Beyond Presidentialism and Parliamentarism: On the Hybridization of Constitutional Form

Tom Ginsburg
University of Chicago
tginsburg@uchicago.edu
September 10,2009

José Antonio Cheibub
University of Illinois
cheibub@uiuc.edu

Zachary Elkins
University of Texas
zelkins@austin.utexas.edu

Workshop on *Measuring Law and Institutions: Analytical and Methodological Challenges*, Pompeu Fabra University, Barcelona; October 2-3, 2009

Abstract: The presidential-parliamentary distinction is a foundational one in the comparative study of law and politics, at the center of a large theoretical and empirical literature. This paper examines the categories themselves and their internal coherence. Though some debate has concerned the conceptualization of presidentialism, parliamentarism and semi-presidentialism, relatively little attention has focused on measurement. We use new data from a comprehensive survey of constitutions to develop measures of similarity across constitutions. We then examine whether provisions on executive-legislative relations are similar for constitutions within each of the classic categories. Although we find that within-type cohesion is low (at least by our expectations) for all three categories, we find measureable variation in cohesion across type, with presidentialist constitutions being the least cohesive of the three categories. The results also 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 as internally consistent as parliamentarism, but also learn that constitutions in the semi-presidential category bear no noticeable difference from those in the parliamentary category. The measurement exercise thus has important implications for the conceptualization of political systems.

I. INTRODUCTION

Consider four recent constitutional experiences:

(1) In 2003, the Constitutional Drafting Commission of Afghanistan sent its final draft to the President's office for forwarding 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 did not clearly spell out the results of such a vote).[1] 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.

(2) 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 him to dissolve parliament and appoint the prime minister if the parliament rejects the proposed candidate. Tensions over the allocations 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.

(3) 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.)

(4) 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. Of course, by then the weary delegates had been meeting for over a year; in another five

[1] Constitution of Afghanistan, Art. 92.

> months, the assembly would put the finishing touches on what would be one of the most expansive constitutions in history. That this seemingly foundational decision was settled only in the last stages of deliberation is one of the more striking aspects of the constitutional process in Brazil. Even more striking is that, until that critical juncture, many of the delegates had operated under the assumption that parliamentarism, 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. Clearly, the 1988 Constitution was not the first nor is it the only presidential document to contain provisions that are more often found in parliamentary ones. Yet, it 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 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.[2] The result is a 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.

These episodes illuminate a larger concern regarding the merits of the conceptual distinction between presidentialism, parliamentarism, and semi-presidentialism (hereafter, the

[2] 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.

"classical" conceptualization). This classification has so thoroughly dominated scholars' understanding of executive-legislative relations that it has almost no conceptual competition. For many scholars, knowing that, say, Austria is "parliamentary" would seem to summarize much of what they would want to know about the powers and responsibilities of the Australian parliament. Beyond its presumptive descriptive power, the classification is also hypothesized to exert significant explanatory power over a wide range of outcomes. We would venture to guess that a large percentage of large-n studies list parliamentarism or presidentialism among their explanatory variables.

The assumption that we wish to examine is that the classical conceptualization entails a set of *systemic* properties. That is, the presidential-parliamentary distinction purports to classify constitutions that are reasonably homogenous across a range of attributes of executive-legislative relations. We might assume, for example, that parliamentary executives can dismiss the legislature or that presidential executives can veto legislation. These particular assumptions seem well-founded, but the anecdotes above give cause for concern. Could it be that the properties that we ascribe to parliamentarism or presidentialism are based on unfounded stereotypes? If indeed the variation in executive-legislative relations spans dimensions other than that defined by 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 conceptual leverage of the classical typology. This is the goal of this paper.

We investigate the coherence of the presidential-parliamentary distinction empirically, exploiting new data from the Comparative Constitutions Project (Elkins and Ginsburg). We look closely at design choices for each of some 38 features of the constitutional allocation of powers

and authority between the executive and the legislature. The sample is composed of 542 contemporary and historical constitutions considered to be presidentialist, parliamentarist, and semi-presidentialist.[3] We explore whether these categories in fact capture consistent 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 in parliamentary, presidential, or semi-presidential is about as helpful in predicting a constitution's executive-legislative structure as is knowing in which geographic region it was produced, or in which decade 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 presidentialist constitutions being the least cohesive of the three. The results also 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 as internally consistent as parliamentarism, but also learn that constitutions in the semi-presidential category bear no noticeable difference from those in the parliamentary category. That is, except for the defining properties that distinguish the two classes, parliamentarism and semi-presidentialism could be combined with no noticeable decrease in within-type cohesion. 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.

[3] Sometimes we use "mixed" to refer to semi-presidentialism and semi-presidential constitutions. We consider these terms to be interchangeable.

II. THE CLASSICAL TAXONOMY

An interesting entrée into the challenges of conceptualizing executive-legislative concerns 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). The category has defied easy (or at least a consensual) definition since Duverger 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.[4] 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 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 systems 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 completely 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

[4] He goes further to categorize different sub-types of semi-presidentialism, characterized by the relative weight of executive authority assigned to president and prime minister. Elgie 2005.

number of less fundamental but nonetheless important features that hang together. 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 considered to be a natural provision for parliamentary systems and unnecessary in presidential systems; the standard rationale is that decree power allows an otherwise weak parliamentary executive to make more direct and immediate decisions. Semi-

presidential systems, however, are thought to be characterized by independent decree power for the president, as in the French Fifth Republic.

Moreover, emergency powers, which allow the executive to suspend the constitution for a specific period of time, are said to belong in presidential constitutions, which theoretically require the executive to act resolutely when circumstances make the operation of a decentralized and independent legislature inefficient. Indeed, Loveman (1993) 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 specifically 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.

Finally, given the independence of the two powers, legislative oversight of executive activities are thought to be stronger in presidential than in parliamentary constitutions, with

semi-presidential constitutions forming an intermediate point. The rationale is that parliamentary constitutions are structured in such a way as to maximize the convergence between the interests of the government and those of the legislative majority; consequently, mechanisms of legislative oversight of the executive would be redundant in parliamentary 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 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 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, as some have argued, could equally be characterized

as semi-parliamentarism. Either of these labels, of course, assumes that presidentialism and parliamentarism are themselves meaningful categories.

III. ANALYTIC DESIGN

With these questions in mind, we turn to our primary inquiry. How internally cohesive are regime-type categories? The basic research strategy is to analyze whether constitutions that fall into particular government type categories are in fact more similar to each other with regard to key institutional attributes than they are to constitutions in the other government types.

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"[5] for all independent states since 1789 (Elkins and Ginsburg 2007). Collection of the data is ongoing and at this point the dataset includes 542 of the 801 "new" constitutions that Elkins and Ginsburg have identified as the universe of cases.[6] Elkins and Ginsburg include some 660 questions in their survey instrument, many of which have to do with the powers of the executive and the legislature (the full instrument is available at http://www.comparativeconstitutionsproject.org/).

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

[6] The distinction between "amended" and "new" (or "replaced") constitutions is adopted mostly for practical purposes in the current analysis. Elkins and Ginsburg record changes in constitutions, whether or not they constitute a replacement or an amendment. However, they also identify "new" constitutions as those whose changes do not follow the amendments procedures specified in the document in force. In large part, the historical record also treats such changes as replacement constitutions.

We proceed in two broad stages. First, we utilize a set of variables from the CCP to develop a tripartite categorization of government type informed by conventional definitions, placing each constitution in the category of presidential, parliamentary or semi-presidential. Ideally, we would employ an external operationalization of this categorization scheme. However, despite the widespread use of this conceptualization, there is relatively little consensus on how to categorize individual countries and systems.

We then develop a similarity index based on a set of variables from the CCP, which capture select powers of executives and legislatures as well as aspects of their relationship (see the Appendix. In previous analyses , we have constructed similarity measures based on a fairly inclusive set of over 100 constitutional characteristics. In this paper, we focus more squarely on provisions within seven domains of inquiry: executive decree power, power to dissolve the assembly, executive powers of legislative initiation, veto powers, power to appoint and dissolve the government, emergency powers, and legislative oversight of the executive. Within these categories, we have identified some 38 attributes across which we will compare constitutions. We assess the similarity between any two constitutions by calculating the percent of these 38 binary provisions for which any two documents agree.[7] Thus, the Brazilian constitution of 1988 and the US constitution, which share 24 of 38 provisions, have a similarity score of 0.63. On the other hand, the Brazilian constitution of 1891, patterned after the US model, shares 32 of 38 provisions with the United States for a similarity score of 0.83. Given 542 total constitutions,

[7] Actually, we complicate this measure slightly by weighting several of the central items more than others, both for substantive reasons and because of the skewed distribution of some of our less central indicators. Essentially, the "root" item within each category of indicators (e.g., does the head of state have decree power?) is triple weighted while the "follow-up" questions (e.g., does the decree need to be approved by the legislature?) count only once. We also experimented with a number of other variations on the content of this measure and the weighting of sucomponents. None of these variations produced significantly different results from the baseline measure.

the number of bilateral comparisons is 121,328. Across these "constitutional dyads," the mean similarity score is 0.65 (see Table 2). 99 pairs of constitutions share all 38 provisions for a score of 1.00, although 62 of these 99 pairs represent constitutions from the same country (and 36 of these 62 pairs are from Venezuela, whose history includes a string of similar charters since its founding). The least similar pair is the Chinese constitution of 1928 and that of Togo of 1963, which share only 17 percent of the 38 provisions.

In the analysis below we examine the degree of similarity within and across parliamentarism, presidentialism, and mixed regimes. While our omnibus measure provides a useful global sense of the degree of hybridization within regimes, we recognize the possibility that this aggregate measure could obscure micro patterns of convergence and divergence. Thus, we explore the evolution of certain key provisions in the structure of executive-legislative relations in section V. In that analysis, we consider the constitution *in place* in a given year and country, and calculate an aggregate measure of power for each of the seven dimensions and report the mean by year for each of the regime categories (see the Appendix). In this way we can examine the predictive ability of the classification system along sub-dimensions and assess trends over time.

When comparing executive and legislative power across different systems, problems of comparability arise due to differences in the structure of offices. A description of the CCP data structure makes this evident. The CCP asks about executive powers associated with the head of state and those associated with the head of government. In some sense, then, the survey was designed with semi-presidentialism in mind, though the design was equally able to accommodate constitutional monarchies. (If there is only one executive, by rule it was coded in

the head of state section of the survey.) In order to compare executive power across systems with different numbers of executives, 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 than 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 second approach and have calculated the similarity variable accordingly in this study. Future analyses should evaluate this choice more systematically, however.

IV. ANALYSIS

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

Our measure of presidentialism and parliamentarism hinges on a critical feature of constitutions – whether or not the head of government is dependent upon the legislature for his survival. This feature, as we describe above, is the crux of the distinction between presidentialism and parliamentarism (see Cheibub 2007). If a head of government can be removed by the legislature, the case is coded parliamentary; if not it is coded presidential. Semi-presidential systems are those in which the head of government can be removed, and there is a directly elected head of state. We thus generate a three-fold classification variable called REGTYPE denoting the type of government system.

Cheibub (2007) has developed a separate classification of government types for a separate project (HINST). Because it was coded for different theoretical purposes, albeit by one

of the authors, we treat it as an independent classification for purposes of this paper, which allows us to check the robustness of our categorization. This independent classification is available for a smaller set of cases than REGTYPE, which is available for every CCP case: HINST is available for constitutions in effect after 1945 that are deemed democratic. For the 107 constitutions on which they overlap, the two schemes place 96 cases in the same category, suggesting substantial similarity between the two measurement approaches (Table 3). 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.

B. 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 "style" by observing the mean similarity scores within and across categories. Table 2 reports this set of comparisons. As the diagonal elements suggest, pairs of constitutions within the same class are, on average, more similar than are any given pair of constitutions (the mean similarity across all cases is .65). Nevertheless, the differences between the similarity scores within classes and those in the overall sample are modest (.05 for parliamentary and mixed cases, and .02 for presidential cases). These modest differences suggest a fair degree of hybridization within class, especially within presidential cases.

The off-diagonal elements of the table -- the across-class comparisons -- tell a second story. The parliamentary-mixed pairs are nearly as similar to one another (.69) as are any two pairs *within* those two classes (.70 and .70). Meanwhile cases in the presidential-mixed and

presidential-parliamentary pairings are noticeably less similar to one another than are those of the average pair. Together, these findings suggest that, at least with respect to the institutional variables under consideration here, the mixed cases are considerably closer to those in the parliamentary category than either are to those in the presidential one. We explore these differences further in the multivariate analysis below.

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 regime classification (shown to be quite modest above) compare to that of other differences between 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:

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

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 mixed 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-mixed 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 121,328 dyadic comparisons of the 542 constitutions in the sample). We are missing data on roughly one-fourth of these dyads (recall that we were not able to categorize all of the cases in the sample with respect to their system of government), leaving 93,011 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 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.

The estimates from the full sample (Table 4, column 1) confirm the bivariate results reported above, and indeed, the effects appear even stronger. The coefficients on the dummy variables can be understood as the predicted similarity between members of the pair in question compared to that of a parliamentary-mixed pair, which is the residual category among the dummy variables in the regression. Thus, we see again what appears to be a striking degree of hybridization within presidential cases: similarity of pairs of presidential constitutions is six percentage points lower that the similarity of parliamentary-mixed pairs (b = -.062). A cross-class pair that includes a presidential constitution reduces the similarity with respect to parliamentary-mixed pairs by 7.5 percentage points (presidential-parliamentary) or by 9 points (presidential-mixed). Also, like the bivariate results suggested, there is virtually no difference in the similarity of pairs of mixed cases (b = .006 and insignificant) and parliamentary pairs (b =

.017) compared with that of parliamentary-mixed dyads. Mixed cases, therefore, are indistinguishable from parliamentary cases with respect to the constitutional provisions in question. To summarize, we draw two key insights from these findings. First, the three categories in the classic conceptualization scheme exhibit very little institutional cohesion. Parliamentarist and semi-presidentialist constitutions exhibit a minimal degree of family resemblance, while presidentialist ones are indistinguishable from the average constitution. Second, semi-presidentialist (mixed) constitutions might be more appropriately labeled semi-parliamentary, as the average parliamentarist pair is as similar to one another as are the average members of a parliamentarist-mixed pair.

It is revealing to compare the institutional similarity predicted by the classic typology with other non-institutional predictors. As Table 4 shows, the other characteristics of pairs in the model (same language, same region, same country, and same era) all had effects in the expected direction. Unlike our previous analysis of this question (Cheibub and Elkins 2008), however, we found that these effects (with the exception of same country) were smaller than those of the system variables. We expect that this has something to do with the content of the similarity measure in question, since our previous measure was highly aggregated, covering over 100 characteristics of executives and legislatures, some of which are understandably irrelevant to the classical typology. The content of the measure used in the analysis here, on the other hand, includes items conceivably more germane to the typology and thus better predicted by it. Nevertheless, to anticipate the next section, some of these non-institutional variables are as good as predicting similarity as the system variables in some particular eras.

Accordingly, we now turn to a set of analyses by era in order to get a sense of how the classical typology predicts institutional structures across time. The pairs are not strictly comparable across time, due to some limitations in the data and changes in the structure of parliamentarism and presidentialism. While the CCP data will eventually cover cases back to 1789, at this point the sample is not complete prior to 1945. Also, since mixed regimes came on line only after World War I, and were rare until after World War II, we are not easily able to test the cohesion of that subtype any earlier than 1945. Thus, models prior to 1945 include dummy variables for presidential and parliamentary pairs, with parliamentary-presidential pairs as the reference category. Recall that the reference category in models 1, 4, and 5 is the parliamentary-mixed dyad, which we have established to be a remarkably similar pair.

On the whole, we see very few differences across eras. Throughout the 200 year period, presidential pairs and parliamentary pairs exhibit a modest degree of cohesion over and above cross-class dyads. Compared to the parliamentary-presidential dyad in those models (i.e., comparing the two coefficients), the presidentialist dyads appear slightly more similar to one another, but not significantly so. Finally, the congruence within parliamentary-mixed dyads is evident in both the entire post-WWII era and in the third wave (post 1973) era. We thus have fairly clear evidence that, at least across the constitutional provisions under examination here, mixed regimes are indistinguishable from parliamentary ones and that presidential regimes are a heterogeneous classification.

V. A CLOSER (AND HISTORICAL) LOOK AT PARTICULAR STEREOTYPES

The results from the previous section suggest, at least at the aggregate level, a fair degree of heterogeneity within class. But do we see such miscegenation in the distribution of the particularly stereotypical parliamentary or presidentialist properties that we describe in section II? In this section we look closely at historical trends in these very properties. Specifically, we consider the following attributes: decree powers, emergency provisions, assembly dissolution, legislative oversight, legislative initiative, veto powers, and cabinet appointment and dismissal powers.

Figures 2a-f plot the proportion of constitutions, by year and class, that provide the particular powers we enumerate above in the manner described by the stereotypes in Table 1. 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 elaborate ordinal measure of these powers. Substantively, this latter approach delivers equivalent results and so we focus on the more aggregate (and more intuitive) measure here. We should also note that the plots in Figures 2a-f begin after World War II, 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. In all of the dimensions considered here, constitutional provisions appeared for the first time in parliamentary constitutions in 1848 with the Dutch constitution.[8] Not until the 1871 Prussian

[8] 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

constitution do we see other aspects of executive-legislative relations codified in a parliamentary constitution. This is consistent with the accounts of the emergence of parliamentarism as an evolutionary process, a "gradual devolution of power from monarchs to parliaments" (Przeworski 2008:2; see also von Beyme 2000 and Lauvaux 1988). Presidentialism and written constitutionalism were born together with the ratification of the US constitution in 1789, a form adopted by the new republics of Latin America. 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. Below we consider the variation in form within various types of government across the seven stereotypical properties.

A. Executive veto

Executive veto powers originate with the US constitution and are seen as a quintessential characteristic of presidential systems, as described above. Yet well over half of our constitutions 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, 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. Moreover, ever since at

---

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.

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 constitutional monarchies are not the only type of parliamentary system with 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. As can be seeing in Figure 2a, the content of semi-presidential constitutions became very similar to that of parliamentary constitutions in 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 that, with the promulgation of many African constitutions immediately after independence, presidential documents seem to 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.

B. Executive Decree

Executive decree power is somewhat anomalous because it precedes, historically at least, the existence of 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 regime category. Thus, while in 1919 the category with the lowest average level of decree provisions was parliamentary at 4% and the highest presidential at 20%; in 2006 the lowest was still parliamentary but now at 12% and the highest was semi-presidential at 16%. Moreover, as before, the empirical record contradicts the theoretical expectation, at least as derived from constitutional theory. Thus, while theoretically associated with parliamentary constitutions (Carey and Shugart 1998), decree powers have been consistently a stronger feature of presidential charters.

C. 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 mixed constitutions. But it is not absent from presidential constitutions – ever since the 1960s, over 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.

D. 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 in Latin America (Ecuador, Venezuela, Uruguay, Chile, El Salvador, Bolivia, Mexico, Guatemala, Haiti and, outside of the region, France in 1852).[9] But this is no longer the case. After a sharp decline in the appearance of new constitutions containing emergency provisions in 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

[9] 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), 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).

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.

E. 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 more endowed with powers of legislative initiative than presidential systems, as Figure 2e 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 the four areas of initiative we consider here: 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. 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.

F. Legislative oversight

A similar situation may be observed 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 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.

Our 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, this seems to have given way to allowing the executive to be subject to interpellation by the parliament 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 are 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. Our 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.

G. Trends in the direction of deviation from form (executives versus legislatures)

We can offer but a few thoughts regarding the direction of deviations from form (direction, that is, towards increased or decreased executive power). Considering an aggregation of trends in the seven dimensions together (not shown), we can say that current constitutions, regardless of regime type, steer more power to the executive than do historical ones. The progression, particularly in the post-WWII period, has occurred more or less in tandem across the three types of constitutions, with the presidential ones consistently containing more provisions that the parliamentary ones. Part of this finding is probably an artifact of the way we dealt with the fact that presidents in presidential constitutions are both the head of state and the head of government. But alternative ways to deal with this methodological issue yield, at most, a smaller difference in favor of presidentialism.

Another notable aspect of an assessment of overall executive powers is that semi-presidential constitutions are, in fact, often located between parliamentary and presidential ones when it comes to executive-legislative relations. Given that this somewhat abbreviated index of executive powers actually masks the different ways in which similar values can be obtained, we do not take this as unequivocal support claim that semi-presidentialism is indeed "semi." Nevertheless, the finding deserves closer inspection, since it would conceivably vindicate the "semi-" cases of the charge we make in this essay of their considerable lack of "semi-ness."

VI. 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, the formal provisions are central to most definitions and so are worthy of examination.

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. Presidential constitutions, in particular, exhibit no more internal heterogeneity than does the average pair of constitutions, regardless of class. One would be hard pressed to predict the allocation of powers between the executive and the legislature in a presidential system, knowing only that it was presidential.

Our other central finding concerns the plight of the much beleaguered concept of semi-presidentialism. Our evidence here will not do much to resurrect the concept. We do, admittedly, find that semi-presidentialism is as internally cohesive as parliamentarism and significantly more so than presidentialism. That finding will be comforting to those committed to the classification. However, our analysis also suggests that those critics who argued that semi-presidential systems might as well be characterized as semi-parliamentary (Linz 1994: 48)

understated the case: one may be tempted to go even further and remove "semi" from the label. Indeed, our similarity analysis indicates with respect to the institutional powers under consideration here, there is little measureable difference between parliamentarism and semi-presidentialism. In this sense, our measurement exercise provides fodder for reconceptualizing the categorization of political systems.

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). Our 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**	**Mixed (Semi-)**
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

Table 2 Similarity of Constitutions within and across Regime Categories
(Mean Similarity Scores for Constitutional Dyads)

	Constitution B:		
Constitution A:	Parliamentary	Presidential	Semi-Presidential
Parliamentary	0.70		
Presidential	0.63	0.67	
Semi-Presidential	0.69	0.62	0.70
Overall Mean	0.65		
(Standard Deviation)	0.11		

Table 3 Two Measures of Government Type

	HINST				
REGTYPE	Parliamentary	Semi-Presidential	Presidential	Not Coded	Total
Parliamentary	45	2	0	90	137
Semi-Presidential	2	23	3	48	76
Presidential	4	0	28	104	136
Not Coded	7	0	5	32	44
Total	58	25	36	274	393

See Appendix for definition of REGTYPE; See Cheibub (2007) for definition of HINST. The cases are the ones that overlap between the two measures.

Table 4 Multivariate Models of Institutional Similarity (Fixed Effect Estimates)

	Model 1 Full Sample	Model 2 Pre-1919	Model 3 Interwar	Model 4 Post-WWII	Model 5 Post-1973
Same Country	0.072** (0.008)	0.027 (0.023)	0.154** (0.035)	0.077** (0.011)	0.071** (0.019)
Difference in birth year (in 100's)	0.015** (0.003)	-0.007 (0.010)	-0.53 (0.040)	-0.007 (0.008)	-0.071** (0.022)
Both Presidential	-0.062** (0.005)	0.029** (0.010)	0.059** (0.009)	-0.067 (0.006)	-0.062** (0.010)
Both Mixed	0.006 (0.006)			0.013* (0.006)	0.007 (0.006)
Both Parliamentary	0.018** (0.003)	0.079** (0.021)	0.063** (0.015)	0.012** (0.003)	0.020** (0.005)
Presidential-Parliamentary	-0.075** (0.005)			-0.090** (0.005)	-0.077** (0.008)
Presidential-Mixed	-0.090** (0.004)			-0.090** (0.003)	-0.088** (0.005)
Same Region	0.022** (0.006)	0.056** (0.019)	0.045* (0.016)	0.004 (0.004)	0.006 (0.003)
Same Language	0.045** (0.007)	0.005 (0.019)	0.067** (0.021)	0.054** (0.007)	0.046** (0.009)
Constant	0.687** (0.004)	0.673* (0.008)	0.634** (0.006)	0.668** (0.003)	0.690** (0.004)
Observations	93,011	2,332	1,310	48,788	16,203
R^2	0.12	0.10	0.35	0.14	0.13
Robust standard errors in parentheses; * significant at 5%; ** significant at 1%					

Figure 1. Number of Cases by Government Type

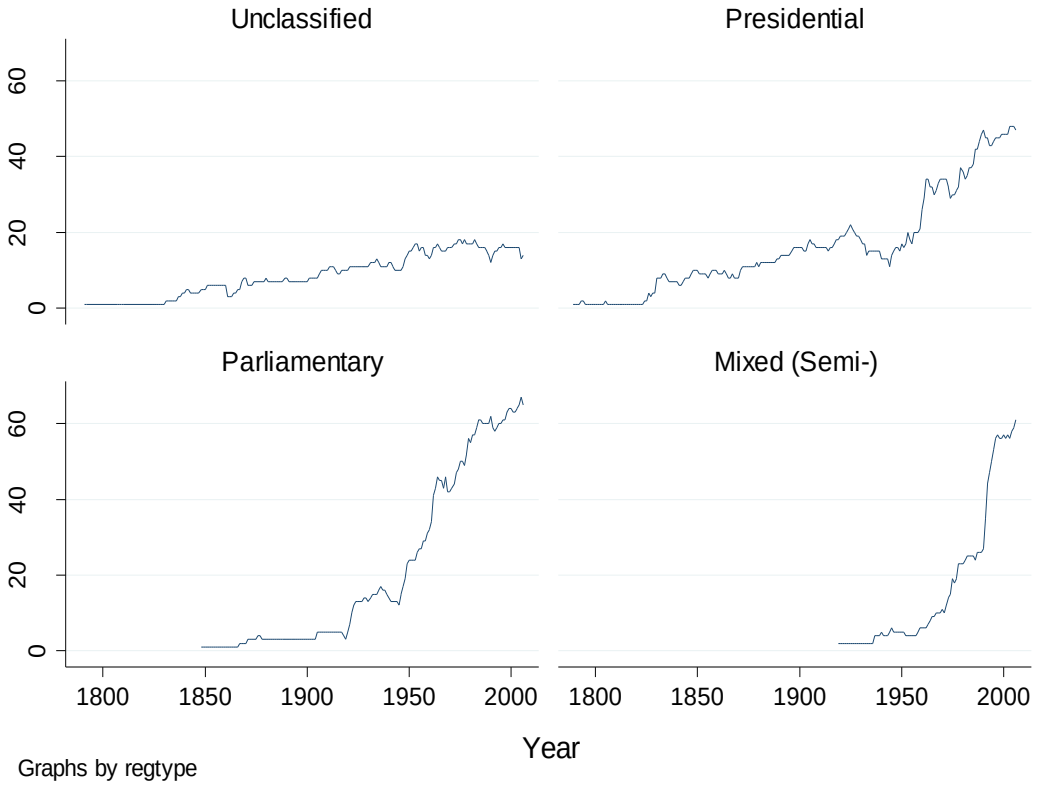


Figure 2a Proportion of cases with an executive veto, by system

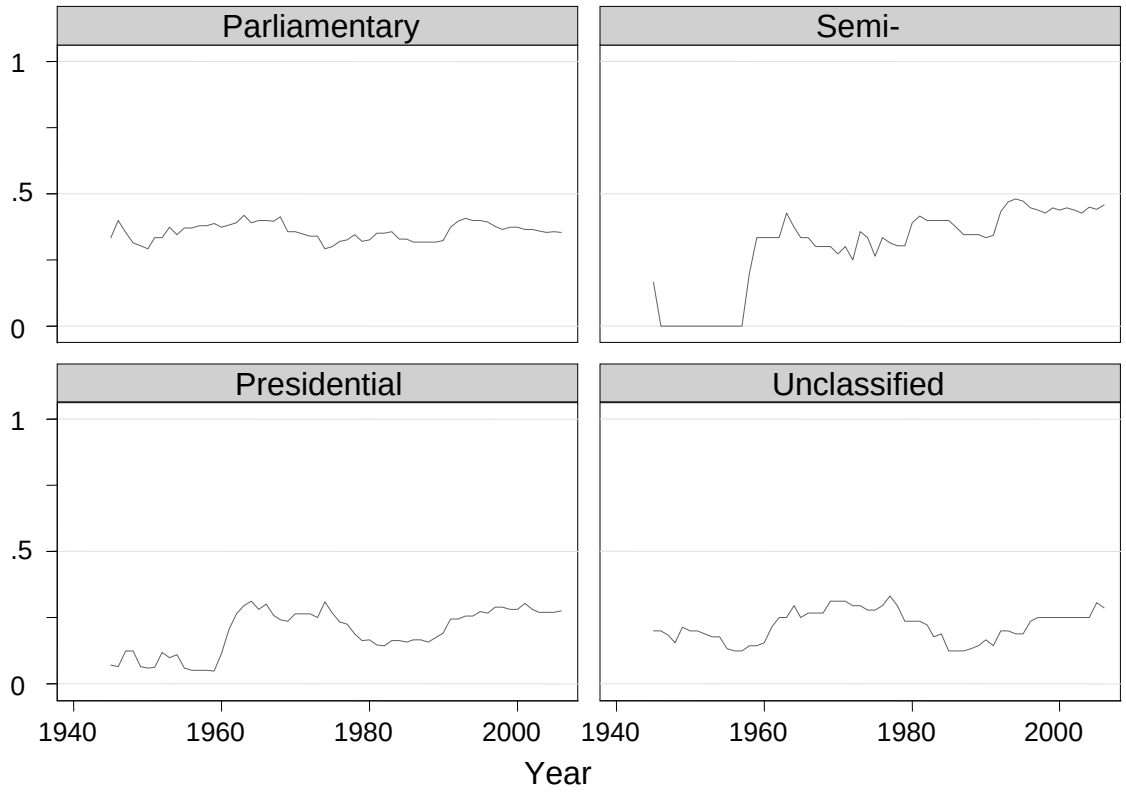


Figure 2b Proportion of cases with executive decree power, by system

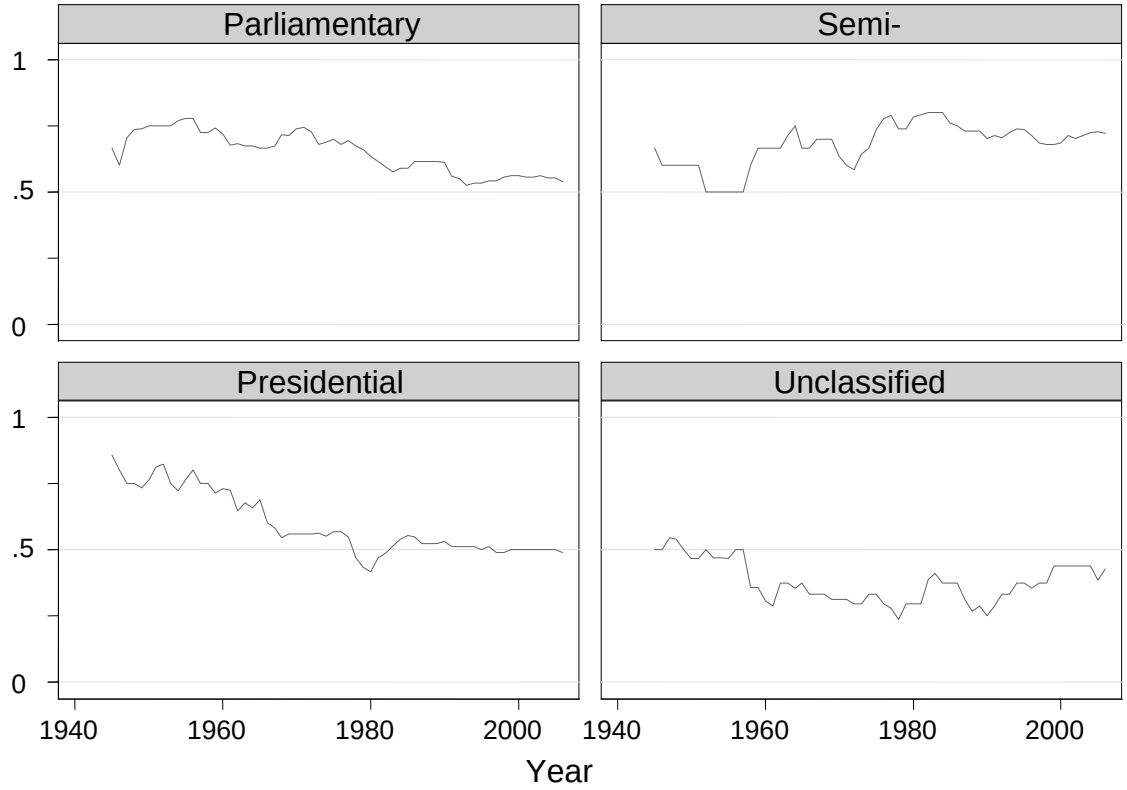


Figure 2c Proportion of cases with executive power to dissolve the legislature, by system

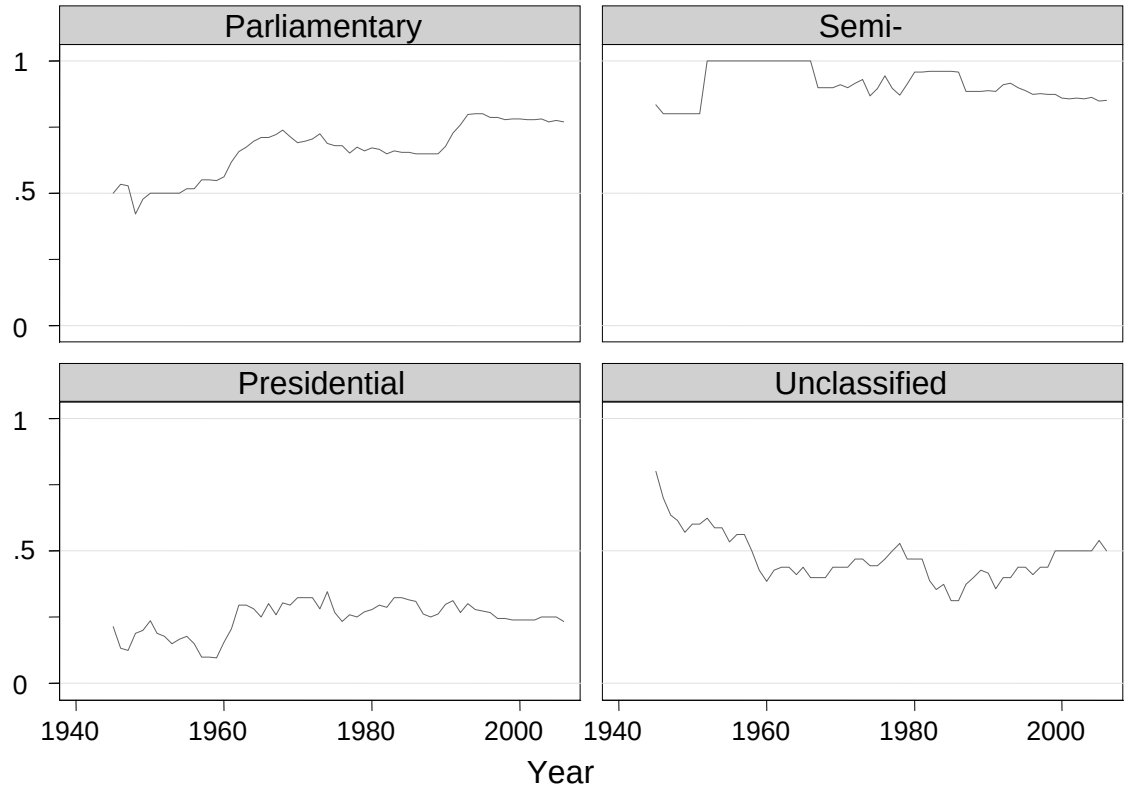


Figure 2d Proportion of cases with executive emergency power, by system

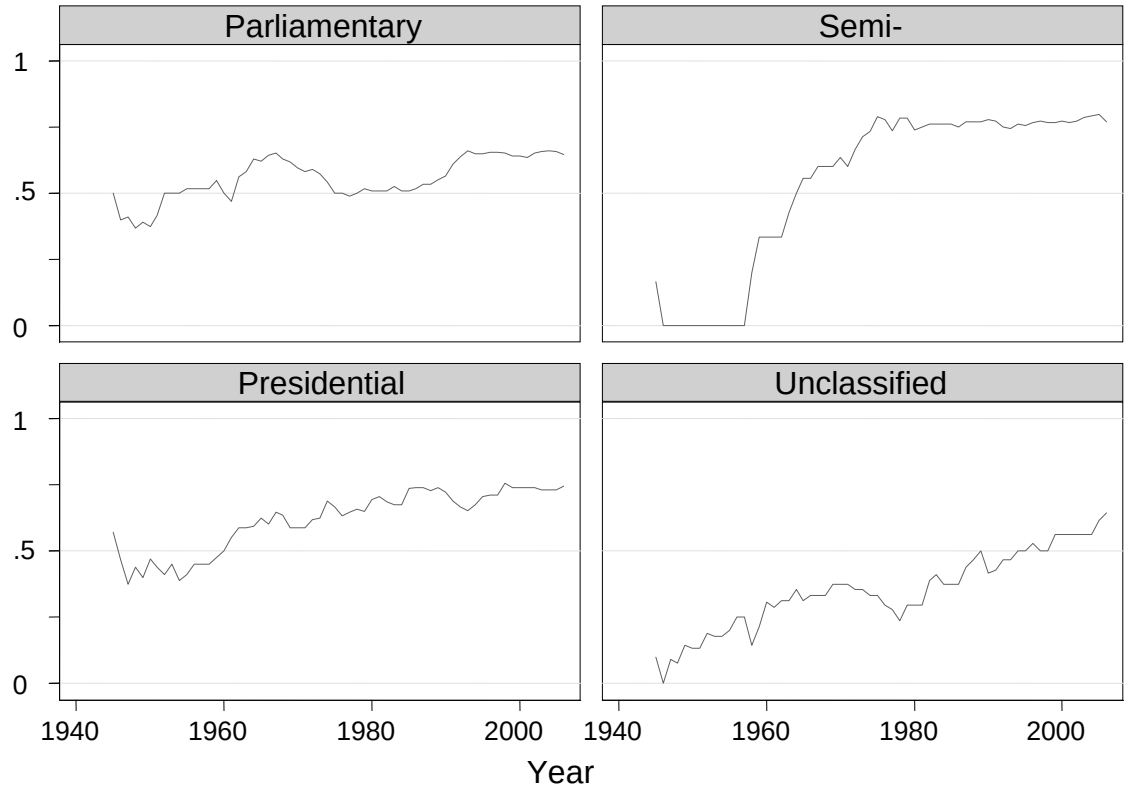


Figure 2e Proportion of cases with executive power to initiate legislation, by system

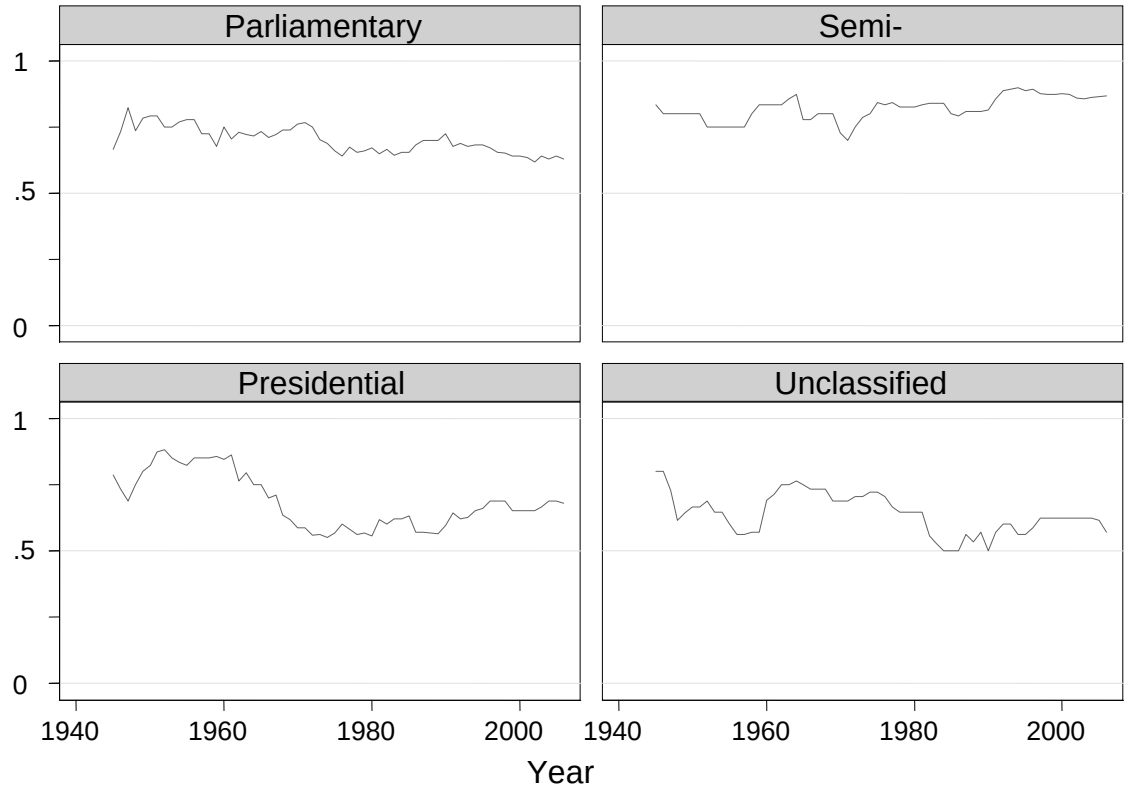
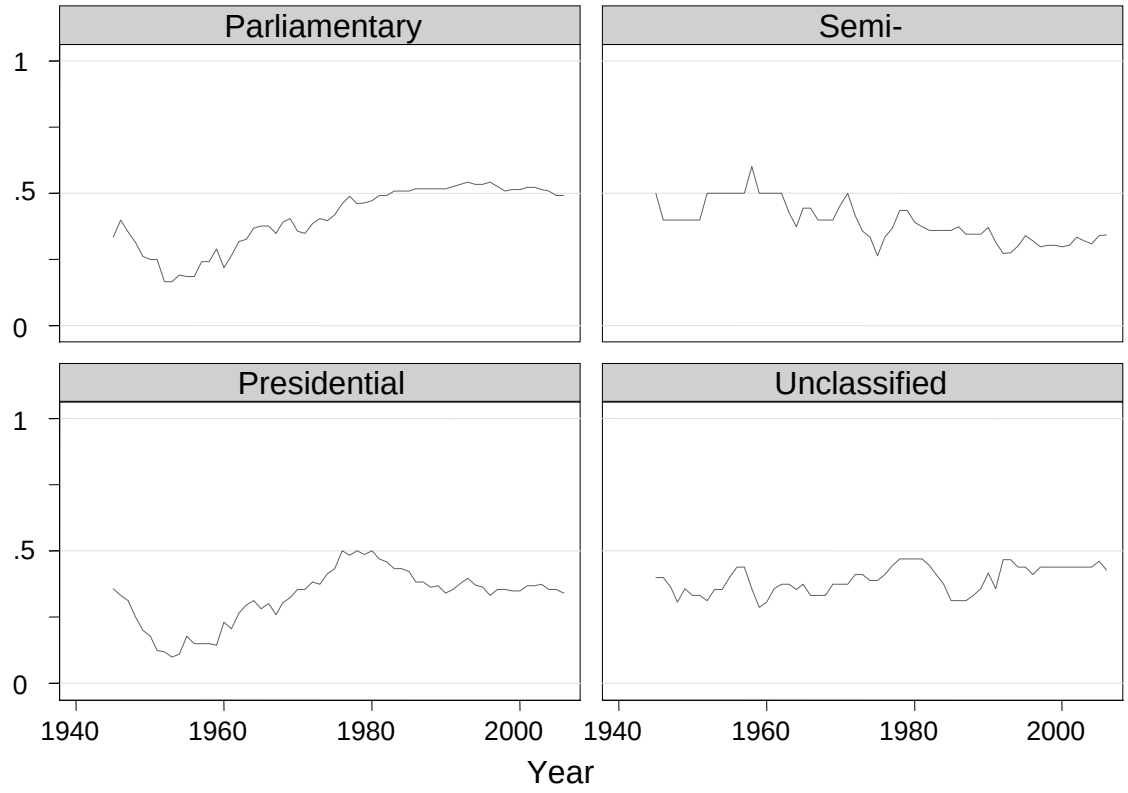


Figure 2f Proportion of cases with legislative oversight power, by system



APPENDIX

1. *REGTYPE*

In order to create REGTYPE we used variables from the Comparative Constitutional Project. The procedure we adopted started from the basic variable – EXECNUM – which distinguishes constitutions with one or two executives.

Constitutions were classified as presidential when the constitution provides for one executive and one of the following conditions is met:

- The head of state is directly elected
    - and there are no provisions for dismissing the head of state
    - and provisions for dismissing the head of state are not identifiable, are missing or are unique
    - there are provisions for dismissing the head of state, but these provisions are restricted

- The head of state is elected by elite group (indirectly elected)
    - and there are no provisions for dismissing the head of state
    - and provisions for dismissing the head of state are not identifiable, are missing or are unique
    - there are provisions for dismissing the head of state, but these provisions are restricted

- The mode of electing the head of state is not identifiable, is missing or is unique

Constitutions are classified as parliamentary when the constitution provides for two executives and one of the following conditions is met:

- The head of government is appointed
    - and there are provisions for dismissing the head of government
        - and these provisions are unrestricted
        - and these provisions are not specified

- The head of government is not appointed
    - and there are provisions for dismissing the head of government
        - and these provisions are unrestricted
        - and these provisions are not specified

Constitutions are classified as semi-presidential when the constitution is classified as parliamentary according to the conditions above and the head of state is directly elected.
All other constitutions are classified as “other.”

2. CONSTITUTIONAL SIMILARITY INDEX

As explained in the text, we used a total of 38 variables from the Comparative Constitutional Project distributed over seven dimensions of executive-legislative. All variables were coded 1 when the power was present in the constitution, 0 otherwise.

DECREE POWERS
hsdecree = head of state has decree powers
hgdecree = head of government has decree powers
hsdecimed = head of state has decree powers with immediate force
hgdecimed = head of government has decree powers with immediate force
hsdecperm = head of state has decree powers, decree is permanent unless repealed
hgdecperm = head of government has decree powers, decree is permanent unless repealed
hsdecnolimit = head of state has decree powers, decrees are not limited in terms of area
hgdecnoarea = head of state has decree powers, decrees are not limited in terms of area

ASSEMBLY DISSOLUTION
hsdissolves = head of state can dissolve the assembly
hgdissolves = head of government can dissolve the assembly

LEGISLATIVE OVERSIGHT
legreport = executive is required to report to the legislature at regular intervals
leginvest = legislature can investigate the executive

EMERGENCY POWERS
hsdeclem = head of state declares state of emergency
hgdeclem = head of government declares state of emergency
hsemfree = head of state declares state of emergency and does not need the approval of an external body (legislature, constitutional council, etc.) or anyone else
hgemfree = head of government declares state of emergency and does not need the approval of an external body (legislature, constitutional council, etc.) or anyone else
hsemnolim = head of state can declare state of emergency and there is no limitation in terms of substantive areas
hgemnolim = head of government can declare state of emergency and there is no limitation in terms of substantive areas

LEGISLATIVE INITIATIVE
hsgenleg = head of state can initiate general legislation
hggenleg = head of government can initiate general legislation
hsbudlaw = head of state can initiate budget law
hgbudlaw = head of government can initiate budge law
hsrefer = head of state can initiate referendum
hgrefer = head of government can initiate referendum
hsamend = head of state can initiate constitutional amendments

hgamend = head of government can initiate constitutional amendments

VETO POWERS
hsveto = head of state can veto legislation
hgveto = head of government can veto legislation
hspartveto = head of state has partial veto
hgpartveto = head of government has partial veto

CABINET APPOINTMENT AND DISMISSAL
hsappocab = head of state appoints the cabinet
hgappocab = head of government appoints the cabinet
hsapprcab = head of state approves cabinet appointment
hgapprcab = head of government approves cabinet appointment
hsdiscab = head of state dismisses cabinet
hgdiscab = head of government dismisses cabinet
hsdisindmin = head of state dismisses individual ministers
hgdisindmin = head of government dismisses individual ministers

REFERENCES

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

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.

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 and Tom Ginsburg. The Comparative Constitutions Project.

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.