Semi-Presidentialism: Vice or Virtue?

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Abstract

Existing literature on system type and regime stability often overlooks semi-presidential systems. When they are mentioned, semi-presidential systems are classified as inherently flawed. This paper tries to ascertain the effect of semi-presidential systems as compared to other system types on regime stability using a qualitative case studies approach. This paper uses case studies to highlight the effect of the powers of presidents in a semi-presidential system on the flexibility of semi-presidential systems in political conflict. True to my expectations, this paper finds that according to case studies, presidential systems are the least stable system type. This paper also finds that parliamentary systems are the most stable system type, followed by semi-presidential systems. This paper argue that semi-presidential systems are the most flexible system type, because the division of mandate affords the president a greater range of options when faced with gridlock. This paper theorizes that this flexibility leads to greater regime stability. This paper proposes that the in some circumstances, the semi-presidential system can be more stable than parliamentary systems. This is especially true of parliamentary systems that are experiencing high levels of political fractionalization.

1. Introduction

In 1973, the government of Salvador Allende in Chile was overthrown by a military coup led by Augusto Pinochet, as the result of mounting political tensions in the country. By contrast, before the independence of Timor-Leste, rebel groups that fought the occupying Indonesian army were bitterly divided, so much so that they spent as much time fighting each other than fighting the Indonesians. When the Indonesian army left the ruined country in 1999, a successful democracy was established that kept political tensions institutionalized to the political process. Timor's success and Chile's failure have been linked by scholars to the governmental system type that the countries employed. Chile's example is mirrored by a series of regime failures across South America. This difference raises the question, why are some democratic transitions successful in creating stable democracies while others fall apart? Why are some democratic regimes stable, while others fall apart? This issue is important because we want democracies to survive and be stable, not fall to political tensions when political crises happen. Pinochet's dictatorship killed and tortured tens of thousands of people, mostly leftist activists and Pinochet enriched himself by embezzling millions from the Chilean state. If we can identify the factors that help institutionalize political conflict then we can help pave the way for more democracies in the future. This paper presents data on regime stability and related factors, and tests the influence of government system type upon regime stability. The first section is a review of relevant literature to the subject of system types and regime stability. The next section lays out the theoretical argument and hypothesis. The following section highlights research methodology and two case studies illuminate important factors that might play a role in explaining regime stability. The first case study illustrates the flexibility of presidents within semi-presidential democracies using Timor as an example. The second case study illustrates a mechanism by which presidents may add stability to a politically fractured parliamentary system. This paper will demonstrate that semi-presidential systems are a solid choice for emerging democracies and established republics alike.

2. Literature Review

According to Maurice Duverger, a semi-presidential system is defined by having a directly elected president with substantial powers alongside a prime minister and cabinet who possess executive and governmental power and are accountable to the legislature politically. Later scholars wrote that semi-presidential systems vary with how powers are divided amongst each agent of the executive, identifying two major subtypes. The first subtype, premier-presidentialism is one where the Prime Minister and cabinet are solely accountable to the legislature, the president may choose them, but their removal is only possible with a vote of no confidence. The other subtype, President-parliamentarism is one where the prime minister and cabinet are accountable to both the president and the legislature. Appointees to the prime minister must be approved by a parliamentary majority but can be removed by a vote of no confidence or presidential dismissal.

   Scholars note that the range of constitutional options available to a country that wants to adopt a semi-presidential system is enormous. Within the act of government formation, some constitutions allow the president the option of vetoing a government formation (Bulgaria), others give the president initiative in naming the prime minister (Portugal and Poland), or the power to name a prime minister without a vote of confidence (France)[1]. According to Rui Graça Feijó[2], this wide range of constitutional options is one of the biggest factors in why semi-presidential systems are more stable. One example of this is in the South-East Asian country of Timor-Leste. Before the independence of Timor-Leste, the rebel groups that fought the Indonesian army were bitterly divided, so much so that they spent as much time fighting each other than fighting the Indonesians. In Timor-Leste, the key criteria for a workable system of government was the ability to be inclusive to the resolution of conflict within the laws and processes of the democratic system. The constitutional powers granted to the president of Timor were limited but still allowed presidents to intervene when necessary. Feijó writes that a presidential system would have immediately faced divided government and would have succumbed to regime collapse like Chile in 1973. Feijó theorized that the creation of a parliamentary system would have encouraged the leading rebel group-turned political party FRETILIN to go it alone and dominate the political system similarly to FRELIMO in Mozambique. Another aspect of the semi-presidential system that proved to be beneficial in Timor's case was a trend toward independent presidents. The division of power in semi-presidential regimes is accompanied by a division in mandate as well. The president's term, which is fixed and separate from the parliament or prime minister allows the president greater flexibility to be above their party and to work in the national interest. Feijó writes that presidents in Timor were able to foster a sense of inclusiveness and established a system of checks and balances that were key in nations democratic survival. He contrasts this with the majority-minority dynamic in parliamentary systems which, when practiced in nations without fully developed political traditions, can lead to exclusion and radicalization of the minority parties. In Timor's case, it was the elections of Presidents Xanana and Ramos-Horta, both independent of any political party, encouraged by the semi-presidential system's incentive for presidents to act as unifiers that made the difference.

   For the critics of Semi-presidentialism, the greatest theoretical worry is the threat of intra-executive conflict. Juan Linz[3] argued that semi-presidentialism suffers the same problems that presidential regimes have, namely in dual legitimacy. Linz argued that a dual executive with a President accountable to the people and a prime minister accountable to the legislature will deadlock and breakdown. Within the premier-presidentialism subtype of semi-presidential regimes the source of intra-executive conflict comes primarily from underlying conflict between the president and the legislature, because the cabinet relies more on the support of parliament. In the president-parliamentary sub type, where the cabinet is appointed by the president but approved by the parliament, the source of conflict is more uncertain. The power of the president to nominate a candidate without consulting the legislature makes the president more powerful and, as a result, a united executive is more possible. There is likely to be more cabinet turnover in the president-parliamentary system because the prime-minister can only stand up to the president if he has the backing of the majority of the legislature. A study by Thomas Sedelius and Joakim Ekman[4] also identifies informal norms that might also create intra-executive conflict. Presidents in semi-presidential systems have a direct electoral mandate and this allows them to place more pressure on the cabinet. In these situations, presidents are likely to 'go public' and wage a public relations war on the cabinet. In the premier-presidential subtype, this can force the prime minister out of office, even though the president does not have these powers. This is even more likely to happen if democratic traditions are not fully developed. One creator of intra executive conflict is cohabitation. Cohabitation is a phenomenon where the prime minister and the president are from competing political parties. Cohabitation was first practiced in France in 1986, when the right-wing coalition won the assembly elections while socialist François Mitterrand was president. Robert Elgie (2010)[5] conducted a study on cohabitation and the collapse of electoral democracies to track the number of times that cohabitation led to the collapse of democracy. Elgie employs the

Freedom House index to measure democracy. He finds that of the 12 cases they identified, only 1 country, Niger was experiencing a period of cohabitation upon the collapse of democracy. He finds that 10 countries have experienced cohabitation from 1990-2000, some multiple times, but the vast majority continued to maintain a functioning democratic system. Elgie also tests the hypothesis that the mere threat of cohabitation can end a democracy, the threat being the most potent when it relates to the outcome of an upcoming election. The author finds that for only one historical case- Guinea-Bissau the threat of cohabitation led to the collapse of democracy. A serious effect of Intra-executive conflict is cabinet instability. Sedelius and Ekman[4] studied the average level of cabinet survival under different levels of intra-executive conflict. They found that the average lifespan of a cabinet under a low level of conflict was 24 months, but the lifespan is reduced to 17 months under a high level of conflict. By subtype, both premier-presidential and president-parliamentary subtypes have similar lifespans under low levels of intra-executive conflict (24.1 months vs 25.6 months.) However, under high levels of conflict, the president-parliamentary subtype has a vastly reduced cabinet lifespan at only 10 months versus the 20.5 months of the premier-presidential subtype.

3. Theory

A semi-presidential system is defined by having a directly elected president with substantial powers alongside a prime minister who is accountable to the legislature politically. Semi-presidential systems vary with how powers are divided amongst each agent of the executive, with two major subtypes. The first subtype, premier-presidentialism is one where the prime minister and cabinet are solely accountable to the legislature, the president may choose them, but their removal is only possible with a vote of no confidence. The other subtype, president-parliamentarism is one where the prime minister and cabinet are accountable to both the president and the legislature. Appointees to the prime minister must be approved by a parliamentary majority but can be removed by a vote of no confidence or presidential dismissal.

3.1. Flexibility

This Paper argues that semi-presidential systems are more stable than presidential systems because they are more flexible. The range of constitutional options available to a country that wants to adopt a semi-presidential system is enormous. Within the act of government formation, some constitutions allow the president the option of vetoing government formation, others give the president initiative in naming the prime minister, or the power to name a prime minister without a vote of confidence. This flexibility allows for constitutions that can be tailored to the requirements of a national situation. One case study of this flexibility is in the South-East Asian country of Timor-Leste. Before the independence of Timor-Leste, the rebel groups that fought the Indonesian army were bitterly divided, so much so that they spent as much time fighting each other than fighting the Indonesians. In Timor-Leste, the key criteria for a workable system of government was the ability to be inclusive to the resolution of conflict within the laws and processes of the democratic system. Feijó wrote that this was one of the key factors in Timor's successful transition to democracy[2].

Hypothesis 1: Presidential systems have lower regime stability than semi-presidential ones.

3.2. Independent Presidents

Another aspect of the semi-presidential system that this paper argues makes it more stable is a trend toward independent presidents. The division of power in semi-presidential systems is accompanied by a division in mandate as well. The president's term, which is fixed and separate from the parliament or prime minister allows the president greater flexibility to be above their party and to work in the national interest. This provides a major advantage over the presidential system that encourages presidents to rule with power and authority. This paper contrasts this with the majority-minority dynamic in parliamentary systems which, when practiced in nations without fully developed political traditions, can lead to exclusion and radicalization of the minority parties. Feijó cited Independent presidents as being another key factor in Timor's transition to democracy[2].

Hypothesis 2a: Systems that divide the executive's mandate into prime minister and president afford the president more flexibility in their actions.

Hypothesis 2b: The greater flexibility of presidents within semi-presidential systems will lead to greater regime stability.

3.3. Divided Government

The main weakness of the presidential system is its susceptibility to divided government. When the president and the legislature don't agree on a political question, they can both claim to be the embodiment of the will of the people. These competing claims of legitimacy create gridlock, that in countries without a strong democratic tradition creates regime instability. There are virtually no remedies that a president or a legislature can do to solve the gridlock. The flexibility in powers that semi-presidential constitutions give to presidents gives them more options in responding to divided government. If divided government happens within a semi-presidential system, the president can often dissolve the legislature and call for new elections. This resolved potential cohabitation in France in 1981 under the presidency of François Mitterrand.

   Cohabitation is a phenomenon where the prime minister and the president are from competing political parties. Cohabitation was first practiced in France in 1986, when the right-wing coalition won the legislative elections while socialist François Mitterrand was president. Cohabitation has gotten significantly rarer recently, with countries like France strategically planning elections so that the winner of the presidency is very likely to also win a parliamentary majority. Elgie[5] conducted a study on cohabitation and the collapse of electoral democracies to track the number of times that cohabitation led to the collapse of democracy. He found that cohabitation does not lead to the collapse of democracy in the vast majority of cases identified. This paper argues that if Elgie's study were extended to the time period from 1980 – 2020, you would find the same overall conclusion that cohabitation is not likely to cause the collapse of democracy.

Hypothesis 3a: Presidential systems experiencing divided government will be less stable than those experiencing united government.

Hypothesis 3b: Semi-presidential systems experiencing divided government in the form of cohabitation will be less stable than systems not experiencing cohabitation.

Hypothesis 4: Semi-presidential systems experiencing cohabitation will be more stable than presidential systems experiencing divided government.

3.4. Intra-Executive conflict

For the critics of semi-presidentialism, the greatest theoretical worry is the threat of intra-executive conflict. Juan Linz[3] argued that semi-presidentialism suffers the same problems that presidential systems have, namely in dual legitimacy. Linz argued that a dual executive with a president accountable to the people and a prime minister accountable to the legislature will deadlock and break down. One creator of intra executive conflict is cohabitation.

   Within the premier-presidentialism subtype of semi-presidential systems, the source of intra-executive conflict comes primarily from underlying conflict between the president and the legislature, because the cabinet relies more on the support of parliament. In the president-parliamentary sub type, where the cabinet is appointed by the president but approved by the parliament, the source of conflict is more uncertain. The power of the president to nominate a candidate without consulting the legislature makes the president more powerful and, as a result, a united executive is more possible. There is likely to be more cabinet turnover in the president-parliamentary system because the prime-minister can only stand up to the president if he has the backing of the majority of the legislature. Presidents in semi-presidential systems have a direct electoral mandate and this allows them to place more pressure on the cabinet, who are indirectly elected. In these situations, presidents are likely to 'go public' and wage a public relations war on the cabinet. In the premier-presidential subtype, this can force the prime minister out of office, even though the president does not have these powers. This is even more likely to happen if democratic traditions are not fully developed. A serious effect of intra-executive conflict is cabinet instability. The lifespans of cabinets under intra executive conflict was studied by Sedelius and Ekman[4]. They found that cabinet lifespans were significantly shorter in the president-parliamentary subtype under a high amount of intra executive conflict. This is consistent with what we would expect with the constitutional powers of presidents to dismiss cabinets under the president-parliamentary subtype.

Hypothesis 5: Semi-presidential systems experiencing cabinet instability will have a higher risk of regime failure.

4. Methodology

4.1 Qualitative Approach: Case Studies

There are some factors that this paper hypothesized that would make the semi-presidential system more stable comparatively than other systems, constitutional flexibility and a tendency towards independent presidents being two. To demonstrate these phenomena in practice, this paper also will provide evidence from two case studies to show the causal relationship between constitutional flexibility and independent presidents and greater regime stability in practice. One of my case studies is the case of East Timor which supports the hypothesis that constitutional flexibility was a major factor in the successful transition to democracy because it allowed the system to be tailored to the needs that the nation needed. Timor can also demonstrate the ability for presidents to work independently in the national interest because they could delegate party tasks to the prime minister. Central to my case study on East Timor is the first president of Timor, Xanana Gusmão, who's political actions were important in maintaining the transition to democracy. My second case study is France, because it has clear examples of cohabitation and it is the originator of the semi-presidential system in its modern form.

5. Analysis

5.1. Case Study 1 – East Timor

One of the aspects that I hypothesized would be beneficial to regime stability in the semi-presidential system is that the divided nature of the executive gives the president more flexibility in their constitutional role. In theory, the division of executive power in semi-presidential systems is accompanied by a division in mandate as well. The president's term, which is fixed and placed above the political accountability of parliament or prime minister allows the president greater flexibility in their actions. This freedom of action allows presidents in the semi-presidential system to be above their party and to work in the national interest. In this section, I hope to demonstrate that presidents in East Timor were able to foster a sense of inclusiveness and establish a system of checks and balances that were key in the nation's democratic survival. The president can delegate partisan issues to their prime-minister, and be free to act as a unifier. In Timor's case, it was particularly the election of President Xanana Gusmão, elected at odds with the nation's leading political party- Fretilin, and the semi-presidential system's incentive for presidents to act as unifiers that made the difference.

5.1.1. history of timor

East Timor is not a country that you would think is predisposed to stable democracy. East Timor was colonized by the Portuguese beginning in 1769 with the founding of the city of Dili. Despite a brief occupation by the Japanese during World War II, the colony remained in Portuguese hands until 1975. During the colonial period, the Portuguese exploited the natural resources of East Timor relentlessly and neglected the education and infrastructure of the colony. By 1973, illiteracy was estimated to be as high as 93% of the adult population. By the early 1970s, the Portuguese government was struggling to maintain control over its colonial possessions, fighting wars in Portuguese Guinea, Angola, and Mozambique against independence groups. Faced with increasing economic difficulties and unpopular wars, in 1974, the Portuguese government was overthrown and the new revolutionary government abandoned all of Portugal's colonial conflicts and possessions, including East Timor. During this period, two main rebel groups formed, the Revolutionary Front for an Independent East Timor or Fretilin, and the Timorese Democratic Union or UDT. After Portuguese abandoned East Timor, The UDT tried to overthrow the Fretilin-backed government, accusing it of being too communist, and civil war broke out. Using the chaos as a pretext, in December 1975, the Indonesian military launched an invasion of East Timor and annexed the country[6]. Both Fretilin and UDT formed rebel groups aimed at overthrowing Indonesian rule. For the next twenty-four years, the Indonesian military and associated militias subjected East Timor to systematic torture, sexual slavery, extrajudicial executions, massacres, and deliberate starvation. Most

of these atrocities were ignored wholesale by the international community and due to the anti-communist stance of the Indonesian government gave economic and military assistance to the Indonesian government[7].

The fall of the Eastern bloc and the end of the Cold War in the late 1980s and early 1990s led to the international community taking more interest in the brutal occupation. The fallout of the 1997 Asian Financial Crisis, led to the fall of Indonesia's longtime president Suharto. Suharto's successors were more open to the prospect of a political solution and a referendum was announced for late 1999. The referendum on Timorese independence took place on August 30th, 1999 and the result was an overwhelming result in favor of Independence, with almost 80 percent of the population voting for it. In the aftermath of the referendum, Indonesian troops and aligned militants destroyed nearly 70 percent of the buildings and over 400,000 people were displaced. East Timor was already one of the poorest provinces in Indonesia and the economy relied mostly on subsistence agriculture. The international community responded to the escalating violence by forcing Indonesia under threat of economic sanctions to accept a UN Peacekeeping force and a transitional regime, which arrived in late 1999. The UN transitional regime ended in 2002 and many feared East Timor would become a failed state considering how nearly the entire country was laid waste just before independence. It was clear that the future political system needed to be capable of institutionalizing the political rivalries that existed since the nation's foundation. A key figure in the modern political history of East Timor is its first President, Xanana Gusmão.

5.1.2. first president

Before being elected president, Gusmão was a resistance fighter in Fretilin who led the transformation from a political party into a rebel group fighting the Indonesian occupation. In the early 1990s Gusmão became deeply involved in the Timorese efforts to alert the global community of the human rights atrocities being committed by the Indonesian military and was instrumental in alerting the world to the Dili massacre in 1991. Because of his leading role in Fretilin, he was sought by the Indonesian government, and was captured in November 1992. In 1993, Gusmão was sentenced to life in prison, a sentence that was later converted to 20 years by President Suharto. Gusmão's time as a guerilla leader was extremely strenuous, his family was persecuted by the Indonesian government and his wife was tortured. While in prison, he was instrumental in uniting most of the rebel groups against the Indonesians into the National Council of Timorese Resistance. As a part of these efforts, his legitimacy as a future leader became unparalleled[8]. After an international campaign for his release, he was released in 1999 and was appointed to a high office in the UN Transitional Regime that governed East Timor until 2002. The near-annihilation of Fretilin by the Indonesian military led to a significant amount of change within the organization and Gusmão's policy of national unity above party politics led to significant tensions with the leadership of Fretilin. This tension reached a fever pitch when the military wing of Fretilin was transferred by Gusmão to a unified council of resistance groups called the National Council of Maubere Resistance (CNRM). This left Fretilin without a military wing and its leadership felt defenseless in case the political tension of the past returned[9].

5.1.3. constitution and dual structure of executive.

The UN realized it needed to begin to create a state-building plan for East Timor to fill the administrative vacuum that was left by the 1999 referendum violence. As a part of this, a national council was set up with Gusmão as president that included representatives from all of Timor's political parties[10]. The UN decided that the Constitution should be drafted by an 88-member constituent assembly. The assembly would use a mixed electoral system of 75 seats elected by proportional representation and 13 elected by single member districts. It has been suggested by scholars that proportional representation was used to try and prevent Fretilin from dominating the Assembly and subsequent parliament[9]. For the constitution to pass, the approval of 60 of the 88-member assembly was required. The first and only elections to the Constituent Assembly were held in August 2001. On 91.3 percent turnout, Fretilin won 57.4 percent of the vote, thus giving it 55 representatives. Between Fretilin, and its allied political parties, the Timorese Social Democratic Association (ASDT) and Christian Democratic Party (PDC), Fretilin secured the required two-thirds majority required to adopt the constitution. By contrast, the UDT, now known as the Democratic Party, won only 7 seats. The main question for the assembly to consider was what system type would work best for Timor? Gusmão favored a presidential system, knowing that he was the frontrunner for the position of president and knowing that his rivals in Fretilin would dominate the parliament. It was feared at the time that the potential parliamentary dominance of Fretilin would turn Timor into a one-party state. Fretilin favored a semi-presidential system with a weak president that had little influence over policy. With its majority, Fretilin passed a semi-presidential constitution similar to the Portuguese constitution[9]. This system of government was credited for bringing pre-existing rivalries between

Fretilin and Gusmão into a constitutionally defined setting[2]. In March 2002, the Constituent Assembly finished its work and the constitution was approved. Under the constitution, East Timor was organized as a unitary, semi-presidential republic. The president serves as head of state and is elected by universal, direct suffrage in a two-round majority system for a 5-year term. The Timorese Parliament is elected for a maximum term of 5 years. The Prime Minister is elected by a majority of the members in parliament. The prime minister is politically accountable to the legislature and can be removed by a no-confidence vote. Thus, the constitution lays out a dual structure of executive authority as a fundamental principle of East Timor's governance. The constitution gives the President power to veto acts of legislation, the ability to call for referendums, and the control of foreign relations initiatives. The President has also exercised power over the nomination of members to the government's cabinet. The constitution gives the Prime Minister the power to serve as the head of government and to preside over the council of ministers, and to direct the government's policy-making agenda[9].

5.1.4. gusmão's presidency and executive conflict.

The first elections for president were held on April 14th 2002 and was won by Xanana Gusmão, who ran as an independent. Gusmão's candidacy was endorsed by many small political parties but not by Fretilin, who dominated the constituent assembly that became the national parliament. Gusmão was opposed by Xavier do Amaral, the leader of Fretilin's ally, ASDT. Although it did not take an official stance on either candidate, Fretilin's leader, Mari Alkatiri, publicly endorsed Amaral and the party punished members who worked for Gusmão's campaign. During the election campaign, Gusmão promised to be a counterweight to Fretilin. East Timor became formally independent on 20th May 2002 with Xanana Gusmão as president and Mari Alkatiri as Prime minister. Because Alkatiri's cabinet consisted entirely of Fretilin members, this is considered cohabitation. Cohabitation is a form of divided government where the President and the Prime Minister are from competing political parties. Cohabitation can be dangerous, especially in newly democratic countries as it could lead to gridlock. Paralysis of the political process may lead to the military intervening to restore order, usually in an anti-democratic form[9].

Timor's state institutions needed to be built from scratch. The creation of constitutionally provided bodies such as the judiciary required enabling legislation from the legislature. However, parliament failed to pass the necessary legislation, a move that weakened the president's constitutional power. It took until June 2003 for the Court of Appeal to start functioning, depriving the president of the ability to ask the court to review legislation for the first 11 months of his term. Similarly, it was not until March 2005 that the council of state was established. Presidential Acts like a state of emergency or declaration of war required consultation with the nonexistent council of state. Additionally, no legislation regulating the ability of the president to call for referendums or call for elections was passed[9].

Another source of conflict between the president and prime minister was the Presidential veto power and his use of it to veto multiple important pieces of legislation proposed by the government. Gusmão's first veto was of the government's tax bill that was needed to fund the recently passed state budget. Gusmão argued that the tax plan put too much tax burden on the lower class. His veto infuriated Fretilin's leadership and deepened the rift between Gusmão and his prime minister. Parliament overrode Gusmão's veto shortly thereafter. Gusmão also vetoed the Freedom of Assembly and Demonstrations Act, which he sent to the Court of Appeal, which had recently been established. The court declared parts of the bill unconstitutional and then Gusmão vetoed it. The parliament was forced to re-write sections of the bill to bring them into alignment with the courts ruling. Gusmão also vetoed the government's immigration bills and deeply criticized a proposed veteran's bill, using speeches to the public to attack both[9].

There was intense conflict over a particular minister within Alkatiri's cabinet, Interior Minister Rogerio Lobato, in at least eight speeches to the nation, Gusmão intensely criticized the minister and his security policy on the establishment of the Timorese police forces. In November 2002, anti-governmental protests turned to riots and the police responded with live ammunition. Gusmão denounced the violence used by the police and demanded the resignation of Minister Lobato. Alkatiri refused to dismiss his minister. The tension between President Gusmão and Interior Minister Rogerio Lobato mirrored a general divide in the army and police that would have dramatic consequences later[9].

5.1.5. political crisis of 2006

The relationship between President and Prime Minister reached their lowest point when, in January 2006, a group of soldiers submitted a petition to the president and the chief of the Defense Force, alleging that they were treated unfairly in the recruitment process because they are from the western part of Timor. This societal division goes back to before the end of colonial rule, and a popular belief arose during the Indonesian occupation that people from the eastern part

of Timor fought harder against the occupation than those from the west. Gusmão decided to meet with the petitioners and hear their demands. When Gusmão asked the government to meet the demands of the strikers, Alkatiri refused and the Defense Force Commander fired the soldiers. Gusmão opposed the move and chastised the government. In a speech to the nation, he labeled the move "erroneous and unjust." The soldiers began to demonstrate against the government and quickly turned violent. In April 2006, Gusmão declared that the military leadership was in crisis. To restore stability, Alkatiri called for the army to intervene, this led to sympathetic soldiers defecting to the rioters. Clashes between the Army and Police, thousands were displaced and scores of people were killed[7]. On May 30th President Gusmão declared a state of emergency and declared that he would assume control of the "areas of defense and national security" in order to "prevent the violence and avoid further fatalities" without the express consent of parliament. Alkatiri opposed the presidents move and conducted a shouting match with the president in response to plans to request Australian assistance in restoring order. Parliament only approved the state of emergency six days later. This was followed by the resignations of the Interior Minister and Defense Minister. The crisis came to a head on 20th June 2006, when in a nationally televised speech, President Gusmão demand that Prime Minister Alkatiri resign or that he would resign. Alkatiri decided to bow to the pressure and resign. This ended the first period of cohabitation in Timor's history. After Alkatiri's resignation, Gusmão formed a new cabinet inviting Foreign Minister José Ramos-Horta to become Acting Prime Minister. Two weeks later, Ramos-Horta was backed by the Fretilin majority in the legislature and was sworn in as the country's second prime minister. After the drafting and enacting of a new law to govern elections, elections were held for President on 9th April and for Parliament on 30th June 2007. President Gusmão decided not to run for election but instead to focus his time on forming a political party in opposition to Fretilin, the National Congress for Timorese Reconstruction or CNRT. The former Prime Minister, José Ramos-Horta would be elected president with 69.18% of the vote to Fretilin candidate Francisco Guterres's 30.82%. In the Parliamentary elections, Gusmão's CNRT did very well, gaining 18 seats and placing second only to Fretilin who got 21 seats. After this, Gusmão would be appointed Prime Minister by a CNRT led coalition and a period of united government started[9].

5.1.6. analysis

Hypothesis 1: Presidential systems have lower regime stability than semi-presidential ones.

Scholars have argued that the presidential system has a fundamental flaw in the form of dual legitimacy. When the president and the legislature don't agree on a political question, they can both claim to be the embodiment of the will of the people. These competing claims of legitimacy create gridlock, that in countries without a strong democratic tradition creates regime instability. The constitutional systems that exist to solve disputes between the two branches are often vague and lack legitimacy themselves, leading to the military or some other force breaking the stalemate. This is a major problem when there is divided government - a frequent occurrence in presidential systems. If Timor had adopted a presidential system as advocated by some at the time of the drafting of Timor's constitution, this may have occurred. Fretilin would have used its very strong support from the people to dominate the legislative branch. Gusmão, would have dominated the executive branch and the constitutional tool available to both to solve conflict would have been severely limited. This could have created a lot of deadlock, which is often fatal to newly developing democracies.

Hypothesis 2a: Systems that divide the executive's mandate into prime minister and president afford the president more flexibility in their actions.

Hypothesis 2b: The greater flexibility of presidents within semi-presidential systems will lead to greater regime stability.

The lack of political institutions especially enabling legislation for the courts, state councils, and elections reduced the powers and therefore the flexibility of the institution of the presidency in East Timor. One of the key tools that President Gusmão did have was the ability to send legislation to the constitutional court for review. Gusmão used this to add pretext to his vetoes of key governmental legislation. Another key tool at the president's disposal is being able to dissolve parliament and call for new elections, however this was impossible due to the lack of election law. This means that my hypothesis 2a and 2b cannot be adequately tested.

Hypothesis 4: Semi-presidential systems experiencing cohabitation will be more stable than presidential systems experiencing divided government.

Whilst East Timor experienced a deep and severe level of intra-executive conflict, ending in the premature dissolution of the government and the resignation of the Prime Minister, East Timor survived this period of political conflict with its democratic institutions intact. This paper credits this democratic survival with the choice of system type that the Constituent assembly drafted into the constitution. For democracy to succeed in East Timor, the system would need to be able to handle political tensions that started even before the Indonesian occupation. If the assembly had picked the presidential system, as Gusmão had wanted, then the divided government and political crisis that the country had experienced may have led to a democratic breakdown. Critics of semi-presidentialism are deeply concerned about the system's possibility to sustain rather than solve institutional conflict[4]. However, this paper proposes that Timor's experience with cohabitation supports my hypothesis that semi-presidential systems experiencing cohabitation will be more stable than presidential systems experiencing divided government.

5.2. Case Study 2 France

In France's case, the ability of the president to act independently above the political fray was a big source of stability for the political system. The deep political fractionalization that characterizes French politics combined with the establishment of poor political traditions led to chronic cabinet instability. The cabinet instability led to a level of gridlock that deeply frustrated sections of the French military.

5.2.1. world war 2 and start of the french fourth republic

The Third Republic ended in the way it began: defeated by German arms. At the end of World War 2, France lay in ruins. German occupation had destroyed most state infrastructure and what wasn't destroyed was thoroughly discredited by association with the collaborationist Vichy Republic. One of the most important questions for the newly formed provisional government was the choice of political system to be adopted. The political system of the Third Republic was seen as a principal reason for France's defeat in 1940. Under the Third Republic, governments were formed and fell rapidly and there was much conflict between the more progressive Chamber of Deputies and the conservative Senate. There were no less than 93 governments in 65 years[11].

On 21th October 1945, the French public voted in a constitutional referendum where voters were asked if they supported the abolition of the French Third Republic and the drafting of a new constitution. 96% of voters voted to abolish the republic and to start drafting a new constitution. At the same time, elections were held for a Constituent Assembly to draft a constitution for a Fourth French Republic. These elections resulted in a huge victory for the so-called "Three-parties alliance", a coalition of the French Communist Party (PCF), the French Section of the Workers' International (SFIO) and the Popular Republican Movement (MRP). These three parties represented the main political forces of the resistance; communists, socialists, and the moderate right. The first constitution drafted by the Constituent Assembly contained a unicameral parliament with sweeping powers and contrary to de Gaulle's suggestion, a weak president that lacked very basic functions. When put to the people in a referendum in May 1946, the constitution was rejected 53% to 47%. Rather than a fear of the cabinet instability that doomed the Third Republic, it was fear of too much stability and resulting communist domination that brought the proposed constitution into defeat. After the defeat, new elections to the Constituent Assembly were called resulting in the center-right MRP gaining 16 seats, primarily at the expense of the leftist PCF and SFIO. This meant that the radical left no longer had a majority and would need to work with moderates in the assembly to pass a constitution[12].

On 16th June 1946, Charles de Gaulle, who had been the chairman of the provisional government, and the most prestigious of the people in the Free French movement, proposed that a new constitution should contain strong separation of powers with a president elected by an electoral college and the cabinet would be named by the president[11]. The Constituent Assembly ignored him and drafted a new constitution that was very similar to the constitution of the Third Republic, albeit with a much weaker Senate[12]. The constitution of the Fourth Republic was approved by French voters in a referendum in October 1946. Elections to the new National Assembly took place in November 1946 which reaffirmed the political dominance of the three main parties- the Socialists (102 seats), the MRP (173 seats), and the Communists (182 seats). Two other Parties received representation- the centrist Radicals (69 seats) and the only conservative party- The Republican Party of Liberty (72 seats).

5.2.2. the first legislature

The Cabinet instability that plagued the Third Republic proved to be a difficult beast to vanquish. The Fourth Republic became notorious for extremely short-lived cabinets and frequent crises. In the 12 years between 1946 and 1958, 24 cabinets were formed under 16 prime ministers with an average duration of 6 months each. Describing the situation, American President Dwight Eisenhower referred to France as a "helpless, hopeless mass of protoplasm[13]". The legislative history of the Fourth Republic is divided into three periods divided by the legislative term between elections. The First Legislature spanned the years 1946-1951, the Second 1951-1956, and the Third 1956-1958. The First Legislature was dominated by the conflict between the three main parties and the rising Gaullists. The first big political crisis of the First Legislature came in mid-1947 when communist ministers in the government began taking anti-colonial positions that contradicted the government's carefully crafted official policy. A wave of strikes in May 1947 proved to be the breaking point and the communist ministers were forced out of their cabinet positions into opposition, never to return to government. This caused a serious split within the socialist party, among those who felt more comfortable working with the communists than the MRP. Charles de Gaulle came out of retirement in Spring 1947 in an attempt to regain power, launching the political party, Rally of the French People (RPF). A large portion of the leadership of the moderate Radical party and the MRP left to join de Gaulle's new party. The departure of the communists combined with the rise of the Gaullists made the overall political situation much more difficult as the already narrow range of parliamentary majorities became further limited, contributing to the cabinet instability. The domestic economy was also in crisis, with a large wave of strikes and soaring inflation that went largely ignored by Ramadier's government. The major field of progress for Ramadier's government was initiative on the Algerian Crisis, which began to loom over French politics at this point. During Ramadier's premiership, the customs that would define the parliamentary process were still being developed and Ramadier brought into custom the practice of resigning when a premier felt they did not have the power to govern. From here on out, most would resign before being overthrown by an absolute majority. This would further contribute to cabinet instability in the future[14].

  The next big political crisis was the debate over the electoral law, a debate that came to dominate the agenda of the next two cabinets. As the five-year term of the legislature was nearing its end, there was much consideration given to ending the term early and having fresh elections. One major obstacle to this was the old electoral law that laid out a system of proportional representation. While the Gaullists had lost a significant amount of popular support as the current system became more entrenched in the minds of voters, they would still make cabinet formation difficult if elections were held under PR. There was considerable pressure from members of the cabinet to change the electoral law so that the resulting legislature would be more able to govern, not less. The crisis arose due because none of the political parties within the government could decide which electoral system to use. Premier René Pleven at first took a neutral stance on which reform to support, hoping that one plan would be passed. The first system proposed was very similar to the electoral system of the Third Republic, and was soundly rejected. The next system was one of electoral alliances with departments as constituencies failed as well. Pleven put the question of confidence onto a compromise text with a one-ballot majoritarian system but to the surprise of many this failed and Pleven found that there was no position he could take that would not alienate some party and so he promptly resigned. After an abortive attempt by Guy Mollet for Prime Minister, the National Assembly looked to Henri Queuille for leadership. Queuille was chosen in part because he had been Prime Minister twice before and as a moderate Radical would be able to compromise with the Socialists and the MRP. The new proposal for electoral law went through many all-night rounds of compromise before narrowly passing the legislature 339 to 251. The electoral law was a modification of the old proportional representation law with the caveat that if an alliance of parties obtained more than 50% of votes in each constituency, it won all the seats. It was hoped that the electoral support of the Communists and the RPF, who could not form an alliance together, would suffer. With the election crisis resolved the legislative term was over and elections were held on June 17th[14].

5.2.3. second legislature

The main winners of the 1951 election were the Gaullist RPF, who won the most seats of any party at 121 seats, the Radicals who gained 24 seats, and the Conservatives who also gained 24 seats. The main losers were the parties of the old triple-alliance. The communists and the MRP fared poorly and lost 79 and 78 seats respectively. The Socialists remained unscathed however and gained 5 seats. This arrangement of parties initially made the process of cabinet formation more difficult and no moderate cabinet was possible without the involvement of the socialists. The economic

problems that had troubled the cabinets of the First Legislature had mostly passed by late 1951 and this legislature would be dominated by debates over Europe and the colonial empire[14].

The first political crisis was the crisis in Indochina, where French Attempts to regain control over the colony after World War 2 had led to a guerilla war of increasing severity. By the early 1950s, French efforts had come to basically nothing, while most of their military operations had succeeded in providing only short-term gains. The victory of the communists in China gave the Viet Minh a significant boost in military aid. The French Strategy on the ground was to find a way out of the conflict without losing outright. This military strategy culminated at the Battle of Dien Bien Phu which was a disaster for the French. At Dien Bien Phu, nearly 15,000 French Soldiers were surrounded and pounded into surrender by nearly 80,000 Viet Minh troops. The loss of the battle caused the fall of the conservative cabinet of Joseph Laniel in France and the National Assembly invested Pierre Mendès-France with the explicit direction to end the war[14]. At the resulting Geneva Conference in 1954, the territory that had been French Indochina was divided into Laos and Cambodia and the two opposing states in Vietnam. North Vietnam was controlled by the Viet Minh and became a communist state and South Vietnam was controlled by former French collaborators and became a capitalist state.

5.2.4. the third legislature and fall

In November 1954, the National Liberation Front (FLN) incited an armed revolution against the French rule in Algeria. Unlike in Indochina and most other French colonies, Algeria was considered an integral part of France Itself and French rule there was an integral part of French national pride. The French underestimated the seriousness of the insurgency until August 1955, when the French Army retaliated for an attack on the European population by killing thousands of Muslims. The massacre began to turn a large part of the population against French rule. French military strategy turned from a public order campaign into a colonial war complete with the widespread use of torture and reprisals against the civilian population[13]. All of these harsh measures increased support for the FLN from the members of the Muslim community of Algeria.

The increasing impotence of the Fourth Republic's governments was best displayed by the actions of French commanders on the ground in Algeria. On February 8th 1958, commanders in Algiers ordered the bombing of the Tunisian border town of Sakiet in reprisal for allegedly firing on French planes. The village was packed with crowds in the marketplaces and many innocent civilians died. This action was taken without authorization from the cabinet in France and had to accept the fait'acomple. The Tunisian government was outraged and demanded the total withdrawal of French troops from Tunisia. At this point the British and Americans intervened to negotiate better terms for the French. The Prime Minister, Félix Gaillard depended on a favorable settlement with the Tunisians for his government's political survival and when the chances of that faded away, his government fell. Gaillard's successor was Pierre Pflimlin, a member of the MRP. However, events in Algiers would prevent him from doing very much in his new role. The recent cabinet crises had only deepened the misgivings that the French army had towards the institutions of the Fourth Republic; this was added to by the support of the French colonial settlers in Algeria for more radical solutions to end the conflict in their favor. The appointment of Pierre Pflimlin, who was widely perceived to be pro-FLN proved to be the last nail in the coffin. Almost immediately after taking office, on May 13th, riots in Algiers led to the formation of a Committee of Public Safety headed by General Massu. In response, the government dispatched General Raoul Salan, who promptly joined Massu. Massu and Salan called for the return of Charles De Gaulle, who they felt would protect French Algeria. The French National Assembly declared a state of emergency. De Gaulle declared in a press conference on May 19th that he was at the disposal of the country and ready to assume power. When a journalist asked him if he intended to violate civil liberties, he responded: "Have I ever done that? Quite the opposite, I have reestablished them when they had disappeared. Who honestly believes that, at age 67, I would start a career as a dictator?" Events moved quickly, on May 24th French paratroopers operating out of Algeria seized control of Corsica in a lightning operation. This action shocked the French government and most of the cabinet members promptly resigned their positions. On May 28th, generals in Algiers presented an ultimatum to the President, René Coty, that they would seize Paris if he failed to invite de Gaulle to form a government. The next day, Coty, fearing civil war, asked De Gaulle to form a government of "national safety." De Gaulle demanded as preconditions, that a new constitution, with a much more powerful president would be created, and that he be given extraordinary powers for a six-month period. On June 1st the French National Assembly approved the creation of his cabinet 329 votes to 224, and the Fourth Republic was no more[14].

5.2.5. the fifth republic

The 1958 Constitution of the Fifth Republic, adopted by the French People in a referendum held on the 4th of October 1958, looked very similar to the proposal that de Gaulle had laid out in 1946. The President was elected for a seven year term by an electoral college made up of members of Parliament, members of the departmental assemblies, and representatives of cities, towns and villages. The prime minister is appointed by the President and does not need a vote of confidence to begin his/her term. The prime minister does not necessarily need to have a majority backing them, and can only be removed by the National Assembly with a majority no confidence vote. If the country is not in a situation of Cohabitation, where the president and prime Minister are from different and opposing parties, then the president controls the legislative agenda and the prime minister acts as the president's subordinate. The president has the power to dissolve parliament and call for fresh elections, provided the prime minister and cabinet are consulted. The government was granted the ability to pass certain laws without a vote in the National Assembly[15]. The only way for the assembly to reject these bills, called the *project de loi* is for the National Assembly to pass a vote of no confidence in the government[16].

 To the surprise of absolutely no one, the first elected president was Charles de Gaulle, who appointed Michel Debré to the position of prime minister. During the first four years of his presidency, the new regime faced multiple military revolts, and the use of presidential emergency power twice. However, the regime survived with democracy intact. De Gaulle used his new presidential powers to bring an end to the Algerian Crisis, using his referendum power to grant popular legitimacy to the peace accords signed in 1961. In 1962, de Gaulle called for a referendum for the French People to vote on his proposal to change the constitution to allow for the direct election of presidents by universal suffrage. This method of achieving constitutional reform was of dubious legality and caused the only successful vote of no confidence in the history of the French Republic. In the ensuing elections, the Gaullist presidential majority was only slightly reduced. De Gaulle would continue on as president until 1969, winning reelection in 1965, until he made a referendum on an obscure institutional change into a vote of confidence on his leadership. Georges Pompidou would succeed him as president and serve until 1974 (Schain 2012)[16].

5.2.6. analysis

Hypothesis 2a: Systems that divide the executive's mandate into prime minister and president afford the president more flexibility in their actions.

Hypothesis 2b: The greater flexibility of presidents within semi-presidential systems will lead to greater regime stability.

The chronic cabinet instability of the Fourth Republic created a situation where sections of the military were ready to overthrow the entire political system. Sections of the military had seized power in Algeria and landed in Corsica, as a steppingstone away from mainland France itself. Only the willingness of Charles de Gaulle to assume power and the National Assembly to give him the power to fundamentally alter the political system would prevent this from happening. The primary cause of the instability was the political fractalization of the French National Assembly. The institutions and rules of the Fifth Republic were designed to counter the cabinet instability of the Fourth, things like the removal of the requirement for a majority to form a government and the *project de loi.* The referendum power would also prove important to bypassing parliamentary squabbling and pitching political issues directly to the people. All these powers added great amounts of flexibility in the actions of the president and increased the stability of governments and the regime as a whole. Without the institution of the president, the prime minister would not be able to withstand the needs of the squabbling parties in parliament.

6. Conclusion

Much has been written about the great supposed level of stability in parliamentary systems, but usually this is only written about in relation to their presidential counterparts. Semi-presidential systems are often overlooked. When semi-presidential systems are mentioned, it is asserted by scholars that semi-presidential systems would not compare better than presidential systems in regime stability. Some scholars assert that semi-presidential systems might be less stable than presidential systems. My expectations were that the semi-presidential system would be the most stable system of the three system types.

In the work presented here, there is strong support for presidential systems being the least stable system, especially as measured by the number of coup d'états that countries using that regime type have experienced. They are then followed by semi-presidential, and then parliamentary as the most stable system. Strong support was found for the hypothesis that semi-presidential systems have more flexibility than presidential systems. Even if, in my Timor case study, that this flexibility is not necessarily a product of formal powers granted to the president. This paper provided a mechanism suggesting that the addition of a president, as in France in 1958, might be an asset to stabilizing a fractured political situation.

Further research should focus on the comparative regime stability of the various subtypes of semi-presidential systems and the difference in informal powers of presidents in semi-presidential systems versus presidents in presidential systems. In expanding this research, a case study that illustrates the effect of formal presidential powers on the flexibility of presidents within semi-presidential democracies during periods of co-habitation. One suggestion for this could be the co-habitation of Mitterrand and Chirac in France in the mid-1980s.

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