

THE COMPETITION/COOPERATION RELATIONSHIP IN EXECUTIVE POWER OPERATING OF SEMI-PRESIDENTIALISM

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—Abstract —

This paper focuses on the interaction between the president and the prime minister, outlining the details of the internal workings of the executive, based on the variables of whether the president and the prime minister “compete” for executive power or rationally “yield” executive power. By examining the cases of countries with semi-presidential systems, this paper aims to explain the implications and predict the potential direction of transition in various forms of semi-presidentialism. This paper seeks to demonstrate that a dual-executive inherent in semi-presidentialism, as well as the competition/cooperation between the president and the prime minister, are the most important factors determining how semi-presidentialism operates.

Key Words: *semi-presidentialism, executive power, competition/cooperation relationship, president, prime minister*

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1. INTRODUCTION

According to the definition given by Maurice Duverger, semi-presidential constitutions feature a president who has opposite him, however, prime minister and ministers who possesses executive and governmental powers and can stay in office if parliament does not show its opposition to them ” (1980: 166). However, in practice, the considerable power of the president, the relationship between the

president and the parliamentary majority, and constitutional conventions often lead to discrepancies between constitutional norms and constitutional reality. That is to say that executive power may not necessarily be held by the prime minister, and that the assembly may not hold executive departments answerable to them.

From this, it is apparent that compared to past discussions on semi-presidential systems, whether executive power is held by the president or by the prime minister is not sufficient to judge whether such a system is good or bad. Therefore, the author of this paper asserts that the aspect in which executive power is given to the president or prime minister can further be divided into two situations: one where the president and the prime minister share executive power, and the other, where the president and the prime minister struggle for dominant executive power. In sharing, the president and the prime minister may divide their affairs or they may cooperate in them; in struggling, competition or conflict may occur.

Unlike discussions on what should be or what actually is, this study expounds on the stability of semi-presidentialism through a comparison of objectives pursued and tactics adopted by the president and the prime minister in these situations of “thick” and “thin”.

2. THE AUTHORITY OF EXECUTIVE POWER AND THE CONSTITUTIONAL OPERATIONS OF SEMI-PRESIDENTIALISM

As the extent of the powers of the president and the prime minister is often a focus of discussions regarding dual executive power. Mathew Shugart and John Carey categorized semi-presidentialism into two types from a constitutionally normative perspective, based on the ratio of power between the president and the prime minister: premier-presidential regimes and president-parliamentary regimes (1992:18-27). A lot of later research has followed this categorization. Besides, Shugart further proposed that in premier-presidential regimes, the prime minister is reliant on the assembly; within presidential-parliamentary regimes, the prime minister is accountable to both the president and the assembly because he/she

faces a more powerful president (2005: 345). In premier-presidential regimes where the assembly holds the authority to dissolve the cabinet, prime ministers are inclined to cooperate with the assembly, leading to possible executive conflict with the president. In comparison, president-parliamentary regimes providing presidents with complete authority to appoint and dismiss the prime minister will cause the prime minister to submit to the president, who will then possess exclusive executive power or form an alliance with the prime minister. Thus, in regards to the tactics that the president and the prime minister have at their disposal, this study displays the magnitude of their authority by regarding the premier-presidential regime as a situation where the tactics of the president and the prime minister differ, whereas in a president-parliamentary regime, the tactics are similar.

Moreover, Robert Elgie set out an even more concise classification system based on operation patterns, divided into highly presidentialized semi-presidentialism regimes, semi-presidentialism regimes with ceremonial presidents, and semi-presidentialism regimes with a balance of presidential and prime-ministerial powers (2005: 102-109). In the following analysis, this study employed the three connotations of executive authority (belonging to the president, the prime minister, or both) as a basis with the three subtypes proposed by Elgie as the specific objectives of the executive authority. Any two subtypes were considered variations of the third subtype. For example, if the president and the prime minister are not collectively pursuing the objective of a highly presidential regime, coexistence of highly presidential and ceremonial presidential or of highly presidential and balanced powers may occur. The similar objective means the president and the prime minister share executive power and the different objective means the president and the prime minister struggle for executive power. Table 1 presents the various combinations of executive relationships below.

Table-1: Original hypothesis of executive relationship

Objective	Similar (share)	Different (struggle)
Tactic		
Similar (President-parliamentary regime)	Cooperation	Competition
Different (Premier-presidential regime)	Division of affairs	Conflict

Source: Author

Due to page limitations, this study examined cases using the two aspects of cooperation and competition to indicate part of the operational patterns in executive power.

3. CASE STUDIES OF COMPETITION OR COOPERATION WITHIN EXECUTIVE POWER

3.1 Executive authority held by the president

The model with most impact on this aspect is the highly presidential regime. Whether the president and the prime minister reach consensus in this model leads to the co-existence of two other models: co-governance or ceremonial presidential. In the similar tactic of president-parliamentary regime, the interactions between president and prime minister as shown bellow:

- Cooperation: president-parliamentary regime (similar tactic); highly presidentialized semi-presidentialism regime (similar objective)
- Competition: president-parliamentary regime (similar tactic); highly presidentialized semi-presidentialism regime and co-governance (different objective)

In highly presidentialized semi-presidentialism regimes, if the tactics to create an authoritative president originate from the constitution, such as giving the president complete authority to name the prime minister, this normative approach will contribute to the objective of a president-parliamentary regime; a powerless prime

minister cooperating with a stronger president, operating jointly to attain highly presidentialized regimes. A number of semi-presidential countries in Africa can be categorized thusly; Tanzania, Uganda, Burkina Faso, Cameroon, the Republic of Central Africa, Gabon, Madagascar, Mali, Mauretania, Niger, Senegal, and Togo. In constitutional operation, the authority of the presidents in these countries is in fact greater than that of presidents in other African countries adopting presidential systems (Cranenburgh, 2008: 970-971). This is due to the fact that the presidents of these countries play a central role in the formation of the government and in cabinet meetings (Cranenburgh, 2008: 961-962); the prime ministers are inferior in status by comparison and more motivated to answer to the president. In addition, most of the presidents in these countries hold absolute authority to name a prime minister, with the exception of Tanzania and Uganda, where the nomination must first be approved by the assembly. However, the presidents of these two countries also serve in the position of chief executive; a prime minister even with the support of the majority of parliament is still only regarded as the leader of government business in parliament. Moreover, the prime minister in Uganda has no authority in the naming of the cabinet, meaning their semi-presidential system is fated to forever function as a highly presidentialized regime.

When the objectives of the president and prime minister differ and the president actively contributes to the formation of a highly presidentialized regime, a variation in which a highly presidentialized regime and co-governance co-exists will appear under the constitutional norms in president-parliamentary regimes. This type of mode of operation features presidents with greater authority and prime ministers that must adapt to changes in the political environment. For example, if the popularity of the president drops, the prime minister's position in his/her political party will provide him/her with more leverage against the president, thereby forming intra-party governance. However, the prerequisite of this is that the president and prime minister belong to the same political party; the

prime minister must also take into consideration the risk of the president dismissing him/her. Therefore the prime minister has a choice between a role as the highest chief executive and as the president's "chief executive officer" in order to avoid being dismissed. Although the prime minister may not be unconditionally obedient to the president, dual accountability may occur out of respect for the president. Consequently, the result of this type of mode of operation is that executive power is held by the president; competition between the president and the prime minister is just a strategic consideration, nonetheless giving the appearance of intra-party governance. The semi-presidential system of Russia operates similarly to this type. Putin created an authoritarian dominant party regime during his two terms of office, bringing the assembly under the control of the president or the party leader. Being both the prime minister and the leader of his party at present, Putin naturally has the resources and motives to expand the responsibilities of the prime minister (Remington, 2008: 959). As a result, the control that the position of prime minister now retains is much greater than that in the past and even surpasses that of the president. This example clearly shows that the power of appointment in the hands of the president is not a crucial variable in the workings of semi-presidentialism. Although Russia's constitution provides that the president names the prime minister, government operation is still determined by the policies established by the prime minister.

3.2 Executive power held by the prime minister

At the beginning of this study, it was mentioned that executive power in the hands of the prime minister is a return to normative circumstances. A ceremonial president is the factor that facilitates this result most directly. In addition, the relationship between the president and the assembly and whether the ceremonial president is willing to be subservient are also factors that cause variations in this type of regime as shown below.

- Cooperation: president-parliamentary regime (similar tactic); semi-presidentialism regime with ceremonial president (similar Objective)

- Competition: president-parliamentary regime (similar tactic); semi-presidentialism regime with ceremonial president and co-governance (different objective)

Compared to the above, in countries implementing president-parliamentary systems, such as Iceland (Veser, 1999: 46), the constitution vests more actual power in the president; a semi-presidential regime with a ceremonial president usually occurs because of constitutional culture. In these countries, presidents have been playing nominal roles for a long time (particularly in situations where the president and prime minister are from the same party, and the president is not the leader of the party), leading to a cooperative pattern between the president and the prime minister and giving the prime minister more complete executive authority. However, countries where the president is democratically elected but holds far less power than the prime minister are few; according to Elgie's survey in 2005, among the 55 countries adopting semi-presidentialism at the time, only Austria, Bulgaria, Iceland, Ireland, Portugal, and Slovakia exhibited this condition.

In countries with president-parliamentary systems, the circumstance of the president having more power often shifts focus away from the objective of a ceremonial president, thereby resulting in co-existence of co-governance and semi-presidentialism regimes with ceremonial presidents. As actual operations are relatively difficult, semi-presidentialism where the prime minister is more powerful are more likely to create conflict when operating as regimes with ceremonial presidents. This causes an oscillation between regimes with ceremonial presidents and highly presidentialized regimes. In Taiwan, for example, President Ma Ying-jeou had the advantage of being in the same party as the majority of the legislature at the commencement of his term in office; however, his decision to devolve executive power led to an environmental structure different than anticipated. He was accused of disclaiming responsibility and avoiding criticism, which further resulted in changes to major policies. Being

simultaneously the party chairman of the KMT, Ma has complete control of the premier, forming co-existence of a regime with a ceremonial president and co-governance. A major factor in this is the issue of interaction with the legislature. Occurrences such as the US beef incident and reform in the Local Government Act revealed that the president was willing to take on a nominal role voluntarily but neglected to interact with the assembly. Consequently, the legislature proposed anti-presidential policies, making executive departments accountable to the assembly. However, this competitive relationship differs from that mentioned in earlier sections; both the legislature and the president are attempting to change who the premier is answerable to, and the competitive relationship exists between the legislature and the president, not between the president and the premier.

3.3 Executive power shared by the president and the prime minister

The dimension of executive power in the hands of both the president and the prime minister is somewhat more complex than the former two. This study considers the operations of highly presidentialized regimes and regimes with ceremonial presidents under the condition that the president is of the same political party as the majority of the assembly. However, co-governance is more common when the president is in an opposing party, in the form of cohabitation. The combinations of objectives and tactics are as shown below.

- Cooperation: president-parliamentary regime (similar tactic); co-governance (similar Objective)
- Competition: president-parliamentary regime (similar tactic); co-governance and highly presidentialized semi-presidentialism regime (different objective)

The Weimar Constitution of Germany is a typical example of a semi-presidential system with balanced powers (Tsai, 2009: 76-80). According to norms in the Weimar Constitution, the president has the authority to name the cabinet, dismiss parliament, initiate a referendum, and even name or dismiss the chancellor based on suggestions of a federal minister. At the same time, the Weimar Constitution

also vests enormous power in the ministers. In order to exercise the powers appointed by voters, ministers must gain the confidence of the assembly. If the assembly institutes a significant vote of no confidence in a minister or chancellor, the minister or chancellor in question must resign. In addition, the assembly holds the power to impeach, or to abolish any law that the president passes. For instance, the president of Germany issued an emergency act in 1932; among the 66 laws that the president proposed, only five were passed by the parliament in the end. However, conflicts between the president and the assembly may also lead the president to employ his right to dismiss the assembly as a defensive tactic. Due to the design of this system, the prime minister will form a dual dependence on the president and assembly, which will thereby cause conflict when the president comes from a different party than the majority of the assembly. If the constitution provides the president with absolute autonomous authority to appoint various posts, it is natural that the president has the greater advantage. On the contrary, if the prime minister possesses the right to name members of the cabinet and countersign bills, his/her position will be evenly matched with that of the president. In the decade following the establishment of the Weimar Republic, from 1920 to 1930, the operations of the government followed this pattern; the president and the prime minister were of different parties, and the assembly lacked a stable majority. The competition between the president and the ministers for dominant power thus formed a system of semi-presidentialism with balanced powers.

Under a president-parliamentary system, differing objectives between the president and the prime minister is likely to induce the president's influence and intervention in co-governance. In this type of operation, a president in a different party than the majority of the assembly must first appoint a prime minister in the same political party and form a minority government in order to become powerful. Another approach to creating a powerful president would be disabling the assembly's authority to constrain the president, such as dismissing or impeaching

the cabinet. As the prime minister is dually accountable to the president and parliament, combining the prime minister's objective of co-governance with the president's objective of a highly presidentialized regime would make government operations considerably difficult, as the prime minister could be dismissed at any time. The reign of the Democratic Progressive Party in Taiwan from 2000 to 2008 showed operational patterns similar to this. Although Chen Shui-bian named Tang Fei, a member of the KMT party, as premier, and Tang formed a cabinet in his own name, Tang was still caught between the Legislative Yuan, the majority of whom were KMT members, and the president, who persisted in the introduction of many major policies. Subsequent premiers after Tang's resignation did not completely answer to the president alone as many commentators assumed; during Chen's second term, his embroilment in corruption scandals led premiers of the time, such as Frank Hsieh and Su Tseng-chang, to support the legislative majority (the KMT) in certain affairs. This showed that the president was not the sole chief executive and that co-governance and a highly presidentialized regime were operating collectively.

4. CONCLUSION

In the three dimensions relating to who executive power belongs to in semi-presidential systems, this study discovered that conditions of cooperation, and competition were not positively related to constitutional norms. From the dimension in which executive power was held by the president, the results of highly presidentialized semi-presidentialism and co-governance were more dependent on changes in the external environment. As a result, in the subtypes of semi-presidentialism proposed by Shugart and Carey, the effects of constitutional norms are only exerted when the president and the prime minister pursue the same objective, thereby truly reflecting the oscillation of authority between the president and the prime minister. In addition, unified relationships within the executive does not necessarily cause conflict between executive departments and the assembly. In the dimension of executive power belonging to the prime

minister, having different objectives does not lead to the “thin” of competition or conflict between the prime minister and president. Instead, the circumstance of “thin” occurs between the executive and legislature.

In terms of the president and prime minister sharing executive power, this study believes that for conflict to occur in regimes with a balance of power as Elgie deems, is still determined by whether the president and the prime minister hold the same perception towards the objective of co-governance. It is possible to agree objectives and tactics in co-governance and still create conflict within the executive; the contending authorities of the assembly and president may even provoke serious conflict. On the contrary, when the president and the prime minister hold differing objectives, co-governance operates with more focus on one authority, in which conflict with the assembly is relatively less. Rather than creating more conflict, differing objectives create a more moderate relationship between the executive and legislature. However, if the constitution assigns more power to the prime minister, cohabitation may become the norm.

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