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A NEW POLITICAL SYSTEM MODEL: SEMI-PRESIDENTIAL GOVERNMENT

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ABSTRACT

This article aims at defining the concept of "semi-presidential government" and detailing the diversity of its practices. There are in fact three types of semi-presidential regimes: the president can be a mere figurehead, or he may be all-powerful or again he can share his power with parliament. Using four parameters – the content of the constitution, tradition and circumstances, the composition of the parliamentary majority and the position of the president in relation to the majority – the author seeks to explain why similar constitutions are applied in a radically different manner.

In 1970, the idea was conceived of comparing the French political system established between 1958–62 with that of the other countries in Europe where a president of the republic, elected by universal suffrage and given personal powers, co-exists with a government resting on the confidence placed in it by parliament. At the same time it was suggested that these forms of government intermediary between presidential and parliamentary systems should be called "semi-presidential". In addition to that of Paris, there were then five: four operating in Finland, Austria, Ireland and Iceland, with the last having operated in Germany from 1919 to 1933 under the Weimar Republic. Since then, another has been set up in Portugal by the constitution of 1975. The same form of government failed to establish itself in Greece. The constitution of 1975 gave the Head of State considerable personal powers without requiring him to be elected by universal suffrage. It seems that Mr. Karamanlis would have put forward such a reform had he won the subsequent election. Unfortunately, the defeat of the prime minister in 1978 put a check on this de Gaullian process.

Eight years later, the first results of this comparative study were published under the title of *Echec au Roi* (Check to the King), a work

of 250 pages, the first part of which traces a general picture of the countries concerned, and the second part of which is devoted to a more detailed discussion of the French political system by comparing it with its counterparts. A seminar of the department of political science at the Sorbonne is now continuing this comparative analysis of the seven semi-presidential forms of government, with the help of "assistants" or students belonging to each of the countries involved. The study is being conducted in the light of the model described in the work mentioned above.

This model is based on four essential variables: the constitutional rules, the make-up of the parliamentary majority, the position of the president in relation to this majority, and national and contingent factors. The last three will be examined in more detail later. The first merits some preliminary explanation. The concept of a semi-presidential form of government, as used here, is defined only by the content of the constitution. A political regime is considered as semi-presidential if the constitution which established it, combines three elements: (1) the president of the republic is elected by universal suffrage, (2) he possesses quite considerable powers; (3) he has opposite him, however, a prime minister and ministers who possess executive and governmental power and can stay in office only if the parliament does not show its opposition to them.

This definition comes up against several difficulties. In Finland, the president is not elected by direct universal suffrage. The citizens elect the "grand electors" by proportional representation and the latter then elect the Head of State by a three-tiered vote. The system is similar to that of the United States, in so far as the Finnish "grand electors" are not elected by majority vote and in so far as they are free in their choice. In Ireland, the president has very little personal power, in other words, powers allowing him to make decisions on his own, or to prevent the prime minister and the government making decisions without him. His powers are limited to refusing a dissolution proposed by the prime minister, or referring a law to the Supreme Court so that it might possibly be pronounced unconstitutional. There was some hesitation at first as to whether this country should be classed among semi-presidential forms of government. However, when he appealed to the Supreme Court in 1976, President O'Dalaigh provoked a crisis which showed that the above-mentioned powers are not inconsiderable.

It is not usual for political scientists to construct analytical models defined initially by constitutions. However, no-one would dream of watching a game of football or of bridge without taking into account the rules of the game. They constitute a fundamental aspect of the

players' strategy and tactics, the framework of which they define. Jurists have obscured this deep nature of constitutions by considering them as sacred texts, capable of only one interpretation, which would be "true", while the others were "false". What I mean of course is that each commentator believes his interpretation – which differs from that of his colleagues – to be the only true one. In actual fact, the interpretation of a constitution cannot be separated from the interrelationship of political forces to which it is applied. If the interrelationship varies, the structure and functioning of the form of government established by the constitution vary at the same time.

The Diversity of Semi-Presidential Practices

Constitutions which lay down semi-presidential governments are relatively homogeneous. It will be seen that they show considerable differences with regard to the powers of the Head of State. These differences, however, remain secondary in relation to the general physiognomy of the system. They are far less important than the variety of political practices, which is the essential feature revealed by comparative analysis of the seven countries concerned. Similarity of rules, diversity of games: such is the two-fold aspect of the pleiad formed by the seven countries to which the model applies. In three of them, the president is in practice a figurehead; in one, he is all-powerful; in the other three, he shares authority with the prime minister.

1. THREE COUNTRIES WITH A FIGUREHEAD PRESIDENCY: AUSTRIA, IRELAND AND ICELAND

The constitutions of Austria, Ireland and Iceland are semi-presidential. Political practice is parliamentary. Although elected by universal suffrage and endowed with personal powers by right of law, the Head of State normally behaves in each of these countries like the modern Italian and German presidents or like the queen of England: that is to say, he ratifies all the decisions which the government puts forward to him, his only real prerogative being in his choice of the prime minister, in so far as his choice is not dictated by the result of the elections. However, several differences between the three countries can be observed. In practice, the president uses his personal powers more in Ireland than in Iceland, and more in Austria than in Ireland.

In Iceland, no deviation can be observed in relation to the normal practice of parliamentarianism. As the parties there are more numerous than in Ireland and Austria, and none ever obtains an absolute majority

by itself alone, the Head of State possesses at Reykjavik a greater freedom of action to form a government than in Dublin or Vienna. It rests, however, neither on the prestige of his being elected by universal suffrage, nor on the personal powers which the constitution confers on him, although these latter are very wide. The Icelandic president plays a strictly parliamentary game. He is, moreover, considered not as a committed politician, but as a relatively neutral arbiter, speaking on behalf of the country.

Is this the reason why a curious practice has established itself: that of automatically renewing the term of office of each president when he comes up for re-election if no candidate opposes him? Because of this, only two real elections have taken place since independence, in 1952 and in 1968. The second prevented the transition from a life-president to a semi-hereditary president when the electors rejected the son-in-law of his deceased predecessor, who hoped to succeed his father-in-law. No-one can say if the renewal of tenure for life is the cause or effect of the neutral role of the Icelandic Head of State. One thing alone is certain: the citizens wish to see him play the figurehead role of parliamentary Head of State. However, it is sometimes stressed that he could intervene more actively in the event of acute crisis, for example, what Björnsson (then regent for the king of Denmark) did in 1942: he governed for two years with a cabinet made up of notabilities in the absence of a parliamentary majority.

In Ireland, a single candidate is sometimes put up by agreement between the two major parties which dominate political life ("Fianna Fail" and "Fine Gaël"). This shows clearly the figurehead character of the president, to whom the constitution gives, moreover, very few powers. The candidates are chosen accordingly. The only exception concerns the "father" of the country, Eamon de Valera, architect of independence and national hero, who put forward his candidature in 1959 at the age of seventy-seven. He wanted a kind of gilt-edged retirement, facilitating the accession of a new leader as head of the Fianna Fail. However, his successor at the head of the party and of the government seemed relatively unimportant in relation to himself. In 1966, the reelection of Mr de Valera was not easy. The Irish seem to prefer the president of the Republic to be a figurehead.

In 1976, when President O'Dalaigh wanted to use his constitutional powers by referring a law to the Supreme Court, the move provoked a conflict with the government which culminated in the resignation of the Head of State. This shows that the powers of the Irish president have not fallen into disuse, although they are rarely exercised. No-one then disputed his right to use the prerogatives conferred on him by

right of law. The crisis arose from the fact that the president – like all his predecessors and successors – belonged to the Fianna Fail, whose rival (The Fine Gaël) was then in power, which is very rarely the case. The conflict between president and government arose because they were opposed to each other politically. The fact that Mr O'Dalaigh had been accepted by the two parties and invested without competition made the situation more complicated: by exercising his powers, he appeared as a party man again, when he ought not to have done so if he were to remain faithful to his investiture. The situation was diametrically opposed to that in which the first president of Ireland, Douglas Hyde, placed himself. Put forward by the Fianna Fail and elected without competition, he twice used his power to refer a law to the Supreme Court, against the party which had put him forward. He was not put forward again in 1945, and Sean Thomas O'Kelly was elected.

In Austria, the president of the Republic makes some use of his powers. He did so at least up to 1966, when neither of the two major parties (Social-Democrat and Populist) obtained a majority on its own and they governed together within the framework of the "great coalition". This was imposed by the presidents of the Republic, against the will of the Populist Party, which wanted an alliance of the right with the small Liberal Party, then close to the pan-Germanists and the neo-Nazis. In 1953, President Körner pushed strongly in this direction of "great coalition". In 1959, President Schärf followed this example by stating that he would not accept the presence of the Liberals in the government. Several parliamentary Heads of State thus exert pressure to move towards a majority that they prefer; the pressure is less strong, however, because they have less authority.

During this period, certain Austrian presidents played a second role quite outside the conventional parliamentary system. Although they were Socialists, it had been assumed that the chancellor (prime minister) would be Populist, assisted by a Socialist vice-chancellor. In principle, it was the duty of the latter to control the balance of the coalition, particularly in the appointment of high officials, in order to ensure a just division of posts between the two allied parties. In actual fact, President Körner and even more President Schärf tended to ensure personally this Socialist control of the Populist chancellor, instead of leaving it to the vice-chancellor, the official leader of the Social-Democrat Party. As a former leader of the latter party and a former vice-chancellor, President Schärf appeared as the natural rival of the Populist Chancellor Raab, with whom he had negotiated in 1953 the pact of the great coalition. He made full use of his prerogatives with regard to appointments to ensure representation of the Socialist party in the

coalition, thus replacing his successor in the duties of the vice-chancellor. As from 1966, when a single party held an absolute majority (exept in 1970–71, when a minority Socialist government was formed), Austrian presidents no longer exercise their real functions, and behave as parliamentary Heads of State.

2. A COUNTRY WITH AN ALL-POWERFUL PRESIDENCY: FRANCE

Amended in 1962 by the introduction of universal suffrage for the presidential election, the French constitution of 1958 does not give great personal powers to the president of the Republic, except in its article 16 which allows him to be a veritable temporary dictator in exceptional circumstances: if "the institutions of the Republic, the independence of the nation, the integrity of its territory or the fulfilment of its international commitments are seriously and directly threatened and if the normal operation of the constitutional Public Powers is interrupted." These conditions are not easily found together, particularly the second, which presupposes an insurrection, an invasion or an atomic attack. Article 16 has been invoked only once, in 1961, after the Algerian military coup of General Challe. It can be disregarded, although much ink has been spilt over its symbolic value.

Apart from article 16, the president of the French Republic can make decisions on his own, without the counter-signature of the prime minister, and without the agreement of the government or of the parliamentary majority, in four cases only: (1) to dissolve the national Assembly, with no further dissolution possible within the same year; (2) to refer to the constitutional Council laws or international commitments which he judges to be opposed to the constitution; (3) to appoint three members and the president of the constitutional Council, on the expiry of the term of office of their predecessors; (4) to address messages to parliament.

Furthermore, the president can refuse his signature to the ordinances and decrees discussed in the Council of Ministers. The ordinances are texts having the force of law, adopted by the government, which is authorised to do so by a plenipotentiary law. The decrees concern the appointment of senior officials: Counsellors of State and Counsel-Masters at the Audit Office, prefects, ambassadors, generals, rectors and directors of central administrations. All the other decrees can be made by the prime minister on his own, for he has executive and statutory power. As for the enactments made by parliament, the president is forced to promulgate them after a fixed period, during which he can refer them should he so wish to the constitutional Council. He can also

send them back to the House for a second reading; this decision is subject, however, to a counter-signature, that is to say it cannot be taken without the agreement of the prime minister. The president can also refuse to resort to a referendum even though he is asked to do so by the government or parliament. He cannot have recourse to the referendum, however, without the initiative of one or the other.

It will be noted that the principal powers of the president of the French Republic have a spasmodic character. Apart from participation in the appointment of senior officials, they are not, like legislative and governmental powers, normal prerogatives in general use, but exceptional powers which can be used only infrequently. Furthermore, the majority are not powers of decision. They tend either to prevent a decision in order to submit it to a fresh examination and have its legitimacy checked, or to submit the decision to the French people (dissolution, referendum). They correspond to the concept of arbitration, as referred to in article 5 of the constitution.

In practice, the French president exerts much greater powers. On 31 January 1964, General de Gaulle interpreted the constitution in a highly debatable manner, by proclaiming "that the indivisible authority of the State is entrusted completely to the president by the people who elected him, that there existed no other authority, either ministerial, civil, military or judiciary which has not been conferred and was not being maintained by him, and finally that it was his duty to adapt the supreme domain, which is his alone, to fit in with those, the control of which he delegates to others." These fine phrases fail to take into account that the national Assembly is elected by the people, like the president and that like him it is a repositary of national sovereignty. They ignore the fact that no organ of the State, even though it holds supreme power, has the right to define its own competence and that of the others in relation to itself, since both are laid down by the constitution, which must be observed by all. They also ignore the fact that the government and its head must keep the confidence of the parliamentary deputies in order to remain in office and to exercise their powers, which limits the choice of the president, and the fact that the latter cannot dismiss the prime minister, as the General himself had stated to Paul Reynaud.

However, General de Gaulle's successors have exercised almost the same powers as he did. They have exercised directly the prerogatives conferred on them by the constitution. They have exercised indirectly the prerogatives of their prime ministers and governments, by reducing the latter to obedience. They have thus become supreme heads of the executive and real heads of the government. Professor René Capitant

styled the prime minister as "chief of staff of the president of the Republic." The differences of style between the three successive presidents can be noted. The substance of their powers, however, is the same. The authority of Georges Pompidou and of Valéry Giscard d'Estaing over governments has not been less than that of General de Gaulle.

The forms of this authority have varied according to the types of prime minister. Several varieties can be distinguished in this respect. With Michel Debré, Jacques Chaban-Delmas and Raymond Barre, the practice of the French monarchy under Louis XIII or Louis XIV is found: that of a prime minister whom the king allows to govern, while remaining free to dismiss him at any moment. The system has the advantage of removing responsibility from the Head of State. Georges Pompidou, Maurice Couve de Murville and Pierre Messmer were more direct executants of the presidential will. When the strong personality of Georges Pompidou and his actions in May 1968 gave him a personal authority, the president put him "in reserve for the Republic." Jacques Chirac is a special case. Since the dynamism of the man prevented both his being a mere executant and the president having total confidence in him, he was subjected to permanent and niggling control by the "Elysée," which has been described as "super-presidentialism".

It will be seen that the extension of the powers of the Head of State has not involved violation of the constitution. French presidents have only on four occasions disregarded its provisions, and always with the agreement of the prime ministers, the government and the majority in the National Assembly: by refusing to convene parliament in an extraordinary session in 1960, by reducing its prerogatives during the application of article 16 in 1961, by using the referendum under article 11 for a constitutional amendment in 1962 and 1969, and by not putting forward to the referendum or to the Congress the constitutional amendment voted for in 1973. Apart from these cases, the extension of presidential powers has been accomplished within the framework of the constitution by a very simple mechanism: that of the prime ministers and the governments agreeing to comply with the injunctions of the Head of State. If they had refused to do so, and if the president had tried to ignore their refusal, then the constitution would have been disregarded. That has not occurred uptil now, because the interrelationship of political forces did not allow it.

3. THREE COUNTRIES WITH A BALANCED PRESIDENCY AND GOVERNMENT: THE WEIMAR REPUBLIC, FINLAND AND PORTUGAL

Semi-presidential constitutions lay down a governmental dyarchy. By establishing a president put into office by universal suffrage and endowed with personal powers alongside a prime minister and a government resting on parliament and charged with executive power, such constitutions introduce dualism into the heart of the State. This dualism, however, remains purely apparent in four cases out of seven, as the president is confined to symbolic functions in Iceland, Ireland and Austria, while the prime minister in France is reduced to the role of chief of staff. In contrast, dualism operates or has operated in a real sense in Finland, Portugal and the Weimar Republic.

The latter is normally not highly thought of, because it was unable to prevent Hitler from rising to power. This is not the fault, however, of either the election of the president by universal suffrage, or the wide powers which the constitution gave him. With a conventional parliamentary government, the Weimar Republic would probably have collapsed sooner than it did. It does not in reality correspond to the picture usually presented of it. Its first president, Friedrich Ebert, was not confined to the role of parliamentary Head of State. He made wide use of his semi-presidential prerogatives. He enacted many ordinances based on article 48: five in 1919, twenty-two in 1920, twelve in 1921, six in 1922 and thirty-eight in 1923, year of the collapse of the mark. He appointed non-parliamentary chancellors, not of any party: Cuno in 1922, Luther in 1925. Cuno – appointed without previous discussions with the parties and chosen from outside their number – by forming government where engineers were mixed with politicians, prefigured the presidential cabinets of 1930–1932. This allowed the Reichstag to obtain the support of the Social-Democrats on the left and of the German National party on the right.

Ebert's successor, Marshal Hindenburg, confined himself to more of a figurehead role during the first years of his presidency. Circumstances at that time made his intervention less necessary. From 1925 to 1930, Germany was going through a period of prosperity which lessened political tensions. Sailing on calmer waters, ministers were more stable and more effective. Everything changed with the great crisis of western capitalism, which struck the most industrialised country in Europe very hard. It required the taking of strong decisions, which were impossible to make in the absence of a majority. Hindenburg then intervened, as had Friedrich Ebert in the time of the *putschs* and the great inflation. The Brüning cabinet was from the outset less presidential

than the Cuno cabinet, as its head was a politician, the leader of the Centre. It became much more so after the dissolution of July 1930, which opened the Reichstag to 107 Nazi deputies instead of 12. Henceforth, the chancellor could act only through the Head of State, who applied article 48 very widely: forty-three ordinances were enacted in 1931. At the same time, parliament agreed to take a back seat. The Reichstag elected in September 1930 sat twelve days that year, fifty-six in 1931 and ten in 1932. The deputies were not forced into this cold storage. They could meet normally if they wanted to do so. They restricted voluntarily their control over the government and over their legislative activity, to let Brüning act by ordinances. They could do so thanks to the abstention of the Socialists, who disapproved of the chancellor's policy, but tolerated it "in order to prevent the German Republic from sinking into fascist dictatorship."

This strategy was not as absurd as has been said. From 30 March 1930 to 31 May 1932, a single government ruled Germany for two years and two months with the means to make decisions and to legislate to meet the world crisis. Within the same period, five succeeded each other in France, or one every five months. The institutions of Weimar showed themselves to be more effective than those of the Third Republic. In April 1932, the presidential election made it possible for all the opponents of Nazism to be regrouped, except the Communists, who played its game by keeping their candidate in the second round. The halo of the Marshal prevented the old right wing from rallying around Hitler, who was defeated.

The powers of the Weimar president were used at a somewhat irregular rhythm. They were used in the difficult moments when they were necessary. They stayed in the ice-box for the rest of the time. Finland provides the example of another rhythm. Two periods can be clearly seen in the history of the oldest of the semi-presidential regimes, which has been operating for exactly sixty years. From 1919 to 1939, its practice depended above all on the personality of the Heads of State, a weak president regularly following a strong president: Stohlberg (strong) being followed by Relander (weak), who was followed by Svinhufud (strong), succeeded by Kallio (weak). This is to some extent the result of manoeuvring of the political parties during the meetings of the grand electors. After a strong-fisted president, a softer hand was wanted. His incapacity to govern the country then led to an active man, who redressed the balance on the other side. It is probable that things would have followed a different course with a presidential election by direct universal suffrage.

Since 1945, there have been no weak presidents. On the contrary, a

constant strengthening of the power of the Head of State can be seen. President Paasikivi played an essential role in foreign policy, which he conducted energetically. In domestic policy, he imposed his will on the government on a very important question: that of the appointment of high officials. All his predecessors had decided some appointments against the advice of the cabinet. Paasikivi did so in a systematic manner. Often it was less a question of promoting his friends, than of restoring the system of promotion by seniority. This also tended to avoid too extensive a weeding out of staff and to maintain the stability of the administration. The ministers finally resigned themselves to this, by proposing candidates likely to please the Head of State in order to avoid differences of opinion appearing within the official proceedings of the Council. The custom did not disappear, however, with the person who had developed it. The appointment of senior officials is now one of the foundations of presidential authority.

Mr Paasikivi stayed in power for ten years, which no president had done previously, his predecessors having carried out only one mandate (six years). His successor, Mr Kekkonen, has been in power since 1956. Only just elected (by a majority of a single vote, with three hundred grand electors) and reelected with difficulty in 1962, he was reelected triumphantly in 1968. In 1974, the Chamber almost unanimously voted for the extension of his powers for four years, in order to save him the fatigue of an election campaign. In 1978, he was triumphantly reelected with the support of nearly all the parties. He has acquired a considerable authority in parliament and in the country. The constitution allows him to participate constantly in the government and in the administration.

Mr Kekkonen uses his presidential prerogatives to urge the parties to build up as large as possible a majority, so that the prime minister and his team have the means to govern. He has a predilection for coalitions of the "green and red" type, which the weakening of the Social-Democrats and of the Agrarian Party forces him to extend to other groups, notably to the Communists. The president wanted to incorporate the latter into normal parliamentary life. This sometimes leads him to break up majorities which he considers insufficient. In May 1975 for example, he cast blame on the Agrarian-Socialist government and forced it to resign by deciding at the same time to dissolve the Chamber. However, the cabinet, disavowed by the Head of State, had escaped *eleven* motions of censure until then. Nonetheless, Mr Kekkonen thought that its majority was too narrow for it to come to grips with the economic crisis.

The elections which followed did not change much in the composi-

tion of the Assembly, apart from a slight shift to the right. As the formation of a larger majority was dragging on, the president met the leaders of all the parties together and instructed them to form a "national emergency" government within three days, and gave great publicity to this ultimatum. The time-limit was observed, and a large ministry formed comprising the Agrarian Party, the Social-Democrats, the Communists, the Liberals and the Swedes. It lasted only 293 days, however. For more than seven months it was then necessary to govern with a minority cabinet, resting on a very narrow basis. Eventually, the great coalition desired by the president was set up on 15 May 1977.

The Finnish president is often led to set up minority cabinets, some benefiting from alternating majorities. This is also found in other Scandinavian countries which are parliamentarian. If the situation becomes more difficult, the Head of State forms a government of civil servants and engineers, or a "mixed" cabinet, in which they are combined with politicians, or even trade unionists. These governments enable current business to be dispatched, pending the settling of the situation. They stay in office only as long as the parliament accepts them. They fall when there is a lack of confidence. They undertake transitional duties, until the next elections or the coming of a new majority. The formula is traditional in Finland since Stohlberg used it in 1922 and 1924.

As it has been in operation for less than three years, the semi-presidential form of government in Portugal still enables only a superficial analysis. It shows that the Head of State is neither a figurehead nor all-powerful, but is in the same category as his counterparts in Finland and Weimar. In an early period, president Eanes scarcely exercised the very wide powers conferred on him by the constitution. However, he exercises a discreet, but continuous influence on the conduct of affairs. Portugal first had a minority cabinet set up by Mario Soares, leader of the Socialist party, which represented 35% of the electorate and 40% of the parliamentary seats. To have a wider foundation, Mario Soares and his party then obtained the alliance of the Democratic and Social Centre, a party of the liberal right.

After the defection of the Social and Democratic Centre in July 1978, Mario Soares wanted to stay in power by returning to a minority Socialist government. The president of the Republic refused, dismissed the prime minister and set up a presidential cabinet, not based on any party, which was promptly overthrown by the parliamentary deputies. A second presidential cabinet replaced it, which the parliament agreed not to overturn, in order to avoid dissolution. The Head of State resolved to take such energetic action, because he considered that the

previous governments had not taken decisions capable of righting the country's economic situation, which is catastrophic. He wishes to form a majority of the centre, which is difficult to establish.

The Analytical Model of Semi-Presidential Forms of Government

As an analytical model, the purpose of the concept of semi-presidential government is to explain why relatively homogeneous constitutions are applied in radically different ways. It has only four parameters: the actual content of the constitution, the combination of tradition and circumstances, the composition of the parliamentary majority, and the position of the president in relation to this majority. The action of the latter two can be shown in a transformational grid, which suggests the functioning of the regime in all possible situations. In relation to this central mechanism, the first two are somewhat exogenous in character. To some extent they define the environment in which the transformational grid is applicable.

EXOGENOUS PARAMETERS: CONTENT OF THE CONSTITUTION AND TRADITION/CIRCUMSTANCES

As constitutions lay down the rules of the game to which the players must adhere, it is clear that their content influences the practical application of the form of government they establish. All the constitutions of the countries concerned outline more or less the same plan for a president elected by universal suffrage, endowed with personal prerogatives, together with a prime minister and ministers, entrusted with the governmental power they can exercise only if parliament leaves them in office. These constitutions are not absolutely identical, however, particularly in the definition of the powers of the president. There are great differences between the Irish constitution, which confers on the Head of State very few personal powers, and the Finnish constitution, which gives him numerous and important prerogatives.

Semi-presidential constitutions fall into three categories. Some give controlling powers only to the Head of State, notably by referring laws to a constitutional Court, use of dissolution and of the referendum, and recourse to Orders in Council in exceptional circumstances; such is the case in Ireland, where some of these prerogatives are found, and in France, where they are all found, exercised sometimes in collaboration with the government. Other constitutions add to the aforementioned powers the right to dismiss the prime minister at the discretion of the president alone. The government can therefore remain in power only if

it has the benefit of a two-fold confidence: that of the parliament and that of the Head of State, both being placed on an equal footing. The constitutions of Austria, Weimar Germany and Portugal fall into this category, Austria allowing this supplementary prerogative alone, while the last two provide for others as well.

Finally, the Icelandic and Finnish constitutions make the president a governing, more than a controlling force. He shares in the running of the country, in collaboration with the prime minister and the cabinet. In Iceland, all government decisions must be signed by him, while his own decisions must themselves carry the counter-signature of a minister. In law, both signature and counter-signature can be refused. The president can thus block the government, who can also block him. In Finland, the association of the president and the government is less pronounced, each having his own sphere of responsibility. The Head of State can control the administration, initiate inspections and ask for explanations from departmental heads, without bringing in the ministers. For their part, the latter deal with a large part of government business in Councils held without the presence of the Head of State.

Nevertheless, essential questions are discussed in meetings conducted in the presence of the president of the Republic. He himself takes the majority of his decisions in the Council of Ministers: for example, the initiative in making laws, their implementation by decree, statutory power and the appointment of senior officials. He is not bound by the opinion of the government. He makes decisions on his own. However, his wishes can be carried out only with a ministerial counter-signature, which is also necessary for the conduct of international affairs. The counter-signature, however, can be refused only on grounds of illegality; this limits its scope a good deal and gives great autonomy to the president. Furthermore, he can impose his own point of view, for example by substituting his own draft law for one put forward by the government. The ministers then take responsibility for the presidential decision unless they resign or express a contrary opinion, which is recorded in the official proceedings.

A scale of semi-presidential regimes can be drawn up according to the powers which the constitution confers on the president. The prerogatives of the Head of State are depicted in the first column of Fig. 1, in descending order from Finland to Ireland; the irregular spaces give a (very approximate) idea of the magnitude of the differences. Juxtaposed (in the second column of Fig. 1) is a scale of the powers in fact exercised in the countries concerned. Comparison of the two is revealing.

It shows two aberrant cases, those of France and Iceland. The French

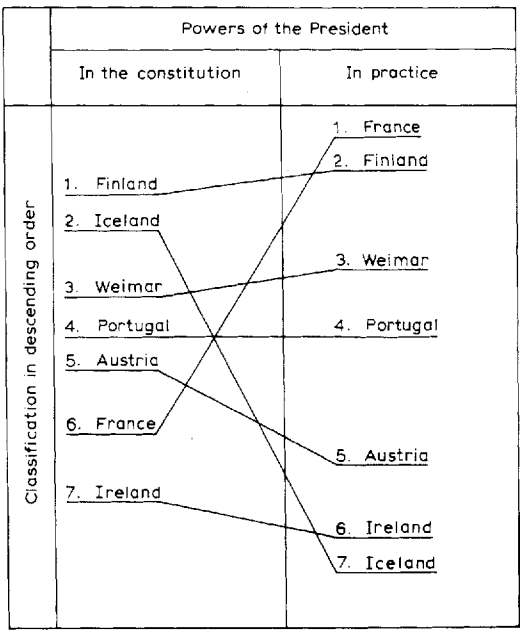

Fig. 1. The powers of the president in semi-presidential regimes.

president exercises in practice much stronger powers than his counterparts, although very few are granted him by the constitution, since he appears sixth in order, or the penultimate, in this respect. In contrast, the Icelandic president appears second with regard to legal powers, just behind his Finnish colleague, but comes last with regard to prerogatives actually exercised, just after, or on the same level as his Irish colleague [1]. Apart from these aberrant cases, the other countries are classified in the same order on the two scales, but not on the same level, except for Portugal since the initiatives undertaken by President Eanes in 1978. In Finland and in the Weimar Republic, practice goes a little beyond the constitutional rules. In Austria and in Ireland, it falls behind.

Although the constitution plays a certain part in the application of presidential powers, this role remains secondary compared to that of the other parameters; the cases of France and Iceland show this in an undeniable way. In both cases, the constitutions are not violated, despite the fairly great differences which separate what is written in the constitutions and actual practices. When practice does not go as far as what is written, this means the president is not exercising the powers which the constitution confers on him. As he has the right to make use

of his prerogatives or not, he remains within the framework of the law if he lets them fall into abeyance. When practice goes beyond what is written, this means that the government agrees in fact to submit to the presidential injunctions which it could legally disregard, being able to make free use or otherwise of its own powers, just like the president. Of course, if the Head of State or the prime minister do not exercise all their prerogatives, it is because they find it to their advantage not to do so, in view of the political situation and power relationships.

This leads to discussion of the second parameter, formed by the combination of tradition and circumstances, which are indissolubly linked to each other. In law, the practices of a regime do not really create statute law, unless a general consensus is established in this respect through the course of history. In *Coup d'Etat at Westminster*, two British authors have imagined that a modern English sovereign decided one day to use the immense power granted the crown by the old texts, which have never been repealed, and the antiquated formulae still in use. Thus there would be a restoration of absolute monarchy, which has not been specifically abolished. This fine story of political science-fiction is similar to those which describe the return of the dinosaurs. The rules of the British crown have become fossilised. Their flesh is dead with the world which surrounded them. No-one can bring them to life again. Legal rules which are unapplied, are not dead. They hibernate, and the person who has the necessary skill, can always bring them to life again.

The practices of a regime, however, create a factual tradition, which makes it increasingly difficult to restore dormant legal rules as the years pass by. In 1976, President O'Dalaigh could be forced to resign, because the Irish people had become accustomed to a figurehead, to a Head of State, who did not make use of his constitutional powers. However, he would probably have been able to use his prerogatives with less ill-effect, if he had been more skillful. In Austria, an opinion poll organised by the Populist Party in 1971 showed that the majority of citizens thought that the president had only symbolic representative powers, and that this position was analogous to the German rather than to the French president. When informed of the provisions of the constitution, the majority of those who had been asked replied that the Head of State should act in a discreet and reserved manner, rather than exercise his prerogatives. They declared their satisfaction at his not involving himself in day-to-day politics. Nevertheless, the president is a kind of "reserve controller". The situation is approximately the same in Iceland.

In France, the tradition established by General de Gaulle and his

successors has given a contrary picture of the president. The citizens have become more or less accustomed to the idea that he is the real head of the government, who controls policy and reduces the prime minister and his team to a subordinate position. This conception has however always been rejected by the opposition, who have kept the idea that the Head of State must be confined to the (rather strict) framework of his constitutional powers. As this opposition represents about half of the French people, one cannot talk of a "consensus" on presidential powers. Various opinion polls thus show that the presidential image of the Fifth Republic is superimposed on another, formed over thee-quarters of a century during the Third and Fourth Republics. The active head of the new regime, the supreme head of the government and of the majority, who embodies their aims and controls their policies, has not disposed of the easy-going president of the old regime, freed of the contingencies of power, an impotent but impartial arbiter, a decoration at official ceremonies and the symbol of the whole nation. This superimposition could help the regime adapt itself were there to be a realignment of political forces.

Circumstances interfere with tradition. After twenty years of an all-powerful presidency, the majority of French politicians agreed at the beginning of 1978 that the Head of State should resign himself to using only his constitutional powers, if the elections should give victory to the left. By declaring both that he would remain in office and that he could not hinder the implementation of the Common Programme, Mr Giscard d'Estaing confirmed the analyses of the opposition. In October 1978, Mr Michel Debré, the father of the constitution, and Mr François Mitterrand also agreed on this. Legal experts had more difficulty in accepting that a regime could change as radically within the same legal framework.

In the Weimar Republic, the use of the powers of the Head of State in 1919–1926 and 1930–1932, and their dormant status in the interim, correspond to the difference in circumstances: the crises at the beginning and the end encompass a calm and prosperous period, when the parliamentary game did not need presidential correctives. The concept of a "reserve controller" gives a good illustration of the significance of the form of government, devised to counter the difficulties of parliamentarianism, by establishing a point of fixed reference, formed by the Head of State, who is elected by universal suffrage. That he makes use of his prerogatives only on exceptional occasions is in conformity with their actual nature. It is impossible to speak of an unambiguous tradition in an essentially ambiguous form of government, which circumstances can always drive in a different direction from that

followed hitherto. Is the parliamentary form of government which operates in radically opposed ways when there is a clear and disciplined majority and when there is none so very different?

ENDOGENOUS PARAMETERS AND THE TRANSFORMATIONAL GRID

Reference will now be made to the tables showing the diversity of presidential practices, compared with the provisions of the constitution. They can be brought together in a comparative analysis of the situation of the parliamentary majorities in the seven countries under consideration. Some quite clear cross-checks then appear, which can be summarised in a few simple formulae. In the countries without a parliamentary majority, there is the greatest coincidence between the constitution and practice, the latter putting the president in an intermediary position, neither figurehead, nor all-powerful. In the countries where coherent and stable majorities are normally found, there is a disparity between the constitution and practice, the latter placing the president either in a dominant position, or in the situation of a parliamentary Head of State, reduced to symbolic status.

Weimar Germany, Finland and Portugal correspond to the first hypothesis. Between 1919 and 1933 in Berlin, and since 1919 in Helsinki, a coherent and stable majority has never been formed. As a result, the governments are normally ephemeral and divided, in other words, weak. The parliament has a formidable blocking power. It cannot make decisions, in the absence of a majority, but it can prevent the executive from making decisions. It cannot promote and uphold strong governments, but it can make them fall. The president does not have the means to act all the time in place of the government. He can give impetus, exercise controls, remedy deficiencies, but not govern himself, except in quite exceptional circumstances. In law, this dyarchy is somewhat similar to that of the blind man and the lame.

Nevertheless, the Head of State possesses a considerable superiority over governments which stem from parliament. He is on his own, and he has durable power. If essential and urgent decisions must be taken and the cabinet, paralysed by the division of the parties which support it, cannot take them, the citizens naturally turn to the president. In Finland, the system clung onto this fixed point after 1944, when the country had to give pledges of hard work, efficiency and of continuing fidelity to its powerful neighbour, of which it formed the natural protective front. Two skilful and strong personalities gradually developed the authority of the Head of State, without rescinding the prerogatives of the government. The Weimar Republic did not have

time to reach this equilibrium, while Finland reached it only after twenty-five years, after having first known the alternation of strong and weak presidents. However, if the development of presidential power strengthened the Finnish executive, it could not give stable governments to the country. In sixty years, sixty cabinets have succeeded each other.

Portugal represents a transitional situation. There are fewer parties than in Weimar Germany and Finland, and one of them is in a quasi-dominant position: the Socialist Party, which won 35% of the votes and 40% of the seats in 1976. Three other groups are represented: the Popular Democrat Party (then called "Social Democrat"), which won 24% of the votes and 27.7% of the seats; the Democratic and Social Centre, with 16% of the votes and seats; the Communist Party, with 14.4% of the the votes and 15% of the seats. As the Socialists were divided, they have not been able so far to ally themselves either with the Communists, who are rather Stalinist, or with one of the parties more to the right (as shown by the unfortunate attempt at a Socialist–Democratic and Social Centre majority). A Centrist alliance (which the President of the Republic is endeavouring to promote) seems likely in the long run. In the meantime, circumstances are forcing the President to make use of his powers.

In France, Austria, Ireland and Iceland, there are stable majorities. In Paris, the alliance of the Gaullists, the traditional right and the centrists has regularly won more than half of the seats in the National Assembly since 1962. This majority has adopted voting discipline in votes of confidence, and has gradually given rise to two major parties: the U.D.F. and the R.P.R. In Austria, the majority has belonged to one party since 1966, apart from the brief session of 1970–1971, which separated the Populist majority of 1966–1970 and the Socialist majority, in power since 1971 and recently renewed in May 1979. Previously, neither of the two major parties could govern on its own, the small Liberal group holding the balance. The two major parties governed jointly, however, which gave remarkable stability.

In Ireland, the Fianna Fail have won an absolute majority in five legislatures out of ten, since independence. The alliance of the Fine Gaël and of the Labour Party obtained it once. In the four others, the parliament did not have a majority, although one of the contesting parties or both of them, had come near to doing so; but apart from them there were sufficient independent members or small groups to provide support in such circumstances. The average duration of Irish governments is three and a half years, which shows a quite remarkable stability.

Iceland is in a rather different situation, which comes nearer to an absence of majority. No party has ever won more than half of the seats, although one party generally obtains nearly 40% of them. Under the name of the Independence Party, it combines conservatives and moderate liberals who do not feel reluctant to ally themselves with each of the three other major parties, including the Communists. This "quasi-majority" situation guarantees a cohesion and stability of the government equivalent to that of a true majority. Twelve ministers have succeeded each other in Reykjavik in the thirty-three years which followed the advent of the republic (1944–1977), or an average duration of two years and nine months, close to that of the ten legislatures, which lasted three years and four months. During this time, the Independence Party shared power for twenty-six years, thanks to its preponderant position.

In the four countries with a majority or a quasi-majority already described, the presidents have in common a practice far removed from constitutional rules. This distancing, however, is done in opposing directions. In France, a very powerful president plays a much more important role than that provided for by the written constitution. In Austria, Ireland and Iceland, figurehead presidents play a far smaller role than that allowed by their constitutional prerogatives. The difference depends on the position of the Head of State in relation to the parliamentary majority. If he is at the head of it, he becomes all-powerful, like the French presidents. If he is a member of it, without being its head, he becomes a figurehead like the present Austrian president or the majority of the Irish presidents. If he is outside the majority, whether as an opponent or as a neutral figure, he is in a regulatory position, and his actual powers then correspond to the outline of the constitution.

The explanation of these phenomena seems relatively simple. In a parliament with a clear and disciplined majority, the head of the latter governs at the same time the Executive and the Legislature. If the president is in this position, he can thus reduce the prime minister to the position of a chief of staff. This is the case in France, where the majority is originally formed around the Head of State, and where the presidential candidates have been the party leaders. If the president is not the head of the majority party, while belonging to it or coming under it, this means that the party has decided to give its leader the office of prime minister, to whom the real power then belongs. Together with the government, he controls parliament, as leader of the majority party. He thus reduces the Head of State to a subordinate position. This has been the case in Austria since 1971 and in Ireland for

most of the time, the parties taking care, in these two countries, to nominate as candidates for the presidency only those holding a subsidiary position, and not their leader.

The third situation would have been represented in France if the left had won the elections of March 1978. Then, a president opposed to the majority would have been reduced to his constitutional powers, which would give him a regulatory role. This was the case in Austria in 1966–1970, when President Jonas was very discreet, in conformity with the national tradition, but nevertheless imposed the appointment of a president of the Supreme Court against the initial will of the government. With this can be compared the constitutional crisis of 1976 in Ireland, when an analogous tradition impeded presidential control. In Iceland, the presidents have also been neutralised by the cultural context, aggravated in the circumstances by renewal of tenure without competition, which reduces them to a symbolic role. They do not therefore exercise their regulating function. However, it could perhaps be exercised in very exceptional circumstances.

All the assumptions about the effect of the make-up of the majorities and the position of the presidents in relation to them can be summarised in a relatively precise "transformational grid", reproduced in Fig. 2. It is not possible to develop here the precise explanation given in connection to it in *Echec au Roi* (Check to the King), pages 120–136. It may simply be noted that box 17 corresponds to the situation in the Weimar Republic, Finland and present-day Portugal (although the latter is almost in box 16, because it is close to a "quasi-majority" of the Icelandic type). Box 9 corresponds to the situation of the Austrian president since 1970 and of the majority of the Irish presidents. Box 5 corresponds to the position of President Jonas in 1966–1970 and box 6 to that of President O'Dalaigh in 1976 (although the latter is also pushed towards box 14, since he has been chosen by agreement of all the parties).

Boxes 6 or 7 would have corresponded to the position of president Giscard d'Estaing had there been a victory of the left in the 1978 legislative elections. Boxes 1, 2 and 3 correspond to the actual situation of French presidents. A more detailed analysis would be necessary in this respect to define the three boxes with greater accuracy; this is now in progress. In particular, relations between Mr Giscard d'Estaing and the R.P.R. since 1978 will have to be studied very closely. Numerically, one is faced with a "balanced coalition". In practice, a lot of Chiracians lean towards the President of the Republic, on whom their re-election or their future depends.

Relations Between the President and the Majority		President			
		Leader of the majority	In opposition	Member of the majority	Neutral
True majority	Monolithic	Absolute monarch (1)	Controller (5)	Symbol (9)	Controller (13)
	Coalition with a dominant party	Limited monarch (2)	Controller (6)	Symbol (10)	Controller (14)
	Balanced coalition	Dyarch (3)	Controller (7)	Symbol (11)	Controller (15)
Quasi-majority		Limited monarch (4)	Controller (8)	Symbol (12)	Controller (16)
Absence of majority		⊠	⊠	⊠	Dyarch (17)

⊠ Situation logically impossible

Fig. 2. The transformational grid.

Conclusion

In a brilliant article, titled "Synthesis or paralysis," our distinguished colleague Georges Vedel wrote that "semi-presidential government, if it could exist in France, would in fact be not a *synthesis* of the parliamentary and presidential systems, but an *alternation* between presidential and parliamentary phases, which is quite another thing" [2]. Who talks of a synthesis between concepts which are only analytical models, arbitrarily constructed by observers? Those who drew up the constitution at Philadelphia did not think of creating a presidential government, nor did all the Englishmen who, brick by brick, built up parliamentary government in London over the centuries know they were creating it – no more than General de Gaulle thought of setting up a semi-presidential regime in France.

The problem is to know whether the concept of semi-presidential government, as it is described, allows us to understand the different ways similar constitutions are applied across the seven countries in which they obtain, and the possible "alternations" in any given country of which Georges Vedel speaks – to understand and predict them. The

rest does not matter, even though the research methods used may not be in fashion. In the early sixties, by improving the models put forward in 1951 in *Les Partis Politiques* (Political Parties), it was predicted that France would evolve towards bipolarisation. This intellectual talk was greeted with irony, until the facts confirmed the prediction. In political science, this is rare enough for one not to refrain from emphasising it.

It is not claimed that the model of semi-presidential government operates in just the same way. The evolution of the whole of a political system is much more difficult to comprehend than that of coalitions of parties under the influence of electoral machinery. French citizens have not provided the means of verifying the predictions formulated in *Echec au Roi* (Check to the King) about the evolution of national institutions in the event of a victory of the left in March 1978. The reading of this book was certainly not the sole factor which drove the president of the Portuguese republic to apply the 1975 constitution in the way indicated by the transformational grid already described. For the moment, the proposed model has the merit of explaining fairly well the differences in practical application of an identical constitutional mechanism; neither more, nor less.

Notes

1 In *Echec au Roi* (Check to the King), Ireland appears seventh with regard to powers actually exercised and Iceland sixth. Research done since then results in their order being reversed, or in the two countries being considered as on an equal par.

2 *Le Monde*, 19–20 February 1978.

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A Conference of Europeanists: Economic, Cultural, and Political Challenges to the State

Sponsored by the Council for European Studies
October 23–25, 1980
Washington, D.C., The Shoreham-Americana

The 1980 Europeanist Conference will consist of a series of panels closely related to a central theme – "Economic, Cultural, and Political Challenges to the State" – and of a limited number of unrelated panels on topics of general interest.

The Program Committee has conceived of the central theme in terms of three broad categories and offers the topics listed below as indicative of what it has in mind. Each of these topics is meant to invite contributions from scholars in any of the disciplines of the social sciences and the humanities and to have important application to all European countries, both North and South. Preference will be given to panels that include the widest range of disciplines and cases.

Topics are:

Regional Challenges to the State;

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