

# Post-Communism, Constitutionalism, and Democracy

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# Explaining the Origins and Consequences of Conflicts in the Dual Headed Constitutional Regimes of Eastern Europe

Visiting Scholar's Lecture  
The Open Economy Institute  
September 29, 2004  
Moscow, Russia

# Agenda

- Background
- Research
- Outline
- Questions

# Let's Focus on Haiti

- Q1: What is the name of recently the deposed leader of Haiti?
- Q2: What is the name of the new leader of Haiti?
- Q3: What position did each of these leaders hold?

# Haiti (continued)

- Before February 29:
  - ◆ Jean-Bertrand Aristide (P) \*
  - ◆ Yvon Neptune (PM)
- After February 29:
  - ◆ Boniface Alexandre (P)
  - ◆ Gerard Latortue (PM) \*

# The Constitutional Separation of Powers

## Three Models

- Parliamentarism
- Presidentialism
- Semi-Presidentialism  
(or 'Mixed' Regimes)

# Parliamentary government

One source of popular legitimacy

Executive is always subject to  
parliamentary confidence

“Mutual dependence”

Head of executive is called the  
Prime Minister (usually)

# Presidential government

Two sources of popular legitimacy

Executive is popularly elected

Holds a fixed terms of office

“Mutual independence”

Head of executive is “President”



# Semi-Presidential Government

President is elected by popular vote

President possesses “considerable” power

But Prime Minister is the official head of government

Prime Minister is appointed and can remain in office only if parliament does not show any opposition

# A Faulty Distinction?

- George Tsebelis (2002)
- Alan Siaroff (2003)

# Tsebelis's Theory

Veto Players: How Political Institutions Work  
(Princeton University Press, 2002).

Tsebelis claims the presidential and parliamentary distinction fails to provide insights into how real institutions work. The real distinctions between political systems are to be found in the extent to which they provide politicians veto power over policy choices.

# Siaroff's Theory

“Comparative Presidencies: The Inadequacy of the Presidential, Semi-Presidential, and Parliamentary Distinction,” *European Journal of Political Research*, Vol. 42, No. 3 (2003)

1. Says there are too many subtypes within each constitutional system. Instead, Siaroff says we should look at regimes through presidents only.
2. Rejects ‘semi-presidentialism’ in favor of newly named regimes: (a) presidential, (b) parliamentary with presidential dominance, (c) with presidential corrections, (d) and with presidential figureheads.

# Examples of Semi-Presidential Constitutions (Duverger 1980)

- Austria
- France
- Finland
- Iceland
- Ireland
- Portugal
- Weimar (?)

# Examples of Post-Communism's Semi-Presidential Regimes

- Albania
- **Armenia**
- Croatia
- Bulgaria
- **Lithuania**
- Macedonia
- **Moldova**
- Mongolia
- Poland
- Romania
- Slovenia
- Serbia
- **Russia**
- **Ukraine**

# Other “Third Wave” Examples of Semi-Presidentialism

- Cape Verde
- Central African Republic
- Ethiopia
- Haiti (remember this one!)
- Guyana
- South Korea
- Sri Lanka
- Taiwan

# Research Questions

- Why are there so many semi-presidential constitutions in the post-communist world (what explains this institutional choice)?
- What are the effects of these constitutions on democratic governance (what are the consequences of this institutional choice)?



# Why is this interesting?

- What we know:
  - ◆ Philadelphia (1787)
  - ◆ Brussels (2003)
- Where to apply it:
  - ◆ Afghanistan (2003)
  - ◆ Iraq (2003, 2004?)

We live in an era where we know a great deal about constitution writing...

...And yet we have no grand theories of why certain models of constitutions are adopted.

# Secondly, we know little about multi-headed executives...

Although they have been found in --

- Switzerland (7)
- Uruguay (3)
- Lebanon (2-1/2)
- Bosnia (3)
- Iraq (??)

Moreover, though institutional choice is important, it can often be confusing:

## Russia (1993)

- Holmes, Fish:
  - ◆ “Russia is super-presidential”
- Arend Lijphart, Stepan and Skach, Shugart and Carey:
  - ◆ “Russia is presidential”
- Duverger, Linz, Sartori, Troxel:
  - ◆ “Russia is semi-presidential”

# Case Studies

- Armenia
- Lithuania
- Moldova
- Russia
- Ukraine

# Question 1

Why do new democracies choose to adopt a conflict-prone system when other models are available?

Why have the post-communist states adopted this model in particular?

# Let's look at some theories

- Monarchies
- Colonial legacies
- Military rulers
- Prior constitution
- Mode of transition
- Balance of power
- Strength of parties

# Once Again: Mode of Transition?

Gerald M. Easter, "Preference for Presidentialism: Postcommunist Regime Change in Russia and the NIS," *World Politics*, Vol. 49, No. 2 (1997), p. 184.

Easter contends that "the structure of old regime elites as they emerged from the breakdown phase best explains the preference for presidentialism exhibited in the CIS." The choice of institutions is a result of "the strategy by which elite actors seek to gain access to the power resources of the state."

# Problems with Easter

- Estonia and the Czech Republic, which are both parliamentary, nonetheless both still considered presidentialism
- In Russia presidentialism was rammed through by the “democrats” (Yeltsin)
- In other semi-presidential states, his theory still does not explain the existence of a PM



# May we never run out of theories!

- Alternative to U.S. and Europe
- Appeal of French Fifth Republic
- Importance of mimicking
- Importance of regime uniqueness
- Role of foreign advisors
- Design for specific officeholder
- Useful for economic reform
- Provide split ticket for elections
- Provide system of blame

# Things to keep in mind for constitutional bargaining

## Answers not bound to be simple

- ◆ Think of Philadelphia (1787)
- ◆ Federalists versus anti-federalists?

## Framers never work with *tabula rasa*

- ◆ Old constitutions limit choices
- ◆ Path-dependency plays a role
- ◆ Framers learn from other models

## Framers may learn from other experiences

- ◆ Articles of Confederation
- ◆ Role of state/colonial constitutions

# Semi-Presidentialism In the Post-Soviet Context: Why Do These Systems Look Alike?

Russia (1993) – institutions were designed by the presidential administration

Moldova (1994) – institutions were designed by parliament entirely, no input from president

Ukraine (1996) – institutions were designed by both

# Why Is there a Semi-Presidential System in Russia?

(Figuring this out has been one purpose of my trip.)

Can one actually answer this question?

- ◆ Understanding the politics of 1991-1993
- ◆ Knowing how previous institutions worked
- ◆ Talking to constitution makers, “process-tracing”
- ◆ What other methodological tools are there?

# Some possible reasons

1. Triangular system was first devised under Gorbachev's institutions, then with presidency and vice presidency, and was modeled on the French (Archie Brown, Giorgy Shakhnazarov).
2. This system was first seriously considered by the Constitutional Commission in 1990, and from the very beginning, by Rumyanstev, though Zorkin had a presidential draft (Viktor Sheinis).

# Some possible reasons, Take II

1. “Since a triangular system already existed under Gorbachev’s institutions, the new constitution simply filled its positions, changed its powers (Giorgy Satarov).
2. The position of a PM results as a reaction to Yanaev and Rutskoi, and was an institutional reform made after Yeltsin in reaction to treasoners (Thomas M Nichols).
2. Such a system was created on purpose by Yeltsin because he saw benefits to it, including the right to be head of state and, at the same time, deflect blame by quickly changing his cabinet (Mikhail Krasnov).

# Question II

What are the consequences of dual headed executive structures in the post-communist world? What kinds of conflicts tend to occur?

How can these conflicts best be settled, if at all?

# Moreover...

Is there something unique about the post-communist states?

Or is semi-presidentialism itself a less stable form of government?



# Gene's hypotheses

- H1 (Origins): Semi-presidential constitutions arose because of path-dependency, also partly to provide an office for a person.
- H2 (Consequences): These may be contrary to what we think, in that policy instability is a good thing in the post-communist world.

# Q1: Tailor-made constitutions

- In all republics where a semi-presidential system was adopted, it was created with an opposition leader or old communist party first secretary in mind

# Q2: Four Areas in Which We Can Examine (the Differences) of Semi-Presidential Regimes

- Economic reform, Budgetary processes
- Cabinet stability and instability
- *Intra-executive* conflicts
- Political parties and party systems
- Who can name others?

# Your Questions or Suggestions

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And finally...

Thank  
you, Open  
Economy  
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**The  
End**