guyana, Honduras, Iceland, Kiribati, South Korea, Malawi, Mexico, Palestine, Panama, Paraguay, the Philippines, Rwanda, Singapore, Taiwan, Tunisia, Venezuela, and Zambia. On the other hand, other countries, such as France and Poland, employ a majority system with two rounds, where the winner must possess more than 50 percent of the nationwide vote to be elected in the first round, or a plurality of the vote in the second round. Another approach uses an indirect method, which is best illustrated by some type of *electoral college*, used to elect the president. Although it is not the only country to use this system, the United States is perhaps the best-known country to employ it. In the case of the United States, both the Republican and the Democratic Parties select a slate of electors for each state equal to the number of House of Representative members and Senators from that state. The presidential candidate who wins a plurality of a state's popular vote receives the Electoral College votes of that state. Each candidate's electoral votes are then summed, and the candidate with a majority of the Electoral College votes (that is, 270) is declared the winner of the election (Robbins, 2010).

A third feature of presidential systems is that presidents serve *fixed terms*, and these terms are not dependent on the continued confidence (or support) of the legislature. In most cases these terms last from four to five years (although the term of the French President is seven years). Although presidents' terms in office are not dependent on support in the legislature, most systems have some provisions for the removal of a president from office for some major offenses, via a process called *impeachment*. For example, during the 1990s, after the Monica Lewinsky scandal, the US Congress impeached President Bill Clinton, although there were not enough votes in the Senate to remove him from office. In the early 1990s, the Russian legislature similarly sought to impeach Boris Yeltsin (who also survived). Thus, in contrast to a parliamentary system where the Prime Minister and the Cabinet need to maintain the support of parliament, a president can be eternally at odds with legislators and not jeopardize his or her own political survival.

A fourth characteristic of presidential systems is that presidents, as chief executives, *form their own cabinets*. Indeed, this appointed cabinet (which in some systems like the United States requires the confirmation of the upper house of the legislature, the Senate) acts largely as a set of advisors to the President, and serve at his/her behest. This authority is significantly different under parliamentary regimes, in which cabinet appointments are typically more of a cooperative endeavor.

The final primary attribute of a presidential system relates to the chief executive's law-making authority. In some countries, presidents have virtually independent law-making authority. The President of the United States, for example, can issue executive orders and executive treaties that can, but do not always, carry the same weight as congressional legislation. In other countries, such as in Russia and the Ukraine, the president has powers that rival that of the legislature (Ishiyama and Kennedy, 2001; Protsyk, 2004). For instance, Steven Fish (2000, pp. 22–23) refers to the Russian and Ukrainian presidencies as *superpresidencies*, which are characterized by

an apparatus of executive power that dwarfs all other agencies in terms of size and the resources it consumes; a president who enjoys decree powers; a president who *de jure* or *de facto* controls most of the powers of the purse; a relatively toothless legislature that cannot repeal presidential decrees and that enjoys scant authority and/or resources to monitor the chief executive; provisions that render impeachment of the president virtually impossible; and a court system that is controlled wholly or mainly by the chief executive and that cannot in practice check presidential prerogatives or even abuse of power.

Superpresidentialism is a regime. It may be contrasted with autocracy, insofar as the chief executive does not enjoy total power and is subject to bona fide, periodic challenge in national elections.

Parliamentarism

The other major type of democratic system is parliamentarism. Parliamentary systems actually outnumber presidential states in the world. The classic parliamentary system is often referred to as the *Westminster model*, named after the United Kingdom's government. The first key defining characteristic of this model is that, unlike in presidential systems, where the heads of state and government are often embodied in the same person, parliamentary systems separate the two roles, with the head of state in a largely ceremonial role (as is the case of the role of the Crown in the United Kingdom) and the prime minister as head of government.

Second, unlike in presidential systems where the head of government (the president) is powerful and has a separate electoral constituency, in a parliamentary system the head of government's authority is dependent on maintaining support in the legislature. Indeed, the prime minister and the cabinet are generally selected by the parliament to govern. Thus there is the *fusion* of the executive and legislative branches. Although presidential systems generally have a separation of powers among the various branches of government, such separation is not found in most parliamentary regimes. Instead, parliamentary governments often combine the responsibilities of both the legislative and the executive branches.

Generally, the process of government (or cabinet) formation in a parliamentary system involves the following steps (Laver and Shepsle, 1996). After the general election, in which voters decide how many seats are allocated to the various political parties, the elected representatives in a parliament are then given the task of establishing or forming the government. The majority party (the party that has the majority of seats in parliament) or a coalition of parties that can demonstrate they control enough seats to ensure passage of legislation then puts forward a government (a prime minister or premier and cabinet). If one party wins a clear majority of the seats in the parliament, then government formation is fairly straightforward—the majority party selects the prime minister/premier and the cabinet, as well as the leadership of the legislature (such as Speaker of the House, committee chairs and other legislative officers). At other times,

when there is no majority party, the party with the most seats (often referred to as the *formateur* party) is responsible for constructing the governing coalition. This party will seek a coalition partner – or sometimes multiple partners – and, after negotiations, attempt to cobble together enough support to provide the coalition with a majority of parliamentary seats, and then jointly decide the composition of the government (generally dividing ministerial offices, or portfolios among themselves). When no clear majority winner emerges, occasionally, there is the formation of a *minority* government. For instance, the Canadian government for the past few years has had a minority government led by the Conservative Party. In the Canadian case, no majority party was elected and subsequent attempts to form a coalition failed. However, the Conservative Party was able to gain the acquiescence of the Bloc Québécois and other smaller parties to provisionally go along with the legislation introduced by the government, but the latter would not join the government (hence they would not be held accountable for government failures). Remarkably the Conservative government has survived, although its minority status clearly constrains what it can do, policy-wise (Robbins, 2010).

After forming the ruling coalition, those in power make a number of key appointments, particularly the prime minister. The prime minister serves until he or she loses the support of the legislature, either because of the results of election or because the legislature for one reason or another no longer supports the government. When the prime minister loses support of the legislature, as evidenced through a loss in *vote of confidence* which is an act initiated by the government or a *vote of no confidence* (called for by the opposition), then the government must step down, and either a new coalition is cobbled together, or a new election is held (Clark et al., 2009). Some states use a slightly different version of the confidence vote, referred to as a *constructive vote of confidence*. In Germany and Hungary, two countries where such a tool is in use, the legislature must agree on a replacement government prior to dissolving the current government. This is designed to promote a stable transition to power, as opposed to continual instability resulting from repeated votes of no confidence (Robbins, 2010).

Indeed, a distinguishing feature of parliamentary governments, as indicated in the discussion above, is the absence of fixed terms. The confidence votes used to sustain a coalition government suggest that a government can fail at any time. Although most parliamentary states have provisions that require elections to be held every four or five years, very often parliamentary terms are cut short. At times, the government itself cuts short a term,

even without a vote of confidence. Indeed, when a government is viewed in a positive manner, the government may ask for new elections to be held earlier (usually requesting this of the head of state, who is formally charged with the power to grant new elections, and almost invariably does so) to capitalize on high levels of public approval. However, when public approval ratings are low or decreasing, then the governing coalition will often postpone elections. Some scholars have found that since political leaders possess more accurate information than voters, early elections will be held if elected officials anticipate political strife or economic turmoil which will allow the government to survive longer (Smith, 2003). As a corollary, other works have found that voters are cognizant of this practice and, in some cases, may punish coalition members for holding elections too early (Robbins, 2010).

In a parliamentary system, party discipline is crucial. If parties cannot ensure that their representatives will vote as a bloc (and hold to the coalition agreement), then they will not appear to be attractive coalition partners. Thus, political parties have, under the conditions of parliamentary democracy, developed many mechanisms to ensure that individual representatives “toe the party line.” These include controlling campaign finances, control of nomination processes (such as to a district or placement on a party list in the case of proportional representation system) and other incentives.

In addition, there are a few other features of parliamentary systems. Behaviorally, because their own political survival depends on cooperating with the executive, members of the legislature are more willing to work with the executive branch than are legislatures in presidential regimes (who often find their agendas and interest to be at odds with the sitting president’s). Further, generally, most parliamentary systems are also characterized by the use of a *proportional representation* (PR) electoral system to translate votes into seats. There are some exceptions to this. Great Britain and India each employ a *single-member district* (SMD) plurality electoral system to fill legislative seats. The use of the SMD electoral system in Great Britain has largely favored the two major parties – the Conservatives and the Labour Party – at the expense of the Liberal Democrats. Generally, this has not led to coalition governments, but in places like India and Canada, where there are significant ethnic and regional differences, coalition governments have been the norm in recent years. However, the elections in 2010 in the UK created a coalition government of the Conservatives and the Liberal Democrats.

Nonetheless, in most parliamentary systems, multiparty systems are the norm. To some extent, parliamentary structures can be attractive alternatives for societies that might be deeply divided along ethnic or religious lines. Thus, given the deep sectarian divides in Iraq, it should not be surprising that the architects of the constitution there opted for a parliamentary system (along with a PR electoral system). These structures allow for multiple interests to be represented in the center of power, including religious and ethnic interests.

Hybrid Systems

Beyond the archetypes of presidential and parliamentary systems, there are also *hybrid regimes* (sometimes called *semi-presidential systems*), which combine elements of both. Generally these systems have developed in reaction to some particular crisis (as in the French case) or as a legacy of some authoritarian past, which had a tradition of a strong, independent executive (such as in Russia). For instance, the French system is a mixed system, with the features of both a presidential system and a parliamentary system. Resulting from the constitutional changes introduced in 1959 with the foundation of the Fifth Republic, the system was a reaction to the previous weaknesses of the Fourth Republic (1953–1959). The Fourth Republic had been a parliamentary system with a proportional representation electoral system, and produced a series of weak coalition governments, which were unable to deal with the series of crises, both domestic and international that culminated in an attempted coup by elements of the French Foreign Legion. To address these problems, the designers of the French Fifth Republic changed the electoral system (as discussed in Chapter 7) and appended a far strengthened Presidency to the parliamentary system. The president was charged with significant executive powers and a lengthened presidential term of seven years.

These powers include:

- 1 The president is Head of State.
- 2 The president has the ability to make laws via decrees and may refer these laws for review to the Constitutional Council prior to promulgation.
- 3 The president may dissolve the National Legislature and call for new elections.

- 4 The president may refer treaties or certain types of laws to a popular referendum, but needs the agreement of the prime minister or the parliament.
- 5 The president is the Commander-in-Chief of the military.
- 6 The president names the prime minister, who is confirmed by the legislature. However, the prime minister cannot be dismissed by the president. The president can name and dismiss ministers in the cabinet, but only with the consent of the prime minister.
- 7 The president names certain members of the Constitutional Council, the primary court dealing with constitutional judicial issues.
- 8 All decisions of the president must be countersigned by the prime minister.

However, despite these enumerated powers, the division of labor between the strengthened presidency and the prime minister is not always clearly delineated. To some extent the prime minister is responsible to the president (inasmuch as the president nominated the candidate for the prime minister, subject to approval from the parliament). On the other hand, the prime minister is also subject to votes of confidence in the parliament, and hence, must muster parliamentary support for the government. When the president and the majority in parliament are from the same party or party coalition, the prime minister acts as “second” to the president, and the latter has significant influence of domestic policy. However, when the president and prime minister are from different parties, then there is the practice of *cohabitation*. During cohabitation, in which the legislature and executive are controlled by different political parties, there is a division of labor, or sorts. Under such conditions, the prime minister leads the government and handles domestic policies, but the president handles foreign affairs. However, the French President, as can the US President, can exercise *veto power*, whereby the executive can prevent a bill from becoming a law, even during periods of cohabitation.

On paper, the Russian system also resembles the French system. The Russian President is also elected directly, as is the case of the French presidency, and there is a parliamentary system, with a prime minister and cabinet, simultaneously responsible to the president and parliament. In reality, however, the prime minister is primarily responsible to the president, and acts as the president’s head of government, at least on paper. When Boris Yeltsin and Vladimir Putin were president, this was clearly the case, with the prime minister playing a subordinate role to the

president. However, with the election of Dmitri Medvedev in 2007 (Putin's hand-picked successor) and the selection of Putin as prime minister, the roles reversed, with Putin as the dominant personality in the executive partnership.

Further, the Russian presidency is far more powerful than most presidents elsewhere, with significant executive, legislative, and even judicial powers (Fish, 2000). Not only does the Russian President have significant appointment and decree powers (which have the force of law and are not subject to overturn by the legislature) but the president also has important judicial powers. For instance, in the case of disputes between various regions in the Russian Federation, the president, not the courts, has first jurisdiction. Further regarding issues of constitutionality and judicial review, again the Russian President, and not the courts, makes first determination if a regional law circumvents the constitution, and he then refers it to the Russian Federation Constitutional Court. Thus, although in form, the Russian system appears to be a hybrid system, it is in reality a "super-presidential" system.

The Effects of Presidentialism and Parliamentarism

When considering whether to choose a presidential or parliamentary model, it is necessary to consider the attributes of each system and their posited effects on democracy. What are the posited benefits of presidentialism and parliamentarism?

As far as presidentialism is concerned, the literature emphasizes three key benefits of presidential systems: (1) government efficiency; (2) the representativeness of the entire populace; and (3) the checks and balances (Robbins, 2010). First, an attractive aspect of most presidential systems is that they promote *efficiency*. In this sense, efficiency means that voters know, prior to casting a ballot, what the new government will look like. That is not to say that the outcomes are preordained but rather that the most likely scenarios are widely known. This efficiency provides voters with a wealth of information as they decide which candidate to support. Being able to view the candidates who will govern when elected (as opposed to the wheeling and dealing after an election which is characteristic of most parliamentary systems), allows voters to have an idea of what they are voting for. They also know that, if elected, their candidate should pursue the policies supported by his or her electorate. In

parliamentary systems, on the other hand, it is quite possible that a voter who votes for a certain party may not see their preferred policies enacted because of the need for compromise among the participants in a coalition government.

A second attractive attribute of presidential systems is that the president represents a national constituency, as opposed to a particular constituency or particular political party. By definition, this also means that for presidential candidates to win, they cannot appeal to narrow partisan or constituent interests, and must expand their appeal enough to be appealing to a large number of different points of view. This provides some incentive for political moderation on the part of the presidential candidates (Horowitz, 1990).

A third appealing attribute of presidential systems is the separation of powers that characterize these systems. This provides multiple points for citizens to influence the policy process. Further, it provides for representation of different interests in the center of power. For instance, one party might control the presidency and the opposition the legislature (or the existence of *divided government*). Thus, people from different ideological backgrounds should have some say in policy-making as long as there are multiple political actors or institutions with some semblance of power. Finally, separation of powers prevents one branch from becoming too powerful relative to others, thus acting as a “hedge” against potential dictatorship. This certainly was one of the justifications for the institution of separation of powers in the United States, as the framers of the US Constitution saw this as way to prevent the emergence of “tyranny.”

On the other hand, advocates of parliamentary systems point to several features of parliamentarism that make it superior to presidentialism. For instance, it is argued that parliamentarism and not presidentialism is better at promoting the accountability of the political leadership. First, unlike presidential systems where an ineffective president can scapegoat the legislature for policy failures, the unified legislature executive relationship prevents this from happening in a parliamentary system. Second, parliamentary systems allow for the removal of a prime minister and cabinet at any time, via votes of no confidence. Barring any significant scandal or an attempted *coup d'état*, most presidents cannot be removed from office until the expiration of their term. Consequently, a nefarious or incompetent president cannot be removed prematurely (unless impeachment proceedings are initiated), thus enabling the president to wreak further havoc. Third, unlike presidential systems where the president rarely appears before

the legislature to address questions of policy (unless there are very special circumstances, or because there is an occasional ceremonial requirement, as exists in the United States with the Presidential State of the Union address), in parliamentary systems, prime minister and cabinet are often required to appear before the legislature and address questions posed by the parliamentary membership, a process known as *interpellation*. This allows the legislature's continuous monitoring of the activities of the executive. Thus, advocates of the parliamentary model would suggest that this style of governance is better able to reward or punish the politicians at the head of the government.

Finally, parliamentary systems are thought to be more conducive to the formation of organizationally strong and disciplined political parties. This is because in parliamentary systems, parties have a strong incentive to promote organizational coherence because of the need to maintain party coherence to participate in coalition governments (Steffani, 1995). Parties that are unable to ensure the discipline of their party's representatives are unlikely to be attractive coalition partners. Creating and maintaining disciplined parties, moreover, can help legislators overcome collective action problems through organizing members, delivering necessary information, and rewarding loyal rank-and-file members (Aldrich, 1995).

On the other hand, presidential systems tend to constrain party-building efforts. Hale (2007), Fish (2000) and Mainwaring (1993) have argued that strong presidencies tend to be inimical to the development of political parties. There are several reasons cited as to why presidentialism militates against the development of political parties. First, by concentrating authority in the hands of a single individual, the politics of personality prevails, making it more difficult for parties to develop coherent programs and identities. Thus, presidentialism affects party building because it encourages greater personalism in politics than a parliamentary system (Mainwaring, 1993). Fish (2000) contends that this effect is exhibited throughout the states of the former Soviet Union where presidentialism "chills party development in part by holding down incentives for important political and economic actors to invest in politics." Most importantly, candidates have relatively little incentive to associate with political parties, when the legislature (the principal arena for party politics) has such little say in policy. Rather, individuals tend to focus on forming personal attachments with presidential hopefuls, bypassing association with political parties.

Thus, there are both positive and negative attributes of presidentialism and parliamentarism. In part, this explains why hybrid systems are also attractive options for constitutional engineers (as in France and in Russia) where the system allows for the combination of the best of both presidentialism and parliamentarism. But what are the effects and consequences on the development of democracy of choosing such systems?

The Perils of Presidentialism: Do Presidential Systems Produce Democratic Instability?

The decision as to whether to implement a parliamentary or a presidential system has been one of the more contentious debates among scholars in comparative politics. In particular, some scholars, largely based upon observations from the Latin American experience, have argued that presidential systems are not particularly conducive to the development of democracy. The reasons for this skepticism rest on four primary criticisms, all of which were first put forward by Juan Linz, when he pointed to what he called the “perils of presidentialism.”

Linz begins by noting that the fact that only a few stable democracies are characterized by presidential systems – indeed, the “the superior historical performance of parliamentary democracies is no accident” (Linz, 1990, p. 52). Essentially Linz argues that the choice of presidentialism is a bad one for many new democracies.

First, in presidential systems, the separation of powers, although held out as a check against tyranny by its proponents, actually leads to the president and assembly having competing claims to legitimacy. Both are popularly elected and hence have separate claims to legitimacy (Shugart and Carey, 1992, especially Chapter 2). These competing legitimacies can lead to deadlock and policy paralysis if the leadership of the legislature and the president have fundamental disagreements, largely because “no democratic principle exists to resolve disputes between the executive and the legislature about which of the two actually represents the will of the people” (Linz, 1990, p. 63). Although in consolidated democracies, such as the United States, this problem can be resolved via peaceful means, such is not often the case in new democracies, or countries in transition, where such policy conflicts can lead to broader, and sometimes, more violent confrontations. On the other hand, in parliamentarism, the fusion of the executive and the legislature, prevents such problems from emerging.

Second, the fixed nature of the presidential term in office presents problems as well. Since a president cannot easily be removed from office once elected, this makes it difficult to remove someone who has engaged in particularly egregious behavior. Further, just as presidentialism makes it difficult to remove a democratically elected head of government who no longer has support, it usually is quite difficult, if not impossible, to extend the term of popular presidents beyond constitutionally set limits. Presidents thus are tempted to accomplish as much as possible in a very short period of time and this “exaggerated sense of urgency on the part of the president may lead to ill-conceived policy initiatives, overly hasty stabs at implementation, unwarranted anger at the lawful opposition, and a host of other evils” (*ibid.*, p. 66).

Third, the winner-take-all nature of electoral competition also contributes to conceiving of politics as a “zero sum” game, where there can only be one winner and all others are losers. Thus,

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 ... The losers must wait at least four or five years without any access to executive power and patronage.

(*ibid.*, p. 56)

Normally this is not a problem in consolidated democracies, where the opposition has the opportunity to return to power, and there is a general acceptance of defeat. However, for many countries in transition, where there is no certainty that future elections will take place, and that the opposition may not have another chance for power, the acceptance of defeat becomes more problematic. Such was the case after the highly contested 1994 election in Angola, which was supposed to end the civil war between the governing Marxist MPLA and the opposition UNITA party led by the charismatic Jonas Savimbi. After losing the presidential elections, Savimbi declared the elections fraudulent and simply returned to the bush to re-launch the civil war.

On the other hand, in parliamentary systems, since “power-sharing and coalition-forming are fairly common, and incumbents are accordingly attentive to the demands and interests of even the smaller parties” (*ibid.*, p. 56) politics are not zero sum. Rather it is likely that cooperation between warring parties and the empowerment of the opposition will forestall the recurrence of what happened in Angola after 1994.

Fourth, Linz argues that the “style of presidential politics”, with its focus on personal power, is also less supportive of political democracy than parliamentary systems. Since the president is both head of state and head of government, and also generally charged with substantial executive powers, there is considerable incentive to personalize politics, to equate the survival of the state with the personality of the President. In other words, to paraphrase Lord Acton, a nineteenth-century British historian: “Power tends to corrupt, and absolute power corrupts absolutely.” The pressure towards dictatorship is stronger in a presidential system than in parliamentary systems, where there are substantial checks on the ability of the executive to act unilaterally.

Although much has been written about the perils of presidentialism, other scholars have questioned the connection between presidentialism and political instability. For example, Donald Horowitz (1990) argues that there are several things wrong with Linz’s argument. First, he contends that the thesis was accepted without much in the way of evidence. He points out that Linz’s evidence is predominantly based on the Latin American experience and that Linz neglects stable presidencies found in other regions, as well as unstable parliamentary systems in Asia, such as Thailand and Malaysia or in Africa, such as Nigeria in the 1960s. Second, he argues that the problems that have been associated with presidentialism (such as zero sum politics) are really the result of the use of first past the post (FPTP) electoral rules. Further, the FPTP winner-take-all system used to elect many presidents often results in disproportional outcomes and the lack of representation of significant minorities or regional groups. This exclusion can potentially exacerbate significant tensions and instability, particularly in ethnically or religiously divided societies. Finally, those who point to the perils of presidentialism also overlook the potential beneficial aspects of presidential systems, such as the incentive for moderation of politics that was discussed above.

Further, the empirical evidence is rather mixed regarding the “perils of presidentialism” thesis. Alfred Stepan and Cindy Skach (1993) provided some empirical support for the idea that presidentialism was correlated with weaker democracies, and parliamentarism with more stable democracies. However, in their data, most of the parliamentary states they included were European states (which have a long history of political stability) and most all of the presidential states were Latin American countries. These “sampling bias” problems (or that the countries considered do not represent the entire population of countries) may color the results. The real issue is whether such systems affect developing democracies, NOT already

consolidated ones. Timothy Power and Mark Gasiorowski (1997) criticize the sampling problems associated with the Stepan and Skach study and find in their more representative sample of 50 developing countries that there was no real relationship between presidentialism and democracy or stability. Ishiyama and Velten (1998) found evidence to support Horowitz's contention that it was the electoral system and not presidentialism that explained the development of democracy in their study of 27 post-communist states in East-Central Europe and the Former Soviet Union. Jose Antonio Cheibub (2007) found evidence to support Power and Gasiorowski's conclusions, and argues that it is not presidential systems that are dangerous; rather, he demonstrates that it is the underlying social conditions or background characteristics that jeopardize democratic stability. Specifically, he suggests that whether or not a military regime had previously existed is far more important than whether a presidential system is in place, a finding that provides a different explanation for why presidentialism appears to be associated with instability in Latin America, which also has had a long history of military intervention in politics.

Thus, despite the popularity of the "perils of presidentialism" thesis, and the suggestion that it is somehow related to political instability and democratic failure, there remains considerable debate. It remains to be seen whether such choices, such as parliamentarism in Iraq or presidentialism in Afghanistan, will ultimately affect the development of democracy in places where the social, economic, and cultural conditions are not particularly conducive for democracy.

Organizing Executives and Legislatures

Beyond issues related to the general structural relationship between the executive and legislative branches (either in the form of presidentialism or parliamentarism), there are also questions related to how these branches are internally structured – what, for instance, is the relationship between the members of cabinet and the chief executive, and how are decisions generally made? How are legislatures internally organized, and what characterizes the policy process?

The role of cabinets in parliamentary, presidential, and hybrid systems

In parliamentary systems, prime ministers are elected by their governing coalition but not all prime ministers are equally powerful. Unlike in

presidential systems, prime ministers must persuade other cabinet ministers go along with policy decisions, since especially in coalition governments members of cabinet are often not from the same political party as the prime minister, and decisions made by the cabinet are made collectively, via some kind of vote of the ministers. However, this does not mean that prime ministers are of equal status when compared to other ministers. Indeed, Giovanni Sartori (1994) explains that there are at least three scenarios common to most parliamentary governments: A prime minister may be *first above unequals*, *first among unequals*, or *first among equals*. The power of the prime minister is most powerful in the first case (that is, first above unequals) and can be found in places such as Germany, Greece, and the United Kingdom (Lijphart, 1999). In contrast, among the weakest prime ministers (that is, first among equals) are the heads of government in Italy, the Netherlands, and Norway (*ibid.*). How does one discern between powerful and weak prime ministers? Typically, researchers have relied on the prime minister's authority vis-à-vis fellow members of the executive branch (for example, the Exchequer – or finance minister – in the United Kingdom compared with the prime minister), the prime minister's ability to navigate through the policy-making process, and his or her ability to remove and appoint members of the executive branch (see King, 1994; Lijphart, 1999).

In parliamentary systems, particularly those that use some variant of the Westminster system, the cabinet collectively decides the government's policy direction, especially legislation that is to be introduced by the cabinet for passage by the legislature. This generally is done by an internal debate in the cabinet, followed by a collective, secret vote, where a simple majority prevails (although this sometimes depends on the issue debated). However, once the decision is made, the cabinet is expected to put up a unified front when presenting legislation to the legislature.

In most parliamentary systems, the cabinet is made up of about 10–20 ministers, although in some cases, such as in Kenya, cabinets can be quite large (in Kenya the number of ministers exceeds 50). Cabinet ministers are selected from among sitting members of the parliament, and remain members of the legislature while simultaneously serving as cabinet ministers. In coalition governments, cabinet ministers are often members of very different parties, and in the coalition agreement the parties jostle and negotiate for the ministerial position they most value. There are of course exceptions. Occasionally ministers may be selected who are not legislators (such as in governments of specialists in times of emergency, which has not

been uncommon in countries such as Slovakia and Latvia during times of political deadlock) but this has been generally rare in consolidated democracies. In most governments, members of the cabinet hold the title of minister and each is charged with a different portfolio of duties that are associated with the ministerial rank (such as for Minister of Defense, or Minister of Interior, or Minister of Foreign Affairs, etc). Occasionally ministerial offices are called something different such as “Home Secretary” or “Chancellor of the Exchequer” or Attorney General. The day-to-day role of most cabinet members is to serve as the head of one of the ministries that comprise the national bureaucracy.

In a parliamentary system, generally the opposition also forms a “shadow cabinet” which is designed to be a government-in-waiting of sort. These opposition party members are charged with shadowing sitting cabinet members and keeping informed about decisions made and to propose policy alternatives. Shadow cabinets are particularly important in countries that require “constructive” votes of no confidence (as in Germany and Italy) where the opposition must demonstrate that they have a ready-made government to replace the current sitting government in case the no confidence vote succeeds (Robbins, 2010).

In presidential systems, on the other hand, cabinet members (in the United States and the Philippines called “Secretaries”) do not have status independent of the president. In presidential systems of government, the cabinet is part of the executive branch. Theoretically, the cabinet is meant to execute or carry out policy as opposed to making policy, but generally cabinet members have a great deal of influence in policy-making as well. In addition to heading up the departments they administer, cabinet members are generally seen as advisors to the president and primarily responsible to the president and not the legislature. Thus unlike in parliamentary systems, cabinet members serve at the pleasure of the president and are strongly subordinate to the head of government. The president has wide latitude in selecting cabinet members, and often cabinet members are selected outside of the president’s party (particularly if the president wishes to demonstrate the non-partisan or multipartisan nature of his or her administration). In addition to cabinet, Presidents also have other advisors who are directly attached to the presidential office, usually including policy areas such national security, the economy, or other areas of importance to the chief executive.

In hybrid, or semi-presidential systems, such as those that exist in France and Russia, the relationship between the president, prime minister, and

cabinet is more complex. Generally as in presidential systems, the president appoints the members of the cabinet (including the prime minister) subject to confirmation by the legislature. Further, as in presidential systems, the president is free to choose whomever he or she sees fit to be a minister, even including members of parties other than the president's own party, and ministers do not have to be sitting members of parliament (as is the case in most parliamentary systems). However, as with parliamentary systems, the cabinet is responsible to parliament and subject to interpellation and votes of confidence. Further the cabinet is not merely a set of advisors to the president, but formulates policy much along the same lines as in parliamentary systems.

The structuring of the legislative process

Besides the internal structuring of the executive, there is also the design of the legislative process. Although there are a variety of different ways to structure the legislative process, two examples are illustrative of the different ways in which this process can be structured – the internal workings of the US Congress and the UK Parliament.

In both cases, legislative officers are selected by the majority party to lead the legislative proceedings. In both the lower house of the US Congress (the House of Representatives) and the lower house of the British Parliament (the House of Commons), the principal presiding officer is the Speaker of the House. However, in the US House, the Speaker is much more powerful, doling out powerful committee assignments, and guiding the course of debate over legislation on the house floor, for example. On the other hand, the Speaker of the House of Commons is largely a ceremonial position, whose purpose is to act as a neutral arbiter of the proceedings on the house floor. The Speaker presides over the House's debates, determining which members may speak, and is responsible for maintaining order during debate. The Speaker, although a Member of Parliament, must renounce all affiliation with his or her political party when becoming Speaker.

Further, in both cases, a committee system exists which is part of the legislative process. In the US Congress, there is a complex system of legislative committees that handles the 6000–8000 bills that are introduced in a two-year session of the House of Representatives. Generally, the committees do much of the legislative work on a bill even before it makes it to the floor of the House of Representatives for a vote. In the US House of Representatives, there are different types of committees: (1) the standing

committees, which have a fixed membership and jurisdiction, and are permanent fixtures of the committee system in both the House and the upper chamber, the US Senate. These standing committees are generally set up to deal with legislation in important policy areas, such as Finance, Agriculture, Foreign Affairs, Defense, etc.; and (2) the “select committees” which are temporary committees appointed to deal with a specific issue or problem – such as organized crime, or issues of corruption. Committees in turn are subdivided into subcommittees that allow for more specialized consideration of legislation.

In the British House of Commons, there is also a dense network of committees, made up mostly of what are referred to as “select committees.” Select Committees in the Commons are designed to oversee the work of departments and agencies, examine issues affecting the country or individual regions, and review and advise on the procedures and rules of the House of Commons. These select committees, as permanent structures, are a fairly recent addition to the legislative process, having only been adopted in 1979–1980. There is also a set of committees that are part of the upper House of Lords as well.

The key difference between the US Congress and the British Parliament is the role these committees play in the legislative process, or the process by which laws are made. In the US system, committees and subcommittees are extremely powerful, and can effectively alter and block legislation, even before it reaches the floor of Congress for a vote. On the other hand, the committees in the British House of Commons do not have such power to block legislation.

Thus, in the US House of Representatives, for instance, a bill or resolution is introduced by a Member of Congress, or *congressional sponsor*. Once introduced, the House Speaker or the Senate presiding officer (if the bill is introduced in the Senate) refers the proposal to the appropriate committee (or committees if the presiding officer deems that the issue transcends committee jurisdictions). The Chair of the committee, which is generally a member of the majority party in the House of Senate, passes the proposed legislation on to the appropriate subcommittee, and this is where the real work begins on the proposed bill. If the subcommittee takes bill seriously, it will schedule hearings and then after the hearings on the bill are completed, the “mark-up” period begins, where the bill is revised, and sections are added or deleted, in preparation for presentation to the full committee. The subcommittee can choose to ignore the bill and not act, thus killing it. The full committee may repeat the process, or it may largely accept the

work of the subcommittee and pass it on for report to the full House or Senate or the full committee can also kill the legislation.

If the bill is passed onto the House or Senate, and is passed on the floor, then the bill is passed onto the other chamber, where the process begins again. To be sent on to the President of signature, the bill must be passed in identical form by both chambers. If one version is passed by the House and another version is passed by the Senate, then a special conference committee made up of members of the House and Senate works to create a compromise version, which then goes back to each chamber for a vote. If this version is passed, then it is sent through an appropriations process (if the bill requires expenditures of funds) and then the appropriations are brought up for a vote. Once this is completed, the bill is passed on to the President for signature.

In the British Parliament, the process is very different. First, most legislation is not introduced by individual members of the parliament but by the government. Individual members' bills may be introduced, called "private member's bills" that deal with general issues, and "private bills", which are limited in scope and usually apply only to particular regions of the country. Once the government introduces legislation, the bill is set for first reading on the House of Commons floor, where the bill is presented and ordered to be printed. In the case of private bills, there is usually a second reading that is scheduled, and a vote is held to see if it will be passed on to the committees (most private member's bills are stopped at this point, particularly those introduced by the opposition).

The next stage is the committee stage, where proposed legislation is passed onto the appropriate committee. The committee considers each clause of the bill, and may make amendments to it. However, unlike the United States, the committee cannot kill the legislation by refusing to act on the legislation. After the committee considers the bill, it is sent as a report to the floor of the House, where there is a further opportunity to amend the bill. Unlike committee stage, the House need not consider every clause of the bill, only those to which amendments have been tabled. Finally, a third reading is scheduled on the final text of the bill as it is amended, and then put to a vote. If the bill passes, it is then sent to the other House (to the Lords, if it originated in the Commons; to the Commons, if it is a Lords bill), which may amend it. Following this, there is consideration of Lords/Commons amendments: The House in which the bill originated considers the amendments made in the other House

(the House of Commons is NOT required to accept amendments from House of Lords – but the House of Lords IS required to accept amendments from the House of Commons). Once this process is completed, it is passed onto the Queen for royal assent, and the Queen is required to sign the bill by law.

Generally, most parliamentary systems have legislative processes similar to Britain's. However, in many systems, the upper house is not powerless, but the lower house can override the upper house and veto legislation (as in France, Germany, Japan, Russia, the Netherlands, etc.).

Conclusion

There are several different ways to design the relationship between the executive and legislative branches of government as well as the internal structure of the executive and the legislature. These choices include presidential, parliamentary, or hybrid (or semi-presidential) systems. Although each choice has its advantages and disadvantages, many newer democracies have opted for some version of the hybrid system that seeks to combine the best of both presidentialism and parliamentarism (as in Russia and in Afghanistan). Although it is unclear as to the exact effects the choice of regime type has on the development of democracy, there is considerable evidence that such designs have at least indirect effects (such as via the development of political parties, or the structure of political competition). Further, it is certainly the case that constitutional designers believe that they do have effects. Thus the selection of regime type remains one of the most debated, and perhaps least understood, principles of comparative politics.

References

- Aldrich, John (1995) *Why Parties? The Origin and Transformation of Party Politics in America*, Chicago, IL: University of Chicago Press.
- Cheibub, J.A. (2006) "Presidentialism, Electoral Identifiability, and Budget Balances in Democratic Systems," *American Political Science Review*, 100, 353–368.
- Cheibub, J.A. (2007) *Presidentialism, Parliamentarism, and Democracy*, New York: Cambridge University Press.

- Clark, W.R.M. Golder and Golder, S.N. (2009) *Principles of Comparative Politics*, Washington, DC: CQ Press.
- Evans, D. (2004) *Greasing the Wheels: Using Pork Barrel Projects to Build Majority Coalitions in Congress*, New York: Cambridge University Press.
- Fish, M. Steven (2000) "The Executive Deception: Superpresidentialism and the Degradation of Russian Politics," in Valerie Sperling (ed.) *Building the Russian State: Institutional Crisis and the Quest for Democratic Governance*, Boulder, CO: Westview Press, pp. 177–192.
- Hale, Henry (2006) *Why Not Parties in Russia*, New York: Cambridge University Press.
- Horowitz, Donald. (1990) "Comparing Democratic Systems," *Journal of Democracy*, 1: 783–794.
- Ishiyama, John T. and Kennedy, Ryan (2001) "Superpresidentialism and Political Party Development in Russia, Ukraine, Armenia and Kyrgyzstan," *Europe-Asia Studies*, 53, 1177–1191.
- Ishiyama, John and Velten, Matthew (1998) "Presidential Power and Democratic Development in Post-Communist Politics," *Communist and Post-Communist Studies*, 31: 217–233.
- Keech, W.R. and Pak, K. (1995) "Partisanship, Institutions and Change in American Trade Politics," *Journal of Politics*, 57, 1130–1142.
- King, A. (1994) "Chief Executives in Western Europe," in I. Budge and D. McKay (eds.) *Developing Democracy: Comparative Research in Honor of J. F. P. Blondel*, London: Sage, pp. 150–163.
- Laver, Michael and Shepsle, Kenneth A. (1996) *Making and Breaking Governments: Government Formation in Parliamentary Democracies*, New York: Cambridge University Press.
- Lijphart, Arend (1999) *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries*, New Haven, CT: Yale University Press.
- Linz, Juan (1990) "The Perils of Presidentialism," *Journal of Democracy*, 1: 51–69.
- Mainwaring, Scot (1993) "Presidentialism, Multipartyism, and Democracy: The Difficult Combination," *Comparative Political Studies*, 26: 198–228.
- Power, Timothy. J. and Gasiorowski, Mark J. (1997) "Institutional Design and Democratic Consolidation in the Third World," *Comparative Political Studies*, 30: 123–155.
- Protsyk, Oleg (2004) "Ruling with Decrees: Presidential Decree Making in Russia and Ukraine," *Europe-Asia Studies*, 56: 637–660.
- Robbins, Joseph (2010) "Presidentialism versus Parliamentarism" in John Ishiyama and Marijke Breuning (eds.) *21st Century Political Science*, Thousand Oaks, CA: Sage.
- Sartori, Giovanni (1994) "Neither Presidentialism Nor Parliamentarism," in J.J. Linz and A. Valenzuela (eds.) *The Failure of Presidential Democracy*, Baltimore, MD: Johns Hopkins University Press, pp. 106–118.

- Shugart, Matthew. S. and Carey, John M. (1992) *Presidents and Assemblies: Constitutional Design and Electoral Dynamics*, Cambridge: Cambridge University Press.
- Smith, A. (2003) "Election Timing in Majoritarian Parliaments," *British Journal of Political Science*, 33: 397–418.
- Steffani, Winfried (1995) "Semi-Präsidentialismus: ein eigenständiger Systemtyp? Zur Unterscheidung von Legislative und Parlament," *Zeitschrift für Parlamentsfragen*, 26 (4): 621–41.
- Stepan, Alfred and Skach, Cynthia (1993) "Constitutional Frameworks and Democratic Consolidation," *World Politics*, 46: 1–22.
- Tavits, Margit (2009) *Presidents with Prime Ministers: Do Direct Elections Matter?* Oxford: Oxford University Press.