

5. Presidential versus Parliamentary Government

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1. INTRODUCTION

The last twenty-five years have witnessed dramatic growth in the number of political regimes that meet basic standards of procedural democracy, such as freedom of association and expression, competitive elections that determine who holds political power, and systematic constraints on the exercise of authority (Robert Dahl 1971; Samuel Huntington 1991). What has been called the “third wave of democracy” is driven by the confluence of various trends—the establishment of democracy in countries with no prior democratic experience, its reestablishment in countries that had experienced periods of authoritarian rule, and the expansion in the number of independent states following the demise of European and Soviet communism. A common consequence of these transitions is to focus attention on the constitutional rules that guide competition for and the exercise of political authority under democracy. One of the fundamental aspects of constitutional design is the choice between parliamentary government, presidential government, or a hybrid format that combines some aspects of these two.

The distinctions among regime types at issue here have to do with how the popular branches of government—the assembly and executive—are selected and how they interact to form policy and administer the government. Assemblies—variously known as congresses, parliaments, legislatures, or a host of country-specific names—are popularly elected in all democracies, but executives are not. The general characteristics of parliamentary and presidential regimes are as follows.

Parliamentarism

- the executive is selected by the assembly;
- the executive remains in office subject to legislative confidence.

Presidentialism

- the chief executive is popularly elected;
- the terms of the chief executive and of the assembly are fixed, and not subject to mutual confidence;

- the elected executive names and directs the composition of the government, and has some constitutionally granted lawmaking authority.

The key principles that distinguish parliamentary and presidential government entail the *origin* and the *survival* of the popular branches. Under parliamentarism, only the assembly is elected, so the origin of the executive is derivative to that of the assembly. The requirement of parliamentary confidence means that the executive's survival is similarly tied to approval of an assembly majority. In most parliamentary systems, moreover, this dependence is mutual, and the executive may dissolve the assembly and call new elections prior to the expiration of its maximum constitutional period. Thus, parliamentarism is frequently distinguished from presidentialism on the grounds that powers are fused, rather than separated.

Under presidentialism the origins of the two branches are electorally distinct, with the chief executive (always the president, and sometimes one or more vice-presidents as well) elected separately from the assembly, for a fixed term. The last element in the definition of presidentialism, above, is simply that this elected president wields substantial powers over the executive branch—the ministries—and over the lawmaking process. This distinguishes presidential regimes from those that elect a ceremonial head of state who may be called a president, but who lacks constitutional authority (e.g. Ireland).

If the principles according to which the executive and assembly are founded and operate are distinct under presidentialism and parliamentarism, it is also the case that many constitutional regimes combine elements from both ideal types. Hybrid regimes have the following characteristics.

Hybrid Regimes

- the president is popularly elected, and is endowed with meaningful powers;
- there also exists a prime minister and cabinet, subject to assembly confidence.

Within this broad definition fits a wide range of hybrids in which the specific powers of the elected president, and her relationship to the prime minister and cabinet, vary considerably. Table 1 charts constitutional regime types for 80 political systems characterized by the Freedom House index of civil and political freedom as 'free' or 'partly free.'

In the course of this chapter, I review the debate over the relative advantages and disadvantages of various constitutional frameworks, the characteristics of regimes that have been of particular interest to academics and reformers, and some recent trends in the design and performance of regimes. Most of the focus is on presidentialism and hybrid regimes, for a couple of reasons. First, whereas pure parliamentary democracies are clustered among the relatively prosperous and politically stable OECD countries, presidential and hybrid systems are more common among newer democracies and among countries that have experienced