

Oxford Handbooks Online

Comparative Executive-Legislative Relations

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The Oxford Handbook of Political Institutions

Edited by Sarah A. Binder, R. A. W. Rhodes, and Bert A. Rockman

Print Publication Date: Jun 2008

Subject: Political Science, Political Institutions, Comparative Politics

Online Publication Date: Sep 2009 DOI: 10.1093/oxfordhb/9780199548460.003.0018

Abstract and Keywords

This article looks at comparative executive-legislative relations, beginning with early theoretical considerations and their modern application. It discusses the forms of constitutional structure and defines parliamentary, presidential, and hybrid systems. The next section pays attention to parliamentary systems, and this is followed by a detailed discussion of presidential and semi-presidential systems.

Keywords: comparative executive-legislative relations, theoretical considerations, constitutional structure, forms, parliamentary systems, presidential systems, hybrid systems

The great expansion of constitution writing, especially after the fall of European and then Soviet Communism after 1989, has generated a profusion of scholarship about the effects of different constitutional systems of executive-legislative relations. The purpose of this chapter is to consider how the two basic democratic regime types—parliamentary and presidential—differ fundamentally through how they structure the relations of the executive to the legislative branch in either a *hierarchical* or a *transactional* fashion. In a hierarchy, one institution derives its authority from another institution, whereas in a transaction, two (or more) institutions derive their authority independently of one another.

The distinction between hierarchies and transactions is critical, because in a democracy, by definition, the legislative power (or at least the most important part of it) is popularly elected. Where parliamentary and presidential systems differ is in how executive power is constituted: Either subordinated to the legislative assembly, [\(p. 345\)](#) which may thus terminate its authority (parliamentary democracy), or else itself elected and thus separated from the authority of the assembly (presidential democracy). All forms of democratic constitutional design must trade off these two competing conceptions of hierarchy vs. transaction in the relations of the executive to the legislative assembly. As

we shall see, there are numerous hybrid forms—*semi-presidential* and other. What makes them hybrids is precisely that they combine some structural elements that emphasize hierarchical subordination of the executive to the assembly with other elements that emphasize transaction between the executive and legislative powers.

1 Early Theoretical Considerations and Their Modern Application

An important early justification for the “separation of powers” between executive and legislative (and judicial) authority is to be found in Montesquieu's *The Spirit of the Laws*, which argued for the importance of separating the various functions of government as a safeguard against tyranny. This notion strongly influenced the founders of the US Constitution, James Madison, Alexander Hamilton, and John Jay, who collectively expounded a theory of executive-legislative relations in several chapters of their *Federalist Papers*. Written to explain and defend their choices in the then-proposed US Constitution, the Federalists' essays provide a blueprint for the transactional executive-legislative relations that typify presidentialism. On the other hand, modern parliamentary government does not derive from a single set of advocacy essays. Rather than prescribed, parliamentarism was famously described in Walter Bagehot's classic, *The English Constitution*. Bagehot noted that the cabinet, hierarchically accountable to parliament, had replaced the English monarchy as the “efficient” portion of government, whereas parliament itself had essentially become an “electoral college” that chose the government, but did little else. Bagehot explicitly contrasted the English system of “Cabinet Government” with the American system, where:

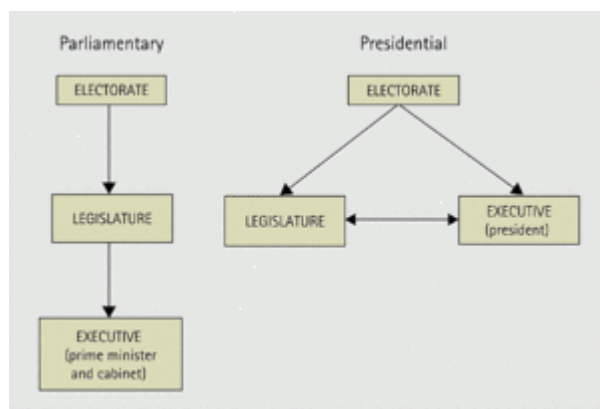
...the President is elected from the people by one process, and the House of Representatives by another. The independence of the legislative and executive powers is the specific quality of the Presidential Government, just as the fusion and combination is the precise principle of Cabinet Government. (Bagehot 1867/1963, 14)

With this passage, then, Bagehot captures the essence of the distinction between parliamentarism and presidentialism. It was indeed the American presidential model that most caught the eye of early proponents of alternatives to the (p. 346) British model, especially as South American countries gained independence in the nineteenth century. Nonetheless, British and continental European contemporaries of Bagehot were already arguing for elections via proportional representation, a fundamental political reform that would generate multiparty cabinets (Droop 1869; Mill 1862) and thus transform executive-legislative relations in a more transactional direction (as explained below) while retaining the parliamentary framework. As a result of the spread of proportional representation across the European continent, in the decades after Bagehot, Droop, and Mill, the practice of most parliamentary systems had diverged from the English model. Yet, as concerns constitutional structure, even parliamentarism with multiparty cabinets remains hierarchical because the executive must

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maintain the “confidence” of the legislative majority—in sharp distinction to the presidential model in which the legislature and executive are separate from and independent of one another. Although the terminology is somewhat different, the conceptual perspective of hierarchy versus transaction has its roots in the *Federalist Papers*, and specifically the essays therein by Madison. The basic theoretical underpinning of the Federalists is that the extent to which government ensures liberty or gives way to tyranny is directly related to the manner in which it channels political ambition. Like contemporary rational-choice approaches, Madison took it as axiomatic that political actors are motivated by personal gain. He accepted selfish motivation as inevitable and sought to harness it for the greater good. Doing so, he argued, entailed establishing a system of institutions that structures and checks that ambition. Thus, Madison wrote in *Federalist* 51, the design of government “consists in giving to those who administer each department [i.e. branch] the necessary constitutional means and personal motives to resist encroachments of the others” (Hamilton, Madison, Jay, and Fairfield 1787/1937, 337).

Ambition is checked, in Madison's vision, through the creation of distinct branches with separate “agency” (i.e. delegated authority) that must compete with one another, because neither is subordinated in a hierarchy to the other. Systems of executive-legislative relations may be viewed in this framework as different means of defining the hierarchical or transactional relationship of the executive to the legislature. The two pure types of institutional design—parliamentary and presidential—are thus almost perfectly opposed to one another. A parliamentary system makes the executive an agent of the assembly majority, hierarchically inferior to it because the majority in parliament creates and may terminate the authority of the executive. A presidential system, on the other hand, features an assembly and executive that are elected independently for fixed terms, and thus have incentives to transact, or bargain, with one another, in order to produce legislation and to govern.



[Click to view larger](#)

Figure 18.1. Basic hierarchical and transactional forms of executive-legislative relations

The most basic and stylized comparison, then, is what is shown in Fig. 18.1. The political process of the parliamentary system is depicted as having a hierarchical chain of delegation, and no transactional relations. Voters select (delegate to) a [\(p. 347\)](#) legislature, and the legislature selects (delegates to) the executive. The political

process of the presidential system is depicted with two delegation links from the electorate to both the legislature and the popularly elected executive; additionally, there

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is a transactional relationship between the executive and the legislature, which are located at the same level, rather than with one subordinate to the other. They then engage in a horizontally depicted process of interbranch transactions.

As has been noted frequently in the literature, at least since Bagehot and right up to recent works (Moe and Caldwell 1994; Palmer 1995), the Westminster democracy of Great Britain and the presidential system of the United States offer the closest approximations to these ideal types. The parliamentary system with a single-party majority government generates a highly hierarchical form of democratic delegation. By contrast, the public bargaining and institutionalized conflict between the American presidency and Congress represent a virtually ideal manifestation of transactional executive-legislative relations.

Pure as examples the British and American models may be, neither system is typical of experience in the rest of the world. Most parliamentary systems do not have single-party majorities like Britain. In the absence of such majorities, the key features of politics in the system are transactional, because the assembly to which the executive is accountable is not itself controlled by a single hierarchical organization. Rather, authority is shared by two or more parties. Similarly, most presidential systems feature less prominently the interbranch policy transactions that so typify the US. The reasons lie in an often unstated condition for the pitting (p. 348) of ambition against ambition in the Federalists' conception: that the assembly be sufficiently organized with its own *internal hierarchy* that it can bargain as an independent collective actor vis-à-vis the executive (Cox and McCubbins 1993). As we shall see below, the literature on presidential systems outside the United States suggests that the conditions for an internal legislative hierarchy that is independent of the executive, may not be common. In their absence, presidential systems may take on aspects of informal hierarchy, or even a relatively anarchic pattern. Thus the actual behavior of institutions and political actors in the two "pure" types of systems contains mixes of hierarchical and transactional relations. It is important to recognize, however, that these mixes are occurring within a constitutional structure that remains either hierarchical (parliamentary) or transactional (presidential). What leads to the mixing of elements is the nature of the organization of the assembly itself (principally whether controlled by a single party or not) as well as informal relations between executives and the parties. Before exploring each main type further, it will be useful to develop precise definitions of the types, as well as of hybrid forms of constitutional structure.

2 Forms of Constitutional Structure: Defining Presidential, Parliamentary, and Hybrid Systems

In order to put the analysis of constitutional design into practice, we need simple and mutually exclusive definitions of regime types. A “pure” parliamentary democracy is defined by the following two basic features:

1. executive authority, consisting of a prime minister and cabinet, arises out of the legislative assembly;
2. the executive is at all times subject to potential dismissal via a vote of “no confidence” by a majority of the legislative assembly.

These two criteria express the hierarchical relationship of executive to legislative authority in the way that is depicted in Fig. 18.1: The executive arises from and is responsible to the assembly majority. Presidential democracy, on the other hand, is defined by the following three basic features:

1. the executive is headed by a popularly elected president who serves as the “chief executive;”
2. the terms of the chief executive and the legislative assembly are fixed, and not subject to mutual confidence;
3. the president names and directs the cabinet and has some constitutionally granted law-making authority.

(p. 349)

The defining characteristics of parliamentary and presidential democracy, then, speak first to the question of the *origin* and *survival* of executive and legislative authority. In a parliamentary system, executive authority originates from the assembly. The precise institutional rules for determining who shall form a cabinet vary across parliamentary systems, but in all of them the process of forming a government falls to the majority party, if there is one. If there is not, the government emerges from bargaining among those politicians who received their mandate at the most recent assembly elections. Once formed, the government survives in office only so long as it maintains the “confidence” of the majority in the assembly. Again, the precise rules for determining when a government has lost this confidence vary, but always the executive is subject to the ongoing confidence of parliament.

In a presidential system, on the other hand, the origin and survival of executive and legislative authority are separate. The first criterion of the definition of presidentialism contrasts starkly with that for parliamentarism, in that it denotes the existence of a chief executive whose authority originates with the electorate. The second criterion specifies that, unlike in a parliamentary system, the chief executive is not subject to dismissal by a

legislative majority. Furthermore, neither is the assembly subject to early dissolution by the president. Both branches thus survive in office independent of one another. The addition of the third criterion, regarding the president's authority, is important for establishing the independence of the president not only in terms of origin and survival, but also in the executive function, for it sets out that the cabinet derives its authority from the president and not from parliament. It further stipulates that the president has some legislative authority, and thus is not “merely” the executive. It is the absence of interbranch hierarchy combined with shared law-making powers that generates the incentive for interbranch transactions, providing two independent agents of the electorate that must cooperate in order to accomplish any legislative change.

If we think of parliamentary and presidential government as Weberian ideal types, we must acknowledge that there are numerous regimes that contain elements of each, and are thus hybrids. By far the most common hybrid form is *semi-presidential* government. Adapted from Duverger's (1980) original and influential definition, semi-presidentialism may be defined by three features:

1. a president who is popularly elected;
2. the president has considerable constitutional authority;
3. there exists also a prime minister and cabinet, subject to the confidence of the assembly majority.

These features define a dual executive (Blondel 1984), in that the elected president is not merely a head of state who lacks political authority, but also is not (p. 350) clearly the chief executive, as there is also a prime minister with a relationship to the assembly that resembles that of a parliamentary democracy. The precise relationship of the president to the prime minister and cabinet, and of the latter to the parliament, vary widely across regimes that fit the basic definition of semi-presidential. It is precisely this variance that has made delimiting regime types controversial, or at least confusing, in the literature. For the sake of conceptual continuity and clarity, it would be advisable to reserve the term, *semi-presidential*, for only those regimes that fit the three Duvergerian criteria. Other hybrid forms are feasible—most notably the Swiss case of an assembly-selected executive that sits for a fixed term, and the brief Israeli experience of a directly elected chief executive who remained subject to parliamentary confidence. These hybrids are neither parliamentary nor presidential, but they also are not semi-presidential in the Duvergerian sense (Shugart 2005).

The geographical distribution of these types can be seen in Table 18.1. At a glance it is readily apparent that geography is virtually destiny as far as concerns a country's constitutional structure. Parliamentary systems dominate Europe, defined as EU members (new and old) and the non-EU countries of Western Europe and the Mediterranean region. To a lesser extent semi-presidential systems are common in the EU region, and they dominate the post-Communist region. On the other hand, presidentialism dominates the Americas, aside from the Commonwealth countries. Indeed, Bagehot (1867, 14) referred to the proliferation of presidential regimes in the

then newly independent Latin American countries, decrying the possibility that parliamentarism might be overtaken by “its great competitor, which seems likely, unless care be taken, to outstrip it in the progress of the world.” In the remaining regions, however, we find examples of all three main types. It is noteworthy that almost all of the parliamentary systems outside of Europe are former British colonies, while the former French and Portuguese colonies in Africa are generally semi-presidential (as are France and Portugal).

In the most of the remainder of this chapter, I turn to discussing each constitutional format in turn, and how understanding the juxtaposition of hierarchical and transactional relationships in each can elucidate the incentives and likely behavior of actors in democracies.

3 Parliamentary Systems

In a parliamentary system, the extent of hierarchical or transactional relationships between executive and legislative institutions depends in practice on whether (p. 351) (p. 352) (p. 353) single-party majorities result or not. Majoritarian systems preserve the hierarchy in its purest form, whereas multiparty systems tend towards a more transactional form of parliamentarism.

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Table 18.1 Constitutional forms of executive-legislative relations among democracies and semi-democracies, 2006

Region	Parliamentary	Presidential	Semi-presidential	Other hybrid
European Union/ Western Europe & Mediterranean	Belgium, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Ireland, Israel, Italy, Latvia, Netherlands, Norway, Slovenia, Spain, Sweden, Turkey, United Kingdom	Cyprus	Austria, France, Lithuania, Poland, Portugal, Slovakia	Switzerland
Post-Communist (but not EU)	Albania, Moldova		Armenia, Belarus, Bosnia-Herzegovina,* Bulgaria, Croatia, Georgia, Macedonia, Mongolia, Romania, Russia, Serbia and Montenegro,** Ukraine	

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Americas	Canada, Jamaica, Trinidad and Tobago	Argentina, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, United States, Uruguay, Venezuela	Peru	Bolivia, Guyana
East and South Asia/ Pacific	Australia, Bangladesh, Fiji, India, Japan, Malaysia, Nepal, New Zealand, Papua New Guinea, Thailand	Indonesia, Philippines, South Korea	Sri Lanka, Taiwan	
Africa	Botswana, Lesotho, Mauritius, South Africa	Benin, Ghana, Malawi, Nigeria	Burkina Faso, Madagascar, Mali, Mozambique, Namibia, Niger, Senegal	

Notes: Includes countries of at least 500,000 population with Freedom House political rights score of 4 or better, averaged throughout the period 1990-1 to 2004, or for each year since 2000. Belarus and Bosnia-Herzegovina do not meet these conditions, but are included so as to cover all Europe. Malaysia is also included for having consistently held semi-competitive elections.

(*) Indicates presence of elected president lacking any significant constitutional powers (government formation, dissolution, or veto).

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(**) Collegial (three-person) presidency.

(***) Each autonomous republic retains an elected presidency, although the federal presidency is no longer elected.

Source: Author's coding of constitutions from <http://confinder.richmond.edu/>, except Niger (<http://droit.francophonie.org/doc/html/ne/con/fr/1999/1999dfneco1.html>), and Taiwan (Noble 1999); Freedom House website (<http://www.freedomhouse.org>) for level of (semi-)democracy.

3.1 Majoritarian Parliamentarism

When a single party obtains a majority of seats, a parliamentary system is every bit as hierarchical as it is portrayed in Fig. 18.1. The hierarchical accountability of the cabinet to parliament is what generates the “fusion of powers” described famously by Bagehot (1867/1963). Post-Bagehot, scholars increasingly recognized that effective power is concentrated in the leadership of the majority party, rather than within parliament (e.g. McKenzie 1912). As party leaders in the cabinet gained greater autonomy over their own backbench members (Cox 1987), the fusion of executive and legislative powers was essentially extended to a fusion of party and executive. Commenting on the greater importance in the British model of relations between the cabinet and the backbenchers in both government and opposition, King (1976, 26) went so far as to say that there is hardly such a thing in Britain as “the relationship between the executive and the legislature.” Rehabilitating the language of executive-legislative relations to describe majoritarianism, Lijphart (1984, 1999) has noted that the result of Westminster's concentration of authority is “executive dominance” over the legislature. What this means in practice is that so long as the majority party remains united, the executive is unassailable, because it enjoys the confidence of the parliamentary majority.

Majoritarian parliamentarism thus contains the potential for extreme concentration of power, tempered only by the possibility that internal party disagreements might come into the open and by the fear of alienating sufficient voters as to lose the next election. In this system there is no room for transaction; however, the opposition within parliament provides an indirect check, in the form of being the electorate's monitor over the government (Palmer 1995).

3.2 Transactional Parliamentarism

In the absence of a majority party, a parliamentary executive may be held by a *coalition* that jointly controls the assembly majority, in which case the cabinet survives as long as this majority remains together. Alternatively, a *minority government* may form, in which case the cabinet remains in place as long as the opposition does not combine forces against it. These non-majoritarian variants of parliamentarism remain hierarchical in terms of the formal relation (p. 354) of the executive to the legislature. However, they are transactional in terms of the relationship of parties to one another, because a bargain between two or more parties is necessary for a government to originate and then survive in office.

The transactions between parties and how coalitions form has been the focus of an extensive literature (reviewed in Laver 1998; Martin and Stevenson 2001), as has the duration of coalition governments and the causes of their termination (reviewed in Grofman and Van Roozendaal 1997; Laver 2003). Like King's (1975) observation about

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Britain, this literature also is not concerned primarily with executive-legislative relations per se. Rather it focuses squarely on the bargaining that occurs within the shadow of the hierarchical subordination of the cabinet to the assembly. Some scholars have focused their attention more directly on the law-making process, noting variations across systems in the agenda power and procedural advantages enjoyed by the cabinet (Döring 1995*a*, 1995*b*; Huber 1996; Heller 2001). The presence of multiple parties to a cabinet transaction, each with an interest in ongoing monitoring of the government, often results in a legislative committee system that gives backbenchers a notably greater role in scrutinizing and amending government bills than their counterparts in majoritarian systems (King 1975; Strom 1990; Huber and Powell 1994; Mattson and Strom 1995; Hallerberg 2000). The more influence the opposition has over policy-making, the more a parliamentary system has what Lijphart (1984) referred to as an “informal separation of powers,” as distinct from the fusion of powers we see in majoritarian systems, and also in contrast to the formal separation of powers of presidential systems, to which we now turn.

4 Presidential Systems

In presidential systems, as was depicted in Fig. 18.1, there are two distinct delegations from voters to political agents: one to the assembly and the other to the chief executive. Owing to their separate origins in the electorate and their fixed terms (separate survival), there is no formal hierarchy between legislative and executive authority. Interbranch transactions are thus necessary because the independent branches need each other to accomplish any policy goals that require the passage of legislation that may be sought by their respective electorates.

The extent of executive–legislative divergence over policy preferences depends on how constituent interests are translated through the electoral process. In (p. 355) the unlikely event that the two branches share identical preferences, executive–legislative relations resemble total presidential dominance, as no disagreements are observed. In that case, the system would resemble a hierarchy with no interbranch transactions.¹ More typically, given their separate election, the executive and legislature are likely to disagree, often in public, in a process that informs the electorate of issues and controversies (Strøm 2000).

In cases of very extreme divergence of preferences between the branches, it is also possible for the interbranch transactions of the ideal type depicted in Fig. 18.1 to break down, and for executive–legislative relations to be characterized by near anarchy, as opposed to either hierarchy or transactions. In such a scenario the president may govern without much regard for any collective preferences of the legislative branch, using decree and appointment powers to circumvent the legislature. These presidents may bargain on an ad hoc basis, perhaps providing patronage to specific legislators or legislative factions, but never forming a stable relationship—either hierarchical or transactional—with congress as an institution. This latter scenario approximates the so-called “perils of presidentialism” that Juan Linz (1994) warned against in a seminal work on the relationship between regime type and the sustainability of democracy. Linz suggested that presidents in newly democratizing countries with weakly institutionalized legislatures may be able to exercise de facto powers well beyond those granted in the constitution, threatening democracy itself.

Notwithstanding the Linzian concern with concentration of executive authority, Mainwaring noted that the experience of democratic presidentialism had resulted in presidents so checked by congress and other actors that “most Latin American presidents have had trouble accomplishing their agendas” (Mainwaring 1990, 162). In fact, much of the experience of presidentialism in Latin America has consisted of presidents' struggling not to circumvent the legislature, but to find a way to generate a workable relationship with it. Given that presidents have to bargain with the legislature to accomplish any agenda, they may be willing to trade off their formal control over the composition of their cabinets in order to develop a more stable interbranch relationship. That is, presidents

may have an incentive to bargain over the formation of cabinets even where they have no formal requirement to do so (Cheibub, Przeworski, and Saiegh 2004).

The reason for interbranch transactions over cabinets in presidential systems lies in the need of the president to transact with the legislative branch in order to implement policy—a definitional aspect of presidentialism. Where the assembly is organized by a majority party (whether that of the president or not) it has the institutional capacity to bargain with the president over legislation of interest to (p. 356) that majority. In such a context, the president may not need a cabinet that is itself reflective of interbranch transactions. Both institutions may prefer the clarity of position that comes from their own control over the composition of their respective institution, given that they are “bargaining before an audience” (Groseclose and McCarty 2000; see also Strøm 2000). Thus in the USA, presidents do not bargain with Congress in shaping their cabinet (despite the requirement that individual cabinet members be confirmed by the Senate), and opposition participation in the cabinet is only sporadic even when the opposition party controls Congress.

On the other hand, where the assembly is highly fragmented and the president has little partisan support therein, the president may prefer not to have a cabinet reflective of interbranch transactions, because coming to an agreement would restrict his ability to use his decree powers (if provided or claimed) and to transact with individual legislators (offering patronage for votes, for example). This is the “anarchic” pattern. It is thus in the intermediate contexts of no legislative majority, but substantial partisan support for the president in congress, that presidents may both need and want an interbranch cabinet transaction in order to link the two branches together and facilitate legislative bargaining.

To the extent that interparty bargaining in a presidential system permits the president to control the agenda of the assembly, a coalition cabinet introduces an element of interbranch hierarchy. A transactional relationship between the president—acting simultaneously as both the elected head of government and the head of his own party—and other parties in congress may even generate a “cartel” that in turn dominates congress (Amorim Neto, Cox, and McCubbins 2003). Thus, just as the transactional relationship between separate parties in multiparty parliamentary systems generates an “informal separation of powers” (Lijphart 1984), the transactions of a multiparty presidential system may generate an “informal fusion of powers” that binds the formally separate executive and legislative branches together for the duration of the coalition. It is important not to forget, however, that in presidential systems the chief executive always maintains the option of appointing a single-party or non-party cabinet. Presidents make strategic choices regarding the value for their legislative goals of having a coalition or not (Amorim Neto 2002; Geddes 1994). It is this heterogeneity of presidential strategies, resulting from the president's relative freedom of maneuver over the cabinet, that presumably generates the observed higher turnover rates seen in the ministries of presidential systems compared to parliamentary systems (Blondel 1985; Stepan and Skach 1993). Thus, while in most presidential systems only the process of making laws is

formally in the domain of executive-legislative relations, that process is so central to the entire edifice of presidentialism that it may, under some circumstances, induce the president to bargain over cabinets as well.

(p. 357) 5 Semi-presidential Systems

Recently there has been a proliferation of semi-presidential systems, especially with democratization in the former Communist bloc and Africa. The juxtaposition of an elected president with a cabinet responsible to parliament was an innovation of the German Weimar constitution, designed on the advice of eminent social scientists Hugo Preuss, Robert Redslob, and Max Weber (Mommsen 1984; Stirk 2002). Weber (1917/1978, 1452-3) mistrusted parties and believed that the "plebiscitary" selection of the president would force parties "to submit more or less unconditionally to leaders who held the confidence of the masses." Redslob (1918), on the other hand, was an advocate of what he called "authentic parliamentarism" on the British model, with a parliamentary opposition capable of assuming the government. Preuss, as summarized by Stirk (2002, 514), justified Weimar's synthesis as providing for a president and parliament, each with "an autonomous source of legitimacy," thus echoing Madison's separation of powers, yet retaining government responsibility to parliament. Given the subsequent collapse of the Weimar Republic, its designers' justifications for what would later be called semi-presidentialism became discredited. Today semi-presidentialism is more closely identified with France and with Charles de Gaulle's call, in his Bayeux Manifesto of 1946, for a "chief of state, placed above the parties,"² yet as I shall show, the neo-Madisonian logic of Preuss and his colleagues continues in all the regimes that can be meaningfully classified as semi-presidential.

The practice of semi-presidentialism has been quite diverse, as Duverger (1980) noted, both in formal constitutional powers and in actual behavior. Some presidents that appear quite powerful on paper are actually observed to exercise few powers (e.g. Austria), while others seemingly have limited formal powers, yet are dominant political players (e.g. France). Under the rubric of semi-presidentialism, there is much variation in formal powers, leading Shugart and Carey (1992) to propose a further subdivision of the concept into *premier-presidential* and *president-parliamentary* subtypes. Under premier-presidentialism, the prime minister and cabinet are *exclusively* accountable to the parliamentary majority, while under president-parliamentarism, the prime minister and cabinet are *dually* accountable to the president and the parliamentary majority. This distinction has not always been appreciated in the literature, and has been criticized on various terms by Sartori (1994 *a*) and Siaroff (2003). Nonetheless, structurally, these are potentially important differences that shape the behavior of actors in a system (Shugart 2005).

(p. 358) In a premier-presidential system, only the assembly majority may dismiss cabinets, which makes them quite close to being “parliamentary systems.” However, they have “presidential” characteristics as well, in that the president has constitutional authority to act independently of the assembly, either in the process of forming governments or in law-making. Technically speaking, the power to dissolve parliament, which is common in premier-presidential systems, is not a “presidential” feature, because dissolution breaks the independence of the president and assembly that typifies presidentialism. However, any semi-presidential system already deviates from presidentialism owing to the possibility that the head of government (i.e. the prime minister) might be voted out of office by the assembly. In that context, presidential power of dissolution provides a counterweight to this enhanced authority of the assembly. Presidential authority as a check on the assembly is thus a feature that separates all presidential and semi-presidential systems from parliamentary systems.

In president-parliamentary systems, the president enjoys stronger constitutional powers over the composition of cabinets than is the case under premier-presidentialism. The German Weimar Republic was a prototype with serious design flaws, in that both the president and the assembly retained authority to postpone a resolution of political conflict by exercising unilateral powers. More recent president-parliamentary systems, including in the successor states to the former Soviet Union and in Africa, have incorporated several institutional innovations that promote interbranch cooperation (on Russia see Morgan-Jones and Schleiter 2004).

In some president-parliamentary systems, the president's authority over the process of government formation is limited because the nominee for prime minister (or the entire government) must be confirmed by the assembly majority. Provisions for investiture or confirmation—found in the contemporary cases of Armenia, Georgia, Russia, and Ukraine—obviously give the president the incentive to bargain over government composition. In fact, some cases (e.g. Russia and Taiwan) require a series of contingencies before either branch may threaten the survival of the other—even restricting the assembly's right to bring a no confidence vote—and hence generate incentives for the executive and assembly to transact that resemble pure presidential systems more than the premier-presidential variant of semi-presidentialism, as well as more than the Weimar model. Despite these incentives for interbranch transaction, all the president-parliamentary systems maintain the dual accountability of the prime minister and cabinet to the president and the assembly, putting the president in a stronger position than is the case in premier-presidential systems (e.g. France) to upend an existing cabinet transaction and start the process anew. Thus both variants of semi-presidentialism force the assembly majority to transact with a president, but the president has fewer formal tools at his disposal under a premier-presidential design than under president-parliamentarism.

(p. 359) **6 So, What Difference Does it Make?**

The subtitle of Linz's (1994) now-famous essay on presidential vs. parliamentary government, was “Does it make a difference?” This chapter has already identified several ways in which regime type matters for proximate political consequences such as how executive authority is constituted and how law-making proceeds. Any system with a politically powerful elected presidency creates an agent of the electorate with whom legislators must transact. Linz, and many who have followed, call our attention to more distal effects of constitutional design, specifically, in Linz's case, for the survival of democracy itself. Linz argued that political crises in presidential systems were more likely to be “crises of regime” that could lead to breakdown, whereas in parliamentary systems they tended to be “crises of government” that can be resolved via recourse to a new cabinet transaction or early elections. Stepan and Skach (1993), and Przeworski, Alvarez, Cheibub, and Limongi (1996) are among those whose empirical studies generally have concurred with Linz. Mainwaring (1993) suggested that it was multiparty presidentialism that was specifically prone to breakdown. Yet Power and Gasiorowski (1994) found that neither presidentialism nor its combination with multipartism had a statistically significant relationship to democratic breakdown in developing countries. A fundamental problem that remains with attempts to settle this question is the absence of parliamentarism in Latin America or presidentialism in Europe—the two regions with the greatest experience with democracy, stable or otherwise. The regional distribution of regime types (see Table 18.1) makes it difficult to determine whether constitutional forms are directly related to democratic “consolidation” or whether they are proxies for other conditions that affect the prospects for stable democracy.

Other variables besides formal constitutional design likewise complicate efforts to uncover effects on policy performance. Given the challenges of multivariate analysis, perhaps it is not surprising that the literature on policy performance remains inconclusive, with sometimes conflicting conclusions. For instance, Persson and Tabellini (2003) argue that presidential democracy reduces corruption, while Gerring and Thacker (2004) find the opposite. Yet, Persson, Roland, and Tabellini (2000) found more targeted spending in presidential systems in contrast to greater spending on public goods in parliamentary systems. A greater tendency for targeted spending could be generalized as a result of party organizational weakness. In turn, party weakness has been indicated as likely to result from the absence of formal hierarchy between the executive and legislature (Epstein 1967; Sartori 1994*a*, 1994*b*). The weakening of parties is likewise one of the features Gerring and Thacker (2004) say results in more corruption.

Most likely, these policy-output variables are related to interactions between the executive–legislative structure and the party system. In fact, as noted throughout (p. 360) this review, patterns of party competition are crucial to the extent to which the formal hierarchy of parliamentary interbranch relations is tempered with interparty transactions. Similarly, the formal interbranch transactions of presidentialism may give

way to elements of informal hierarchy if the president is the head of a majority party or a coalition that controls the congressional agenda. In other cases, presidents may eschew coalitions altogether, resulting in a nearly anarchic pattern of interbranch relations. The British model of parliamentarism and the US model of presidentialism are among the few systems that retain in practice the nearly pure form of, respectively, hierarchical and transactional relations inherent in the formal constitutional structure. In this context, it may be more meaningful for cross-national studies to look inside the regime type and consider what the locus of accountability in a system is, for accountability is closely related to patterns of policy output and to corruption (Samuels and Shugart 2003; Samuels 2004).

The statistical regression techniques that are most suited to uncovering cross-national variation in output and performance necessarily require collapsing complex reality into a small number of key values. This exigency makes it all the more critical that, in generating variables suitable for large-N analysis, the analyst ensures that the values chosen reflect the theoretically relevant variation across systems. As this chapter has argued, collapsing the notion of executive-legislative relations into two categories, presidential vs. parliamentary, possibly with a residual “hybrid” category, assumes away much of what is essential to understanding how the chain of democratic delegation and accountability is characterized by degrees of hierarchy and transaction. With the ongoing enterprise of cross-national statistical analysis of institutional variables, it may one day be possible to identify clusters of institutional variables that have clear effects on performance variables.

7 Conclusion

The study of constitutional structure is by now one of the most active sub-fields of comparative politics. Using a framework that has its roots in the *Federalist Papers*, we have seen that any system with an elected presidency creates an agent of the electorate with which the legislative assembly must transact, provided the constitution or political practice endows the presidency with bargaining leverage. This is a fundamentally different model of constitutional design from the parliamentary system, in which executive authority rests upon the consent of the legislative majority. This chapter has been an attempt to synthesize some of what (p. 361) we know about comparative executive-legislative relations, but before concluding, we should consider some of the high-priority areas in which we do not know much. Without attempting to be exhaustive, I would list the following as high-priority areas for near-term research agendas.

7.1 Origins of Systems of Executive-Legislative Relations

In Table 18.1, above, we saw that there is a marked geographic clustering of system types, with parliamentarism (and to a lesser extent, semi-presidentialism) dominating Western Europe, presidentialism the Americas, and semi-presidentialism the post-Communist countries. Nonetheless, beyond this simple fact, we know little about why this is the case, or what consequences it might have for these countries' policy-making processes and prospects for longer-term stable democracy. Historical trajectories and cultural affinities clearly play a role in constitutional choices, but how? And how do such deeper potential determinants of regime type complicate our ability to understand more precisely the interrelationships between institutional and performance variables?

Consider the following possibility. Systems of exclusive executive accountability to the assembly (including premier-presidentialism) may be adopted precisely where the conditions for well-organized parties of national scope already exist. If so, then systems that create greater separation of the executive from the legislature (including president-parliamentarism) may be more likely to be adopted precisely where those conditions are absent. See Shugart (1999), who further suggests that parliamentary cabinet accountability may be more conducive to public goods provision (as Persson, Roland, and Tabellini 2000 found), *except* where the party system is underdeveloped. With underdeveloped parties, Shugart (1999) suggests, the national accountability of presidents may increase public goods compared to a parliamentary (or premier-presidential) system in a similar context. These more complex notions of the relations among constitutional design, party systems, and policy provision remain untested in the cross-national statistical literature.

7.2 Variants of Semi-presidentialism

Above, I attempted to make the case for maintaining the distinction within the broader semi-presidential category between premier-presidential and president-parliamentary systems. Quite apart from the typological exercise, is the distinction meaningful? Does it capture something fundamental about the way different (p. 362) systems operate? Or is the broader category, semi-presidential, more useful? Or, would it make more sense to collapse the premier-presidential systems into the parliamentary category and the president-parliamentary within the broader category of presidential systems? These are ultimately empirical questions, but we need much richer case studies and comparative analyses of how presidents, prime ministers, and legislators relate to one another under different constitutional and other contexts before we can settle these questions. With the profusion of semi-presidential systems and the increasing accumulation of years of democracy under them, answering such questions is becoming more feasible.

7.3 Bureaucratic Oversight

There is now a vast literature on the American case that takes as its point of departure the challenges legislators have in attempting to ensure the faithful application of laws that must be implemented by executive agencies that they cannot directly control. Hardly any such literature exists for other presidential and semi-presidential systems. What are the implications of different constitutional authorities for the executive and of different party systems and forms of internal legislative organization for how (or if) bureaucracies are controlled? This is a high priority for future research.

The foregoing list of future questions is only a beginning. As reviewed in this chapter, there is now a vibrant sub-field of comparative executive–legislative relations and a rich empirical laboratory in which it can ply its trade. It is likely that the twenty-first century will see rapid progress in understanding this important aspect of democratic institutional design.

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Notes:

(*) I acknowledge the research assistance and advice of Royce Carroll and Mónica Pachón-Buitrago.

(1) For example, Mexican presidents, by virtue of being the head of a highly disciplined hegemonic party, dominated the legislature over many decades (Weldon 1997).

(2) Nonetheless, De Gaulle at the time favored a president “elected by a body which includes the parliament but which is much larger” (excerpted in Lijphart 1992, 140-1), rather than by universal suffrage.

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