

A Fresh Look at Semipresidentialism

THE RUSSIAN PREDICAMENT

Timothy J. Colton and Cindy Skach

Timothy J. Colton, *Morris and Anna Feldberg Professor of Government and Russian Studies at Harvard University*, is author of *Not in One Leap: Boris Yeltsin and the Paradoxes of Changing Russia* (forthcoming). **Cindy Skach**, *associate professor of government at Harvard*, is author of *Borrowing Constitutional Designs: Constitutional Law in Weimar Germany and the French Fifth Republic* (2005).

Following the fall of the Berlin Wall, the hitherto rare constitutional framework known as semipresidentialism became the modal constitution of the postcommunist world. Combining a popularly elected head of state with a prime minister responsible to the legislature, this framework seemed to promise the best of all constitutional worlds. It suggested the flexibility of a European-style parliamentary system and the strong leadership of U.S.-style presidentialism. Scholars and practitioners alike considered the combination ideal, and even necessary, for troubled democracies and those countries undergoing democratic transitions.¹

And yet, the many countries that chose semipresidential constitutions as part of their democratic transitions in the early 1990s have had drastically different experiences with this constitutional arrangement, as well as with democracy. In many of these countries, the *promise* of semipresidentialism turned rapidly into the *predicament* of semipresidentialism, as this constitutional framework began to pose serious design dilemmas and to facilitate democratic backsliding rather than democratic consolidation. Russia has become a prime example of this trend.

Russia's long waltz of political transformation has by turns inspired surprise, hope, and disappointment. The initial break with single-party tyranny under Mikhail Gorbachev astonished the Soviet Union—its Russian core included—and the world. The early days of Boris Yeltsin's presidency generated a wave of optimism that an independent and decommunized Russian state could go on to build an effective democratic polity. The later Yeltsin, however, let down many, if not all, of those

hopes. Seemingly losing his taste for democracy, he took one highhanded step after the other: using force to dissolve an elected parliament in 1993, imposing an unbalanced constitution later that same year, and embarking on a brutal war in Chechnya. Under his rule, there was a drift toward aloof and erratic government, characterized by some indigenous observers as “elected monarchy.”²

Yeltsin’s handpicked successor, Vladimir Putin, has marched much further down that same path since coming to power in 2000. He has drawn thousands of state-security officers into senior political positions, overseen a harsh and counterproductive reoccupation of Chechnya, curbed media freedoms, recentralized federalism, and taken punitive action against members of the budding business elite. Russia’s political system today can at best be termed a hybrid of elements of authoritarian rule and liberal residues from the 1980s and 1990s. Today, some analysts prefer to label it out-and-out authoritarian.³

This undemocratic outcome is directly related to the constitutional dynamics in the formative phase of the emerging postcommunist regime. Constitutional development was perhaps more highly contested in Russia than in any of its post-Soviet neighbors. Using Russia as the motivating case, we examine the continuing and new problems of an increasingly popular alternative to plain presidentialism or parliamentarism. Does the experience of Russia and the other postcommunist states show that the semipresidential constitutional framework exacerbates the problems and challenges of democratic governance?

Constitutional Transition

Russia began to debate deep constitutional changes immediately after the election of its Congress of People’s Deputies in 1990, while it was still a subordinate part of the USSR. Yeltsin, the Congress’s first chairman, simultaneously chaired a constitutional commission charged with finding a substitute for the Soviet-era basic law. Constitution-making was attractive to almost all political players for a variety of reasons: The Soviet federation was crumbling, Russia itself was threatened by internal fissures along territorial and ethnic lines, and a new basis for political legitimacy was needed. Russia’s “Brezhnev Constitution,” adopted in 1978 (on the heels of the 1977 Soviet constitution), had been amended several hundred times and was riddled with vague and contradictory clauses. There was a consensus that a revamped governmental machinery was necessary to effect the promised economic and social reforms, particularly if they were to be resisted by the Soviet authorities.

The constitutional commission came up with a draft by the end of 1990, but further progress was slowed by the increasingly contentious politics of the transition. Yeltsin concentrated on the one adjustment

temperamentally most to his liking, and the one that played best to his enormous popularity at the time: the creation of the office of president. Unlike the weak Soviet presidency instituted in March 1990, which Gorbachev was awarded by vote of the Soviet parliament, the Russian president was to be popularly elected. A referendum approved the innovation in March 1991. Yeltsin won the job in a June 1991 landslide, was inaugurated with pomp and circumstance in July, and in August, with the failure of the antireform putsch and the demise of the Soviet Union, he suddenly found himself at the rudder of a sovereign state.

That entity, however, was burdened with a disjointed constitution, which soon was subjected to a fresh round of tinkering and grew increasingly out of sync with reality. When Yeltsin launched his economic “shock therapy” at the beginning of 1992, he largely bowed out of the constitutional debate, ceding the day-to-day leadership of the constitutional committee to its secretary, a young Moscow deputy named Oleg Rummyantsev. In November 1991, the Congress of People’s Deputies had given Yeltsin one year to pursue economic reforms by decree. When that period expired in late 1992, the Congress insisted on a larger say in economic policy and pressed for a constitutional solution that would enhance its status. Yeltsin was strongly opposed to this, and the ensuing conflict soon came to a head. After an April 1993 advisory referendum that marginally endorsed his position, followed by the creation of a pro-Kremlin “constitutional assembly” and several months of waffling, Yeltsin in late September peremptorily ordered parliament dissolved and called elections for a new legislature on December 12. When a militant group of deputies resisted, fighting broke out in downtown Moscow, and Yeltsin commanded troops to shell and storm the parliamentary headquarters.

Hundreds of lives were lost, and freedoms of assembly and expression were temporarily rescinded. Several weeks later, Yeltsin called for a constitutional plebiscite to be held concurrent with the December 12 parliamentary elections. Although voters returned a parliament full of loose parties largely antagonistic to Yeltsin and his program, they endorsed his proposed constitution by a comfortable margin (perhaps because the rules had been tailored to maximize the chances of passage).⁴ Since its passage, not so much as a comma in Yeltsin’s constitution has been altered—notwithstanding formal and informal political and institutional changes that have taken place over the past decade.

Consolidating a Flawed System

In the semipresidential constitutional arrangement, also known as a dual-executive system, a popularly elected head of state coexists and shares executive power with a prime minister who is responsible to the legislature. The simultaneous existence of two executives is the outstand-

TABLE—THE SUBTYPES OF SEMIPRESIDENTIALISM

CONSOLIDATED MAJORITY GOVERNMENT	DIVIDED MAJORITY GOVERNMENT	DIVIDED MINORITY GOVERNMENT
President and PM have the same majority in the legislature	PM has the majority, president does not	Neither the president nor the PM has the majority

ing and unique feature of semipresidentialism. Such power-sharing by definition excludes a neat division of authority, and leads to constitutional ambiguity. The legitimacy, accountability, and responsibility of these two executives are fundamentally different: The prime minister emanates from the legislature and is responsible to it, whereas the president has greater autonomy from the legislature and can survive without its approval. This autonomy allows the president to push his own agenda, even if it means invading the prime minister's domain. Tensions between the president, the prime minister, and the legislature are inherent in the structure of semipresidentialism, and are therefore permanent. But the presence of a legislative majority, and a mutually supportive relationship between that majority and both executives, can minimize the probability that these tensions result in serious institutional conflict.

There are three qualitatively different, electorally generated subtypes within semipresidentialism (see the table above).⁵ In the first and least conflictual subtype the president is a party man, and both he and the prime minister are supported by the same legislative majority. This is a *consolidated majority government*. In a second and more problematic subtype of the model, the president does not have a majority, but the prime minister does. This is a *divided majority government*, or what is commonly referred to as *cohabitation*. In the third, and most conflict-ridden subtype of semipresidentialism, neither the president nor the prime minister has a legislative majority. This is a *divided minority government*.

Divided minority government combines the most problematic kind of presidential government (divided government) with the most problematic kind of parliamentary government (minority government). The president is divided from the legislature, and at the same time the legislature is divided against itself. Adding insult to injury, the president is usually also divided against the prime minister. It is in this most difficult subtype of the semipresidential model that Russia spent most of its postcommunist lifespan.

Divided minority government is particularly vulnerable to democratic breakdown. The absence of any clear majority leads to an unstable scenario, characterized by shifting legislative coalitions and government reshuffles on the one hand, and continuous presidential intervention and use of reserved powers on the other hand. The greater the legislative

immobilism, governmental instability, and cabinet reshuffling that results from failed majorities, the more institutional incentives presidents have to dominate the political process and rule by decree.

The worst problems start here, because divided minority government can be a slippery slope to dictatorship. A president who relies extensively on decrees and ignores the democratically elected legislature may move the country toward constitutional dictatorship, narrowing the decision-making arena to a small number of handpicked nonparty technocrats.⁶ This technocratization of the cabinet hinders the democratic principles of inclusion and contestation, distances the government even further from the legislature, and cramps parliamentary responsibility. Divided minority government is most likely to arise in the context of an inchoate and fragmented party system, in which there are no party coalitions and the president considers himself to be “above” the political parties.

Most people associate the semipresidential constitution with the French Fifth Republic (since 1958). France has had a very fortunate experience with semipresidentialism, however. For two decades after the first direct presidential election in 1965, it enjoyed consolidated presidential and legislative majorities in the National Assembly, and so avoided the more conflictual subtypes of the model. Even a short period of divided minority government from 1988 to 1993 did not threaten French democracy, because by that time the country’s party system was well structured and the president, François Mitterrand, was a party man well integrated into that system. As a result, even during these rare minority years France managed to stay off the slippery slope toward constitutional dictatorship.

Russia’s Unfortunate Beginnings

Russia was a very different story. From its inception, Russian semipresidentialism was of the most conflict-ridden subtype—divided minority government—and so it remained for the country’s first postcommunist decade. Importantly, unlike French presidents, Yeltsin never enjoyed a consolidated presidential and legislative majority. When in 1998–99 the left-leaning prime minister Yevgenii Primakov got very close to mustering a working majority in the Duma, Yeltsin, as the other part of this dual executive, sacked him prematurely. These presidential–prime ministerial dynamics, structured by the constitution, worked against democracy by sending negative messages to those willing and able to build sustainable party majorities.

The deep roots of Russia’s constitutional imbroglio lay in the politics of the late-Soviet and early post-Soviet periods. In the mature Soviet system, formal constitutional provisions were a polite cover for the control exercised by the Communist Party. The USSR’s “dignified” con-

stitution—Walter Bagehot’s famous term for the document’s symbolic part⁷—laid out a two-chamber parliament (the Supreme Soviet); a prime minister and government responsible to it; and, as an executive capstone, a collective Presidium of the Supreme Soviet, which from the late 1970s was chaired by the general secretary of the Communist Party. Everyone knew that according to the country’s “efficient” constitution—Bagehot’s term for the way things actually work and get done—the Party’s leader and the Politburo called the shots.

The situation became unstable with the onset of political liberalization in the late 1980s. Yeltsin became chairman of the Russian legislative branch and subsequently hopped to the newly created Russian presidency, somewhat mimicking Gorbachev’s jump from Communist Party secretary to president of the USSR in 1990—with the difference that Yeltsin was directly elected by the population. The creation of Yeltsin’s new post endowed Russia with the essentials of a semipresidential system. Put in place by the nation, the president had the highest symbolic standing, but the Congress of People’s Deputies and the Supreme Soviet remained intact. So did a separate governmental cabinet and prime minister, nominated by the president but confirmed by the Supreme Soviet as well as the archaic Presidium.

The biggest threat to the president’s authority was not the prime minister, however, but the chairman of the multitiered Supreme Soviet. During Yeltsin’s brief tenure in that post in 1990, he had accumulated fairly extensive powers: control over the legislative agenda; filtration of proposed appointments to ministerial and other positions; issuance of decrees through the Presidium; and reporting to Congress on all matters concerning the state of the federation, foreign and domestic affairs, and national security. His successor as chairman, one-time Yeltsin loyalist Ruslan Khasbulatov, inherited most of those powers. Thus, although the president had his sheaf of prerogatives, many of his powers overlapped with those of the Supreme Soviet chairman.

Given the highly fluid, poorly institutionalized party system, neither executive could count on a solid party majority in the legislature. As a result, Russia found itself with a divided minority government from day one. It was a highly unstable structure, because neither executive had a legislative majority, but both had substantial access to decree-making authority for bypassing the other branches of government. In short, “the stage was set for collision.”⁸

The clash was not long in coming, encouraged by the institutional duality of the semipresidential framework. Both the president and the Supreme Soviet chairman treated the government apparatus as beholden to them, issuing direct orders to officials and agencies at all levels. Both were entitled to initiate legislative proposals. The president had a limited veto over bills passed by parliament, but no right to dissolve parliament and force new elections. Depriving him of that

right while giving him the power to declare a state of emergency and putting him in charge of the armed forces and the Security Council denied him recourse to normal democratic exits from conflictual situations while bestowing upon him the weapons to impose his own solutions.

The Congress and the Supreme Soviet, for their part, could force a government's resignation through a no-confidence vote or by obstruction of presidential initiatives—as happened in December 1992 with the “government of young reformers” headed by Yegor Gaidar. The tools for determining exit and resolving government crises before they ripened into regime crises were awarded principally to the legislature, not to the president. Consequently, the president had a greater incentive to escalate conflict against other government institutions to an extraordinary level, so as to capitalize on his unique resources. “Bad” constitutionalism was consolidated, initiating a path-dependency that was difficult to escape.⁹

This is not to say that constitutional clashes were the only ones that mattered—far from it.¹⁰ Conflicts raged over numerous other questions, principally those surrounding market reforms and the distribution of property; on most matters, the parliament tended to take a more conservative tack while Yeltsin's executive team took a more radically reformist stance. While not necessarily overshadowing these other conflicts, constitutional issues resonated with them and made their resolution incomparably more difficult. In short, the semipresidential constitution polarized the field of political action rather than facilitated the resolution of disagreements. Legislators such as Khasbulatov and Rumyantsev slid from moderate to belligerently antipresidential positions on economic and social issues, partly so as to attract support from those who favored a more balanced constitution. The president's camp increasingly avoided bargaining with the legislators, concentrating on dispensing patronage to the more liberal of them and writing off the rest as hopelessly reactionary and power-mad.

Toward Constitutional Dictatorship

Some of the political problems Russia had suffered since 1990 be-deviled the constitutional settlement dictated by Yeltsin in December 1993. While technically semipresidential, Yeltsin's constitution gave the president notoriously strong and often unilateral power. Article 90(1), for example, stipulates that “the president of the Russian Federation issues decrees and directives.” If we measure the *de jure* powers of the presidents in Russia, the French Fifth Republic, and Weimar Germany, the Russian president is constitutionally almost twice as powerful as the president of the Fifth Republic, and at least one-third more powerful than was the president of the Weimar Republic.¹¹

Since Putin's presidential accession in 2000, critics in Russia and elsewhere have often labeled the Russian system "superpresidential." Under Yeltsin, the tilting of the balance toward the presidency was not enough to produce effortless domination. After the adoption of the 1993 constitution, the president and parliament continued to derive separate legitimacy from their modes of election, pursued different priorities, and jockeyed for momentary advantage. The 1995 parliamentary election returned a corps of deputies more splintered and more antipathetic to the president than the 1993 parliament, and Yeltsin's reelection in 1996 subsequently opened a new round of hostilities.

Legislative immobilism and governmental instability gave Yeltsin abundant incentives to strike out on his own and rule by executive decree. Although he did have greater recourse to legislation in the late 1990s, his lack of a stable legislative majority combined with his extensive presidential powers made him resort to unilateral directives at moments of peril. Parliament retaliated in kind by subjecting the president to a lengthy impeachment ordeal in the wake of the August 1998 financial crisis. The indictment, dredging up all manner of grievances from the previous decade, failed to pass in May 1999 by a mere handful of votes.

Since 1993, Russia's governance has continued to suffer from some of the same infirmities that beset it in the period of outright breakdown. More corrosive of democracy, the institutionalized disagreement rampant in 1990–93 was used to justify authoritarian tendencies put forward in the name of political normalization and social progress. This allowed Yeltsin in the 1993 constitution to get rid of the legislative presidium and the strong parliamentary chairmanship, thereby appropriating many of the powers that had eluded him before: the power to dissolve the lower house (the State Duma) for cause; a monopoly over all ministerial appointments other than that of the prime minister; a nearly unrestricted right to emit decrees; and the immunity of the presidential establishment and the bureaucracy from legislative oversight.

To be sure, Yeltsin refrained from using these vast powers to destroy his opposition, squelch free speech, or abrogate competitive elections. In fact, he studiously refused to insert himself into the arena of mass politics except during presidential election campaigns; he also rejected repeated suggestions that he form a pro-presidential and pro-reform political party. As a side effect, his lack of a party base may have left him vulnerable to covert influence by "the oligarchs" and political wheeler-dealers.

Putin possesses few of Yeltsin's inhibitions against the unbridled use of executive power. Without formally joining it, he encouraged the creation of the pro-Kremlin party United Russia, which in December 2003 along with its coalition partners gained two-thirds of the State Duma's 450 seats. He has used "administrative levers" and the freedom of the president from parliamentary and popular scrutiny to

reverse many of the democratizing political innovations instituted under Yeltsin and, for that matter, under Gorbachev. More even than Yeltsin, he sees government as a closed preserve, to be managed by nonparty technocrats, bureaucrats, and insiders unconnected to the realm of party and mass politics. This disassociation of cabinets and governmental policy making from the legislature hinders the democratic principles of inclusion and contestation and terribly cramps parliamentary responsibility.

It was one thing for Yeltsin to rationalize Kremlin-centered government as an antidote to extreme political fragmentation and a battering ram to push through long-delayed modernizing reforms. It is another thing for Putin—appropriating and extending the institutional legacy left by his less autocratic predecessor—to exalt executive dominance within a “strong state” as a formula of indefinite duration. Today, with his personal popularity riding high, government ministers serving at his whim, a disciplined parliament, the autonomy of the regional governors circumscribed, the business magnates cowed by arrests of several of their number, a subservient national television, and the policy process almost totally closed, Putin governs with no effective checks and balances. By and large, his liberal market reforms continue to expand the Russian economy (although anticorruption laws are used selectively against political enemies, as demonstrated by the recent attack on oil magnate Mikhail Khodorkovsky), but in the political domain most movement is backward. Moreover, the appalling terror incidents in mid-2004 suggest that the strong-arm approach is failing even in the area of personal and group safety, on which any civilized life rests.

Constitutional Alternatives

Might post-Soviet Russia have turned out otherwise? Playing with historical counterfactuals is a fascinating but slippery intellectual game. And yet, things surely could have taken a somewhat different trajectory if key players had ranked the achievement of constitutional equilibrium and political openness high on their list of objectives. The curious institutional legacy of Soviet rule and early post-Soviet changes would not have been easy to overcome, but nothing suggests it would have been impossible.

As for the future, the personalization of power in Russia has gone to such extremes that we must acknowledge that, unlike in 1990 or 1993, the outcome hinges on the preferences of a single man. Were Putin to wish it so—like Charles de Gaulle in France’s Fifth Republic—he undoubtedly could bring about a more transparent and polycentric institutional order in Russia. It is true that de Gaulle had a more structured party system to work with than does Putin, but the examples of Gorbachev and Yeltsin show that leaders in closed systems can indeed

learn from experience and change their minds, even when the party context is not particularly supportive of change. Such is the value of innovative, forward-looking leadership. Nothing about Putin's record to date, however, indicates that he wishes or will ever wish to endow Russia's political system with greater inclusion and contestation—the two crucial dimensions of democracy.¹²

Putin has repeatedly said that he does not favor constitutional change; he seems to view it as a Pandora's Box best left unopened. Still, as an opinionated leader in his early fifties, he may be tempted if nothing else by the allure of a longer tenure in office, and hence more time to leave his mark on history. The 1993 constitution limits the president to two four-year terms, thus mandating that Putin depart by May 2008. If he wants to remain in power beyond that date, he will need to have the constitution amended one way or the other. Steps in that direction would lower inhibitions to effecting more sweeping changes.

One ostensibly fundamental change now being quietly discussed in Moscow is a shift to a parliamentary system. Interestingly, parliamentarism is favored by some of the more hard-line Putin associates, including officials in the security services and the presidential apparatus. One of its appeals is that it would eliminate fixed terms for the country's leader, in theory allowing President Putin to be succeeded by Prime Minister Putin for years to come. The proparliamentary faction is convinced that once the Kremlin's dominance over independent centers of power is solidified, it could safely maintain an unassailable grip on the legislature. Were this faction to convince Putin of the rightness of this course, we would soon see yet another constitutional experiment unfold in Russia—one that again would challenge and thereby help to refine comparative understandings of institutional politics and political change.

Beyond the Predicament

The Russian case sadly, but clearly, shows that if a democratizing country is not able to build genuine legislative majorities and ensure that presidents are integrated into an institutionalized party system, it will most likely operate under the semipresidential subtype that we refer to as divided minority government. It was during the intense crisis period of divided minority government in 1993 that Yeltsin took Russia largely out of the democratic box, and pushed through a constitution that boosted the power of the presidency.

To this day, Russia has never been in the semipresidential subtype that we dub consolidated majority government; in other words, the country has never had a president and a prime minister who were both members of, and supported by, the same party majority in the Duma. Putin has not been a party man, as all presidents of the French Fifth Republic have

been, and as even General de Gaulle eventually became. Yet unlike Yeltsin, Putin has become a “majority man.” In 2004, Putin proposed an alteration of the electoral law that would require all Duma deputies to be elected on a party-list system, subject to a 7 percent electoral threshold. The change, which was approved in 2005 and will go into effect in the 2007 parliamentary elections, will give even greater control to the dominant-party elite. Problematically for democracy, Putin has thus combined his presidential powers and prerogatives with a manufactured parliamentary majority in order to move Russia further in an authoritarian direction. In so doing, he has severely limited the available “sites of competition” that are normally open to both government and opposition in a healthy democracy.

Most new democracies have poorly institutionalized party systems, such as Russia’s, and presidents who (at least initially) present themselves as being “above” the political parties. Semipresidentialism locks in these conflictual patterns of executive-legislative behavior. For example, nearly all the non-Baltic former Soviet republics chose semipresidentialism at independence, and virtually all of them have suffered crises involving their dual executives. The correlation is astonishing. These developments stand in stark contrast to other semipresidential countries such as Poland and Portugal, where key executives chose to push their constitutions toward a pure parliamentary model by decreasing presidential powers and strengthening such institutions as the constitutional courts.

So what does the postcommunist experience tell us about the democratic performance of semipresidentialism? In 2004, eight postcommunist countries of East Central Europe were admitted to the European Union. Their membership was contingent on the fulfillment of the political criteria laid down at the European Council’s 1993 Copenhagen summit.¹³ Of these eight, five were parliamentary (Hungary, Czech Republic, Slovakia, Estonia, and Latvia) and three were semipresidential (Poland, Lithuania, and Slovenia). The three semipresidential countries all have in common that their leadership and governing styles have become more party-oriented over time. Political leaders *and* parties have been crucial to this evolution. By becoming more party-oriented, leaders were able to nudge their countries closer to the purely parliamentary constitutional model, over time decreasing the power of the presidency and balancing it against other institutions.

Poland is an interesting case of semipresidentialism in this regard. In 1997, the president and prime minister, supported by a legislative majority, reduced presidential power and increased the power of the Constitutional Tribunal. President Aleksander Kwaśniewski was asked why these reforms were not adopted earlier in the country’s democratic transition, which could have saved Poland from its early years of destabilizing institutional conflict. He replied that, although it was clear that

Poland should move toward a parliamentary system, such a move was only possible once there was a majority of political parties that together controlled both the presidential and legislative branches.¹⁴

A country's best chance for reducing conflict in the context of semipresidentialism may be to follow the Portuguese and Polish examples and limit the powers of the president.

Both the quality and the shape of parties and party systems are critical for enhancing the performance of semi-presidentialism, and for overcoming the semipresidential predicament. Unfortunately, parliamentary majorities, and presidents who are supported by and supportive of these majorities, remain rare in new democracies. All this indicates that a country's best chance for reducing conflict in the context of semipresidentialism may be to follow the Portuguese and Polish examples and limit the powers of the president—especially emergency and decree powers and control over the military. As presidential powers are reduced, and as other institutions such as constitutional courts are strengthened, the result is a constitutional arrangement that looks more and more like pure parliamentarism. And as the evidence from the new EU members clearly shows, there is a good chance that the result is also more democracy.

Even the French, who have lived with semipresidentialism for over forty years, questioned and reformed their constitution in 2002. As noted above, France's experience with semipresidentialism has been more fortunate than that of the post-Soviet states. The French enjoyed consolidated presidential and legislative majorities in the National Assembly for two continuous decades after the first direct presidential election in 1965. Eventually, however, tensions in the model also emerged in France, as majorities began to break down and periods of cohabitation became more frequent. Politicians, as well as three-fourths of the public, blamed elements of semipresidentialism for France's institutional conflict. The Socialist Party now claims that it will make a referendum on institutional reform a central part of its 2007 presidential-campaign platform.¹⁵

In its French incarnation, semipresidentialism led to a situation in which Gaullist president Jacques Chirac locked horns with Socialist prime minister Lionel Jospin and his *majorité plurielle*. In September 2002, the French voted in favor of reducing the presidential mandate from seven to five years, hoping to eliminate the often turbulent periods of cohabitation and dual-executive crisis altogether. And France, it goes without saying, is a consolidated democracy.

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It is time for Russia, along with the many other fragile democracies that suffer from the semipresidential predicament, to rethink its consti-

tutional framework. Constitutional and de facto changes in France, but also in Poland and Portugal, further inspire this conclusion. We believe that now is an opportune moment for leaders to use these important examples—which show that more parliamentarism leads to more democracy—to reconfigure constitutionalism in the twenty-first century, in Russia and elsewhere.

NOTES

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1. Giovanni Sartori, for example, suggested that some troubled democracies might benefit from “radically switching to semipresidentialism”; and Gianfranco Pasquino similarly suggested that, “on the whole, under most circumstances, semipresidential systems appear endowed with both more governmental capabilities and more institutional flexibility than parliamentary and presidential systems.” See Giovanni Sartori, *Comparative Constitutional Engineering: An Inquiry into Structures, Incentives, and Outcomes* (New York: New York University Press, 1994), 137; and Gianfranco Pasquino, “Semi-Presidentialism: A Political Model at Work,” *European Journal of Political Research* 31 (January 1997): 137.

2. Lilia Shevtsova, *Yeltsin's Russia: Myths and Reality* (Washington, D.C.: Carnegie Endowment for International Peace, 1999).

3. We will not delve here into the proliferating categories used to encapsulate Russia and many other countries that went through partial democratization during the “third wave,” only to regress a few years later. Among the rubrics that have been applied to Russia recently are “managed democracy,” “competitive authoritarianism,” and the more familiar “delegative democracy.”

4. Yeltsin avoided submitting the constitution to a proper referendum, which under Russian law would have needed to be endorsed by 50 percent of the entire electorate. The December 1993 vote, according to Yeltsin’s decree, would be valid if turnout was 50 percent and half of those voting endorsed the initiative. In the end, only about one-third of all Russian citizens voted for Yeltsin’s constitution.

5. Cindy Skach, *Borrowing Constitutional Designs: Constitutional Law in Weimar Germany and the French Fifth Republic* (Princeton: Princeton University Press, 2005), 15.

6. Clinton Rossiter, *Constitutional Dictatorship: Crisis Government in the Modern Democracies* (Princeton: Princeton University Press, 1948). On the relationship between semipresidentialism and constitutional dictatorship, see Cindy Skach, *Borrowing Constitutional Designs*, 12–30 and 49–70.

7. See Walter Bagehot *The English Constitution* (Oxford: Oxford University Press, 2001; orig. publ. 1867).

8. Alexander M. Yakovlev, *Striving for Law in a Lawless Land: Memoirs of a Russian Reformer* (London: M.E. Sharpe, 1996), 130. Yakovlev, a legal scholar and former legislator, was a key adviser to the committee that drafted the 1993 constitution. He later served as presidential plenipotentiary to the Federal Assembly.

9. On path dependence, see Paul Pierson, *Politics in Time: History, Institutions, and Social Analysis* (Princeton: Princeton University Press, 2004).

10. Nor was the rivalry between executive and legislature the only salient division in the constitutional realm. The balance of power between the federal government and the regions was also hotly contested.

11. Using a modified version of Shugart and Carey's index of presidential power to compare these countries, France's president receives a score of 13, Weimar Germany's president receives a score of 17, and Russia's (1993) president receives a score of 26. In our counting, we have added emergency powers, which they do not include, but which we feel are crucial. See Mathew Soberg Shugart and John M. Carey, *Presidents and Assemblies: Constitutional Designs and Electoral Dynamics* (Cambridge: Cambridge University Press, 1992), 150–155.

12. Robert A. Dahl, *Polyarchy: Participation and Opposition* (New Haven: Yale University Press, 1971).

13. See the "Conclusions of the Presidency," European Council in Copenhagen Press Release, document DOC/93/3, 22 June 1993, which explicitly spells out the democratic criteria all potential EU members must satisfy before they can be admitted to the EU.

14. Cindy Skach's interview with President Aleksander Kwaśniewski, Warsaw, Poland, 21 May 2001.

15. See the discussion of France's current constitutional difficulties, and the critique that its constitution is "ill adapted to the needs of a modern democracy," in Robert Graham's comment in *Financial Times* (London), 1 September 2004, 15.