9

Against presidentialism

Arguing against presidential government may seem trite. Much of the debate in political science since Juan Linz's (1990a, 1994) famous critique has been about the "perils of presidentialism"—and, for many observers, the Trump Administration made these perils as apparent in the United States as they had already been in the rest of the world. At the same time, however, the debate about presidentialism has become increasingly sterile, and this book has offered an explanation for why this is the case. Neither Linz nor his critics have systematically distinguished between presidentialism's two central features: the branch-based separation of powers, on the one hand, and executive personalism, on the other.

This distinction is crucial because political scientists' verdict on their merits has been quite different. As to the perils of powers separation, many authors have qualified and pushed back against Linz's claims. They have convincingly argued that he exaggerated the dangers of legislative deadlock and dual legitimacy, partly due to an overly stylized understanding of parliamentary systems (Cheibub et al. 2004; Cheibub 2007; Cheibub and Limongi 2010), and they have highlighted the advantages of powers separation (e.g. Cheibub 2006; Mainwaring and Shugart 1997; Shugart and Carey 1992). As to executive personalism, by contrast, we will see that empirical studies have corroborated many Linzian concerns.

I have shown in the previous chapters that powers separation and executive personalism can be disentangled in practice, and that semi-parliamentary government is a proven way to do so. This final chapter therefore ends with a critique of presidentialism that is entirely focused on executive personalism, while accepting the potential benefits of the branch-based separation of powers. This critique will allow us to synthesize much of what we have learned about semi-parliamentary government in this book—and what the existing literature has learned about the perils of executive personalism.

I start by briefly recapping the similarities and differences between presidentialism and semi-parliamentarism and then go through all major justifications

of presidentialism I could find in the literature. These justifications are based on antipartyism, elite and voter psychology, effects of constituency size, the perceived democratic legitimacy of direct election or recall, cabinet stability and legislative flexibility, identifiability and mandate representation, electoral accountability, democratic stability, and simplicity. My general argument will be that the potential advantages of presidentialism highlighted in these justifications are those of the separation of powers, while executive personalism often threatens to undermine these very advantages. While democrats may have good reasons for powers separation, they have no principled reason to choose or maintain presidential government.

Presidentialism versus semi-parliamentarism

To summarize the similarity and difference between the two forms of government, it is useful to review the stylized depictions introduced in Chapter 2. There, I emphasized how semi-parliamentarism mirrors semi-presidentialism; here, the focus is on how it compares to pure presidentialism. Figure 9.1 shows that both systems separate powers by allowing voters to directly elect two separated branches. They differ in that presidentialism concentrates executive power in a single person, the president, whereas semi-parliamentarism fuses executive power with one part of the assembly. This part—the chamber or committee of confidence—selects the prime minister and cabinet and can dismiss them in a vote of no confidence for purely political reasons.
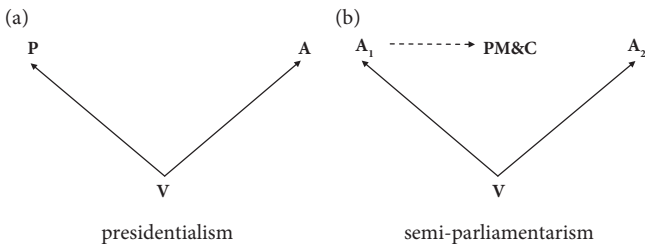

Fig. 9.1 Presidential and semi-parliamentary government: Fig. 9.1(a) presidential; Fig. 9.1(b) semi-parliamentary

Notes: V =voters, P = President, A = assembly, PM = Prime Minister, C = Cabinet, → = election, ⇢ = dismissal.

Figure 9.1 thus illustrates my core argument. Because both systems achieve a branch-based separation of powers, semi-parliamentarism can realize all of its

potential benefits just as well as presidentialism. Chapter 6 has shown that the extent to which it does so depends on the design of the electoral systems of the two parts of the assembly. Moreover, Chapter 8 has shown how the election of the chamber or committee of confidence in a single jurisdiction-wide district could mimic direct presidential elections. That semi-parliamentarism avoids executive personalism is not only an advantage in its own right, but it also reinforces the potential benefits of the separation of powers. Under presidentialism, by contrast, many of these benefits tend to be undermined by executive personalism or by the constitutional efforts to contain its negative effects.

Antipartyism

The most direct way to justify executive personalism would be some form of "antipartyism" (Muirhead and Rosenblum 2020: 99). Rosenblum (2008) distinguishes two historically recurrent forms. One rejects political pluralism and thus sees political parties as disrupting some presumptive natural or aspirational unity, or holism. The other accepts some expressions of pluralism, such as a mixed constitution, but sees political parties as dangerously divisive.

While antipartyism has been historically important in defending presidentialism and semi-presidentialism (e.g. Muirhead and Rosenblum 2015: 222–225; Samuels and Shugart 2010: 39–40; Weber 1986), it is difficult to find an explicit and systematic articulation of this defense in the current academic literature. Elements of it arguably exist (e.g. Calabresi 2001; Lacerda 2020), but they remain implicit and are combined with other arguments, most notably those about human psychology, constituency effects, and democratic legitimacy.

Psychology

Executive personalism is sometimes justified in terms of the psychology of presidents and voters, but these arguments tend to be ad hoc and reflective of presidentialism's monarchical origins. This is most obvious for arguments about "charisma." Scheuerman (2005) interprets widespread public and academic concerns with executive charisma as an attempt to explain and justify the powers of the modern presidency. Since presidential executives were outfitted with some of the strong powers of European kingship, the focus on presidents' charisma is essentially an attempt to find a secularized version of the religiously grounded supernatural qualities

once attributed to their royal predecessors. As Max Weber suggested, "the presidential version of liberal democracy appears adept at generating a necessary dose of executive charisma in an otherwise disenchanted universe" (Scheuerman 2005: 25).[1]

In this very vein, Calabresi (2001: 70), for example, claims that parliamentary systems tend to select leaders with less charisma than their presidential counterparts. He takes this to be "bad and dangerous" because, while compromise and logrolling are necessary, "it may be desirable for a democracy to showcase leaders who have a little more popular appeal." Charismatic leaders "fulfill the public's longing for that type of leadership, thus foreclosing the emergence of fascistic or communistic leaders who can campaign as charismatic alternatives to compromising democratic politicians."

Another psychological claim about presidents is that they care, to their very core, about their legacies. "They play to the ages. And because of this they are predisposed to seek coherent, durable policy solutions that will succeed in addressing the nation's key problems and enhancing social welfare" (Howell and Moe 2020: 161–162).

These types of psychological claims cannot justify executive personalism for two reasons. First, they are not systematically developed on the basis of psychological theory or empirical evidence. It is unclear to what extent the supposed psychological mechanisms exist, what their variability is, and how their putative benefits are to be weighed against their potential downsides (see also dos Santos 2020: 21–24; Serra 2018).

Second, we have to be careful about the actual comparisons being made. Howell and Moe (2016, 2020) use their claims about presidents' psychology merely to justify greater legislative powers for the presidency within the existing political system of the United States; they do not systematically compare different forms of government. Similarly, closer inspection shows that Calabresi's (2001: 70) argument is actually one about the party system, as he also claims that parliamentary systems with two or few parties can create charismatic leaders. Hence, even if his claims about charisma were supported by evidence, they would also apply to well-designed semi-parliamentarism with only two parties in the chamber or committee of confidence.

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[1] On Weber's views, see Mommsen (1984), Weber (1986) and Baehr (1989).

Constituency size

One way to provide a systematic foundation for the psychological claims is to highlight the incentive effects of the size of constituencies. A common argument is that legislators are often elected in territorially bounded districts, whereas presidents usually have a national constituency. Hence, "they are held accountable by that constituency for embodying national values and national identities, pursuing the public interest, and addressing national problems" (Howell and Moe 2020: 161; see also Calabresi 2001: 71–72) .

This argument has the advantage of being partly grounded in systematic comparative research. In particular, Shugart's (1999) analysis of 21 countries measures how well different constitutional and electoral designs align the incentives of legislators with those of the president. He finds that the more divergent the constituencies are between the presidency and the assembly, the more constitutional (agenda, veto, and decree) powers the presidency tends to have. The suggested explanation for this finding is that presidents are granted constitutional powers to produce national collective goods and to compensate the constitutionally created propensity for deadlock and particularism. How-ell and Moe's (2016, 2020) plea for giving the US presidency more proactive legislative powers is consistent with this explanation.

However, Shugart (1999) neither defends executive personalism nor claims that presidentialism is a good system; only that it might be the most feasible system under difficult societal conditions (i.e. in large, heterogeneous, and unequal societies). Moreover, his actual explanation merely highlights the desirability of a separate branch of government elected in a single constituency and manufacturing a single, jurisdiction-wide winner. It recognizes some of the same trade-offs we analyzed in Chapter 5: "parliamentary institutions would result in either highly unstable cabinets, due to multiple parties representing different occupational groups or regions, or else would shut out important societal interests, due to the manufacturing of majorities for one (minority) party" (Shugart 1999: 84). Shugart's point is that the separation of powers can mitigate these trade-offs, but we have seen in Chapter 6 that semi-parliamentarism can do the same. His explanation can help to justify the separation of powers, but not its presidential variant.

Another version of the constituency argument has played a role in the debate about democratizing the European Union (EU). A widely shared position is that a more democratic EU presupposes a demos based on a collective identity, a common public sphere, and an established political infrastructure. There is also broad agreement that a pan-European demos does not exist, but there

is disagreement about whether and how it can be constructed. Proponents of EU-presidentialism, such as Sonnicksen (2017: 521), see it as a potential instrument of demos construction: "As a singular position elected by the European people, and not de-facto by Member State parties and national citizenries decoupled from one another, it would … incentivise precisely the kind of cross-national political organisation and mobilisation necessary for demos building."

Yet this, too, is merely an argument for the separation of powers and for electing one separated branch in a single pan-European district. It gives no reason for why the fully Europeanized part of the system ought to be a single human being, rather than a programmatic party. Indeed, if demos-building is the goal, it seems plausible that genuinely transnational parties have a greater capacity to credibly challenge "the national institutions and identities that play a significant role in preventing the emergence of a supranational demos in contemporary Europe" (Wolkenstein 2018: 297). Since semi-parliamentarism is more conducive to the development and flourishing of principled and programmatic political parties (Samuels and Shugart 2010), it may be a better structure for the creation of a European demos.

The legitimacy of direct election

Another way to justify executive personalism is to claim that the direct election of a fixed-term chief executive increases democratic legitimacy. As always, we have to be careful with the term "legitimacy." It can be understood normatively as a moral right to rule or empirically as the actual support by citizens. Chapter 4 has taken the normative perspective and shown that the direct election of the chief executive does not render presidentialism morally superior. Yet we might still hypothesize that direct election is *perceived* as being more legitimate by citizens. If this hypothesis were true, it might support an instrumental argument for the superiority of direct executive elections.[2]

The hypothesis faces two problems, though. First, to my knowledge there is no empirical evidence to suggest that support for, or satisfaction with, democracy is higher in democracies with directly elected chief executives. Studies on parliamentary and semi-presidential systems reject this hypothesis (Tavits 2009). Second, proponents of the hypothesis typically fail to specify a causal mechanism that separates executive personalism from the separation

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[2] However, public opinion might be largely endogenous to the views and debates of political elites.

of powers without implicitly reverting to the kind of antipartyism discussed above. Lacerda's defense of semi-presidentialism, which draws heavily on Max Weber, is a good example:

> [A] popularly elected presidency can be mobilized as a counterpoint of national unity in relation to congressional, federal, and bureaucratic interests when these powers may contain features perceived as corrosive to the legitimate exercise of political power…. The plebiscitary element of semi-presidentialism is associated with the search for a core of legitimacy, protected against centrifugal tendencies in the political system, and the corrosion in public opinion caused by the establishment and maintenance of governing coalitions of sectoral interests.
>
> (Lacerda 2020: 25–26)

This quote conflates at least two distinct claims. Its second part highlights the benefits of having an executive branch that is dominated by a single political force and separated from the need to build coalition governments. We have seen in Chapter 6 that this can also be achieved by semi-parliamentarism in a party-based manner. By contrast, the first part hints at the idea that only a single human being can create the desired kind of unity. It piggybacks on anti-pluralist and quasi-monarchical ideas that are not spelled out and for which no empirical evidence is presented.

The legitimacy of direct recall

A more genuinely democratic argument for executive personalism highlights the possibility of direct *recall*. Pérez-Liñán (2020) suggests that procedures for deselecting chief executives should mirror those of selecting them—a feature he calls "symmetry"—and that among the symmetrical procedures, those involving voters directly are to be preferred. Selection and deselection by an assembly majority as under parliamentarism and semi-parliamentarism are also symmetrical but supposedly "lack the legitimacy granted by direct popular participation" (Pérez-Liñán 2020: 201). This argument has the great merit of giving the oft-neglected possibility of direct recall center stage (see also Albert 2009: 560–561). Yet it cannot justify presidentialism.

First, Pérez-Liñán's (2020) discussion seems to draw on both the empirical and normative meanings of the term legitimacy. To the extent that a normative use is intended, my arguments in Chapter 4 apply: A presidential system with direct recall is preferable on purely procedural grounds to one without it; but it

does not follow that it is also preferable to other forms of government. The adequate comparison would be with those parliamentary or semi-parliamentary systems in which the members of the assembly could be recalled, either individually or as a group. And since we have to weigh the vertical and horizontal aspects of procedural equality against one another, the possibility of directly electing and recalling the chief executive does not render a presidential system morally superior.

Second, when "legitimacy" is understood in terms of the empirical support of democracy, this justification can apply only to those presidential systems that actually provide feasible ways of directly recalling presidents. Yet, we know that direct recall "is not commonly associated with a pure presidential system" (Alemán 2020: 135) and that, at the time of writing, no recall election has ever removed a national executive from office (Pérez-Liñán 2020: 202). Partly as a result, there is no systematic evidence that the direct recall of chief executives increases democratic legitimacy (Welp and Whitehead 2020b). Welp and Whitehead (2020a: 24) find "much evidence of recall procedures that are relatively unlikely to contain short-term tensions or to defuse longer-run threats to the credibility of the representative system."

Third, Pérez-Liñán conjectures that parliamentary no-confidence votes tend to be perceived negatively by the voters: "their elitist nature can haunt their legitimacy" (Pérez-Liñán 2020: 207). This conjecture not only lacks systematic empirical support,[3] but it is also based on a questionable causal model. Understood in empirical terms, democratic legitimacy is not a property of specific procedures but of a polity as a whole. And to the extent that the procedures for ousting the chief executives play a causal role for a polity's overall legitimacy, this role is likely to depend first and foremost on their feasibility, effectiveness, and what I will call political neutrality. Once we focus on these criteria, the advantages of no-confidence votes come to the fore.

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[3] As empirical support, Pérez-Liñán cites Piersig (2016: 9–10), who discusses the constructive no-confidence vote in Germany and claims that "the demos views the mid-term transition as an usurpation of its ability to select the government." As a general statement about the no-confidence vote, however, this claim is false. The case Piersig discusses is the vote of no confidence in 1982, in which the Christian Democrats convinced the Liberals to leave their coalition with the Social Democrats. The subsequent early dissolution of parliament, which was supported by all parliamentary parties, was indeed preferred by a large majority of voters. However, this majority was mainly upset about the role of the Liberals. At the time, Germany followed an "alliance-centered" model of majority formation (see Chapter 5). The Liberals had committed themselves to the social–liberal coalition, thus turning the election into one of Chancellor Helmut Schmidt. Their mid-term switch was therefore widely perceived as "treason" (Kaase 1983: 159). Under semi-parliamentarism, the important scenario is one in which the no-confidence vote is used by a single majority party to replace the chief executive with another party agent. This may also upset some voters, but there is no systematic evidence that this implies a general negative effect on democratic legitimacy relative to removals by direct recall.

Given the direct power that modern chief executives have over their citizens, their dismissal should be feasible and effective. Direct recall and impeachment do not score highly on these criteria (e.g. Ginsburg et al. 2020; Pérez-Liñán 2020). The most fundamental reason is arguably the same for both procedures: they often lack what we might call political neutrality. That is, they are extraordinary procedures that tend to inexorably connect the ousting of the chief executive to the more general power struggle between competing political forces in society. They are, in fact, not just procedures for replacing the chief executive but potentially allow the losers of the last election to change the electoral outcome or, at least, to hurt the winners politically. This lack of neutrality can give rise to deeply divisive and traumatic struggles between the political forces that support presidents and those that oppose them.

The lack of political neutrality also leads to dilemmas in the design of recall and impeachment procedures. If the ousting of chief executives is made too easy, it is likely to be abused for political purposes by their political opponents; but if it is made too difficult, it is unlikely to happen at all—especially since presidents and their allies have strong incentives to obstruct and delay the process.[4] It is not surprising, therefore, that some reform proposals even envision the delegation of impeachment power to an independent, and thus supposedly neutral, Impeachment Agency (Prakash 2020: 270).

A lack of effectiveness and political neutrality is likely to affect the overall legitimacy of a polity. Pérez-Liñán (2020: 224–225) suggests this with respect to impeachment procedures. Following Kada (2003), he notes that two problems may undercut their legitimacy. If partisan allies shield the executive from an investigation when there is sufficient evidence to pursue it, they create impunity; but if partisan opponents remove the executive under false accusations or illegitimate proceedings, they undermine the rights of presidents and their voters. Yet the same basic tension arguably exists for direct recall procedures: if their use is made too difficult or actively prevented by the electoral bodies, their would-be users are likely to feel cheated; if not, they are likely to be used as a political weapon by the losers of the last election (e.g. Welp 2016).

No-confidence votes, by contrast, can be politically neutral in the sense that they need not affect the political balance of power established in the last election. The prime minister "can be changed without necessarily creating a regime crisis" (Linz 1990a: 55). This is especially true in the case of

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[4] A related dilemma for impeachment procedures is that, when conviction results in the vice president taking office, the underlying political crisis may not be resolved; but if it triggers new elections, its lack of political neutrality becomes more obvious.

well-designed semi-parliamentarism. Under multiparty parliamentarism, no-confidence votes can certainly result from political conflicts within the govern-ing coalition, and they can lead to a new round of cabinet formation or to new elections.[5] Under semi-parliamentarism, by contrast, and with a single major-ity party in the chamber or committee of confidence, the no-confidence vote becomes most of all an instrument for keeping chief executives accountable *to their party*.[6] The party can remove its chief executive without the risk of losing the office of the prime minister and without necessarily suffering a loss in the more general struggle between competing political forces in society. Indeed, it may use this removal to avoid the anticipated electoral losses of keeping a bad or dangerous incumbent in office (Samuels and Shugart 2010).

Cabinet stability and legislative flexibility

Two common arguments for presidentialism highlight two sides of the same coin: cabinet stability and legislative flexibility. Presidentialism stabilizes the executive by not allowing any assembly majority to dismiss the chief executive and cabinet in an ordinary political procedure (e.g. Calabresi 2001: 59–66). And since the assembly is thus liberated from the task of keeping the execu-tive in office, specific policy issues can be considered on their merits, rather than as matters of confidence in the leadership of the ruling party or coalition: "If one desires the consensual and often painstaking task of coalition building to be undertaken on each major legislative initiative, rather than only on the formation of a government, then presidentialism has an advantage" (Main-waring and Shugart 1997: 463). By contrast, we have seen in Chapter 5 that pure parliamentarism makes it very difficult to reconcile cabinet stability and legislative flexibility.

Under semi-parliamentarism, however, these two goals can also be recon-ciled (Chapter 6), and in a superior manner. As to cabinet stability, we have seen above that fixed terms are *too drastic a solution*: they require extraordi-nary procedures of impeachment and/or direct recall, as well as term limits as additional safeguards, with all the problematic downstream consequences. Semi-parliamentarism does not require these safeguards because the chamber

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[5] Nevertheless, they are an ordinary political procedure that does not require any special political or judicial justification.
[6] In practice, the replacement may happen through intra-party institutions, rather than an explicit vote of no confidence.

or committee of confidence remains in control of the chief executive. What stabilizes cabinets under well-designed semi-parliamentarism is that the number of parties is manufactured to be low in the chamber or committee of confidence, whereas the proportionally elected chamber of legislation and control lacks the power of the no-confidence vote.

Semi-parliamentarism is also superior to presidentialism when it comes to issue-specific deliberation and decision-making in the assembly—at least, if we value programmatically disciplined parties. We have to distinguish between two types of legislative flexibility: between and within party groups. The presidential separation of powers tends to facilitate both.[7] Executive personalism tends to weaken party unity, especially within the party of the president. Carey (2007, 2009) argues that popularly elected presidents have this effect because they can become powerful *principals* of individual legislators: "they present a potentially competing source of directives against those of party leaders within the legislature" (Carey 2007: 106).

Moreover, this power of the president over individual legislators gives rise to a further design trade-off under presidentialism. While a "double dissolution" of the assembly and the presidency might be an attractive way to resolve deadlock, any power that the president has in making dissolution threats brings with it the danger that the *individual* power of the president is further increased. We have seen in Chapter 8 that this is what seems to have happened in Ecuador. Under semi-parliamentarism, by contrast, any dissolution power given to prime ministers can be balanced by the power of the chamber or committee of confidence to remove them. The threat of assembly dissolution can be granted as a weapon to the *government*—just as in a parliamentary system like Denmark—without becoming the weapon of a single human being. Semi-parliamentarism may therefore make it easier to reconcile flexible, issue-specific coalitions between parties with high unity within parties.

Identifiability and mandate representation

The argument that presidentialism is better at achieving identifiability of competing cabinet alternatives before the election is well established in the literature (Cheibub 2006; Mainwaring and Shugart 1997; Shugart and Carey

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[7] Indeed, Alemán (2020: 132) formulates this advantage of presidentialism entirely in terms of within-party flexibility. Legislators' independence from party leaders under presidentialism is thought to increase opportunities for bargaining and compromise because "there are often a few legislators willing to cross the party line" (Alemán 2020: 132).

1992). As we have seen in Chapter 5, parliamentary systems can achieve this goal only under the restrictive conditions of pure two-party or two-bloc systems and must therefore be willing to give up other goals. By contrast, direct presidential elections can achieve identifiability independently from the party system in the assembly; this achievement is, to some extent, "institutionally guaranteed" (Cheibub 2006: 361).

This argument from identifiability is often combined with arguments about mandate representation, and it has been used in proposals for presidentialism in the EU. The popular election of the president of the European Commission would grant "citizens the opportunity to vote for a person and a political direction at the same time" (Decker and Sonnicksen 2011: 189) and thus create a stronger democratic mandate for governing (Hix 2014).

The arguments from identifiability and mandates cannot justify presidentialism for two reasons. First, I have shown in Chapters 6 and 8 that semi-parliamentary government can also be designed to achieve identifiability. The achievement of this goal does not require executive personalism. Second, by connecting identifiability to executive personalism, presidentialism tends to weaken mandate representation. The fundamental reason is that "[t]he identifiability in presidentialism is of *one* person" (Linz 1994: 12, emphasis in the original). While under parliamentarism an entire party or coalition has to switch its policy to betray its mandate, under presidentialism the president's switch may be sufficient.

Samuels and Shugart (2010) argue that this logic can be corroborated in a global study of 401 election campaigns between 1978 and 2002. Since under presidentialism parties cannot control their agents either on the campaign trail or in office, "they cannot hold them to the party's stated platform—and that's when you'll see switches" (Samuels and Shugart 2010: 248). More specifically, the authors show that policy switches in presidential systems occur in two situations: close presidential elections and minority government. In close presidential elections, parties give their candidates greater discretion to maximize the chances of winning; and under minority government, presidents have more freedom to choose coalition partners and push policy independently. For parliamentary systems, by contrast, the authors find that competitiveness has no effect on policy switching and that prime ministers were more likely to switch when they had a majority in parliament, suggesting that it was the party as a whole that switched. The results of other recent studies are at least consistent with these findings (Thomson et al. 2017).

In sum, the identifiability/mandate argument may give us a reason for the separation of powers—for allowing voters to directly elect two separate agents—but not for presidentialism. Semi-parliamentarism is better suited to translate identifiability into actual mandate representation because policy switches require a switch by the majority party in the chamber or committee of confidence.

Electoral accountability

It is also often postulated that presidentialism increases electoral account-ability. In the context of the EU, for example, Sonnicksen (2017: 521) claims that the popular election of the Commission President would "establish a link of representation and accountability of the European government directly to the European citizenry … ." This claim is closely related to the identifiabil-ity/mandate argument, but the focus is now on a retrospective, rather than prospective, conception of democratic representation.

Historically, the argument from accountability was indeed framed as an ar-gument for executive personalism. The Framers of the United States Constitu-tion disagreed strongly on the design of the executive. Critics of a single-person executive saw it as a "foetus of monarchy" and preferred a three-person ex-ecutive; others wanted to attach some kind of council to the single-person executive (DiClerico 1987: 303). Influential figures such as James Wilson and Alexander Hamilton responded to these concerns with a quasi-monarchical version of the contemporary political science concept of clarity of responsibil-ity. They argued that vesting executive power in a single person was crucial to this clarity (e.g. DiClerico 1987: 304; Scheuerman 2005: 42).

The modern political science literature, however, does not support this quasi-monarchical view. Clarity of responsibility is instead operationalized in terms of the *partisan* concentration of powers. Schwindt-Bayer and Tavits (2016: 18, 20) observe that single-party majority control of government is the "most widely accepted measure of the concept of clarity of responsibility" and that it "applies to both parliamentary and presidential systems." With respect to presidential systems, Powell (2000: 52) maintains that "clarity of responsi-bility is greatest when a single, unified political party controls both the national legislature and chief executive."

Hence, the goal of clarity of responsibility does not give us a reason for pres-identialism. It may, at best, give us a reason for the separation of powers; that is, if we accept the need for proportional representation in the legislature but nevertheless want a single party to control the executive, the separation of

powers is a way to achieve this. But a semi-parliamentary system can achieve this, too. Instead of majority party "control" of the presidency, there is majority party control of the chamber or committee of confidence.[8]

Moreover, when we compare presidentialism to semi-parliamentarism, we can see that executive personalism actually weakens or fully undermines electoral accountability. This is because it creates a deep dilemma in designing the rules for presidential re-election (Baturo and Elgie 2019; Carey 2003; Linz 1994: 16–18). On the one hand, electoral accountability logically requires the unrestricted possibility for presidents to be re-elected (Cheibub and Medina 2019: 531). If presidents cannot be re-elected, bad performers in office cannot be punished and good performers cannot be re-elected. At best, a very indirect form of accountability is possible, if one of the candidates is a close political ally of the outgoing president (De Ferrari 2015, 2017). Barack Obama might well have pursued a third term if that had been possible, and Donald Trump might never have been elected (Korzi 2019: 410). The absence of re-electability might also have negative incentive effects on incumbents in their last term (Baturo and Elgie 2019: 7).

On the other hand, there is much evidence that the absence of term limits can become a danger to democracy itself (Baturo and Elgie 2019). One reason is that they act as a check on presidents with authoritarian ambitions who might work to undermine democracy during their time in office. Another is that in the absence of term limits, different forms of incumbency advantage may make presidents very likely to win, which in turn increases the chances that a disgruntled opposition turns to "other strategies such as coups, revolutions or assassinations to provide alternation" (Baturo and Elgie 2019: 614; Marsteintredet 2019: 116). Based on data from 1820 to 1985, Marsteintredet (2019: 116) even suggests that the prohibition of consecutive presidential re-election was a *necessary condition* for any type of democracy in Latin America: "No country that allowed for consecutive re-election ever experienced a relatively long and stable democratic period before 1985." The international community, too, has embraced term limits as ways to prevent too strong a concentration of powers in the hands of the president (Murray et al. 2019).

The resulting dilemma is vexing—and ignored by many spirited defenses of presidentialism (e.g. Calabresi 2001; Sonnicksen 2017). Baturo's (2014: 45) pointed statement of the trade-off is worth reading twice, as it brings out a tragic irony: it is a "trade-off between the possibility of dictatorial takeover

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[8] As I noted in Chapter 6, the separation of powers also tends to reduce clarity of responsibility by creating additional institutional veto players. Here, I am only concerned with the comparison between powers separation with and without executive personalism.

and a restriction of democratic choice." Ginsburg and Elkins (2019: 50) note that even well-meaning and seemingly independent courts have found that term limits violate democratic rights and thus wonder: "What is a committed democrat to do with term limits?" One answer under presidentialism is to replace term limits with institutional rules that would only eliminate outright manipulation and thus *undue* incumbency advantage: campaign finance regulation, free access to media, the design and strengthening of agencies that oversee electoral campaigns, and so on (Cheibub and Medina 2019: 533; Mainwaring and Shugart 1997: 452). Another answer is the search for some optimal balance between protecting democracy and enabling electoral accountability; for example, by only banning re-election for consecutive terms (Dixon and Landau 2020).

My view is that the stark trade-off between two evils is unnecessary and should be avoided altogether. As already explained, semi-parliamentary systems can do so by keeping the chief executive under the ongoing political control of the majority party in the chamber or committee of confidence. Based on the available empirical evidence, this renders term limits unnecessary without creating a fundamental danger to democracy.

There are two objections to this position that require discussion. On the one hand, Cheibub and Medina (2019: 520) insist that there is "no necessary connection between incumbency advantage and form of government" because prime ministers may also manipulate advantages from office. While this may be true in theory, the empirical fact remains that executive term limits have not generally been necessary to maintain democracy under parliamentarism and semi-parliamentarism (see also Ginsburg and Huq 2018: 181). This seems to support those who argue that the relevant political unit of analysis—party versus individual—is *endogenous* to the form of government (Samuels and Shugart 2010). In other words, it seems to be executive personalism that renders incumbency advantage particularly dangerous for democracy.

On the other hand, Landau (2020: 305–306) speculates that the rise of populist authoritarianism may render term limits necessary, even under parliamentarism (and presumably semi-parliamentarism, for that matter). The scenario he has in mind is one where—despite the confidence relationship—governing parties become dominated by their populist and authoritarian leaders. Yet, if an entire party becomes authoritarian in this way, it is hard to see how term limits for the leader can be much of a remedy. The party can either evade the term limits or choose an equally authoritarian successor. Indeed, Landau (2020: 305) notes that the president of the Polish Law and Justice Party, Jarosław Kaczynski, is the "de facto ruler despite not holding the post of prime

minister." Hence, the better solution might be to limit the power of the would-be authoritarian *party* (through the semi-parliamentary separation of powers) and to create good conditions for its electoral containment or defeat (through unbiased electoral rules in both parts of the assembly). Landau's scenario gives us little reason to introduce term limits under parliamentarism, but it might give us one for preferring semi-parliamentarism over parliamentarism. I will elaborate on this point in the next section.

All in all, the argument that presidentialism strengthens electoral accountability is flawed. A concern for electoral accountability may provide an argument for the semi-parliamentary separation of powers, as I argued in Chapter 6, but not for presidentialism.

Democratic breakdown and backsliding

A branch-based separation of powers may help to stabilize democracies for two reasons. First, it may create checks and balances against legal forms of democratic backsliding, whereas the fusion of powers under parliamentarism may "allow for perfectly legal institutional transformations that gradually establish authoritarianism" (Weyland 2020: 393). Second, we have seen, in Chapters 5 and 6, that efforts to create normative balance under pure parliamentarism may require a greater degree of mechanical disproportionality. This can contribute to the political concentration of power in a single party and thereby facilitate authoritarian transformations.

The case of Hungary exemplifies both points. After the transition to democracy in 1990, Hungary had in many ways adopted Ackerman's (2000) model of constrained parliamentarism, with a unicameral parliament, but strong judicial review. However, it had also adopted a mixed electoral system that created substantial electoral disproportionality.[9] This disproportionality not only helped Fidesz become the hegemonic party of the center-right and gain an absolute majority of votes (53%) in 2010, but it also mechanically transformed this absolute majority into a supermajority of seats (68%). Given the absence of any political, branch-based separation of powers, the amendment rule of the Hungarian constitution allowed a single, two-thirds majority of parliament to alter any provision of the constitutional text. This, in turn, allowed Fidesz to dismantle the system of constitutional review, entrench its own electoral advantage, and transform Hungary's democracy into a form of electoral

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[9] This was largely the result of strategic bargaining and compromise between self-interested parties (Benoit 2005; Schiemann 2004).

authoritarianism (Haggard and Kaufman 2021; Halmai 2019). A separation-of-powers system and greater mechanical proportionality in the legislative branch could have been important barriers to this development.

While this potential advantage of powers separation is shared by presidentialism and semi-parliamentarism, the former creates its own risks for the survival of democracy (Linz 1990a, 1994). As is well known, Cheibub (2007) finds no statistical evidence that presidentialism contributes to democratic breakdown, once the analysis controls for a country's military legacy (i.e. whether democracy emerged from a military dictatorship). This finding is challenged by Sing (2010) but confirmed, for full democracies, by Aydogan (2019).[10] Maeda (2010: 1141), however, argues that we need to distinguish military coups from executive takeovers and finds evidence that "presidents in presidential systems are more likely to become authoritarian than prime ministers in parliamentary systems." Svolik (2015), too, shows that presidentialism raises the risk of incumbent takeovers but not coups. The findings of Maeda and Svolik are important because, after the end of the Cold War, incumbent takeovers have become the greatest risk for democracies (Svolik 2019; see also Pérez-Liñán et al. 2019).

Maeda (2010: 1141) suggests that a president's greater likelihood of becoming authoritarian is caused by legislative deadlock: "Conflicts with other governmental institutions that may arise due to separation of powers may tempt presidents into seeking unconstitutional measures to achieve their goals." Yet, we have seen in Chapter 6 that it does not seem to be the separation of powers as such that causes presidentialism to have substantially lower legislative success rates than pure parliamentarism. Governments' legislative success in semi-parliamentary systems is only slightly below that of pure parliamentary systems, despite its branch-based separation of powers. The problem of legislative deadlock under presidentialism—to the extent that it exists—may rather result from the way that *powers separation is coupled with executive personalism.*

Regardless of whether the causal connection between executive personalism and incumbent takeovers runs through legislative deadlock, there are a number of causal mechanisms that establish this connection. One is just the flip side of the psychological arguments discussed above. The "plebiscitarian component" of the presidents' authority may foster "a certain populism," a conflation

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[10] Aydogan (2019) also finds that if non-democracies with a modicum of multiparty competition are included in the analysis, parliamentary systems are indeed less likely to experience military coups, even when military legacy is controlled for. His proposed explanation is that in parliamentary systems, and especially those that allow for coalition governments, the military has other ways to influence politics.

of their supporters with "the people" as a whole, and a refusal to acknowledge the limits of their mandate (Linz 1990a: 53, 61–62; see also Serra 2018). This tendency may be reinforced by the exaggerated popular expectations that are often associated with a directly elected presidency.

A closely related causal mechanism, already discussed in Chapter 6, is that presidentialism contributes to the rise of outsiders or newcomers (Linz 1990a; see also Ginsburg and Huq 2018: 180–181). Empirical studies confirm that presidential systems facilitate this rise (Carreras 2017; Samuels and Shugart 2010) and that these outsiders or newcomers increase the likelihood of executive–legislative conflict and illegal attempts to dissolve the assembly (Carreras 2014).

The constitutional attempt to contain executive personalism through impeachment procedures also affects the dynamics of inter-branch conflict. Helmke (2017) argues that democracy-undermining presidential attacks on the legislature and the courts can often be understood as a "pre-emptive strike" from a position of political weakness, rather than strength. According to Helmke, this scenario is most likely when presidents have weak partisan support in the assembly and thus face a credible threat of removal. From this position of vulnerability, presidents become more likely to pre-emptively attack legislative and judicial independence.[11]

None of these causal mechanisms is operative, in the same way, under the semi-parliamentary separation of powers. Since chief executives emerge from the legislature and remain agents of their parties, the rise of outsiders or newcomers becomes less likely (Müller 2000; Samuels and Shugart 2010). Since chief executives are not "the voice of the nation or the tribune of the people" but rather a "spokesperson" (Linz 1990a: 56) for some temporary coalition within a party or between parties, their leadership style may be less likely to be, or to become, authoritarian. And since chief executives can be removed from office in an ordinary, politically neutral procedure, pre-emptive attacks on the legislature or the judiciary are less likely, especially in response to weakening support in their own party. Would-be authoritarians can be removed more swiftly and at relatively low political cost to the majority party.

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[11] Helmke (2017) argues that this dynamic is amplified when the president is constitutionally powerful. The idea is that these powers allow the president to make policies unilaterally, rather than to cooperate with the assembly majority. However, whether and under what conditions presidents can truly make policies unilaterally is controversial (e.g. Cheibub and Limongi 2010). On the relationship between presidents' constitutional powers and democratic survival, see also Morgenstern et al. (2020). On the measurement of presidential powers, see also Fortin (2012).

Of course, no institutional structure is foolproof. It is certainly possible under semi-parliamentarism that an individual leader may come to dominate a party or that an entire party turns authoritarian. Yet, this arguably requires more specific circumstances and a more demanding coordination between a larger group of individuals. The collective political control over the chief executive does not render incumbent takeovers impossible, but it may provide an additional constitutional layer of protection. Ginsburg and Huq (2018: 184) suggest that "if the threat to democracy is from a charismatic populist, a parliamentary system may be better; if the threat is from partisan degradation, presidentialism might be a preferable option." Once we recognize semi-parliamentarism as a distinct form of government, we can see its potential to contain both threats simultaneously.

Simplicity

Let me finally discuss an advantage of presidentialism's executive personalism that is not typically highlighted but which comes to the fore in the comparison with semi-parliamentarism: simplicity. It is certainly prima facie simpler to concentrate executive power in a single human being, rather than to establish a chamber or committee of confidence. This simplicity is especially alluring in polities that are already complex; for example, due to their federal or quasi-federal structure. This may be part of the reason why presidentialism seems so attractive to many as a way to democratize the European Union (Calabresi and Bady 2010; Decker and Sonnicksen 2011; Hix 2014; Sonnicksen 2017).

I want to make two points here. First, simpler formal structures may be deceptive, as the behavioral patterns that emerge from them may well end up increasing complexity from the perspective of voters. As noted in Chapter 5, the United States is a good example. Its presidential system has contributed to the maintenance of two parties that not only tend to become "presidentialized" (Samuels and Shugart 2010) but are also extremely heterogeneous internally. This heterogeneity makes it very difficult for voters to understand what parties actually stand for, and it creates incentives for political "demonization" campaigns (Cox and Rodden 2019). That is, parties provide voters with targeted information about the *most extreme* positions within their competitor(s), rather than balanced information about their own platform. Hence, a constitutional design that avoids executive personalism and creates maximal incentives for the creation and maintenance of coherent programmatic parties may well lead to political processes that voters find easier to comprehend, all things considered.

Second, even if executive personalism were simpler overall, the value of this simplicity would still have to be weighed against the associated risks. For the reasons given above, these risks are generally not worth taking. Hence, if we truly believe that the complexity created by the branch-based separation of powers can only be reduced by concentrating executive power in a single person, this should lead us to question powers separation, rather than to embrace presidentialism.

A case like Germany is a good example. The Bundesrat, Germany's de facto second chamber, is one of the very few second chambers that actually succeeds in delivering effective territorial representation (e.g. Swenden 2004). Hence, any move towards semi-parliamentarism would probably have to complement the Bundesrat, rather than replace it. Most plausibly, it would require the creation of a confidence committee in the Bundestag along the lines discussed in Chapter 8. If this additional layer of powers separation is considered too complex, this is a reason for sticking to a pure parliamentary system, rather than moving to presidentialism.

Conclusion

This final chapter has focused on the instrumentalist comparison between presidentialism and semi-parliamentarism and argued that we do not have any principled reason to choose the former. When the full range of constitutional design options is considered, and when the justifications of presidentialism are stripped of their quasi-monarchical and antiparty presumptions, there is rather little left of them. If the benefits of presidentialism are grounded in the separation of powers, it is possible to reap them without accepting the perils of executive personalism.

Of course, this does not mean that it will be politically feasible to prevent the creation of new presidential systems or to replace existing ones. It does not even mean that constitutional reformers should attempt to replace presidentialism in a particular country. There may be strong context-dependent reasons against such an attempt; for example, concerns about the risks and opportunity costs of large-scale reforms. My arguments have not been about the politics or the costs and benefits of constitutional reform. They have been about whether the academic literature has produced a principled and cogent justification of presidentialism as a form of democracy. I think it has not.