

- lost the support of the majority of the legislature, and in a parliamentary system he would have been voted out of office. In a presidential system, however, there was no way of replacing him except for a coup'. The generalization thus resulting is that 'in many cases, a coup appears to be the only means of getting rid of an incompetent or unpopular president'.
19. Linz also concurs with Lijphart's criticism that presidentialism is tainted by a majoritarian bent. But this is a dubious point, and I certainly do not subscribe to Lijphart's anti-majoritarian obsession (*supra* 4.4). In my opinion, proportional politics can be as damaging; to say the very least, as majoritarian politics. President Alfonsín had a slight majority, in 1983-7, in the Chamber of Deputies, but not in the Senate; and President Menem had, from 1989 to 1995, a majority in the Senate, but not (if unassisted) in the low chamber. This is not, then, a clear cut state of undivided majority. Historically, and aside from the Perons' periods, only President Frondizi (1958-62) had a majority in both houses of Congress. And the May 1995 election brought about a debacle of the radicals that bodes ill for Argentinian two-partism.
21. The Radical and Peronist parties do have a 'centralist' tradition; even so, as the Peronist party loses and indeed dismisses the doctrine of its founder, I would say that the presidential factor becomes weightier as the ideological differences between the two parties lose weight. But I do not hold, with this, that the presidential prize is a sufficient condition – either in Argentina or elsewhere – for two-partism.
22. Reference is made to the December 1993 presidential election won by the independent Caldera with the support of 17 political groups, and against the two parties – the social-democratic Democratic Action, and the social-christian COPEI – that had been in control since 1958. Let it also be noted that Caldera is, on the basis of the electoral returns, a minority president, and that his performance in office has been so far, of dubious legality.
23. For an assessment of the various levels of 'institutionalization' (or not) of parties across Latin America, see Mainwaring and Scully eds, 1994, esp. ch. 1.

6 Parliamentary Systems

6.1 TYPES OF PARLIAMENTARISM

Parliamentary systems owe their name to their founding principle, namely, that parliament is sovereign. Thus parliamentary systems do not permit a separation of power between parliament and government: they are all based on legislative-executive power sharing.¹ Which is also to say that all the systems that we call parliamentary require governments to be appointed, supported and, as the case may be, dismissed, by parliamentary vote. But to say that governments are parliament-supported is not saying much. It does not even begin to explain why the politics in question display strong or feeble government, stability or instability, effectiveness or immobility and, in sum, good, or mediocre, or even detestable performances.

The fact is that 'parliamentarism' does not denote a single entity. If the performances of parliamentary systems are as different as they are, this is because they relate to, and result from, very different kinds of executive-legislative linkage. Indeed, there are at least three major varieties of parliamentary system: at one extreme the English-type of premiership or cabinet system, in which the executive forcefully prevails over parliament; at the other extreme the French (Third and Fourth Republic) type of assembly government that makes governing a near-impossibility; and a middle-of-the-way formula of party-controlled parliamentarism.

So, parliamentarism may fail us just as much and as easily as presidentialism. If we wish to argue that the former is better than the latter, we must immediately declare *which parliamentarism* is chosen, and see to it that the exit from pure presidentialism does not simply lead – along a path of least resistance – to pure parliamentarism, that is, to assembly government and misgovernment.

The specifics of each parliamentary form will be outlined in the next sections. But the underlying, common problem of all parliamentarism is to have parties that do not cross, in voting on the floor of the Houses, party lines. While in the American case party indiscipline may be an asset, in the parliamentary case party indiscipline is always and necessarily a liability. Parliamentary-fit parties – as I have called them – are, to begin with, parties that hold together in supporting the government (generally a coalition) that is their appointee.

Therefore the understanding of parliamentarism assumes an understanding of who controls the parties, how, and – in turn – what it is that parties control. This is no simple and easy inquiry, and will be pursued in this work at various points (but see especially *infra* 12.2). It should be clear from the outset, however, that in this inquiry we must always assess if the ‘real unit’ is the party, or its factions and factions, or otherwise if both the party and sub-party units have lost their centrality.

6.2 POWER SHARING

Parliamentary systems, I have noted, are all power-sharing systems. But power sharing cannot be pinned down as tidily as power division can. The formula is elusive, for sharing denotes diffusion and diffuseness. Who shares what, with whom, in what way or to what extent? To say the least, power sharing admits of very great variance. Still, some order can be brought into this maze by looking into the core authority structure in which a chief executive, a prime minister, is empowered to perform. From this standpoint the head of government may relate to the members of his or her government as:

- (i) a first *above unequals*
- (ii) a first *among unequals*
- (iii) a first *among equals*.

The former are all power sharing formulas in that they all exclude a power concentration in just one person, in a *primus solus*, as in the case of the American president whose govern-

ment is only his private cabinet. But they are indeed very different formulas. A British prime minister stands as a *primus* (first) above unequals, for he or she truly runs the government and has a free hand in picking and firing truly ‘subordinate’ ministers; the German Chancellor is less preeminent but is still a *primus* among unequals (not among equals); whereas a prime minister in an ordinary parliamentary system is a *primus inter pares*, among equals, and thus not much of a *primus* either. We can, of course, bicker about the nuances. Nonetheless, the criterion that underpins the three formulas is neat enough.

A first *above unequals* is a chief executive that is the party leader, that can hardly be unseated by a vote of his MPs, and that appoints and changes cabinet ministers at his or her pleasure. So, this ‘first’ rules over its ministers and indeed overrules them. A first *among unequals* may not be the official party leader, and yet cannot be unseated by a mere no-confidence parliamentary vote and is expected to remain in office even when his cabinet members change. So, this ‘first’ can unseat ministers but cannot be unseated by them. Finally, a first *among equals* is a prime minister that falls with his cabinet, that generally must accept ‘imposed’ ministers in the governmental team, and that has little control over the team (better described as a non-team whose untouchables play their own game).

The significant point is that the formulas in question outline a scale of power sharing arrangements that undercut the conventional wisdom about what presidentialism and parliamentarism, respectively, do best. For one, the scale indicates that an English prime minister can govern far more effectively than an American president.² This entails that the presidential *primus solus* formula cannot be credited with any prevailing ‘governing merit’. Furthermore, the scale suggests that there is no net advantage in replacing a *primus solus*, a president, with a *primus inter pares*. Indeed, a prime minister that cannot control his ministers (for he cannot fire them), and that does not even have a free hand in choosing them, cannot be expected to be really in charge.

So, the power sharing formulas that hold ‘governing promise’ are (i) first above unequals, and (ii) first among un-

equals. This is the same as suggesting that the interesting working cases of parliamentary government are the premiership systems that range from Britain to Germany. But this is by no means to assert that all other forms of parliamentarism are non-working. In the next two sections we shall explore, then, the conditions that explain and sustain the performance of all the parliamentary systems that perform.

6.3 PREMIERSHIP SYSTEMS

The premiership system, or cabinet system, at its best is best illustrated by the British system of government.³ As everyone knows, the British premiership system assumes single party government (it would founder with coalition government), which in turn assumes a single-member district system that engenders a two-party system. Let it also be underscored that it is single party government that calls for the strict party discipline that obtains in Westminster, for here to vote against one's own government would imply handing it over to the opposition.⁴

The above indicates that the Westminster system of government rests on three major conditions. I further suggest that these conditions build on each other in this order: (i) plurality elections, (ii) two-partism, (iii) strong partisan discipline.⁵ This implies that if the first condition is altered, a domino effect will follow — a point that seemingly escapes the British scholars and politicians that press for the adoption of some kind of PR system and, in any case, for the rejection of the winner-take-all system.

So, the British premiership system can easily be destroyed while, on the other hand, is not easily obtainable. Remember, on this score, that according to my laws on the effects of electoral systems (*supra* 3.3 and 3.4) plurality elections cannot produce a two-party system unless the incoercible third party electors happen to be dispersed nation-wide at below-plurality levels — indeed a hard condition to meet. Therefore any country that adopts a single-member district system on the

argument that a premiership system of government would follow, may be seriously disappointed. Remember, also, that the winner-take-all system is inadvisable when a polity is polarized and/or characterized by a heterogeneous political culture (*supra* 4.2).

Moving on, while the United Kingdom and the British-model countries illustrate the strong case of premiership parliamentarism, Germany illustrates the weak, or weaker case of the category. The German Federal Republic has never had a two-party system (even counting, as I do, the CDU and the Bavarian CSU as one party), and only for a short time single-party government. It has long been, instead, a three-party system (some say two-and-a-half), has generally displayed two-party coalition governments, and does not employ a majoritarian electoral system. Furthermore, the German chancellor is elected in and by parliament and is not in any formal — legally formal — way the leader of his party. Even so, *Kanzlerdemokratie*, the German chancellor-centered practice of government, can well be classified among the premiership systems.

Do the differences between the British and German arrangements suggest that a premiership system is not necessarily based on the leadership principle? Yes and no, I would say, because German parties do indicate to the electorate, at election time, their would-be chancellor (thus infringing, or at least enfeebling, the parliamentary principle). But we cannot make too much of this. For the electoral pre-designation of the prime minister makes sense with a party system (be it of two or two-and-a-half parties) that allows for only two credible contenders; but makes far less sense with multi-party systems that require extended (more-than-two) party coalitions, and makes no sense at all when extended coalition governments contain parties of near-equal strength. Under these conditions, the prime minister is necessarily part and parcel of the coalition negotiations, and cannot be 'promised' in advance. A further point is this: that the electoral pre-designation of the prime minister should not be confused with the utterly different arrangement of having a popularly, directly elected prime minister (currently adopted in Israel, and being aired in Italy, Japan and the Netherlands).⁶

How did the German premiership system come about? The factors and reasons that explain the German *Kanzlerdemokratie* are, I submit, (i) the outlawing of the anti-system parties, (ii) the *Sperreklause*, (iii) the so-called constructive vote of no confidence — in that order. And let me begin by explaining why the first reason is indeed 'first'.

Many, if not most observers, hold that the German three-party system results from the 5 percent clause of exclusion, from the *Sperreklause*, in combination with a mixed (half-majoritarian) electoral system. This is clearly wrong. The German electoral system obtains an almost pure proportional representation (*supra* 2.2), and a 5 percent threshold is unlikely to downsize the format of any party system anywhere — Germany included — to three parties. So, the source of the German political system is not in its electoral system but the circumstance that judicial decisions have fundamentally altered the 'natural development' of the party system. The Karlsruhe Constitutional Court outlawed early on both the neo-Nazi Socialist Reich party and the Communist party; and had this not happened, the German three-party system would not have happened either. And I call the above a circumstance to underscore that constitutional structures had nothing to do with this momentous happening. Note, also, that the judicial decisions in question were particularly 'circumstantial' in that they clearly belonged to the climate of the Fifties and, furthermore, to the specific context which justified them. Could they be repeated in any present-day established democracy? I doubt it.

So, outlawing the anti-system parties comes first in the strong sense that it provides the other two factors with a leverage that in themselves they do not have. Enough has already been said about the *Sperreklause*. We must pause instead on the third factor — the constructive vote of no-confidence — which also happens to be the specifically constitutional element of *Kanzlerdemokratie*. The provision says that a chancellor cannot be unseated by a no-confidence parliamentary vote unless and until his successor has been nominated. While this constitutional device is not an insuperable obstacle, its efficacy should not be sneezed at, for it is far easier to assemble a

negative majority, a majority that simply ousts a government, than to bring together a positive majority that also agrees on the new chancellor.⁷

The comparison between the British and German ways of establishing a premiership system was left earlier at noting that the German leadership principle appeared to have weaker foundations than the British one. However, it must now be noted that this weakness is corrected by the constructive vote of no-confidence. And an additional reinforcement to the German premiership system comes from the fact that parliament appoints only the chancellor, not — as in most parliamentary systems — the full government. A procedure that establishes that the premier stands above his government, that he or she definitely is, as I said earlier, a first *among unequals*.

We can now address the question as to which of the two models is easier to copy. In the countries that are unhappy about their parliamentary democracy and are seeking to amend their ways, the prevailing wisdom is that the German model is the more accessible one, the model that lends itself to relatively easy imitation. But my analysis leads to the opposite conclusion. The British system is largely constitution-made, the German system is largely circumstance-made; and, surely, structures lend themselves to replication better than circumstances (in the meaning just explained). If we opt for the Westminster model, all we have to do is to adopt the winner-take-all electoral system; and if we are lucky, that is to say, if the electorate happens to be 'normally distributed' across the constituencies, the rest of the set-up follows in part by itself, and can be otherwise handled by constitutional intervention.

But if we opt for the German model, what is it that we have to do? As we know, the adoption of the *Sperreklause* would not do the job, for it would not, by itself, downsize the party system to the point at which it needs to be downsized for a premiership system to emerge. So, how do we do it? While we cannot expect to be assisted by constitutional court surgery, we can, of course, renounce PR and pass to a plurality electoral system. If so, however, we are on the more painful British track, and no longer on the painless German one. Let it be added, as a further note of caution, that the German party system, as it has

been up to the mid Nineties, may well be on the wane.⁸ Assume that the West-East German unification will in due course raise the party format of the country to four-five parties. Would the German *Kanzlerdemokratie* endure under these circumstances? Probably not. For the strength of the chancellor does not extend beyond his own party. This delimitation is of no consequence until the second partner of the German coalition, the FDP, is 6 to 7 times smaller. On this ratio, the Liberal party can neither aspire to the chancellorship nor condition its choice; it can only cause the fall of a Socialist or Christian-Democratic dominated coalition government. Suppose now that two additional parties become relevant, and thus that future coalitions will have to include at least three parties of near-equal, or at any rate of less unequal strength. Under these conditions the German-type premiership system becomes inoperative, for its remaining pillars – the 'lonely' election in parliament and the constructive vote of no-confidence – could not possibly suffice to sustain it.

6.4 WORKING PARLIAMENTARISM

Does the conclusion that premiership systems cannot be easily reproduced lead to the conclusion that 'working parliamentarism' is and will remain a rare event? Of course not. With reference to governing capabilities, 'working' has two meanings, namely, effective government and/or stable government; and this distinction allows for three combinations, that is, a government that is: (i) both effective and stable, (ii) stable and possibly effective, (iii) unstable. This framework allows for an array of working cases that certainly extends beyond the British and German experiences.

The first combination eminently includes the premiership systems, but also includes the 'predominant party system' of countries such as Sweden and Norway (for long stretches since the Thirties), Japan (between 1954 and 1993) and Spain (between 1982 and 1996), which may neither have premiership structures nor a two-three party format, and yet have displayed uninterruptedly for some ten to as much as forty

years, single-party government (of the same party) – and this on account of the simple fact that one party obtains, across a succession of legislatures, the absolute majority of parliamentary seats.⁹ Predominant party systems thus provide the stability and the effectiveness capability that all single-party governments provide – even though in this pattern duration and efficiency may not correlate positively, for countries without alternative government (or too little of it) lack the stimulations brought about by two-party rotations in office.

The point is that what cannot be accomplished on the basis of the leadership principle can be accomplished by a particular structuring of the party system. That is also to say that the list of working parliamentary democracies is extended by cases that are not explained by any particular constitutional arrangement. Beyond this frontier we can still find, to be sure, multi-party countries with coalition governments that turn out to be stable and reasonably effective. But these are single-country success stories whose success must be credited to policies and personal leadership qualities, not to any kind of structure. Provided that one crucial condition is respected, namely, that the parties are parliamentary-fit and thus sufficiently controllable and in control.

Can a general conclusion be drawn as to why parliamentary democracies can and do work? The answer that emerges from our overview is that parliamentary government works (works better) when its name is somewhat of a misnomer, that is to say, when parliament does *not* govern, when it is muzzled. Conversely put, working parliamentarism never is a 'pure' parliamentarism that fully embodies the principle of the sovereignty of parliament. Rather, parliamentarism works when its wings are clipped, when it acquires – we could say – a semi-parliamentary form. Somewhat paradoxically, the less a government is truly parliamentary, the better it performs.

6.5 ASSEMBLY GOVERNMENT

Countries that exit from a dictatorship may well have little choice other than the parliamentary one. But the people

discontented with presidential systems that are offered to choose, in its stead, a parliamentary system should be alerted to its perils. Yet the eulogists of parliamentarism seldom acknowledge its dark side. Read this compendium:

Those who have been frustrated with the stalemates of the American system . . . have looked longingly across the Atlantic . . . and admired the streamlined unity of other democratic governments . . . In the parliamentary democracies the legislative majority is sovereign, and a committee of that majority – the cabinet – both leads the legislature and directs the executive. Power is unified. Responsibility is clearly fixed. Strong party discipline assures prime ministers and their cabinets that they normally can act quickly and decisively . . . In two-party parliamentary systems, of which Great Britain is the prototype, votes of nonconfidence are rare . . . In the multiparty parliamentary systems of the European continent, governments are usually formed by coalitions . . . [but] as long as they can resolve disagreements . . . within their cabinets they are as certain of legislative support as are the governments of Britain. Under any of these parliamentary systems, governments can be formed, in Lloyd Cutler's phrase. They can act. They can speak . . . with a single, clear voice.¹⁰

As the above well reveals, the telescope of the eulogist of parliamentarism only sees as far as Britain and goes blank as it reaches the Channel at Dover. The parliamentary experience of continental Europe is just recalled as a somewhat imperfect reflection of the English teaching; and the assembly kind of parliamentarism passes unnoticed and unmentioned. It might be argued that our eulogists omit assemblyism not because they know nothing about it, but because they consider it a deviation, a degenerative form. But no. If the founding principle of all parliamentary systems is that parliament is sovereign, then assembly government represents the direct descendant of that principle. It is not merely that assembly-centered government represents the 'natural' path of development of the parliamentary principle; is it also that it comes by itself, on its own inertia.

The prototype of assembly government is the French Third Republic, the aptly called 'republic of deputies'. But, for instance, the French Fourth Republic and Italy have escaped it only to the extent that parliamentary 'partyocracy' (*partitocrazia*, i.e. party power) kept it at bay. Currently most post-communist parliamentary experiences are of the assembly variety. And I would expect most Latin American democracies (if they were to abandon their presidential forms) to fall straight into assemblyism. As for its characteristics, they can be quickly derived from our previous quotation by replacing its pluses with minuses. In the assembly pattern (i) the cabinet does not lead the legislature; (ii) power is not unified but scattered and atomized; (iii) responsibility vanishes altogether; (iv) party discipline goes from poor to non-existent; (v) prime ministers and their cabinets cannot act quickly and decisively; (vi) coalitions seldom resolve their disagreements and are always uncertain of legislative support; and (vii) governments can never act and speak with a single, clear voice.

All of the above does not need at this stage of the argument any particular explanation, save this one point: why governments are shot down with gusto every year or less. After all – so runs the puzzle – even when governments are coalitions they still represent, for their supporters, 'their government'. Not really, however. In most instances a coalition government that falls is replaced by another coalition government of the same parties. Therefore killing one's own government is not – as in Britain – giving the government away, but giving oneself a chance of entering the cabinet. For an MP in waiting, cabinet instability is a career opener.¹¹ But then, does cabinet instability really matter?

6.6 STABILITY AND EFFECTIVENESS

In much of the literature 'stability' is the major indicator of working democracy. The reasoning is that if a parliamentary system obtains stable government, then it equally obtains effective government. Conversely, unstable governments attest

to inefficient government. But this reasoning stands up to scrutiny only in part.

Let us begin with 'governability', effectiveness or efficiency in governing. The preliminary admonition is that these notions do not address actual performances but *structural capabilities*. Performances depend on performers just as driving depends on drivers.¹² However, drivers need roads and, similarly, performers need structures that allow them to perform. So, we cannot get decisive government without a decisive prime minister; but even a decisive prime minister cannot be decisive if the decision-making machinery is clogged and works against him. A second point is this: that we should not confuse 'effective government' with 'activist government'. The former is a government that has the capacity to implement the policies that it pursues; but it may expound a non-activist philosophy of government and therefore choose, whenever it so decides, to remain inactive. The difference between effective and impotent government is that the former may decide against doing something, whereas the latter cannot do what it would like to do. In parallel fashion the difference between effective and activist government is that while the first may be effective in undoing and dismantling things, an activist government is assumed to be a 'doer' for it assumes that there is no problem that politics cannot solve.

Even so, a government empowered to perform worries many people. We favor efficient government on the presumption that it will govern well. But if we assume or fear governments that misgovern, then the less they can govern, the better. The third point is thus that inefficient government may be the best defense we have against bad government: the less its effectiveness, the less the harm.

I will not deny that this argument has a point — but not a crushing one. To begin with, inefficient government too can be quite harmful, for one of the major characteristics of inefficiency is to waste resources, to use resources that do not achieve any end, that simply go down the drain. But above all my sense is that we are increasingly entering a bewilderingly complex and fragile artificial world that cannot 'naturally' save itself by itself

(nor, indeed, save itself from itself). Whether we like it or not, the invisible hand can no longer perform unassisted by the visible one, by governments that intervene and interfere. I concede that the badness of bad government may be lessened by ineffective government. But I do not concede that we can afford gridlocked, immobilist and impotent governments. Effective government is a risk that we must take — if for no better reason than that the alternatives are worse.

Turning to 'stability', the introductory question is: which stability, or whose stability? *Stable democracy* (i.e., regime stability) is one thing, *stable government* quite another thing. Yet we often allow the glitter of stable democracy to enshrine stable government. This is, however, an unjustified extrapolation. That democracy should not fall is obviously important. But why is it important that governments should not fall? The answer generally is that stable government 'indicates' effective government. Alas, no. Government stability stands for a mere *duration*; and governments can be both long lived and impotent: their duration over time is by no means an indicator and even less an activator of efficiency or efficacy. Indeed, in most parliamentary systems which require government by coalition, governments prolong their survival by doing next to nothing. In this context the little that coalition governments can do is usually done in the first six months, the initial honeymoon period in which they cannot be decently overthrown. After that, they gain time by staying still, by trying not to rock the boat. Thus the problem is not longevity, how long governments last, but whether governments are given the capacity to govern. Stable government may be a facilitating condition, but is certainly not a *sufficient condition* for effective government.

After having firmed up the point that a government can be stable *and* idle, long lasting *and* powerless, I am quite willing to concede that duration helps the implementation of policies. However, the more we hold that stable government is a necessary (though not sufficient) condition for efficient government, the more we must make sure that a stable government is true to its name and indicates a *some* government that lasts. We are being told, instead, that unstable governments can be stable ones in disguise, that 'apparent instability' is only

appearance when the underlying reality is one of substantive continuity. The argument thus becomes that unstable (short-lived) governments are as good as stable ones, as long as the political personnel that rotates in office is roughly the same (unchanging). Well, no – I disagree.

If, as I have argued, governmental stability is per se a misdirected concern, then the notion of 'personnel stability' (in government) is an equally misdirected remedy. I would further add that the argument is flawed and that by endorsing it we just make matters worse. The honorable Eternity has been – we read in his record – seven times Prime Minister and has otherwise or in the intervals occupied cabinet positions for some forty years as, for example, Minister of Foreign Affairs, of Defense, of Education, of Interior, and more. Wonderful for him – his personal stability in office is indisputable. But in what way is his personal stability a system-serving one, a stability that benefits the polity? In no way, I would say. Indeed, by endlessly dropping whatever expertise he may have acquired along the way, the honorable Eternity disseminates all around the discontinuity (not the continuity) of his unending incompetence. And the reason that makes the honorable Eternity an everlasting Minister of everything is precisely that he well knows that his cabinet staying power has nothing to do with his performance in office (nor, incidentally, with his natural intelligence), and everything to do with his intra-party factional strength and maneuverings. And if this is what 'substantial stability' truly stands for, then I submit that we are better off without it.

6.7 THE DIRECTLY ELECTED PREMIER

Thus far I have discussed duration as a misguided concern and a misleading priority. But it becomes worse than that when we encounter the already mentioned proposal (*supra* 6.3) of direct, popular election of the prime minister for the entire duration of a legislature. It becomes worse than that because the proposal does not concern itself with how this stable, 'enduring' prime minister is assured of obtaining an equally durable parliament-

tary support. We elect a general without giving him soldiers, and we assume that he will win his battles because he cannot be removed from office. Does that make any sense? Not to me.

The one country that has adopted the direct election of the prime minister (for four years) is, to date, Israel. This provision will go into effect with the Knesset election scheduled for mid-1996, but was entered in the Basic Law in 1992. It does not provide the prime minister with a majority (this problem is totally neglected); it simply gives him the stick of dissolving parliament.¹³ It is not much of a stick either, for a premier that sends the Knesset home also dismisses itself, and any dissolution of the Knesset entails his own fall. Now, a small country with a population in the order of five million (less than New York City) can perhaps afford incessant elections. Even so, there is no assurance that re-electing a parliament will produce a different parliament, whereas it is quite certain that a country in epidemic electoral fever, that is, persistently keyed up for actual or potential electoral politics, will deliver bad politics. On the other hand, why should a parliament play the game of voting out of office the prime minister? It can play the very different game of upholding him or her in votes of confidence while obstructing across the board his or her legislation.

One of the advocates of this reform, Bogdanor, writes: 'Direct election of the prime minister will give Israel a system of government bearing marked resemblances to that of the French Fifth Republic' (in Sprinzak and Diamond, 1993, p. 97). But we shall see in the next chapter that this is quite wrong. The French semi-presidential system characteristically allows for a prime minister that always commands a parliamentary majority (and who can be changed as this majority changes). Instead the directly elected prime minister cannot be changed and remains stuck with the support or non-support that he or she is given by the electorate. Bogdanor argues that the directly elected premier should be chosen before the parliamentary election, so that the electorate knows how to vote if it wishes to elect a majority supporting the prime minister (*ibid.*, pp. 98–9). This is very unconvincing. American voters do not create a divided government because they vote in

the dark without knowing who are the would-be presidents, but deliberately split their ticket. On the other hand, the chance that, in fragmented multiparty countries like Israel, Italy and the Netherlands, a coalition effect would boost the elected prime minister's party to an absolute majority ranges from poor to zero.

I must also disagree, I am afraid, with Bogdanor's underplaying of the divided majority impasse. Minority governments do frequently arise in parliamentary systems (they are almost the rule in Denmark)¹⁴ but they result from, and stand upon, negotiations with the more or less variable parliamentary majorities that do, in fact, keep them in office. Any analogy with parliamentary minority governments entirely breaks down, then, when referred to a minority premier whose position can neither be negotiated nor terminated. To argue, therefore, that a Knesset controlled by the opposition simply entails and means 'checking the power of the prime minister' (*ibid.*, p. 99) is, to say the least, a grand understatement.¹⁵

While it is mistaken to assimilate the directly elected prime minister to a semi-presidential, French-like, arrangement, it is equally mistaken to assimilate it to presidentialism.¹⁶ I have already indicated that the direct election of a president does not suffice to create a presidential system (*see supra* 5.1). Furthermore, the prime minister in question is still subject to parliamentary confidence or non-confidence votes; his or her major power resource is the typical one of parliamentary systems, namely, the dissolution of the legislature; and while presidents are generally allowed various veto, extraordinary and emergency powers, this armory does not accompany the direct election of the prime minister. The one and only analogy between elected premier and elected president resides in a common drawback, namely, the rigidity in or of office. A president that becomes enormously unpopular, or who is disastrously incompetent, or who patently and menacingly oversteps his powers, cannot be replaced (impeachment aside) for the duration of his tenure. The directly elected prime minister can fall with his parliament, but otherwise introduces the same rigidity and the same drawback in a non-presidential system, that is, where the nature of the system does not require it.

So, the direct election of a premier is not a sort of *ersatz*, or substitute, for a presidential arrangement. If one desires presidentialism, one must redesign the entire mechanism. *Par contra*, the insertion of a non-removable, popularly elected premier into a parliamentary system is like entering a stone into an engine. It may not break it, but it will surely make its performance hazardous.

NOTES

1. Note that power sharing does not entail that parliamentary systems are systems of 'mutual dependence' between parliament and government. The premise that parliament is sovereign rules out reciprocal dependence, that is, a veritable interdependence between legislative and executive bodies. The power to dissolve parliament cannot be put on a par with parliamentary power over government. The first is a sporadic possibility, the second is a continuous control over every piece of legislation. Furthermore, the power of dissolution is generally a prerogative of the head of state, not of the prime minister.
2. According to Polby's account (1993, p. 31) 'In their last couple of years in office, Republican Presidents Eisenhower, Nixon, Ford, Reagan and Bush all had to deal with Democratic Congresses and all got their way about half the time they took positions on bills. . . . Earlier in their terms they usually scored two-thirds or better.' Even so, no British prime minister has ever seen their bills defeated in parliament on a one to three or even one to two ratio.
3. I use here the two labels interchangeably, though it is self-evident that 'premiership system' suggests a strong individual preeminence, while 'cabinet system' emphasizes the collegial aspect. More recently the Conservatives have accentuated the premiership configuration, while since 1981 the Labour party statutes restrict the power of its leader by requiring him or her to bring into government the shadow cabinet of the opposition period. These differences and shifts over time are immaterial, however, to the point that parliament is executive-controlled.
4. To be sure, the Westminster back-benchers do not always have the party whip over their shoulders and are permitted some 'free

- voting'. But when it matters the prime minister can and does override any within-party opposition, until and unless it comes to issues – such as Britain's entry into Europe – that deeply and fundamentally tear apart both the parties and the country.
5. I omit the party leadership element, in part because I propose to probe this point later in connection with the German case.
 6. I have strong reservations about this device; but here I simply underscore that the direct election of a prime minister is based on a false witnessing, for neither Britain nor Germany can be called upon to endorse it. My objection is spelled out *infra*, 6.7.
 7. In fact, to date there has been only one instance, in 1982, of a parliamentary change of chancellor (from the Social-Democrat Schmidt to the Christian-Democrat Kohl), which resulted from the break-up of the Liberal-SPD coalition.
 8. Note, in this connection, that the Greens and the *Republikaner* are already able to surpass the 5 percent barrier, and are in fact breaking the traditional set-up at the *Länder* level.
 9. The literature often confuses a predominant party system with the dominant party, which is only a party that enjoys a comfortable relative majority over the others. For instance, Italy's DC (Christian-Democracy) has uninterruptedly been for some 40 years – but for the initial 1948 legislature – a dominant party; and no predominant pattern has ever resulted. The same is true for Israel's Mapai, the major socialist party, which was until 1977 the dominant party in the Knesset. I deal extensively with this distinction in Sartori, 1976, pp. 192–201; but much of the profession does not grasp, it would appear, the critical importance of distinguishing a single party from systemic properties.
 10. The quote is from Sundquist, 1992, pp. 18–19, but does not represent, I should underscore, his own view.
 11. The argument that MPs who fail to support the government of which their party is a coalition member jeopardize their own re-election holds only in the rare event that their election is controlled by a strongly unified party, and also assumes a roll-call vote. But governments are often crippled under the cover of secret voting.
 12. Structuralism, or the structural approach to politics, is assumed to hold that leadership and choice play a minor role, if any, in affecting outcomes. It should be clear by now that my understanding of structuralism is very different. In this work much of

- my argument is structural and yet I hold that outcomes are decided by leadership and choice.
13. More exactly, a no-confidence vote of the Knesset in the prime minister and/or in his or her government automatically entails its dissolution and new elections. The prime minister is also entitled to dissolve the Knesset on his or her initiative, provided that the president concurs.
 14. See Strom, 1990, and Daalder, 1971. Note that many minority cabinets are such in appearance, not in substance, while this would never be the case with a directly elected prime minister confronted by an opposition that holds the majority.
 15. The understatement is, once again, based on the misstatement that in the event the political system would move to 'periods of cohabitation or power sharing, similar to the system in France between 1986 and 1988'. I must insist that this is wrong. In France between 1986–8 it was the president, Mitterrand, that lost his majority; but the prime minister, Chirac, was a majority supported premier. The same applies to 1993, when Mitterrand found himself once again obliged to appoint Balladur, a non-socialist, majority based prime minister.
 16. See e.g. Shugart and Carey, 1992, p. 164: in 'proposals ... featuring the direct election of the prime minister ... the elected head of government would be a president by our definition'. Since the authors specifically indicate that 'the prime minister would be permitted to dissolve the assembly, but then she or he would have to stand concurrently for reelection', I fail to see how this feature squares with any definition of presidentialism.