

info@democracy-reporting.org  
www.democracy-reporting.org

# SYSTEMS OF GOVERNMENT: SEMI-PRESIDENTIAL MODELS<sup>1</sup>

## EXECUTIVE SUMMARY

In the early 20<sup>th</sup> century, democracies were primarily built on two political systems: either a presidential or a parliamentary system of government. During the course of the century, these systems were adapted to such a significant degree that scholars identified the emergence of a third system of government called 'semi-presidentialism'.

While these two traditional systems are centred on two political powers (parliament and president, or parliament and government), the semi-presidential system of government gives a central role to three bodies: parliament, president and a government headed by a prime minister, with each of the three enjoying comparable democratic legitimacy and significant powers.

In the context of the Arab uprisings, new constitutions will be crafted in Egypt, Tunisia and Libya. More may follow. In terms of choosing a political system, semi-presidential systems are much discussed in the Arab world for two central reasons.

First, people are concerned that presidential systems of government will deteriorate once again into authoritarianism. Second, many are uncomfortable with a parliamentary system of government because it is either seen to be potentially unstable or gives too much power to a parliamentary majority.

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<sup>1</sup> No particular system of government is intrinsically better than others. Therefore this Briefing Paper merely strives to explain the less understood semi-presidential system of government, but it is not advocating for its adoption.

# 1. INTRODUCTION

The semi-presidential system of government lies midway between parliamentary and presidential systems of government. It has emerged as an attempt to address perceived inadequacies of both systems.

Over the centuries, the United Kingdom (UK) built the quintessential parliamentary system of government, which has since been adopted with significant variations by other European states, mostly during the 20<sup>th</sup> century. In the United Kingdom, this system of government has been largely stable, relying on a specific electoral system that usually produces clear parliamentary majorities that reflect the social context of the country at the time. In other countries, the parliamentary system of government has sometimes been seen as a source of instability, typically in circumstances with unclear majorities and shifting party alliances, resulting in frequent changes of government.

The presidential system of government was developed in the United States in a context that differed from the European experience. While the American Revolution was directed against British colonial power, the country adopted without difficulty—albeit with much passionate debate—a system of government that has at its top an institution similar to the monarchic institution in the UK at the time. The presidential system of government creates a clear separation of power between the executive (president) and the legislature, with both enjoying direct electoral legitimacy.

In contrast, Europe systems of government developed either with a monarch in place or following the overthrow of a monarch. Neither case created space for a presidential system of government. At most, European parliamentarianism contained features that were sometimes called ‘prime ministerial presidentialism’ or ‘chancellor presidentialism’, as in the case of Germany’s Chancellor Bismarck.

The beginning of the 20<sup>th</sup> century saw the first attempts at overcoming the parliamentary/presidential dichotomy. Without yet being identified as such, the first semi-presidential systems were adopted in Finland (July 1919), Germany (Weimar constitution of August 1919), Austria (1920) and Ireland (1937). The drafters of these constitutions did not consciously design a new category of a political system. Rather, they sought to remedy the undesirable aspects of the old systems.

The category of semi-presidentialism was first identified in 1970 by the French scholar Maurice Duverger. At present, this classification continues to be controversial, with many scholars maintaining that all systems can still be classified as variations of either presidential or parliamentary models.

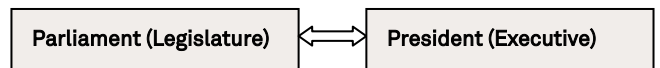
Even those who use the term ‘semi-presidentialism’ disagree about how many such systems are in place today. By some counts there are more than 50 semi-presidential systems, and by others only 30 or 40. Nonetheless, most lists include Austria, Bulgaria, Cape Verde, East Timor, Finland, France, Guinea Bissau, Georgia, Poland, Portugal, Romania, São Tomé

e Príncipe, Senegal, Serbia, Taiwan, Turkey and Ukraine. However this core group also includes controversial examples depending on what criteria is used to define a semi-presidential system.

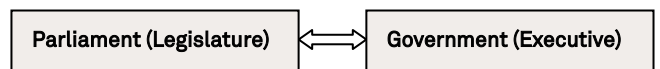
# 2. COMPONENTS OF A SEMI-PRESIDENTIAL SYSTEM

From both a legal and political perspective, semi-presidentialism is characterised by one fundamental principle: a balance of power between three political bodies; namely the president, the government headed by a prime minister and parliament.<sup>2</sup> In contrast, presidential and parliamentary systems consist of two main political bodies with significant power, as illustrated below.

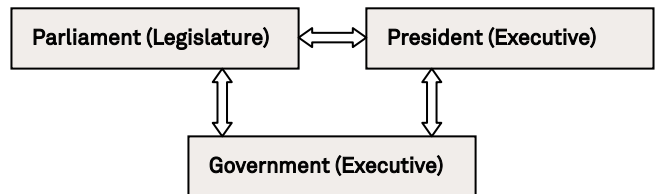
## PRESIDENTIAL SYSTEM



## PARLIAMENTARY SYSTEM



## SEMI-PRESIDENTIAL SYSTEM



The main challenge of semi-presidentialism is to achieve a balance between these three bodies. Both the constitutional framework and the political context must ensure that these three bodies interact mutually on the basis of a dynamic relationship (see below).

There is not one model form of semi-presidentialism. Indeed, the relations between the three bodies can be shaped in different ways. However, two main issues are relevant for the working of all semi-presidential systems of government: first the legitimacy of the three political bodies; and second the attribution of powers.

<sup>2</sup> A system of government is not to be confused with the three branches of power of a state, which consist of the executive, the legislature and the judiciary.

## LEGITIMACY

All three bodies enjoy democratic legitimacy, even if that of the government is only based on indirect parliament.<sup>3</sup> A semi-presidential system will not work well if any one body claims higher democratic legitimacy than the other two.

For example, if the president is elected and removed from office by a directly elected parliament, there will be no balance between these bodies. Likewise, where a prime minister is appointed by the president, without needing the support of a parliamentary majority, s/he will not have the same standing as the two other bodies.

## ATTRIBUTION OF POWERS

The equivalent legitimacy of the three bodies is a necessary condition of semi-presidentialism, but it is not sufficient to consider a system to be semi-presidential. After 1989, for example, some countries in central and eastern Europe introduced direct elections for the presidency, but their essential character as a parliamentary system was not changed.

In addition to equivalent legitimacy, the three bodies of the semi-presidential system must be endowed with a range of powers that allow them to interact in a specific fashion. These powers may be designed to provide political control (negative powers) or to provide scope for active participation in the political decision-making process (positive powers).

Negative powers are those that the exercise of which implies the *blocking or rejection* of political change or of political effects promoted by another political body. This includes, for example, the exercise of a veto (political or otherwise), the refusal to appoint certain civil servants, the refusal to ratify international conventions, the refusal to countersign bills, the refusal to provide parliamentary ratification, and so on.

Positive powers are those that the exercise of which leads to a political decision bringing about change in the political order. These powers include, for example, the dissolution of parliament, the appointment or resignation of a government, the appointment of civil servants, the sending of messages, drawing up legislative proposals or legislative acts, convening general elections, and many others.

Acts with a negative content can produce positive side-effects: the veto (or threat of veto) of a government bill by the president may force the former to seek or accept a compromise on the content of the bill; the refusal to appoint a civil servant may force agreement regarding another person. In these cases, the power of obstruction becomes *de facto* a power of co-decision-making power. The reverse is also true. Positive powers may have negative side-effects: the dissolution of parliament will thwart the continuity of its

political or legislative acts; the resignation of the government will prevent it from following through its programme.

Some have suggested that the semi-presidential system presupposes a two-fold accountability of government to parliament and the president. However, there are semi-presidential systems without dual accountability.

Thus, the powers typical of relationships of responsibility (political or institutional)—namely the power to appoint and the power to remove from office, if they exist—are just one way among others of implementing the triangular interaction between the three political bodies that make up a semi-presidential system. At the same time, however, they are not indispensable for building the triangular relationship typical of the semi-presidential system because it can also function without them.

## 3. DISTRIBUTION OF POWERS IN THE SEMI-PRESIDENTIAL SYSTEM

As explained above, a semi-presidential system is based on the equivalent democratic legitimacy of the three bodies and on a distribution of powers (either positive or negative) that creates a dynamic balance between these three bodies.

In a *presidential system*, parliament has legislative power and limits the president through political control. In turn, the president has no legislative power, although s/he may have a power of veto. The president holds executive power, which means that s/he determines day-to-day policy, both at domestic and foreign levels, under the control of the parliament or legislature. Both the parliament/legislature and the president serve for fixed terms in office and neither has the power to dismiss the other, with the narrow exception of impeachment for misconduct.

In a *parliamentary cabinet system*, parliament has legislative power and controls the government, which is headed by a prime minister. The government term is not fixed, but rather depends on keeping the confidence of parliament. The government has neither legislative power nor power of veto. It is responsible for the day-to-day running of the country. As the prime minister is usually the leader of the majority party in parliament, s/he may have some *de facto* control over parliament. Each of the bodies is endowed with constitutional powers to ensure that the system functions according to these terms. The head of state—either a president or a monarch—only enjoys ceremonial or non-essential powers (rubberstamping).

In a *semi-presidential system*, each of the top three political bodies must be substantially empowered to create a dynamic balance between them. However, there is not one model of power distribution that defines semi-presidentialism. Yet, power distribution matters. None of the three bodies should acquire essential and permanent control over either of the other two bodies. This can be achieved through numerous solutions: administration of current policy only in the hands of the government or also in the hands of the president;

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<sup>3</sup> The government is formed on the basis of a parliamentary majority. However, in many systems elections are *de facto* conducted for parliament and the formation of a specific government, as well as the head of government (i.e., the prime minister or chancellor).

dependence of the government on the two other bodies or on just one of them; the ability of the president to dissolve the legislature, either freely or only in specific situations.

Often the decisive aspect defining a semi-presidential system is the power attributed to the president. Too many powers for the president can make the system shift towards presidentialism; too few and it becomes a parliamentary system of government.<sup>4</sup>

The president may or may not have:

- Discretionary power to appoint key individuals like judges, public attorneys, diplomatic and military figures, central bankers or regulators.
- The right to chair formal cabinet meetings.
- The right to return legislation for further consideration or the right of definite veto on legislation.
- Broad emergency or decree powers during crisis.
- A central role in executive and policy making issues like foreign affairs and defence.
- A central role in forming the government; namely, selecting and/or removing the prime minister and/or other cabinet ministers.
- The ability to dissolve the legislature at will, at most subject to only temporal restrictions.
- The right to send messages to parliament.
- The right to propose legislation to parliament.

If all or most of these powers were awarded to a president, the system would most probably work as a presidentialist system of government. Conversely if the president enjoyed few or none of them, the system would most probably work as a parliamentary system.

## 4. REASONS FOR ADOPTING THE SEMI-PRESIDENTIAL SYSTEM

In particular after 1989, semi-presidentialism has been on the rise across the world, especially in Eastern Europe, Asia and Africa. The system has emerged for different reasons.

For example, it is sometimes considered a compromise when some advocate for a presidential and others for a parliamentary system of government (see the case study below on Portugal in 1976). Sometimes the introduction of semi-presidentialism is presented as the opening up of an authoritarian presidential system. And in unstable political systems, semi-presidentialism is introduced in the hope of reinforcing executive authority.

In some transitional situations, semi-presidentialism is considered attractive because it has the allure of a compromise between parliamentary and presidential systems, along with the promise of stable leadership. Sometimes pragmatic reasons play a role as well. It is easier to develop an authoritarian system into a more open semi-presidential system than it is to undertake a full-scale transformation to a parliamentary form of government.

### SEMI-PRESIDENTIALISM: PROS AND CONS\*

#### PROS:

- A fixed term president may provide stability in the context of a political crisis or political conflict.
- A prime minister responsible to parliament can provide political flexibility.
- The presence of a dual executive with both a president and a prime minister allows some degree of power-sharing between competing parties and avoids winner-takes-all scenarios.

#### CONS:

- Direct election of the president can give rise to populist and autocratic leaders who feel that they have the legitimacy to act above rule of law.
- The responsibility of the prime minister and the government to the legislature can lead to governmental instability in the face of a fragmented legislature.
- The presence of a dual executive could institutionalise conflict within government, especially during periods of 'cohabitation' when the president and the parliamentary majority are not from the same party.

\* Based on Robert Elgie, "Semi-Presidentialism: An Increasingly Common Constitutional Choice". See: [www.palgrave.com/PDFs/9780230242920.Pdf](http://www.palgrave.com/PDFs/9780230242920.Pdf).

<sup>4</sup> For a numeric scale of presidential powers, see: Alan Siaroff, "Comparative Presidencies: the inadequacy of the presidential, semi-presidential and parliamentary distinction", in *European Journal of Political Research*, 42, 2003, p. 287.

## 5. FUNCTIONING OF THE SEMI-PRESIDENTIAL SYSTEM

Some argue that a semi-presidential system is short-lived by nature, with an inherent tendency to eventually lean towards either a presidential or a parliamentary system. From this perspective, only an exceptional combination of factors is seen to sustain semi-presidentialism; namely, a specific combination of the political party system, the type of parliamentary majority and the relationship of president and the majority.

While this view exaggerates the need for specific enabling conditions, clearly there are circumstances in which semi-presidentialism functions less well. At the same time, there are enabling conditions that can help sustain a semi-presidential system.

### DISABLING CONDITIONS

- When the presidential majority and an absolute parliamentary majority is the same, and the president is the majority party leader, the balance will tend to tilt towards the president.
- The presidential majority and an absolute parliamentary majority is the same, even if the president is a secondary figure in the majority party. In these cases, powers are typically concentrated in the leader of the majority party, who often holds the office of prime minister. The same would likely happen if the president was from a small coalition party.
- Majorities are not based on one party, but there is a stable coalition led by the president, which will tilt the system towards presidentialism.

### ENABLING CONDITIONS

- A relative majority of one party that supports the government (minority government) in a disciplined fashion, while the president is neutral or from another party.
- A disciplined majority based on a stable coalition, while the president is neutral, from another party or from one of the coalition parties.
- An absolute majority supporting the government, made up of one party, while the president is neutral or belongs to another party.

Despite these sets of disabling and enabling conditions, there is no inevitable tendency of a semi-presidential system to shift towards another system of government. Indeed its sustainability will depend on many complex factors that may include political and institutional traditions, the political circumstances, public opinion, the existence of any pre- or post-election agreements and the personality of the political actors of the moment.

It is the case that the functioning of a semi-presidential system cannot be guaranteed by constitutional and other legal provisions alone. Other factors play a major role.

However, this is the case for all three systems of government mentioned before.

For example, the presidential system often runs into difficulties in countries where the party system is not the same as in the United States. Likewise the UK's parliamentary system relies heavily on the combination of the party system and the relation between the majority and the prime minister. A continental European multi-party system would not work well under this system. Indeed, most European countries operate other forms of parliamentary systems, of which there are many.

## THE CASE OF PORTUGAL

From 1911 until 1926 (the first Republic), Portugal suffered from significant political instability under a parliamentary system of government. In 1926, an autocratic regime was imposed which lasted for 48 years, until the revolution of 25 April 1974, which was carried out by junior army officers. The army was thus the driver of the revolution.

Immediately after the 1974 revolution, the autocratic constitution of 1933 was abolished and a set of constitutional laws were enacted by the military revolutionary bodies. The government was civilian, but under strong control of military bodies—namely, the 'Council of the Revolution'. In 1975, the first democratic elections in almost 50 years were held for choosing a Constitutional Assembly.

The Constitutional Assembly had the sole mission of writing a constitution. Notwithstanding its democratic legitimacy, the parties had to accept to be bound by two written agreements imposed by the military. The agreements contained most of the political framework, along with the system of government, which were then included in the constitution (enacted in April 1976). The military kept some powers of political control up to the first amendment to the constitution in 1982.

The semi-presidential system of the 1976 constitution was based on a complex compromise influenced by Portugal's history, including memories of the unstable first republic (parliamentary system) and the authoritarian presidentialism of prime minister of the recent dictatorship. More conservative circles favoured a monarchical-presidential model, while the post-revolutionary military wanted to preserve some of its political powers. The military was receptive to the semi-presidential model in the hope that a member of the military could become president through elections independent of political party control. The choice to have a semi-presidential system was the result of a balance that suited everybody.

The balance achieved by the founders of the new constitution had no precedent in Portugal. This provoked scepticism about its chances of survival. However, the system has lasted for 36 years and is now an integral feature of Portugal's democracy.

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<http://www.democracy-reporting.org>

Or contact:

[info@democracy-reporting.org](mailto:info@democracy-reporting.org)