UNDERSTANDING POLITICS · CHAPTER 11

# Constitutions and Democratic Design

*How rules allocate and limit power*

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OPENING PUZZLE

# Designing a constitution

## The country

Three regionally concentrated groups; a history of one-party rule.

## The demand

Decisive government that no group can capture.

**Ask:** which choice matters most: executive, electoral system or federalism?

EXECUTIVE TYPES

# Who chooses the government, and who can remove it?

| | Selected by | Removable by legislature? |
|---|---|---|
| **Presidential** | Separate popular election | No, except impeachment |
| **Parliamentary** | The legislature | Yes, by confidence vote |
| **Semi-presidential** | President elected | |
| **PM responsible to parliament** | The cabinet, yes | |
| **the president, no** | | |

# Why presidential democracies might break down

### Dual legitimacy

President and legislature each claim a mandate.

### Rigidity

Fixed terms make crises hard to resolve.

### Winner takes all

One office, no share for losers.

Mainwaring (1993): especially risky with fragmented multiparty systems.

THE COUNTER-EVIDENCE

# Is presidentialism the cause?

### Selection

Presidentialism was often adopted where military rule was common (Cheibub, 2007).

### Adaptation

Presidents govern through multiparty cabinets (Chaisty, Cheeseman and Power, 2018).

Correlation with breakdown is not proof of cause.

## SEMI-PRESIDENTIALISM

> *“A popularly elected fixed-term president exists alongside a prime minister and cabinet who are responsible to parliament.”*

Elgie (1999), p. 13

Premier-presidential or president-parliamentary? It matters who can dismiss the cabinet.

LIJPHART · PATTERNS OF DEMOCRACY

# Who governs when people disagree?

## Majoritarian

“The majority of the people”: concentrated power, clear accountability.

## Consensus

“As many people as possible”: coalitions, PR, federalism.

Ten variables, two dimensions, 36 democracies (Lijphart, 2012).

## VETO PLAYERS

> *“Veto players are individual or collective actors whose agreement is necessary for a change of the status quo.”*

Tsebelis (2002), p. 19

More veto players, more stability, and more difficulty correcting mistakes.

DIVIDED SOCIETIES

# Share power, or reward moderation?

## Consociationalism

Guaranteed shares, autonomy and vetoes (Lijphart, 1977).

## Centripetalism

Rewards for winning votes across group lines (Horowitz, 1985).

**Ask:** which suits the design-exercise country, and why?

WHAT MAKES CONSTITUTIONS STICK?

# Rules need enforcement

## Coordination

Limits hold when citizens agree what counts as a violation (Weingast, 1997).

## Durability

National constitutions have typically lasted under two decades (Elkins, Ginsburg and Melton, 2009).

Text alone does not constrain power.

CASE · GHANA’S HYBRID EXECUTIVE

# Presidential, parliamentary or neither?

### Article 58

Executive authority vests in the President.

### Article 78(1)

Most ministers must be appointed from among members of Parliament.

### The debate

Reformers propose barring MPs from ministerial office.

SEMINAR TASK · 30 MINUTES

# Present your constitution

1. Each group defends its design for the puzzle country.
2. Rival groups count its veto players and find its weakest point.
3. All groups say whether Lijphart or Horowitz would approve.

THIS WEEK'S ESSAY

# Is presidentialism dangerous for democracy?

### Plan

Reconstruct Linz's mechanisms.

### Test

Mainwaring's combination; Cheibub's selection.

### Judge

Does the label matter, or the design details?

1,500 words maximum · Student Pack: essay questions