

**PRESIDENTS AND  
ASSEMBLIES**  
CONSTITUTIONAL DESIGN  
AND ELECTORAL DYNAMICS

**MATTHEW SOBERG SHUGART**  
and  
**JOHN M. CAREY**



## Defining regimes with elected presidents

Any thorough analysis of presidential systems must first establish clear criteria for what presidentialism is. In this case, the task is especially critical because we shall later examine a number of variations on the institutional arrangements of presidential government, as well as proposals for modifications as yet untested.

The tasks of this chapter, then, are as follows: First, we provide a definition of presidentialism, drawing on the theoretical heritage of *The Federalist* and contrasting ours with other institutional definitions of the regime type. Next, we define premier-presidentialism in contrast to pure presidentialism.<sup>1</sup> We then discuss some hybrid regime types that exhibit combinations of qualities from both the presidential and premier-presidential types. Finally, we introduce a simple typology of regimes based upon two dimensions: (1) the degree of separation of powers, and (2) the nature of the cabinet. We return to this typology in greater detail in Chapter 8.

### PRESIDENTIALISM ACCORDING TO ITS FOUNDERS: SEPARATE ORIGIN AND SURVIVAL

Beginning with *The Federalist*, the central defining characteristic of presidentialism has been the separation of legislative from executive powers. Indeed, this theme predates presidential government. The authors of *The Federalist* based much of their faith in the separation of powers on Montesquieu's arguments for legislative control over a king's ministers. Later, the idea of presidentialism as the separation of powers in a *republican* government is clearly delineated first in *The Federalist*, and this idea will remain central to our definition of presidentialism.

Nevertheless, by itself, the phrase "separation of powers" does not tell us much. Even in the United States, legislative and executive powers are not entirely separate. The presidential veto represents an executive intrusion in the legislative process; and the requirement of Senate ratification of treat-

1 Throughout this study, the term "presidential" regime refers to the "pure" type defined in this chapter; we do not use the term to encompass premier-presidentialism or various hybrids.

ties allows for legislative influence in the executive domain of foreign policy. Indeed, without such overlap, it would be difficult to imagine how one branch could check actions of the other. Along with the separation of powers, checks and balances were central to the conception of presidential government elaborated in *The Federalist*.<sup>2</sup>

If we were to define presidentialism as the absolute separation of executive from legislative power, then any veto requiring an extraordinary congressional majority for override would constitute a deviation from presidentialism. We argue that this is not the case. Powers are never entirely separate under presidentialism – nor were they intended to be. In fact, Madison’s arguments in *The Federalist* suggest that the rationale for separating the sources of the *origin* and the *survival* of the executive and Congress was to ensure that each branch could impose checks on the other without fear of jeopardizing its own existence. Thus, separation in some respects serves to ensure interdependence – that is, checks – in others.

The critical distinction is between provisions pertaining to the origin and survival of the two branches and provisions pertaining to their actions. Regarding origin and survival, maximum separation is characteristic of presidentialism. But regarding actions, presidentialism seeks to protect mutual checks, which in turn requires that powers overlap considerably.

#### CONTEMPORARY DEFINITIONS: INSTITUTIONAL CRITERIA

The definition we use throughout this book when we refer to *presidential* government (or, at times, “pure” presidentialism), is the following:

1. the popular election of the chief executive;
2. the terms of the chief executive and assembly are fixed, and are not contingent on mutual confidence; and
3. the elected executive names and directs the composition of the government.

This three-part definition captures the essence of separate origin and survival of government (executive) and assembly in addition to specifying that the president be elected by voters (or an electoral college chosen by them for that sole purpose). We also identify a fourth criterion that, we maintain, logically follows from the above:

4. the president has some constitutionally granted lawmaking authority.

The latter criterion does not concern the formation and maintenance of powers, but if presidents do not have lawmaking power (such as a veto), then they are chief executives only in the most literal way: they execute laws the creation of which they had no way of influencing. Granting presidents lawmaking powers is a way of ensuring that the popular endorsement of a policy program through a presidential election can be translated into

2 See especially *Federalist* No. 51.

actual policy output. There is only one regime that is fully presidential by the first three criteria yet fails to meet the fourth: Venezuela.

Having provided a working definition of presidentialism, we now review briefly some other contemporary definitions, in order to highlight ways in which our definition differs. In 1959, Douglas Verney offered a list of *eleven* criteria by which to distinguish presidentialism from parliamentarism, as well as from what he called “assembly government.”<sup>3</sup> But Verney’s definition suffers from ambiguity and overlap among his criteria, and from the fact that he does not establish the primacy of any of them. In his book *Democracies*, Lijphart (1984:66–71) argues that two criteria are essential to presidentialism, while a host of others (some of which belong to Verney’s list) are associated with – but not necessary for – presidential government. Lijphart’s two essential criteria are that the chief executive shall:

1. not be dependent on legislative confidence, but rather shall sit for a fixed term; and
2. be elected by popular vote.<sup>4</sup>

In a recent essay, Lijphart (1989) identifies a third criterion, which he regards as essential to presidentialism as well:

3. a one-person executive.

3 Verney’s conception of assembly (or convention) government is much more like parliamentarism than presidentialism. In effect, it is parliamentarism in which the assembly, rather than the cabinet, is dominant. His distinction between the two results primarily from the fact that he regarded the Westminster model as the prototype for parliamentary government, and was therefore forced to define another category for parliamentary forms that vary significantly from this model. We shall propose a somewhat different definition of the term “assembly regime” below. Verney’s eleven criteria overlap considerably, so we have distilled Verney’s institutional characteristics of presidentialism down to six:

1. the head of state is also the head of government;
  2. the president appoints the cabinet;
  3. legislative and executive personnel are distinct;
  4. the executive is not dependent on confidence of the assembly;
  5. the president cannot dissolve the assembly; and
  6. the assembly is the supreme branch of government. (Verney 1959: 39–57, 75–7)
- 4 Students of democratic institutions may object that the formal election of the president by an electoral college (as in the United States, Argentina, and Finland) violates the principal of popular election for the president. Nevertheless, the election of members of an electoral college, who fulfill no other role than casting votes for president, is a vastly different phenomenon from the election of assembly members who also elect a head of government. It would be a mistake to equate the indirect election of a president, via an electoral college, with the selection of a head of government by the assembly. For this reason, we reemphasize the distinction between *popular* election and *direct* election for president. In most presidential systems, presidents are chosen by direct, popular election. Where an electoral college is chosen for the sole purpose of naming the president, without conferring or negotiating compromise candidates, then we still regard the election as popular, but not direct. In parliamentary and premier-presidential systems, where a prime minister must be approved by the assembly, the election of the head of government is neither popular nor direct.

Another way of saying this is that the electoral district magnitude – the number of seats elected in a district (Rae 1967) – for the executive equals one ( $M = 1$ ), where the district is the entire nation. Lijphart's primary criticism of presidentialism is that it is inherently majoritarian, providing poor representation for minorities. Where  $M = 1$ , electoral disproportionality is bound to be high unless one candidate wins virtually all the votes. To *define* presidentialism by virtue of district magnitude, however, and then to argue that presidentialism generates majoritarianism, obscures the issue that majoritarianism is generated by electoral formula, and does not add much explanatory power to the definition of presidentialism. It also requires the classification as wholly distinct regime types systems such as Uruguay (1952–67) and Cyprus (1960–3), which have had popularly elected collegial executives while retaining separation of powers and checks and balances. If a regime has these latter features, we prefer to classify it as presidential, regardless of whether or not its elected executive is unitary or collegial.

In addition, to define presidentialism by the most majoritarian characteristic of most presidential systems seems inherently to contradict the spirit of the first two criteria described by Lijphart. Both of these criteria emphasize the relative independence of the legislative and executive branches. This independence is, as we shall see, essential to protecting the mutual checks in presidential systems – a distinctly antimajoritarian tendency. Thus, aside from the empirical problem of collegial executives, to define presidentialism by its unitary executive seems to be theoretically contradictory.

It could be that the contradiction over the number of persons constituting the elected executive is less a problem of definition than an indication of internal inconsistency in the regime type itself. Indeed, judging from the tensions between Madisonian and Hamiltonian conceptions of democracy evident in papers of *The Federalist*, this point is well taken.<sup>5</sup> We shall explore in the chapters ahead many of the institutional tensions and perhaps contradictions in a wide array of systems generally classified as presidential. For the purposes of definition, however, we seek consistency in addition to generality, and we have chosen to embrace the Madisonian conception of presidentialism over the Hamiltonian.<sup>6</sup> Madison's logic, we believe, generally prevailed over Hamilton's in shaping the first presidential constitution, and better reflects the themes of separation of powers with checks and balances that we deem to be illustrative of presidentialism across all cases.

5 While recognizing the problems of Lijphart's third criterion, we must also acknowledge his point. The overwhelming majority of presidential systems have had unitary executives, and this characteristic *does* generate majoritarianism in the executive. Indeed, because of the preponderance of single-member presidencies, criticisms of majoritarianism are central to the criticisms of presidentialism that we review in Chapter 3.

6 For an example of the contrast between the two, one could examine Madison's *Federalist* No. 51 versus Hamilton's *Federalist* No. 70.

In yet another effort to pin down the institutional nature of presidentialism Giovanni Sartori (1992) suggests as a third criterion that:

the president heads the cabinet, which he or she appoints.

Since the president, rather than the assembly, names the cabinet, this criterion implies that the entire executive is the president's domain, and is responsible to him or her. We regard this as a necessary defining characteristic of presidentialism, as it ensures consistency with the principle that the origin and survival of the executive should be separated from the influence of the assembly.<sup>7</sup>

In fact, the three criteria we have identified entail a complete description, in institutional terms, of this principle. These three criteria, in themselves, however, do not provide a complete definition of presidential government. As we have suggested, the rationale for separating the origin and survival of executive and legislative powers is to ensure the viability of mutual checks. In particular, Madison sought to temper the sweeping legislative authority of assemblies. An independent executive with no real lawmaking power, however, would pose no obstacle to parliamentary sovereignty. Therefore, in defining presidentialism we must add the criterion that the elected executive must have some lawmaking authority. We do not offer a more specific description of this lawmaking authority because, as we shall see, the authorities of the executive vary widely among presidential systems, and there is no single legislative power common to all independent executives. We shall see, moreover, that when the executive and assembly are of different political tendencies, this overlap in lawmaking authority can generate legislative deadlock in presidential systems; and it is where deadlock becomes chronic that presidentialism as a system has been subject to the most severe criticisms.

We prefer the definition of presidentialism given at the start of this section because it clarifies the major point distinguishing presidentialism from other regime types that feature popularly elected presidents, as well as from parliamentarism: the separation of origin and survival. Moreover, it clarifies who is responsible for the executive: the president, hence the term *presidential* government, while in parliamentary regimes, it is parliament that is responsible for the composition of the executive. We now turn to defining the other type that we shall devote considerable attention to in this book, premier-presidentialism.

7 As we discuss in Chapters 5 and 7, there have been a few examples of otherwise presidential systems in which cabinet ministers were directly accountable to the assembly. The dramatically different performance of these regimes from pure presidential systems has prompted many observers to label them parliamentary, notably in the cases of Chile 1891–1924, Brazil 1961–3, and even Cuba in the 1940s. We share the consensus that these regimes were not purely presidential; but we shall consider whether they are most accurately classified as parliamentary, or as hybrid systems.

## PREMIER-PRESIDENTIALISM

A premier-presidential regime is, as its name implies, one in which there is both a premier (prime minister), as in a parliamentary system, and a popularly elected president. The credit (or blame) for first characterizing some regimes as “semipresidential” and describing the constitutional characteristics of these regimes belongs to Maurice Duverger.<sup>8</sup> Duverger’s concern is primarily with the nature and performance of the French Fifth Republic. He describes this regime as alternating between presidential and parliamentary phases, according to whether the assembly majority supports the president or not, instead of as an intermediate institutional arrangement somewhere between presidentialism and parliamentarism. Duverger does not characterize the Fifth Republic as purely presidential nor as purely parliamentary in either phase; but he prefers the concept of alternation between phases to that of an intermediate regime type for France. Yet the term “semipresidential” implies a regime type that is located midway along some continuum running from presidential to parliamentary. We find such an implication misleading, owing to the special characteristics such regimes exhibit. For the other European cases he discusses, there appear to be less distinct regime phases, although Duverger does not address this point. As we have stated, we consider such systems neither intermediate nor alternating regime types. Thus, what Duverger refers to as semipresidential, we designate premier-presidential.

Despite our differences with Duverger, we recognize his definition as concise and generalizable. Under premier-presidentialism:

1. the president is elected by popular vote;
2. the president possesses considerable powers; and
3. there also exist a premier and cabinet, subject to assembly confidence, who perform executive functions (Duverger 1980:161).

Our first criterion is the popular election of the chief executive, but, unlike under presidentialism, the president under premier-presidentialism is not necessarily the “chief” executive, but rather must coexist with a premier, who is head of the government. As we shall see, the relative status of each office within the executive may vary both across and within regimes.

Our second criterion is that the president has some political powers. The distinction with presidentialism here is that in premier-presidential systems, presidential powers are not necessarily legislative. There may be authorities such as submitting a bill to the electorate instead of to the assembly or referring legislation for judicial review. The presence of other legislative powers, such as veto or unilateral decree, might well lead the

8 The first explicit definition of semipresidentialism published in English, that we are aware of, is Duverger (1980). Nogueira (1986) also provides a theoretical discussion of semipresidentialism.

president into conflict with the rest of the executive itself, which is dependent on assembly confidence. Such powers, however, have existed and do exist in some premier-presidential regimes. More typical – and consistent with the regime type – are powers relating to the formation of governments, such as nominations for ministerial portfolios in addition to the premier, as well as nonministerial appointment powers. Typically, presidents in premier-presidential regimes have the power to dissolve the assembly. The important point here is that premier-presidentialism does not guarantee a legislative check by the president on the cabinet or the assembly. There is, however, one presidential power that moves a regime outside of the category of premier-presidentialism: the power to dismiss ministers unilaterally. Such power would contradict the third criterion of the definition, namely, the dependence of the cabinet on the assembly.

#### OTHER REGIME TYPES

We have defined two ideal types of democratic regimes with popularly elected presidents. Real-world regimes come in a variety of shadings and variations on these types. While it would be pointless to identify numerous types in an attempt to encompass all imaginable variations on the criteria of separation of powers and presidential authorities, nonetheless there are significant cases that clearly do not meet the criteria of either definition we have presented. The most common type is one in which both the president and the parliament have authority over the composition of cabinets. If the president both appoints and dismisses cabinet ministers, and if the ministers are subject to parliamentary confidence, we have another distinct type of regime. We designate such regimes, of which there have been several, *president-parliamentary*. Just as the names presidential and parliamentary for common regime types identify what elected institution has authority over the composition of the government, and just as the term “premier-presidential” indicates the primacy of the premier as well as the presence of a president with significant powers, so does the term “president-parliamentary” capture a significant feature of the regime: the primacy of the president, plus the dependence of the cabinet on parliament. Such a regime is defined thus:

1. the popular election of the president;
2. the president appoints and dismisses cabinet ministers;
3. cabinet ministers are subject to parliamentary confidence;
4. the president has the power to dissolve parliament or legislative powers, or both.

The definition captures two senses in which these regimes represent neither of our two ideal types, presidentialism and premier-presidentialism. First, these president-parliamentary regimes provide equal authority to dismiss members of the cabinet, unlike the other types. In either a



presidential or a premier-presidential regime, while both president and assembly may play a role in cabinet formation, by nominating or confirming candidates for ministerial positions, only one of the powers may dismiss ministers. The importance of this asymmetry of dismissal powers, alongside possibly shared appointment powers, will become clear in Chapter 6. The second feature captured by this definition is the lack of independent survival of assembly and executive powers, despite the great authority of the president over the cabinet. In a presidential regime, maximum separation of both origin and survival is the norm; under a president-parliamentary system, the ability of the parliament to censure ministers means that the survival of executive power is not separate. This latter point is obviously true in a premier-presidential system as well, but the difference is that under the latter type, it falls to the parliamentary majority to reconstitute the government after a censure, albeit in a process usually initiated by presidential nominations. Under president-parliamentary regimes, presidents themselves reconstitute the government, subject, of course, to the possibility of further censures. Moreover, many of these president-parliamentary regimes provide for the power of dissolution in addition to the powers over cabinets, thus meaning that separation of survival is nonexistent.

In Chapter 8, after we have discussed the various dimensions of presidential power, it will be possible to rate each regime according to the powers of presidents and the degree to which separation of survival characterizes each system. For now, we can provide a schematic that suggests where these regime types would be located in a two-dimensional space (Figure 2.1). There are two axes, one concerning the authority that presidents have over the composition of cabinets, the other concerning the degree to which the survival of assembly and executive are separated. In the upper right, with maximum presidential cabinet authority and maximum separation, we have the ideal-type presidentialism. In the lower left, with a minimum on both dimensions, we have the ideal-type premier-presidentialism, in which the president's powers are restricted to calling new elections to determine the makeup of the parliament that alone determines the composition of the cabinet. Slight deviations from these corner-points do not necessarily render the regime a wholly different regime type. For example, we have already defined a regime in which the president has some leeway in making the initial recommendation for premier or in which her or his powers of dissolution are restricted as premier-presidential. Similarly, a regime that requires assembly confirmation of presidential cabinet appointments would still be presidential.

The more significant deviations are those that would place a regime near the upper left. A regime with minimal separation of survival but maximum presidential authority to name and remove cabinets is a distinct regime type. As we shall see in Chapter 8, many regimes that are encountered in

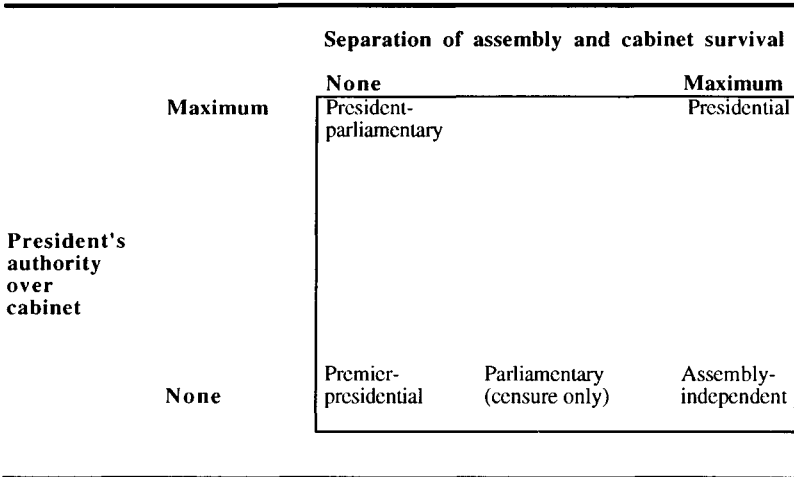


Figure 2.1. A typology of democratic regimes in two dimensions

this region have experienced serious crises over the authority of presidents and parliaments.

The lower right corner of Figure 2.1 also needs to be addressed, although only briefly. Maximum separation of survival combined with no presidential role in naming or dismissing cabinets would be an approximation of the Swiss regime: an executive chosen by the assembly but not removable by it. The obvious qualifier is that Switzerland has no elected president as head of state, but such a president would have no power over composition of the government anyway, thus (hypothetically) such a regime would be located at that part of the figure. We shall have little to say about this rare combination of powers, except to provide a contrast to presidentialism (see Chapter 5). We propose to call such regimes *assembly-independent*, to indicate the source of executive power, as well as the lack of mutual confidence of assembly and executive.

Even parliamentary regimes are encompassed in these two dimensions. Normally, parliamentary government is contrasted with presidential “separation of powers” systems as an opposite, in which the survival of the assembly and executive are mutually dependent. In parliamentary government, however, there is no president, or at least none with real powers. Thus, there is nobody from whom the assembly might *require* separation, except, of course, the cabinet, which in most but not all parliamentary systems is permitted to dissolve the assembly. The cabinet, however, is a mere agent of the assembly to begin with. So, unlike assembly-independent systems, the survival of the assembly and cabinet between scheduled elections is not inviolate. Yet no institution outside the assembly itself may

---

shorten the mandate of the assembly, as is the case under a typical premier-presidential regime. Thus parliamentary regimes are located at the midpoint of the dimension of separate survival.

#### CONCLUSION

We have now provided straightforward definitions for both presidential and premier-presidential government, the two forms with which this book is principally concerned. Our discussion, moreover, has generated a schema for locating these regime types that is generalizable to hybrid systems, as well as to parliamentary government itself. The task of establishing definitions is important so that key terms are clarified early, but we now move on to the more difficult and interesting job of evaluating the performance of different types of regimes.