Beyond Presidentialism and Parliamentarism: On the Hybridization of Constitutional Form

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Abstract

The presidential-parliamentary distinction is foundational to comparative politics and at the center of a large theoretical and empirical literature. However, reports from constitutional design episodes and prima facie evidence from constitutions themselves suggest a fair degree of heterogeneity within these categories with respect to important institutional attributes. These observations lead one to suspect that the classic presidential-parliamentary distinction, as well as the semi-presidential category, is not as systemic as one would think. Indeed, one wonders whether the defining attributes that separate presidential and parliamentary constitutions predict the attributes that are stereotypically associated with these models. This paper addresses this very question. The results lead one to be highly skeptical of the "systemic" nature of the classification. Indeed, the results imply that if one wanted to predict the powers of the executive and legislature, one would be better off knowing where and when the constitution was written than in knowing whether it was presidential or parliamentary.

[1] Prepared for delivery at the meetings of the *Latin American Studies Association* (Toronto, October 2010).

The categorization of forms of government is foundational to comparative politics, and no categorization is more influential than that based on the degree of interdependence between the executive and the legislative assembly: presidentialism, parliamentarism, and semi-presidentialism. This classification has so thoroughly dominated scholars' understanding of executive-legislative relations that it has almost no conceptual competition. In this paper, we examine the constitutions that populate these categories and ask whether they structure executive-legislative relations in a coherent and distinctive way. Or, in other words, does the classification allow one to predict the various powers and responsibilities of executives and legislatures? We have reason to be skeptical, as we explain below.

Any exercise in categorization implies that the objects being classified share a set of definitional properties. Often, observers expect that similarly classified objects will resemble one another with respect to a collection of elective attributes. Within any category, however, there may be significant variation and many features may be shared across categories. When biologists categorized the platypus as a marsupial rather than a mammal, for example, they relied on definitional characteristics (a pouch) over non-definitional ones (a duck-bill) to make their determination, and thereby emphasized similarities with kangaroos over ducks. Similarly, scholars rely on an assumption that the presidential-parliamentary distinction (defined in various ways) classifies constitutions that are reasonably homogenous across a range of attributes of executive-legislative relations. For many scholars, knowing that, say, Australia is "parliamentary" would seem to summarize much of what they would want to know about the powers and responsibilities of the Australian parliament, and what makes it distinct from, say, the United States Congress.

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Beyond its presumptive descriptive power, the distinction between presidential and parliamentary systems (henceforth the "classical" classification) is also hypothesized to exert significant explanatory power over a wide range of outcomes. An incomplete list of such outcomes includes the survival of democracy (Linz 1994); economic policy (Torsten and Tabelini 2003); budget deficits (Cheibub 2006); economic performance (Alvarez 1998); social cleavage management (Lijphart, Rogowski, and Weaver 1993); ethnic conflict (Saideman et al. 2002); international peace (Elman 2000); international cooperation (Minnich 2005); the quality of democracy (Adeserà et al. 2003); and accountability (Samuels and Hellwig 2008). The classical classification also has an influence on real world constitutional design. In recent years, the choice of presidentialism or parliamentarism – as debated in such terms -- has occupied a good deal of constitution-makers' attention in countries as diverse as Afghanistan, Brazil, Kenya, and Russia.

We utilize new data to examine whether the classical conceptualization entails a set of *systemic* properties, or whether it is based on unfounded stereotypes. If indeed the variation in aspects of executive-legislative relations spans dimensions that do not correlate with the classical distinction, it would behoove us to develop a more descriptive (or at least multi-dimensional) categorization. The first step, however, is to evaluate the coherence and predictability of the classical typology. That assessment is the goal of this paper.

New data drawn from Elkins et al. 2010 allows us to inspect more closely than ever the institutional configuration of various executive-legislative arrangements, historical and contemporary. We look closely at design choices for each of seven features of the constitutional allocation of powers and authority between the executive and the legislature. The sample is composed of 591 contemporary and historical constitutions considered to be presidential

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parliamentary, or semi-presidential. We explore whether these labels in fact capture homogenous institutional configurations by examining the internal similarity of constitutions within each category. We find an extraordinary amount of within-type heterogeneity across the attributes in question. Indeed, knowing whether a constitution is parliamentary, presidential, or semi-presidential is less helpful in predicting a constitution's executive-legislative structure than is knowing the geographic region in which the constitution was produced, or when it was written. Although the within-type cohesion is low (at least by our expectations) for all three categories, we find measureable differences in cohesion across type, with presidential and parliamentary constitutions being the least cohesive of the three. Moreover, the results tell us a great deal about the structure of semi-presidentialism, a highly suspect intermediate category in some quarters of the literature. We find semi-presidentialism to be more internally consistent than the other categories, but also learn that constitutions in the semi-presidential category bear no noticeable difference from those in either the parliamentary or presidential categories. That is, except for the defining properties that distinguish them, semi-presidential cases could be combined with either presidential or partliamentary ones with no noticeable decrease in within-type cohesion regarding the distribution of power between the executive and the legislature. The results of the measurement exercise lead us to offer some guidance about the use of the classical typology and imply a research agenda for further conceptual exploration.

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I. THE CLASSICAL TAXONOMY

An interesting entrée into the challenges of conceptualizing executive-legislative relations is the troubled concept of "semi-presidentialism," a species of constitutions that now outnumbers pure presidentialism by some counts (Almeida and Cho 2003; Elgie 1999:14; Cheibub 2007). The category has defied easy (or at least a consensual) definition since Duverger

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first described and labeled it (Duverger 1980; Shugart and Carey 1992; Elgie 1999). After reviewing the definitional debate, Elgie (1999; 2007:6) has argued forcefully that the particular powers of president and prime minister should be excluded from the definition, and thus defines semi-presidentialism as a system "where a popularly-elected fixed-term president exists alongside a prime minister and cabinet who are responsible to the legislature." This definition has an elegant simplicity and seems to resonate with current usage. It focuses on the formal provisions of the constitution and thus eliminates many (though not all) ambiguous cases associated with other definitions. It also focuses on the critical question of the source of executive responsibility rather than the relationship among executives, or even the total scope of executive power or independence.

One oft-voiced critique of Elgie's definition (and Duverger's concept before it) is that the semi-presidential category includes a wide range of disparate systems (Siaroff 2003). The sense is that the class is internally incoherent, at least as compared with the supposedly purer types of presidential and parliamentary systems. Elgie (2007: 9-10) responds to this objection by pointing out that the categories of presidential and parliamentary system, accepted by most comparativists as foundational, themselves mask great internal variation.[2] This assertion is potentially subject to empirical verification and helps to motivate our paper.

We posit that the classical typology implies a set of core defining attributes as well as a set of presumably elective, incidental, attributes. The research question turns on how elective the second set of attributes is. The defining distinction between presidentialism and parliamentarism

[2] He goes further, following Shugart and Carey (1992), to categorize different sub-types of semi-presidentialism, characterized by the relative weight of executive authority assigned to president and prime minister. Elgie 2005.

concerns the degree of interdependence between the executive and the legislature, specifically with respect to the selection and dismissal procedures of the respective offices. England and the United States represent the two prototypical cases. England is characterized by the fact that governments, in order to come to and remain in power, need the support of a legislative majority, which, in turn, operates in one of the most disciplined parliaments to be found in a democracy. The United States is characterized by the fact that the executive and the legislature are selected independently.

The divide between England and the United States with respect to this defining attribute is thought to represent two different ways to organize executives and legislatures. All sorts of consequences are supposed to follow from this distinction, ranging from the relatively mild (i.e., a president with a distorted view of reality) to the essential (i.e., stronger incentives for cooperation among political actors in parliamentary systems) (Linz 1994; Stepan and Skach 1993). Moreover, precisely because it is fundamental, the defining distinction is said to extend to other features of the constitutional structure. Presidentialism and parliamentarism are considered to be *systems* of governance and, in this sense, contain a number of less fundamental but nonetheless important features that hang together (but see Albert 2009; Albert 2010). As put by Moe and Caldwell (1994:172), "presidential and parliamentary systems come with their own baggage. They are package deals."

It is in part because of these presumably elective properties that broad characterizations of these systems are possible. Thus, to cite only one example, according to Tsebelis (1995:325), "[i]n parliamentary systems the executive (government) controls the agenda, and the legislature (parliament) accepts or rejects proposals, while in presidential systems the legislature makes the proposal and the executive (the president) signs or vetoes them." The Tsebelis

conceptualization, then, implies an understanding of the typology beyond the defining attribute of selection and removal, extending to legislative initiative and executive veto. This more encompassing understanding of parliamentarism and presidentialism very likely derives in part from the makeup of the prototypical cases, with the expectation that other cases in the class exhibit some family resemblance. "Semi-presidentialist" constitutions represent either a discrete family or an intermediate "bastard" tribe (Elgie 1999: 7).

One distinguishing characteristic is that, as the Tsebelis quote above suggests, governments in parliamentary systems maintain tight control of the legislative agenda, which perhaps follows from the idea that a loss on an important vote may imply their demise. Since governments in presidential systems do not risk being removed from power in the middle of their term, they can afford to relinquish agenda-setting powers to the legislature. The Tsebelis characterization also suggests that veto power – the mechanism that allows presidents to react to the proposals initiated in the legislature – is typical of presidential constitutions. Executive decree power, in turn, is widely considered to be a natural provision for parliamentary systems and less necessary in presidential systems; the standard rationale is that decree power allows an otherwise weak parliamentary executive to make more direct and immediate decisions (but see Siaroff 2003).[3] Semi-presidential systems, however, are thought to be characterized by independent decree power for the president, as in the French Fifth Republic.

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[3] The practice of delegation of legislative authority to the executive emerged in European parliamentary systems toward the end of the 19th century and the beginning of the 20th, and became a matter of deep concern during the inter-war years. The need for acts of parliament enabling the executive to legislate was justified in terms of the complexities of the modern world and the inefficiency of parliamentary debates; enabling acts were seeing as "parliamentary government in our time." They were justified by the argument that parliament retained the power to withdraw confidence from the government and remove it from office. In this sense, decree power was seen as merely an issue of legal technique, changing parliamentary practice from a priori to a posteriori approval of government action (Kirchheimer 1940:1119). This argument helps illuminate existing concerns with the alleged abuse of decree powers by presidents in new democracies: granting legislative authority to the executive in a system of separation of powers implies abdication since the legislature has no a posteriori mechanisms for controlling the actions taken by decree (see Carey and Shugart 19xx for a review of different views about decree powers in

Moreover, emergency powers, which allow the executive to suspend the constitution for a specific period of time when unusual circumstances occur, are commonly associated with presidential constitutions. Ferejohn and Pasquino (2010) argue that constitutional systems based on parliamentary sovereignty reject the "dualistic" regime that emergency provisions establish, that is, the notion that there exists a regular and an exceptional government. In these systems, they say, "if there is a need to suspend rights or consolidate powers to deal with an emergency, all this can be managed efficiently by the sovereign body itself - normally the legislature (like in the British parliamentary system)" (pp. 339). Loveman (1993), in turn, argues that the uniquely strong emergency provisions of the 19th century presidential constitutions of Latin America were at the root of the region's political instability and militarization of politics (a charge sometimes repeated with regard to Weimar semi-presidentialism (Linz 1994:54; Skach 2005)).

Executive dissolution of the legislative assembly, in turn, is considered to be a distinctly parliamentary feature, part and parcel of the interdependency that defines this system. Since presidentialism is characterized by the independence of executive and legislative powers, presidential constitutions should not contain provisions for assembly dissolution, though semi-presidential constitutions sometimes do. Similarly, cabinets are supposed to be appointed and removed by the president under presidential constitutions, by the assembly in parliamentary constitutions (which is then ratified by the figure-head of state), and – true to its nature – sometimes by the president, sometimes by the assembly, and sometimes by both in semi-presidential constitutions. It is indeed due to this ambiguity that many believe semi-presidential constitutions are problematic.

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presidential democracies and xxx for a discussion of decree usage in Brazil, Chile and Argentina.; see Huber, Cheibub and Cheibub and Limongi for a different interpretation of decree powers).

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Finally, legislative oversight of the executive is part of the system of checks and balances that are often embedded in separation of powers constitutions. Parliamentary constitutions, in turn, are structured in such a way as to maximize the convergence between the interests of the government and those of the legislative majority; consequently, provisions for legislative oversight of the executive would be, if not redundant, at least less crucial in these constitutions. In semi-presidential constitutions, oversight is only required to the extent the executive is independent (as in contemporary Taiwan, for example, where the appointment of the prime minister is not subject to parliamentary approval).

Thus, a number of modular properties are thought to cohere in presidential and parliamentary constitutions. We are aware that some of these properties are less clearly associated with one specific type of constitution, or some of the powers they aim to allocate are also dependent on non-constitutional provisions. This is particularly true with legislative oversight, a function that is often achieved via non-constitutional means (Pelizzo and Stapenhurst 2004). Yet, we believe that, either supported by historical evidence or through the derivation of implications from the constitutions' first, the expectations we described about allocation of power in parliamentary and presidential constitutions are quite plausible.

We summarize these expectations in Table 1. Briefly, parliamentary constitutions should provide for strong executive control of the legislative agenda and weak executive veto, relatively strong executive decree powers, relatively weak emergency provisions, the subjection of the assembly to dissolution by the executive, relatively weak involvement of the head of state in government formation and removal, and undeveloped oversight instruments. Presidential constitutions should be characterized by weak executive control of the legislative agenda, strong veto powers, relatively weak decree powers, strong emergency provisions, no executive

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dissolution of the assembly, but complete control of government formation and removal by the president and relatively well developed oversight provisions. Finally, semi-presidential constitutions should be characterized by divided executive control of the legislative agenda, strong or weak veto powers, strong or weak decree powers, strong emergency provisions, and variable schemes for dissolution of assembly and dismissal of the executive. Semi-presidentialism is, therefore, characterized by its intermediate location between two "pure" types and could equally be characterized as semi-parliamentarism. Either of these labels, of course, assumes that presidentialism and parliamentarism are themselves meaningful categories.

In spite of the theoretical coherence of parliamentary and presidential constitutions, almost any real-world episode of constitutional design seems to raise doubts about the utility of these categories in predicting institutional attributes. Consider four recent constitutional experiences drawn from diverse locales:

Afghanistan. In 2003, the Constitutional Drafting Commission of Afghanistan sent its final draft to the President's office, after which it was to be forwarded to the Constitutional Loya Jirga for passage. The draft had been painstakingly constructed, with support from the United Nations and others, and featured a distinct constitutional court as well as a parliamentary system. Many believed a parliamentary system was the best to ensure representation for Afghanistan's diverse population. When the draft emerged from the President's office, however, the system had been changed to a presidential one. But the constitution retained, whether intentionally or not, the ability for the parliament to vote no confidence in government ministers based on "well-founded reasons" (though the text did not clearly spell out the implications of such a vote).[4]

[4] Constitution of Afghanistan, Art. 92. This led to a constitutional crisis in 2008 when the parliament voted no confidence in the foreign minister and the president sought to retain him.

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Ukraine. In the Orange Revolution in the Ukraine, constitutional amendments adopted overnight (and in violation of constitutional norms) sought to engineer a compromise with the Kuchma regime by recalibrating the powers of president and parliament (Matsuzato 2008). This led to various instabilities and the creation of a "parliamentary oligarchy," leading to a new round of proposals to restructure the political system. Recent proposals sought to extend presidential power, allowing the executive to dissolve parliament and appoint the prime minister if the parliament rejects the proposed candidate. Tensions over the allocation of powers, however, led the government to fall in September 2008. The imagery is one of a system swinging between extremes in an effort to find a workable semi-presidential model.

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Australia. In 1975, the Australian Governor General utilized, for the first time and against constitutional convention, his formal power to dismiss the Prime Minister after the government had lost the confidence of the upper house of parliament and failed to secure passage of the budget. Given that the government enjoyed the confidence of the lower house, this was viewed by many as a violation of the norm in parliamentary systems. The debate over the constitutionality of the action led one political scientist to characterize the Australian system as the "Washminster" system, that could neither be seen as a variant of Westminster nor as a pure presidential system (Thompson 1981.)

Brazil. A memorable photograph from the 1987–88 Brazilian constitutional assembly shows a group of presidentialistas celebrating their come-from-behind victory in a highly contested roll call vote on the simple question of presidentialism or parliamentarism. Until that critical juncture, many of the delegates had operated under the assumption that parliamentarism (actually, semi-presidentialism), not presidentialism, would be the governing structure of the new system. Thus, in constructing much of the constitutional structure, delegates operated with not

only an unclear sense of the basic relationship between powers, but also, most probably, with a fundamentally distorted sense of such. The 1988 Constitution has certainly induced a pattern of politics that is closer to what we observe in many parliamentary countries than what unfolded, for instance, under the 1946 Constitution. Few people would contest the fact that under the 1988 Brazilian constitution the president possesses powers that are often found in parliamentary systems, and that these powers allow him to behave much like a prime minister. Legislators, in turn, face an incentive structure that does not really distinguish them from their counterparts in the prototypical parliamentary system.[5] The result is a hybrid political structure that has defied all odds, at least the ones that were dominant in the first years of operation of the 1988 document (Mainwaring 1991, Sartori 1994, Kugelmas and Sola 1999, Ames 2001).

In each of these cases, category confusion played some role in constitutional design. In each, the founders had either by design or omission failed to spell out key aspects of legislative-executive relations, or left untouched arrangements that were meant for a different "system." And in each, the lacuna led to constitutional crisis—or at least misunderstanding. The Brazilian and Afghan cases are usually classified as presidential systems; the Australian is typically considered parliamentary; and the Ukraine is considered semi-presidential. Yet in each, disputes have emerged between head of state and parliament and confusion remains about the scope of their respective powers. In short, the categories used by political scientists have been adopted by constitutional designers, but frequently the actual provisions of texts seem to deviate from the pure types, sometimes leading to constitutional confusion.

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[5] This view, which today constitutes the accepted wisdom about Brazilian politics has originated in the work of Figueiredo and Limongi, the most complete exposition of which can be found in Figueiredo and Limongi 2000.

II. ANALYSIS

With these questions in mind, we turn to our primary inquiry. How internally cohesive are the classical categories? Our basic research strategy is to analyze whether constitutions that fall into one of the three classes are in fact more similar to one another with regard to key institutional attributes than they are to constitutions outside their class.

Our method is to compare constitutions, contemporary and historical, with respect to their division of power between the executive and legislature. Our data are from the Comparative Constitutions Project (CCP), a comprehensive inventory of the provisions of "Constitutions"[6] for all independent states since 1789 (Elkins, Ginsburg, and Melton 2010). Collection of the data is ongoing and for purposes of this article the dataset includes 649 texts, from the 801 constitutional systems identified by Elkins, Ginsburg and Melton.[7] Elkins, Ginsburg, and Melton include some 660 questions in their survey instrument, many of which have to do with the powers of the executive and the legislature.

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At the outset, we should make clear that our analysis is restricted to formal provisions in written constitutional texts (we will refer to this as de jure constitutionalism). Actual political practice in any country with regard to executive-legislative relations is certainly more complicated than what is written into formal constitutional rules, and likely reflects informal conventions as well as other sources of law such as judicial opinions. Nevertheless, there are

[6] See Elkins, Ginsburg, and Melton for details on the conceptualization and measurement of "constitutions." [comparativeconstitutionsproject.org]

[7] A constitutional system consists of a constitution and all its amendments before the constitution is formally suspended or replaced. We use only one event per system in this analysis, typically a new constitution in the first year of its adoption.

good reasons to focus on written texts. First, formal constitutional rules make for a roughly comparable set of data to examine across time and space. Examining unwritten constitutional rules raises significant problems of identification that are likely insurmountable. Second, formal texts reflect discrete acts of constitutional designers, many of whom are informed by the classical typology. Our analysis, then, can be seen as examining whether the provisions chosen by constitution-makers produce coherent systems that reflect the classical typology, not the implementation of these decisions, which may depart from law.

We proceed in three broad stages. First, we utilize a set of variables from the CCP to develop a tripartite categorization of government type based on the explicit provision of the attributes that define these categories. We then consider each of the seven "elective" attributes individually and assess their association with one or the other government types. We then develop a measure of institutional similarity between constitutional pairs, drawing from items representing these seven attributes, and assess institutional coherence in a multivariate regression model that specifies other sources of similarity, notably regional and temporal proximity.

A. The Operationalization of Presidentialism, Parliamentarism, and Semi-Presidentialism

Some cross-constitutional measures of the classical conceptualization exist, sometimes indirectly (e.g., Cheibub 2007; Beck et al. 2001). One advantage of the CCP data is that it covers a fairly wide and deep sample and includes explicitly the defining attributes of the classical conceptualization. A second advantage is that, since we use the CCP as the source of information on the elective attributes, the datasets match with respect to sample and epistemology. Nevertheless, a stronger test of our ideas might employ a measure of presidentialism and parliamentarism already in use by other scholars. Thus, in a series of

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robustness checks, we also employ an external operationalization of the classical categorization scheme – external, that is, to the constitution *and* to our enterprise.

Our measure of the classical categorization scheme hinges on its defining feature– whether or not the government is collectively dependent upon the legislature for survival. This feature, as we describe above, is the crux of the distinction between presidentialism and parliamentarism (see Cheibub 2007). If a government can be removed by the legislature for political reasons (i.e., not for criminal or behavioral ones), the case is coded parliamentary (n=72);[8] if not it is coded presidential so long as the head of state is popularly elected, either directly or indirectly (n=213). Semi-presidential systems (n=105) are those in which the government can be removed by the legislature and there is a popularly elected head of state. A

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[8] In this sense cases in which governments and ministers are responsible for their acts only criminally are not coded as parliamentary. Many constitutions, mostly in European monarchies of the 19th century, state that "ministers are responsible," leaving unspecified to whom, in which way and with what consequences. Cases like these are not considered to be ones requiring assembly confidence for our purposes. This reflects the fact that the formal description of assembly confidence in written constitutions arose rather late, and was implicit rather than explicit in early parliamentary constitutions. In our dataset, the first constitution to explicitly distinguish between collective political and criminal responsibility was the French one adopted in 1875: article 6 states that "the ministers shall be collectively responsible to the houses for the general policy of the government, and individually for their personal acts. The President of the Republic shall be responsible only in case of high treason." After this, assembly confidence was introduced only in 1919 by the Weimar and Finish constitutions. In all three cases the constitution clearly identified political responsibility of the government, but did not specify what should happen in case of a loss of confidence.

large set of excluded cases (n=203) includes those constitutions whose provisions do not formally define these powers, such as constitutional monarchies in which assembly confidence in the government is not explicit (e.g. Netherlands, Norway, and Canada) and those seemingly presidential and semi-presidential constitutions in which the head of state can be removed (including Venezuela 1999, Art. 233, and Colombia 1991, Art.195) or whose president is not popularly elected (Brazil's estado novo constitution of 1937). A plot of the population within each class across time (Figure 1) provides a better sense of the universe of cases and documents the well-known increase in the number of semi-presidential systems in recent decades.

Cheibub (2007) has developed a classification of government types for a different analytical and theoretical purpose, which allows us to test the robustness of our categorization. Cheibub's classification is available for a smaller set of cases (democratic constitutions since 1945) than that derived from the CCP, whose sample includes all written constitutions since 1789. For the 76 constitutions over which the two measures overlap, 60 fall into the same category, suggesting substantial similarity between the two measurement approaches (Table 2). When the two measures disagree, it is mostly because the de jure measure has coded Parliamentary systems as semi-presidential systems (such as Spain 1978).

B. How elective are the elective attributes?

Do we observe coherence in the distribution of the stereotypical properties listed in Table 1? Table 3 calculates the proportion of constitutions with each of these properties across all constitutions as well as for the constitutions written before and after World War II. We should note that these proportions necessarily mask a fair degree of variation. Certainly, powers can be qualified and restricted in a number of important ways. In other analyses (not shown), we construct a more nuanced measure of these powers. Substantively, this latter approach delivers

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equivalent results and so we focus on the more aggregate set of powers here. The list of cases before World War II is limited due not only to our more limited sample prior to that time, but also because of the relative silence in parliamentary constitutions with respect to executive-legislative relations. Early parliamentary systems developed gradually out of absolute monarchies and did not always specify the powers of the head of government or parliament in written texts. Early parliamentary systems developed gradually out of absolute monarchies and did not always specify the powers of the head of government or parliament in written texts. Because parliamentarism emerged as an evolutionary process, a "gradual devolution of power from monarchs to parliaments" (Przeworski 2008:2; see also von Beyme 2000 and Lauvaux 1988), it often did not require codification. Rather, executive-legislative relations were regulated through informal norms and understandings. Indeed, the Dutch Constitution of 1848 was the first written constitution in a parliamentary system to codify the dimensions of executive-legislative relations described in this paper.[10] By contrast, presidentialism and written constitutionalism were born together with the ratification of the US constitution in 1789, a form adopted by the

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[10] This does not mean, of course, that there were no constitutions with a parliamentary structure prior to 1848. Of the 947 events identified by the CCP project (an event happens when there is a new constitution, or an existing constitution was amended, suspended or reinstated), we have data on executive-legislative provisions for 544, of which 472 are coded as parliamentary, presidential or semi-presidential. Of the 72 that were not coded as one of these categories, there are 10 that were written prior to 1848 (including, for instance, the 1822 constitution of Portugal, the 1837 and 1845 constitution of Spain, or the 1848 constitution of Italy). There are 403 events for which we still do not have information; of these, 92 were written prior to 1848, including constitutions in Belgium, France, Greece, the Netherlands, Portugal, Spain, Sweden and the German principalities.

newly independent republics of Latin America (though rejected in the new states in Southeastern Europe that retained constitutional monarchies). It seems logical that this more engineered form of government would require the introduction of formal provisions regulating the interaction of the executive and the legislature earlier than would parliamentary systems.

Also, when comparing executive and legislative attributes across constitutions, problems of comparability arise due to differences in the structure of offices. How does one measure whether "the executive" has, say, veto power when executive power is divided into two or more offices? And, more to the point, how should we compare two systems with a different number of executives with respect to such powers? One could follow one of three strategies: (1) focus on only one office (e.g., head of government) and ignore the second office in dual-executive systems; (2) treat single-executive systems as if there were two offices, vesting the same power in each office; or (3) use the branch (i.e., executive or legislative) as the unit of analysis, and assume that offices are partners (i.e., if either office in a dual executive system has a power, then the entire branch has such power). Each of these strategies introduces error and ex ante it is not entirely obvious which way to proceed. We lean towards the third approach and have assessed constitutions accordingly in this study. In a set of robustness checks, we evaluate the impact of the alternative strategies (see appendix).

We analyze seven attributes of executive-legislative relations: executive veto, executive decree, executive power of assembly dissolution, emergency, executive legislative initiative, legislative oversight, and cabinet appointment. We proceed to describe each of these powers in turn.

Executive veto. Executive veto powers originate with the US constitution and are seen as a quintessential characteristic of presidential systems. Yet well over half of our constitutions

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have some sort of executive approval of legislation, and many have a veto, even if it can be over-ridden or involves only delay. Adopting the US model, authors of many 19th century constitutions included provisions for an executive veto, including Colombia's 1830 document, which, as it happens, is the earliest in our data with a line-item veto.

Yet, contrary to what one would expect, not only do parliamentary constitutions contain a significant level of veto provisions, but up to the end of the 1950s they were on average more likely to have veto provisions than were presidential constitutions (not shown). Moreover, ever since at least 1919, there have been more parliamentary constitutions that grant the head of state veto powers than presidential ones. These constitutions are spread all over the world and often exist in countries where a monarch or a governor-general is the head of state (e.g., Denmark, Norway, as well as many of the Caribbean Islands that acquired independence in the 1970s and 1980s, such as Dominica (1978), Grenada (1974 as amended in 1992), Antigua(1981), St. Kitts and Nevis (1983), and Belize(1981).

But parliamentary constitutions do not require a constitutional monarch to grant the executive powers to delay and block legislation. India's 1947 Constitution included what was contemplated as a figurehead president, but with the ability to withhold assent and thus require re-passage of any bill. The first occupant of the office, Rajendra Prasad, famously sought to exercise his authority in opposition to the Hindu Code Bill, which defined civil law for the Hindu majority. The resulting constitutional discussions formed one of the great challenges to the Indian Constitution in its early years (Austin 1999). Other non-monarchical, parliamentary constitutions in which the head of state may delay legislation include Greece in Western Europe, several historical or current Eastern European constitutions (e.g., Estonia 1993 and Latvia 1922, although not as reinstated in 1991), as well as several early African constitutions (Congo 1963,

Ghana 1957, Kenya 1963, Lesotho 1966, Nigeria 1960, and Sierra Leone 1961). All of these documents allow the head of state (the monarch, the governor-general or the president chosen by parliament) to send the bill back for reconsideration by the legislature; often a super majority is required for passage of a rejected bill; and occasionally the head of state is allowed to submit the matter to a public referendum if he remains unhappy with the law.

Vetoes are also found, unsurprisingly, in semi-presidential constitutions. The Weimar Constitution allowed the President to refer a bill to a plebiscite if he refused to sign it. The French Constitution of 1958 had a more complex scheme, including the constitutional council as another veto player. The constitutions that emerged after the fall of communism generally include some provision for executive veto as well. Indeed, the content of semi-presidential constitutions has become very similar to that of parliamentary constitutions with respect to veto provisions.

Thus, although they originated in a presidential constitution, veto provisions are hardly absent in parliamentary and semi-presidential documents. As a matter of fact, it is not until the beginning of the 1960s with the promulgation of the first African constitutions that presidential documents have contained, on average, more veto provisions than parliamentary and semi-presidential ones. This "dominance," however, was short-lived as the new parliamentary and semi-presidential constitutions of Eastern European and post-Soviet countries granted the executive the power to delay legislation. But the most remarkable development seems to have been the considerable degree of convergence we observe since the middle of the 20th century in both the content of veto provisions and in the "popularity" of these provisions in presidential, parliamentary and semi-presidential constitutions.

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Executive Decree. Executive decree power is somewhat anomalous because it precedes, historically at least, the existence of independent legislatures. This can be seen in monarchic (but not parliamentary in our sense) constitutions like the 1889 Meiji and the 1876 Ottoman, as well as in early Presidential systems like those of Haiti and Mexico. Over time, parliamentary systems began to adopt decree powers. Convergence is, again, a noticeable trait of the historical evolution of decree powers, particularly regarding the average decree provisions contained in the documents that fall into each category of government type. While parliamentary constitutions may have been more likely (than presidential constitutions) to include executive decree power before 1945, after 1945 it is *presidential* constitutions that do so. Here again, the empirical record contradicts the theoretical expectation, at least as derived from standard constitutional expectations (Carey and Shugart 1998).

Assembly dissolution. Assembly dissolution, that most parliamentary of powers, is in fact not absent in presidential systems. As expected, dissolution is more often part of parliamentary and semi-presidential constitutions than it is presidential ones. But remarkably, it is not absent from presidential constitutions – ever since the 1960s, more than 20% of presidential constitutions have consistently contained dissolution provisions, even though, by definition, the assembly could not remove the president. Most of the early cases were in Africa: countries such as Togo, Mali, Kenya, Burundi, Rhodesia (Zimbabwe), Sierra Leone and Malawi. Outside of Africa we find dissolution powers in the presidential constitutions of Paraguay and the Marshall Islands. While it is clear that assembly dissolution is substantially more likely in parliamentary systems, that it exists at all in presidential systems is striking.

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Emergency. Emergency provisions were late to appear in both presidential and parliamentary constitutions. The first instance of the latter was in 1871 in the Netherlands; 1830

marked the appearance of three constitutions containing emergency provisions in new Latin American republics – Ecuador, Venezuela and Uruguay – followed by Chile in 1833. The emphasis was on the interim character of the power, to be exercised when Congress was out of session.

Loveman (1993) was correct that Latin American constitutions introduced emergency provisions into their constitutions, and that this distinguished presidential and parliamentary constitutions in the 19th century: between 1800 and 1899 there were only two countries with parliamentary constitutions that contained emergency provisions (the Netherlands and Prussia); during the same time, there were ten such cases of presidential constitutions, nine of which hailed from Latin America (Ecuador, Venezuela, Uruguay, Chile, El Salvador, Bolivia, Mexico, Guatemala, Haiti and, outside of the region, France in 1852).[12] But this is no longer the case. After a sharp decline in the appearance of new constitutions containing emergency provisions in

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[12] While it is true that most Latin American presidential constitutions eventually adopted emergency provisions, there was considerable variation in the timing of adoption. Thus, in the 19th century, Colombia adopted emergency provisions in 1886, after having gone through six constitutions that contained no emergency provisions. Bolivia adopted a constitution with emergency provisions in 1871, only after three failed constitutions without them. The same is true for Mexico (1857, after the constitutions of 1824 and 1836) and Haiti (1889, after the constitution of 1805). A few countries in Latin America never or almost never had constitutions with emergency provisions, including Costa Rica and the Dominican Republic (where emergency provisions are only found in the short-lived 1963 constitution).Venezuela was an early adopter of emergency provisions (1830), but these provisions were repealed in the 1881 constitution, though reinstated in the 1909 one. Finally, some countries adopted emergency provisions relatively late: Nicaragua in 1987, Panama in 1972, Honduras in 1982, El Salvador in 1950 (but repealed in 1963), and Brazil in 1934 (but repealed in 1946 and re-adopted in 1967).

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presidential systems and an increase in the number of such provisions in parliamentary ones, the gap is smaller now and the three types of constitutions seem to evolve in tandem (with a period during the 1980s when the gap between presidential and parliamentary constitutions widened).

The thrust of constitutional regulation of emergency powers was to assign some role for the legislature in terms of oversight. A precursor to full-on emergency powers was the Constitution of Bolivia (1826), which allowed the legislature to invest the president with "powers necessary for salvation of the state." Subsequent Latin American constitutions that introduced emergency powers allocated them carefully across institutions. In Chile (1833) for example, the president wielded emergency powers in case of foreign attack, while congress held the power to declare emergencies for internal disturbances. A common theme was to restrict presidential authority to instances in which the legislature was not in session.

But there does not really seem to be a correlation across government types in the assignment of powers. In South Africa (1996) the legislature is the default regulator. This is shared by presidential Estonia (that is, Estonia under the 1920 constitution). In semi-presidential constitutions, the power is often shared between the government and the legislature, as in Slovenia's Constitution of 1991, in which the legislature declares the state of emergency on the proposal of government, or the Bulgarian model of 1991 in which either the president or prime minister can declare a state of emergency. In short, one sees no real correlation along with government type.

Legislative initiation. Legislative initiative has been traditionally considered the domain of parliamentary governments. In order to navigate the hazards of legislative confidence, the executive is granted the power to introduce important bills and therefore shape the legislative agenda. As a matter of fact, in many constitutions this power goes beyond simple legislative

initiative to include the power to force the end of legislative debates, to impose a yes/no vote, and to tie the outcome of a vote to the survival of the government (Huber 1996 a and b, Lauvaux 1988, Döring 1996).

Our data show that the conventional wisdom is partly correct: indeed, executives in parliamentary and semi-presidential systems – those in which the government depends on legislative confidence in order to survive – are at least as endowed with powers of legislative initiative than presidential systems, as Table 3 demonstrates. Executives in presidential constitutions, however, are far from being powerless when it comes to initiating legislation. Ever since the first decades of the 20th century, presidential constitutions have on average contained at least one of four areas of initiative: ordinary laws, the budget, referendum and constitutional amendment. Moreover, close to 40% of all the 21st century presidential constitutions in force allow the president to initiate budget law (not shown). In some cases, such as in Chile (Siavelis 2000) and Brazil (Figueiredo and Limongi 2000), the president holds the *exclusive* power to initiate the budget bill.

Legislative oversight. We observe a similar phenomenon with respect to legislative oversight. One would expect that provisions for legislative oversight would be weaker in parliamentary constitutions due to the control the legislature already exerts over the government via the confidence mechanism. For this reason, parliamentary constitutions would contain fewer provisions for legislative oversight, such as the requirement that the government report to the legislature periodically or that the legislature be allowed to investigate the government. Yet, this is not what we find. Up until the 1920s, parliamentary constitutions were more likely to contain oversight provisions than were presidential ones. At that point in time the frequency of oversight provisions in parliamentarism had sharply declined to become almost identical to that found in

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presidentialism. Both evolved together until the 1980s, when a small gap opened between parliamentary and presidential constitutions in favor of the former. By that time, semi-presidential constitutions had converged to the levels we find in parliamentary ones.

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The CCP survey asks whether the executive must appear in parliament at regular intervals, whether the parliament can interpellate the executive at will, or whether both or neither condition is found in the constitution. To be sure, other approaches to oversight are possible. Bolivia's 1826 Constitution had an innovative approach with the Chamber of Censors, a third house of parliament whose role included oversight and interpellation; but this tricameral model was not followed elsewhere. Most early Latin American constitutions, including Bolivia (1880), Chile (1833), and Colombia (1830) included the requirement of regular reporting of the executive.

Over time, regular reporting seems to have given way to allowing the executive to be subject to interpellation by the legislature at will. The first constitution in our sample with this provision is Colombia's document of 1863, followed by Denmark's of 1866. Iran's Constitution of 1906 followed this approach, which then became prevalent in the interwar- and post-communist constitutions of Eastern Europe. Countries in which the executive is subject to interpellation at will include presidential Brazil and Afghanistan; semi-presidential Poland and Bulgaria; and parliamentary Thailand, Italy and Sweden. Overall, roughly 36% of constitutions have this feature, while another 20% also have the requirement of a regular appearance of the executive. The CCP survey also asks about legislative power to investigate the executive. In a very small number of cases (13), the power is explicitly denied while many more (129) explicitly allow it. Such constitutions include presidential Afghanistan and Mexico; semi-presidential Bulgaria and Finland; and parliamentary Denmark and Japan.

Cabinet Appointment. Another characteristic of presidential systems is the power to appoint the cabinet. Indeed, our data indicates that this power is quite close to the core of the presidential system, being found in 88% of postwar presidential constitutions. Typically, this power is granted to the president's discretion and there is little tradition of collective responsibility of the cabinet in presidential systems. The power originates in our data in the United States Constitution of 1789, and is evident throughout the 19th century in many Latin American Constitutions.

C. An aggregate assessment of similarity in executive-legislative provisions

The distribution of the constitutional attributes in Table 1 suggests that the classical conceptualization is something less than systemic. In this section, we assess the degree of coherence in a more aggregate fashion and control for other influences on constitutional design. Analytically, one can approach this question with a variety of methods. Here we, develop a measure of the similarity between any two constitutions based on the set of elective attributes in Table 1 and, essentially, test the predictive power of the classical typology. Our measure of similarity is straightforward. It calculates the percent of the binary provisions in Table 1 along which any two documents agree. Consider, for example, the dyad composed by the Brazilian constitution of 1988 with the US constitution. These two constitutions share four of seven provisions (all but decree, emergency provisions, and the initiation of legislation), thus resulting in a similarity score of 0.57. By contrast, the Brazilian constitution of 1891, patterned more closely after the U.S. model, shares six of seven provisions with the U.S. document (matching on everything except decree) for a similarity score of 0.85.

For the 390 total constitutions for which we were able to measure government type, the number of bilateral comparisons is therefore 75,855 [(390*390-390)/2]. Across these dyads the

mean similarity score is 0.63. 3,678 pairs of constitutions (about 5%) share all seven provisions for a score of 1.00. Forty-one percent of these perfectly matched pairs are composed of two constitutions with different government types, which already suggests a fair degree of hybridity with respect to the elective attributes in question. A small number of dyads (259) share none of the seven attributes. Of these polar opposites, roughly twenty percent are from the same "system," again suggesting a less than systematic quality of the classical conceptualization. So, for example, the constitutions of Burundi (1981) and Benin (1979) -- both presidential constitutions -- enumerate entirely different provisions with respect to these seven attributes. Same for Poland (1957) and Ghana (1963), two assembly confidence governments whose "systemic" attributes do not match.

D. Congruence of Constitutional Provisions within and across Classes

We can begin to get a sense of the degree to which any two presidential, parliamentary, or semi-presidential constitutions share a distinct institutional profile by observing the mean similarity scores within and across categories. Table 4 reports this set of comparisons. If attributes of executive legislative relations cohere within the classical categories, than we should see high within-class scores and low across-class scores, relatively speaking. So, the parliamentary-presidential dyad is less similar than the average pair, although modestly so. However, among the diagonal elements in Table 4, only a pair of semi-presidential constitutions is more similar than is any given pair of constitutions. Moreover, two parliamentary constitutions even appear to be *less* similar to one another than are those in the average pair. These small differences suggest a fair degree of hybridization within class, especially within parliamentary cases.

The bivariate findings are intriguing and suggest at least two avenues for further inquiry. First, are these patterns stable over time? Second, how does predictive ability of the system classification with respect to pairwise similarity (shown to be quite modest above) compare to that of other explanatory factors associated with states or constitutions? We evaluate these two questions with a set of multivariate models that regress the similarity between any two constitutions, *a* and *b*, on a set of shared characteristics between the two. That is:

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$$y_{ab} = b_0 + X_{ab} + e$$

where y is the measure of similarity between constitutions *a* and *b*, X is a vector of attributes describing the relationship between *a* and *b*, and *e* is an error term. X includes measures of the following relationships between the two constitutions in a dyad:

(1) *Same region*. A dummy variable equal to one if the two constitutions are from countries in the same geographic region.

(2) *Same language*. A dummy variable equal to one if the two constitutions are from countries with the same predominant language.

(3) *Same system*. A dummy variable equal to one if the two constitutions are either both presidential, both parliamentary, or both semi-presidential as defined by the variable constructed from the CCP data described above. In some analyses, this variable is broken out into dummy variables representing five of the six combinations of pairs (with parliamentary-semi-presidential as the residual category).

(4) *Year difference (in 100s)*. The absolute value of the difference in the year of promulgation between two constitutions, divided by 100.

(5) *Same country*. A dummy variable equal to one if the two constitutions are from the same country.

We begin with a model run on all dyads in the sample (i.e., all 174,355 dyadic comparisons of the 591 constitutions). We are missing data on roughly one-third of these constitutions (recall that we were not able to categorize all of the cases in the sample with respect to their system of government), leaving 390 constitutions and 75,855 dyadic cases for analysis. Since we are concerned about the independence of observations in which individual constitutions

are included in multiple pairings, we adopt an adapted fixed-effects model in which we explain variation within the first member of the dyad (by entering a dummy variable for each) and also estimate standard errors clustered within the first member of these dyads. As it happens, the estimates are nearly identical to those from an OLS regression.

Table 5 presents a set of results for the full sample and two eras, both along two different specifications of the model. The first specification includes a binary variable indicating whether two constitutions are from the same system (regardless of which) and the second set includes three binary variables indicating that two constitutions are both presidential, both parliamentary, or both semi-presidential (the residual category thus includes all cross-class pairs). The estimates from the full sample (Table 5, columns 1 and 4) confirm the bivariate results reported above. The same system variable in column 1 suggests that within-class constitutions are actually *less* similar to one another than are corss-class constitutions (although by a small margin, b=0.006). The coefficients on the within-class variables in column 4 indicate that while semi-presidential constitutions may cohere, presidential and parliamentary constitutions are if anything less similar to those constitutions in their class than are the cross-class cases (b=-.014 and -.042, respectively)

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Table 5 provides some sense of how these patterns have changed across time. Overall, it appears that modern constitutions exhibit more within-class cohesion than do pre-WWII ones. The coefficient on the same-system variable is strongly negative for pre-WWII cases (b=-.087) and modestly positive for post-WWII cases (b=.012). Moreover, it appears that much of this reversal can be attributed to growing cohesion among presidentialism constitutions. The effects in models 5 and 6 suggest that parliamentary constitutions have actually become more diverse at the same time that presidential ones have converged.

To summarize, we draw two key insights from these findings. First, the three categories in the classic conceptualization scheme exhibit very little institutional cohesion. On average, semi-presidentialist constitutions exhibit a minimal degree of family resemblance, while presidentialist and parliamentarist ones are, if anything, less similar to one another than any two cross-class constitutions. Second, this lack of cohesion is declining among presidentialist constitutions but increasing among parliamentary ones.

It is revealing to compare the institutional similarity predicted by the classic typology with other non-institutional predictors. As Table 5 shows, the other characteristics of pairs in the model (same language, same region, same country, and same era) all had effects in the direction we would intuitively expect: pairs of constitutions written in the same language, the same country and in the same geographic area tend to be more similar than those that were written in different languages, countries, or geographic regions; constitutional pairs become less similar as the time period between them increases. Moreover, all of these effects are, in terms of magnitude, stronger than the effect of government type. So, based on model 4 of table 5, we know that, on average, constitutions from the same region are 5 points more similar, those from countries that speak the same language *X* points, those from the same country 9 points, and those separated by 100 years are 3 points less similar. In other words, knowing any of these characteristics of a constitution (or its country) allows one to predict its institutional attributes better than one could in knowing whether it is presidential, parliamentary, or semi-presidential.

III. CONCLUSION

This paper has examined formal constitutional provisions of presidential, parliamentary and semi-presidential systems in order to assess the internal cohesion of these classic categories. We recognize that formal constitutions provide only partial guidance in understanding the

allocation of powers within all types of systems (Duverger 1980: 179; Elgie 1999: 289). Nevertheless, formal provisions are central to most definitions under consideration and are often representative of de facto governmental structure (Elkins, Ginsburg, and Melton 2009).

Our analysis suggests a surprising collection of findings and, by implication, pronounced skepticism regarding the classical typology of presidentialism, parliamentarism and semi-presidentialism. Many countries, it seems are veritable hybrids, showing absolutely no resemblance to the classic types across a long list of constitutional provisions concerning the power of executives and legislatures. But our skepticism is differentiated: the three classical types differ in their internal cohesion. Semi-presidential constitutions, surprisingly, are the only class of constitutions that exhibit anything approaching internal coherence. In general, the predictive capacity of the classical concept is underwhelming. Indeed, as we note, in order to predict a constitution's content, one would do better to know where the constitution is from and when it was written than to know whether it was presidential or parliamentary.

In terms of guidance regarding the continued use of the classical taxonomy, we will conclude provisionally with some alternative directions for both usage and further research. First, it seems clear to us that scholars need to be aware of the limited purchase of the classical taxonomy. To scholars for whom "parliamentarism," simply means "assembly confidence," our findings will not give pause (although they should certainly convey their limited usage to others). To the majority (we're guessing) of scholars for whom "parliamentarism" connotes elective attributes other than "assembly confidence," our findings should invite a shift in consciousness and, perhaps, vocabulary. Specifically, it may be worth adopting the concrete, and not wholly unattractive, labels "assembly confidence executive" and "directly-elected executive" over "presidential" and "parliamentary," respectively. These labels (or something similar) have the

virtue of connoting the definitional properties clearly without furthering stereotypes. Such an approach also has the virtue of overcoming confusion resulting from the fact that the nominal category of "presidents" includes both figureheads in assembly confidence republics and directly elected heads of government.

One important caveat concerns measurement error. As we hope to have made clear, the assessment of institutional similarity involves a set of measurement complications, including the selection of "elective" properties, the computation of a similarity measure, and a standardized comparison of two-headed and one-headed executives. All of our measurement choices should be revisited and tested empirically. It may also be that our categorization of cases according to the classical taxonomy errs as well, although of this we are less concerned. Nevertheless, we recognize the advantages of comparing our classification with other extant, independently generated, classifications.

Finally, as suggested above, it seems advisable to consider seriously any alternative conceptualizations of executive-legislative relations. Arraying cases along dimensions such as executive or legislative "independence" and "power" are obvious alternatives to the classic types (Fish and Kroenig 2009). The CCP survey may have some raw material for generating such measures. However, it could be that other, more incisive ways of slicing cases will occur to the astute scholar. Undoubtedly, some such typologies already exist. Indeed, with respect to semi-presidentialism, some of this re-categorization is noticeably under way. Elgie hints at this (2005:10) in expressing the view that we should not be focusing on normative issues about the classic distinction, but rather on those of more discrete subtypes. The first step towards developing such subtypes, as we suggest here, is a systematic understanding of the configuration of government power.

Table 1 Presumed Attributes of Executive-Legislative Systems

	System		
Attribute	**Presidential**	**Parliamentary**	**Semi-Presidential**
Defining Attribute			
Assembly Confidence	No	Yes	For head of govt
Elective Attributes			
Executive decree	No	Yes	Depends
Assembly dissolution*	No	Yes	Depends
Emergency powers	Strong	Weak	Strong
Initiation of legislation	Legislature	Executive	Depends
Legislative oversight	Yes	No	Depends
Executive veto	Yes	No	Depends
Cabinet appointment	Executive	Legislature	Depends

*Assembly dissolution is considered by many to be a defining attribute.

Figure 1. Number of constitutions by government type
Universe: National constitutions in force between 1920 and 2006

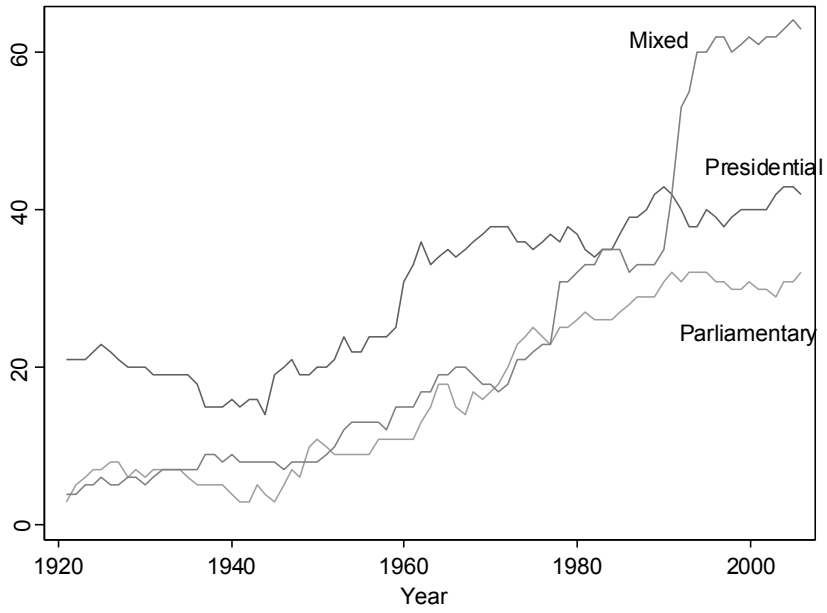

Table 2. Number of constitutions as coded by two measures of government type
Universe: National constitutions in force in states between 1945 and 2006

	De jure			
De facto	President	Parliamentary	Semi-presidential	Total
Presidential	22	0	2	24
Parliamentary	0	22	12	34
Semi-presidential	0	2	16	18
Total	22	24	30	76

N.B. The de jure measure is from the Comparative Constitutions Project (Elkins, Ginsburg, Melton 2010). The de facto measure is HINST from Cheibub (2007)

Table 2b. Off-diagonal cases from Table 2a

Country	**Year***	**De jure**	**De facto**
Grenada	1974	Semi-presidential	Parliamentary
St. Vincent and the Grenadines	1979	Semi-presidential	Parliamentary
Antigua And Barbuda	1981	Semi-presidential	Parliamentary
France	1958	Parliamentary	Semi-presidential
Spain	1978	Semi-presidential	Parliamentary
Greece	1952	Semi-presidential	Parliamentary
Sweden	1974	Semi-presidential	Parliamentary
Denmark	1953	Semi-presidential	Parliamentary
Cote D'Ivoire	2000	Semi-presidential	Presidential
Sierra Leone	1961	Semi-presidential	Parliamentary
Nigeria	1960	Semi-presidential	Parliamentary
Namibia	1990	Semi-presidential	Presidential
Lesotho	1993	Semi-presidential	Parliamentary
Pakistan	1973	Parliamentary	Semi-presidential
Thailand	1997	Semi-presidential	Parliamentary
Solomon Islands	1978	Semi-presidential	Parliamentary

*Year of promulgation of the constitution

Table 3 Proportion of Constitutions with select Provisions, by de jure government-type and era
Universe: National constitutions promulgated between 1789 and 2006

	1789-1945			1946-2006		
	Presidential	Parliamentary	Semi-presidential	Presidential	Parliamentary	Semi-presidential
Executive has decree power	0.70	0.75	0.92	0.66	0.55	0.66
Executive has emergency powers	0.08	0.67	0.83	0.26	0.75	0.89
Executive can dissolve the legislature	0.39	0.83	0.58	0.72	0.67	0.76
Legislature has oversight powers over the executive	0.77	0.83	0.92	0.80	0.57	0.68
Legislature initiates legislation	0.59	1.00	0.83	0.63	0.63	0.80
Executive has veto power	0.77	0.75	0.92	0.82	0.70	0.77
Executive appoints cabinet	0.94	0.83	0.83	0.88	0.90	0.99
Number of constitutions	96	12	12	117	60	93

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Table 4 Similarity of Constitutions within and across categories of government type (Mean Similarity Scores for Constitutional Dyads)

	Constitution B		
Constitution A	Parliamentary	Presidential	Semi-presidential
Parliamentary	0.59*		
Presidential	0.60*	0.63	
Semi-presidential	0.63	0.64*	0.67*
Overall Mean	0.63		
(Standard Deviation)	0.21		

*Significantly different from the overall mean at 1%

N.B. These models use a similarity index that excludes the item, "executive can dissolve legislature," and a de jure measure of government type based on the monolithic executive method (see text).

Table 5. Explaining the similarity of executive-legislative elective properties, by era
Universe: National constitutions promulgated between 1789 and 2006

	Same system dummy			Sub-system dummies		
	(1)	(2)	(3)	(4)	(5)	(6)
	1789-2006	Pre-1945	Post-1944	1789-2006	Pre-1945	Post-1944
Same country	0.091**	0.085**	0.113**	0.094**	0.085**	0.116**
	(0.008)	(0.013)	(0.015)	(0.008)	(0.013)	(0.015)
Difference in birth year (100's)	-0.031**	-0.072**	0.046**	-0.028**	-0.066**	0.048**
	(0.002)	(0.007)	(0.009)	(0.002)	(0.007)	(0.009)
Same region	0.048**	0.106**	0.031**	0.051**	0.114**	0.030**
	(0.002)	(0.006)	(0.003)	(0.002)	(0.006)	(0.003)
Same system	-0.006**	-0.087**	0.012**			
	(0.002)	(0.006)	(0.002)			
Both Presidential				-0.014**	-0.095**	0.006
				(0.002)	(0.006)	(0.003)
Both Semi-presidential				0.039**	0.058*	0.045**
				(0.003)	(0.025)	(0.004)
Both Parliamentary				-0.042**	0.012	-0.048**
				(0.004)	(0.025)	(0.006)
Constant	0.634**	0.670**	0.612**	0.632**	0.667**	0.612**
	(0.001)	(0.005)	(0.002)	(0.001)	(0.005)	(0.002)
Observations	75855	7140	36315	75855	7140	36315
R-squared	0.02	0.07	0.01	0.02	0.08	0.01

Standard errors in parentheses; *significant at 5%, ** significant at 1%

N.B. These models use a similarity index that excludes the item, "executive can dissolve legislature," and a de jure measure of government type based on the monolithic executive method (see text).

Appendix

Table A1. Models of dyadic similarity, by alternative methods of treating the number of executives

	Same system				Dyads			
	(1) Monlithic Exec.	(2) Split Exec	(3) Head of Gov only	(4) no dissolve	(5) Monlithic Exec.	(6) Split Exec	(7) Head of Gov only	(8) no dissolve
Same country	0.091**	0.097**	0.094**	0.091**	0.094**	0.136**	0.102**	0.094**
	(0.007)	(0.006)	(0.007)	(0.008)	(0.007)	(0.005)	(0.007)	(0.008)
Difference in birth year (100's)	-0.040**	-0.015**	-0.004**	-0.031**	-0.037**	-0.016**	0.008**	-0.028**
	(0.002)	(0.001)	(0.002)	(0.002)	(0.002)	(0.001)	(0.002)	(0.002)
Same region	0.056**	0.054**	0.039**	0.048**	0.059**		0.051**	0.051**
	(0.002)	(0.001)	(0.002)	(0.002)	(0.002)		(0.002)	(0.002)
Same system	0.041**	0.107**	0.101**	-0.006**				
	(0.002)	(0.001)	(0.002)	(0.002)				
Both Presidential					0.033**	0.116**	0.074**	-0.014**
					(0.002)	(0.001)	(0.002)	(0.002)
Both Semi-presidential					0.092**	0.142**	0.176**	0.039**
					(0.003)	(0.002)	(0.003)	(0.003)
Both Parliamentary					-0.004	0.101**	0.140**	-0.042**
					(0.004)	(0.003)	(0.004)	(0.004)
Constant	0.600**	0.518**	0.540**	0.634**	0.598**	0.525**	0.532**	0.632**
	(0.001)	(0.001)	(0.001)	(0.001)	(0.001)	(0.001)	(0.001)	(0.001)
Observations	75855	75855	75855	75855	75855	75855	75855	75855
R-squared	0.04	0.15	0.08	0.02	0.05	0.14	0.10	0.02

Standard errors in parentheses; * significant at 5%, ** significant at 1%

Table A2. Models using de facto measures of government type (HINST from Cheibub 2007), by alternative methods of treating the executive

	(1) Monolithic executive	(2) Split executive	(3) Head of Gov only	(4) Monolithic/ No dissolve*
Same country	0.144**	0.119**	0.133**	0.155**
	(0.041)	(0.031)	(0.040)	(0.046)
Difference in birth year (100's)	-0.172**	-0.056**	-0.028	-0.210**
	(0.023)	(0.017)	(0.022)	(0.025)
Same region	0.034**	0.022**	-0.003	0.034**
	(0.008)	(0.006)	(0.008)	(0.009)
Same system	0.090**	0.148**	0.157**	0.048**
	(0.007)	(0.005)	(0.006)	(0.007)
Constant	0.599**	0.525**	0.549**	0.633**
	(0.006)	(0.005)	(0.006)	(0.007)
Observations	4095	4095	4095	4095
R-squared	0.08	0.20	0.13	0.04

Standard errors in parentheses
* significant at 5%; ** significant at 1%

*This uses the monolithic executive method for measuring government type and uses a similarity measure that excludes the item, "executive can dissolve legislature."

REFERENCES

Ackerman, Bruce. 2000. "The New Separation of Powers." Harvard Law Review 113:633-718.

Albert, Richard. 2009. "The Fusion of Presidentialism and Parliamentarism." American Journal of Comparative Law. 57: 531-77.

Albert, Richard. 2010. "Presidential Values in Parliamentary Democracies." International Journal of Constitutional Law 8(2): 207-32.

Almeida, Acir and Seok-ju Cho, 2003. Presidential Power and Cabinet Membership under Semi-Presidentialism, Paper presented at Midwest Political Science Meetings, Chicago, April 3-6, 2003.

Ames, Barry. 2001. The Deadlock of Democracy in Brazil. Ann Arbor: Michigan University Press.

Austin, Granville. Working a Democratic Constitution: The Indian Experience. New Delhi: Oxford University Press, 1999.

Baum, Jeeyang Rhee. 1999. "The Logic of Presidential Delegation: A Comparative Analysis of Administrative Procedural Reform in Korea and Taiwan" unpublished paper on file with author.

Beck, Thorsten, George Clarke, Alberto Groff, Philip Keefer, and Patrick Walsh. 2001. "New tools in comparative political economy: The Database of Political Institutions." World Bank Economic Review 15:1: 165-176.

Cheibub, José Antonio. 2002. Presidentialism and Democratic Performance. In A. Reynolds, ed., The Architecture of Democracy. Oxford: Oxford University Press. 104-27.

Cheibub, J. A. and F. Limongi (2002). "Democratic Institutions and Regime Survival: Parliamentary and Presidential Democracies Reconsidered." Annual Review of Political Science 5: 151-79.

Cheibub, Jose. 2007. Presidentialism, Parliamentarism, and Democracy. New York: Cambridge University Press.

Dahl, R. (1998). On Democracy. New Haven, Yale University Press.

Dahl, R. (2003). How Democratic is the United States Constitution? New Haven, Yale University Press.

Döring, Herbert, ed. 1996. Parliaments and Majority Rule in Western Europe. New York: St. Martin's Press.

Duverger, Maurice. 1980. "A New Political System Model: Semi-Presidential Government." European Journal of Political Research 8: 165-87.

Elgie, Robert. 1999. Semi-Presidentialism in Europe. Oxford: Oxford University Press.

Elkins, Zachary, Tom Ginsburg and James Melton. 2010. The Comparative Constitutions Project. At www.comparativeconstitutionsproject.org

Figueiredo, Argelina and Fernando Limongi. 2000a. "Presidential Power, Legislative Organization and Party Behavior in the Legislature." Comparative Politics 32(2): 151-170.

Figueiredo, Argelina and Fernando Limongi. 2000b. "Constitutional Change, Legislative Performance and Institutional Consolidation." Brazilian Review of Social Sciences 1(Special Issue):73-94.

Fish, Steven. 1997. "The Perils of Russian Superpresidentialism." Current History 96:326-30.

Fish, M. Steven and Mathew Kroenig. 2009. The Handbook of National Legislatures: A Global Survey. New York: Cambridge University Press.

Ginsburg, Tom. 2003. Judicial Review in New Democracies. New York: Cambridge University Press.

Hirschl, Ran. 2004. Towards Juristocracy. Cambridge: Harvard University Press.

Huber, John D. 1996a. "The Vote of Confidence in Parliamentary Democracies." American Political Science Review 90: 269-282.

Huber, John D. 1996. Rationalizing Parliament. New York: Cambridge University Press.

Kao, Mily Ming-tzu. 2004. "The Referendum Phenomenon n Taiwan: Solidification of Taiwan Consciousness?" Asian Survey 44: 591-613.

Kugelmas, Eduardo and Sola, Lourdes. 1999. "Recentralização/Descentralização: Dinâmica do Regime Federativo no Brasil nos Anos 90". Tempo Social- Revista de Sociologia da USP 11(2), October.

Lauvaux, Philippe. 1988. Parlementarism Rationalisé et Stabilité du Pouvoir Exécutif. Brussel, Belgium: Bruylant.

Linz, Juan, Linz Juan and Arturo Valenzuela 1994. The Failure of Presidential Democracy. Baltimore: Johns Hopkins University Press.

Loveman, Brian. 1993. The Constitution of Tyranny, Regimes of Exception in Spanish America, University of Pittsburgh Press.

Maiwaring, Scott. 1991. "Politicians, parties, and electoral systems: Brazil in comparative perspective.: Comparative Politics 24(October): 21-43.

Mainwairing, Scott 1993. "Presidentialism, Multipartism and Democracy: The Difficult Combination." Comparative Political Studies 26(2):198-228.

Mainwairing, Scott, and Matthew Soberg Shugart, 1997. Presidentialism and Democracy in Latin America: Rethinking the Terms of the Debate, in Presidentialism and Democracy in Latin America (New York: Cambridge University Press).

Matsuzato, Kimitaka. 2008. "Semi-presidentialism and parliamentary oligarchy in post-Orange Ukraine" paper presented at conference on Semi-Presidentialism and Democracy: Institutional Choice, Performance, and Evolution, Institute of Political Science at Academia Sinica, Taipei, Taiwan October 17-18, 2008

Przeworski, Adam. 2008.

Sartori, Giovanni. 1994. Comparative Constitutional Engineering: An Inquiry Into Structures, Incentives and Outcomes. New York, New York University Press.

Siaroff, Alan. 2003. "Comparative Presidencies: The Inadequacy of the Presidential, Semi-presidential, and Parliamentary Distinction." European Journal of Political Research 42: 287-312.

Siavelis, Peter. 2000. The President and Congress in Post-Authoritarian Chile: Institutional Constraints to Democratic Consolidation. College Park: Pennsylvania State University Press.

Skach, Cindy. 2005. Borrowing Constitutional Designs: Constitutional Law in Weimar Germany and the French Fifth Republic. Princeton, Princeton University Press.

Sola and Kugelmans. XXX

Stanger, Alison. 2004. "How Important are New Constitutions for Democratic Consolidation? Lessons from the Post-Communist States" Democratization 11:1-26.

Stepan, Alfred and Cindy Skach 1993. "Constitutional Frameworks and Democratic Consolidation." World Politics 46: 1-22.

Thompson, Elaine. 'The "Washminster" Mutation', in Patrick Weller and Dean Jaensch (ed.), Responsible Government in Australia, Drummond Publishing, Melbourne, 1980, pp. 32-40

Tsebelis, George 1995. "Decision-Making in Political Systems: Veto Players in Presidentialism, Parliamentarism, Multicameralism and Multipartyism" British Journal of Political Science 25: 289-326.

Tsebelis, George 2002. Veto Players: How Political Institutions Work. Princeton NJ: Princeton University Press.

Von Beyme, Kauls. 2000. Parliamentary Democracy: Democratization, Destabilization, Reconsolidation 1789-1999. London: Palgrave Macmillan.