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‘Comparative Constitutions’

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1 Introduction

Constitutions came earlier than democracy (Strong 1963). During the late Middle Ages and early modern times, constitutions were mainly devices for establishing rights and limiting powers, functions that are still emphasized in certain academic literature on constitutions (see, for example, North and Weingast 1989; North 1990; Buchanan 1990; Weingast 1995). But as the old powers to be limited were autocratic, constitutionalism advanced almost naturally, together with the expansion of suffrage rights and democratization.

A constitution is usually defined as “a set of rules” for making collective decisions (see, for example, Buchanan and Tullock 1962; Elster and Slagstad 1988; Mueller 1996). Enforceable decisions made by means of rules can solve human coordination and cooperation dilemmas (as discussed by Brennan and Buchanan 1985; Hardin 1989; Ordeshook 1992). However, different rules may favor different decisions with differently distributed benefits. Two sets of rules can be distinguished: (a) those “to regulate the allocation of functions, powers and duties among the various agencies and offices of government”, and (b) those to “define the relationships between these and the public”, which in democracy are based on elections (Finer 1988).
2 ORIGINS AND EVOLUTION OF CONSTITUTIONAL MODELS

2.1 Division of Powers

The first set of constitutional rules just mentioned regulates the division of powers among different institutions. Virtually all the political regimes in world history have been based on a dual formula: a one-person office combined with multiple-person offices (as remarked by Congleton 2001). The rationale for this dualism is that, while a one-person institution may be highly effective at decision making and implementation, a multiple-person institution may be more representative of the different interests and values in the society. In modern times, a few basic constitutional models can be compared in the light of this dualism. They include: the old, transitional model of constitutional monarchy; the modern democratic models of parliamentary regime and checks-and-balances regime; and two variants of the latter usually called presidentialism and semi-presidentialism.

The model of constitutional monarchy reunites a one-person non-elected monarch with executive powers and a multiple-person elected assembly with legislative powers. This mixed formula was formally shaped by the French constitution of 1791, which, although was ephemeral in its implementation, became a reference for many constitutions in other countries during the nineteenth century, including Austria, Belgium, Brazil, Germany, Norway, Portugal, Spain, and Sweden; in more recent times, similar formulas have been adopted in some Arab monarchies, such as Jordan and Morocco. With broadening suffrage and democratization, the non-elected monarch’s powers were reduced, while those of the elected assembly expanded, especially regarding the control of executive ministers, thus moving towards formulas closer to the parliamentary regime.

The parliamentary regime is one of the two democratic formulas that can result from the process of enhancing the role of the electing assembly and limiting the monarch’s executive powers. According to the English or ‘Westminster’ model developed since the late seventeenth century, the parliament became the sovereign institution, also assuming the power of appointing and dismissing ministers, while the monarch remained a ceremonial although non-accountable figure. Not until the creation of the Third French Republic in 1871 did a parliamentary republic exist. Nowadays, there are parliamentary regimes in approximately half of the democratic countries in the world, including, with the British-style monarchical variant, Australia, Belgium, Canada, Denmark, Japan, the Netherlands, New Zealand, Norway, Spain, and Sweden; and with the republican variant, Austria, Czech Republic, Estonia, Finland, Germany, Greece, Hungary, India, Ireland, Italy, Latvia, Slovakia, Slovenia, South Africa, and Switzerland.
In this framework, the development of political parties was usually interpreted as a force eroding the central role of the parliament. In old constitutional studies, the British model was provocatively labeled rather than ‘parliamentary’, a ‘Cabinet’ regime (see, for instance, Loewenstein 1957; Jennings 1959; Crossman 1963; Wheare 1963). However, it has more recently been remarked that the growth of party was instrumental in reducing the influence of the monarch but not necessarily that of the parliament. With the reduction of the monarch to a figurehead, the prime minister has indeed become the new one-person relevant figure, but the position of the Cabinet has weakened. In contrast, the role of parliament has survived, and even, in a modest way, thrived. Despite long-standing concerns regarding the balance of power, “parliament has always remained the primary institution of the British polity” (Flinders 2002; see also Bogdanor 2003; Seaward and Silk 2003).

In the other democratic formula, which originated with the 1787 constitution of the United States, it is not only the multiple-person legislative assembly that is popularly elected but also the one-person chief executive. The non-elected monarch was replaced with an elected president with executive powers. This model of political regime implies, thus, separate elections and divided powers between the chief executive and the legislative branch. It was widely imitated in Latin American republics, but with the introduction of strong biases in favor of the presidency, as will be discussed in a moment; other variants have also been adopted in a number of Asian countries under American influence, including Indonesia, South Korea, the Philippines, and Taiwan.

In the original US version, this model is a complex system of “checks and balances” or mutual controls between separately elected or appointed institutions (presidency, house, senate, court). They include term limits for the president, limited presidential veto of congressional legislation, senate rules permitting a qualified minority to block decisions, senatorial ratification of presidential appointments, congressional appointment of officers and control of administrative agencies, congressional impeachment of the president, and judicial revision of legislation.

Recent analyses have formally shown how these counter-weighting mechanisms play in favor of power sharing between institutions and as equivalent devices to super-majority rules for decision making. The obstacles introduced by the numerous institutional checks may stabilize socially inefficient status quo policies, but they also guarantee that most important decisions are made by broad majorities able to prevent the imposition of a small, or minority, group’s will. With similar analytical insight but a different evaluation, other analyses have remarked that separate elections and divided governments create a “dual legitimacy” prone to “deadlock,” that is, legislative paralysis and inter-institutional conflict (Hammond and Miller 1987; Riggs 1988; Neustadt 1990; Linz 1990a; Cox and Kernell 1991; Riker 1992; Krehbiel 1996, 1998; Brady and Volden 1998; Cameron 2000; Dahl 2002; Colomer 2005b).
Another two variants of political regime with separate elections for the presidency and the assembly have developed. The first, usually called “presidentialism,” have eventually emerged in almost all twenty republics in Latin American since mid or late nineteenth century, including in particular Argentina, Brazil, Chile, Colombia, Costa Rica, Mexico, Peru, Uruguay, and Venezuela. As mentioned, some founding constitution makers in these countries claimed to be imitating the United States constitution, but, in contrast to the preventions against one-person’s expedient decisions introduced in the USA, some of them looked farther back to the absolutist monarchies preceding any division of powers and mixed regimes and aimed at having “elected kings with the name of presidents” (in Simón Bolivar’s words). The distinction between US-style checks-and-balances, unified government in presidential regimes, and “presidentialism,” which can be referred to Madison, Jefferson, and Hamilton, respectively (according to Burns 1965), was already remarked in old constitutional studies for Latin America. (García Calderón 1914; Fitzgibbon 1945; Loewenstein 1949; Stokes 1959; Lambert 1963).

Presidential dominance has been attempted through the president’s veto power over legislation and his control of the army, which also exist in the USA, supplemented with long presidential terms and reelections, unconstrained powers to appoint and remove members of the cabinet and other highly-placed officers, legislative initiative, the capacity to dictate legislative decrees, fiscal and administrative authority, discretionary emergency powers, suspension of constitutional guarantees and, in formally federal countries, the right to intervene in state affairs. The other side of this same coin is weak congresses, which are not usually given control over the cabinet and are frequently constrained by short session periods and a lack of resources (Linz 1990a; Shugart and Carey 1992; Linz and Valenzuela 1994; Aguilar 2000; Cox and Morgenstern 2002; Morgenstern and Nacif 2002). Proposals of reform have included moves towards all the other regime types, including semi-parliamentarism (Nino 1992), Westminster features (Mainwaring and Shugart 1997), US-style checks-and-balances (Ackerman 2000), and multi-party parliamentarism (Colomer and Negretto 2005).

The second variant, usually called a “semi-presidential” regime, but also “semi-parliamentary,” “premier-presidential” or “dual-executive,” had been experimented with in Finland and Germany after World War I but was more consistently shaped with the 1958 constitution of France. Similar constitutional formulas have been recently adopted in a few countries in Eastern Europe, including Lithuania, Poland, Romania, and Russia, as well as a number of others in Africa. With this formula, the presidency and the assembly are elected separately, as in a checks-and-balances regime, but it is the assembly that appoints and can dismiss a prime minister, as in a parliamentary regime. The president and the prime minister share the executive powers in a “governmental diarchy” (Duverger 1970, 1978, 1980; Duhamel and Parodi 1988).
At the beginning of the French experience it was speculated that this constitutional model would produce an alternation between presidential and parliamentary phases, respectively favoring the president and the prime minister as a one-person dominant figure. The first phase of the alternation was indeed confirmed with presidents enjoying a compact party majority in the assembly. In these situations, “the president can become more powerful than in the classical presidential regimes,” as well as more powerful than the British-style prime minister because he accumulates the latter’s powers plus those of the monarch (Duverger 1998). The second, parliamentary phase was, in contrast, not confirmed, since, even if the president faces a prime minister, a cabinet, and an assembly majority with a different political orientation, he usually retains significant powers, including the dissolution of the assembly, as well as partial vetoes over legislation and executive appointments, among others, depending on the specific rules in each country. This makes the president certainly more powerful than any monarch or republican president in a parliamentary regime. (A gradual acknowledgment that a significant division of powers exists in the “cohabitation” phase can be followed in more recent works in French by Duverger 1986, 1996, 1998). There can, thus, indeed be two “phases,” depending on whether the president’s party has a majority in the assembly and can appoint the prime minister or not; however, the two phases are not properly presidential and parliamentary, but they rather produce an even higher concentration of power than in a presidential regime and a dual executive, respectively. (See also discussion in Bahro, Bayerlein, and Veser 1998; Sartori 1994; Elgie 1999).

2.2 Electoral Rules

The second set of constitutional rules mentioned above regulates the relationships between citizens and public officers by means of elections. A long tradition of empirical studies, usually focusing on democratic regimes during the second half of the twentieth century, has assumed that elections and electoral systems could be taken as an independent variable from which the formation of political parties and other features of a political system derive (Duverger 1951; Rae 1967; Grofman and Lijphart 1986; Taagepera and Shugart 1989; Lijphart 1994; Cox 1997; Katz 1997). But an alternative point of view emphasizes that it is the governments and parties that choose constitutional rules, including electoral systems, and, thus, the role of the dependent and the independent variables in the previous analytical framework could be upside down (Grumm 1958; Lipson 1964; Särlvick 1982; Boix 1999; Colomer 2004, 2005a).

Most modern electoral rules originated as alternatives to a traditional electoral system composed of multi-member districts, open ballots permitting individual candidate voting, and plurality or majority rule. This understudied type of
electoral system was used very widely in local and national assemblies in pre-democratic or early democratic periods before and during the nineteenth century; it is still probably the most common procedure in small community, condominium, school, university, professional organizations, corporation boards, and union assemblies and elections; and it has also been adopted in a small number of new democracies in recent times. It appears indeed as almost “natural” and “spontaneous” to many communities when they have to choose a procedure of collective decision making based on votes, especially because it permits a varied representation of the community.

But while this set of rules can produce fair representation, at the same time it creates strong incentives for the formation of “factional” candidacies or voting coalitions, which are the most primitive form of political parties. In elections in multi-member districts by plurality rule, factions or parties tend to induce “voting in bloc” for a closed list of candidates, which may provoke a single-party sweep. Once partisan candidacies, partisan voting in bloc, and partisan ballots emerged within the framework of traditional assemblies and elections, political leaders, activists and politically motivated scholars began to search for alternative electoral systems able to reduce single-party sweeps and exclusionary victories (Duverger 1951; see also LaPalombara and Weiner 1966; and the survey by Scarrow 2002).

During the nineteenth and early twentieth centuries, new electoral procedures were invented and adopted as innovative variations of the traditional system mentioned above. They can be classified into three groups, depending on whether they changed the district magnitude, the ballot, or the rule. The first group implied a change of the district magnitude from multi-member to single-member districts, of course keeping both individual candidate voting and majoritarian rules. With smaller single-member districts, a candidate that would have been defeated by a party sweep in a multi-member district may be elected. This system, thus, tends to produce more varied representation than multi-member districts with party closed lists, although less than the old system of multi-member districts with an open, individual candidate ballot. The second group of electoral rules introduced new forms of ballot favoring individual candidate voting despite the existence of party candidacies, such as limited and cumulative voting, while maintaining the other two essential elements of the traditional system: multi-member districts and majoritarian rules. Finally, the third group of new electoral rules implied the introduction of proportional representation formulas, which are compatible with multi-member districts and also, in some variants, with individual candidate voting, and permit the development of multi-partism (Colomer 2006).

Different electoral rules and procedures create different incentives to coordinate the appropriate number of candidacies (as has been emphasized by Cox 1997). However, coordination may fail, especially under restrictive formulas based on plurality rule that may require paramount efforts to concentrate
numerous potential candidates into a few broad, potentially winning candidacies. By analyzing party systems and elections over long periods and, in some studies, within each country, it has been shown that electoral systems based on plurality or majority rules tend to remain in place only to the extent that two large parties are able to attract broad electoral support and alternate in government. But when multiple parties develop in spite and against the incentives provided by the existing majoritarian system and through coordination failures, they tend to adopt more permissive electoral rules, especially proportional representation formulas.

Generally, the choice of electoral systems follows what can be called “Micro-mega’s rule,” by which the large prefer the small and the small prefer the large: a few large parties tend to prefer small assemblies, small district magnitudes, and rules based on small quotas of votes for allocating seats, such as plurality rule, while multiple small parties tend to prefer large assemblies, large district magnitudes, and large quotas such as those of proportional representation. Nowadays, more than 80 percent of democratic regimes in countries with more than one million inhabitants use electoral systems with proportional representation rules (Lijphart 1994; Blais and Massicotte 1997; Colomer 2004, 2005a).

The relevant implication of this discussion for constitutional analysis is that electoral systems are intertwined with party systems, which in turn shape the relations between the legislative and the executive. All these elements define different types of political regime.

### 3 Constitutional Regime Typologies

Traditional legalistic classifications of constitutional regimes focused, in addition to the distinction between autocracy and democracy, on the difference, within the latter, between “parliamentary” and “presidential” regimes (see, for example, Duverger 1955; Verney 1959; and the compilation by Lijphart 1992). The introduction of a second dimension, the electoral system, discussed in the previous section, makes the classification of democratic regimes more complex. In particular, within parliamentary regimes one can distinguish between those using majoritarian electoral rules, which typically imply that a single party is able to win an assembly majority and appoint the prime minister, and those using proportional representation, which correspond to multi-party systems and coalition cabinets. Presidential regimes and their variants, in contrast, are less affected by the electoral system dimension since at least one of the systems, the one for the election of the president, must be majoritarian and produce a single absolute winner.
What has possibly been the most influential political regime typology in recent comparative studies is based on the two institutional dimensions mentioned and the corresponding degrees of concentration of constitutional and party powers (Lijphart 1984, 1999). Lijphart primarily analyzes the “executives–parties” dimension, that is, the relation between cabinets and parliaments and the set of party and electoral systems, as well as a number of other highly-correlated variables (while another dimension not to be discussed here regards the degree of territorial centralization). By statistical correlations and factor analysis of the empirical data reunited, he arrives at a dual political regime typology, organized around the “majoritarian” (or Westminster) and the “consensus” models of democracy, respectively characterized by high power-concentration and broad power sharing.

This simple empirical dichotomy, however, seems to be a contingent result of the sample of countries considered, since very few have checks-and-balance, presidential, or semi-presidential regimes (1 percent in the first exercise with 21 countries, 17 percent in the second with 36). Therefore, according to this widely used typology, such a diversity of political regimes as the parliamentary-majoritarian of the United Kingdom, the checks-and-balances of the United States, and semi-presidential of France, among others, are included in the “majoritarian” type, while the consensus type refers to parliamentary-proportional regimes, mostly located in continental Europe. (For methodological critiques and alternative operational proposals, see Bogaards 2000; Taagepera 2003.)

Other approaches to the way different constitutional regimes work do not focus on a priori analysis of institutions but give primacy to the role of political parties. Some authors have promoted broad uses of the categories of “unified” and “divided” government. This new dual typology was initially applied to the analysis of the United States, where a ‘unified government’ with the president’s party having a majority in both houses of the Congress has existed for only 59 percent of the time from 1833 to 2006, while “divided government,” which was very frequent during the second half of the twentieth century, implies that two different political party majorities exist in the presidency and the congress. However, US congressional rules have traditionally included the ability of 40 percent of senators to block any decision by filibustering, which has almost always made the president’s party unable to impose its decisions by its own. This could explain why no significant differences in legislative performances between periods of “unified” and “divided” governments have been observed (as persistently reported by King and Ragsdale 1988; Mayhew 1991; Fiorina 1992; Cox and McCubbins 1993; Peterson and Greene 1993; Edwards, Barrett, and Peake 1997; Epstein and O’Halloran 1999; but see discussion in Howell, Adler, Caneron, and Riemann 2000; Conley 2003).

Assuming that, in order to prevent deadlock, a situation of divided government (and, in the United States, almost any real situation) may lead to negotiations between the president’s and other parties to form a sufficient congressional majority to make laws, it has been postulated that the absence of a single-party
parliamentary majority in a parliamentary regime should also be characterized as “divided government.” The integration into the same category of both the congressional minority president in a regime of separation of powers and the typical multi-party coalition or minority government in a parliamentary-proportional regime would make the USA “not exceptional” (Laver and Shepsle 1991; Elgie 2001).

A related approach also integrating institutions and parties in the same count centers on so-called “veto-players” (Tsebelis 1995, 2002). In this approach, political regimes can be analyzed for how many veto-players exist, which may have significant consequences on the degree of complexity of policy decision making. In the analysis of parliamentary systems, the number of veto-players turns out to be equivalent to the number of parties in government, thus not taking into account whether they are pivotal or superfluous to making the coalition a winning one (a subject largely discussed, in contrast, in the literature on coalition formation, as well as that on power indices, as revised by Felsenthal and Machover 1998; Leech 2002). In checks-and-balances and similar regimes, the number of veto-players increases with the number of “chambers” (including the presidency) with different partisan control. A single veto-player situation would be equivalent to “unified government” as defined above, thus also making parliamentary and checks-and-balances and related regimes equivalent when the decision-power is highly concentrated.

In contrast to other approaches, this may result in non-dual classifications, since not only one or two, but several numbers of veto-players can exist in a political system. However, this approach pretends to analyze how political institutions work in practice, not the a priori characteristics of different constitutional formulas, which does make it less appealing for constitutional choice, advise, or design. The exclusion of the electoral stage from the analysis tends even to blur the fundamental distinction between autocracy and democracy. From the perspective provided by the veto-player approach, single-party governments would work in the same way independently of whether they were autocratic or democratic (For methodological critiques, see Moser 1996; Ganghof 2005).

Taking into account the analyses of both the relations between the executive and the legislative and the electoral rules previously reviewed, a more complex five-fold typology of democratic constitutional regimes can be derived. The relatively high number of a priori, polar types here considered does not presume that there are always significant differences in the working and proximate outcomes of all of them, but it does not preclude potentially interesting empirical findings that more simple or dualistic typologies may make impossible to observe. Empirical analyses may reduce the number of relevant types when, for the purposes of the problem under scrutiny, some of them may appear to be collapsed into a single one. But this may be a result of the analysis rather than an a priori simplifying assumption. From lower to higher degrees of concentration of power, the types of constitutional regimes previously discussed are:
1. parliamentary-proportional (e.g. Germany, the Netherlands);
2. checks and balances (e.g. United States, Indonesia);
3. semi-presidential (e.g. France, Poland);
4. presidentialist (e.g. Argentina, Mexico);
5. parliamentary-majority (e.g. United Kingdom, Canada).

Note that types 1 and 5 correspond to the classical category of “parliamentary” regime, here drastically split for different party systems and electoral systems, while types 2, 3, and 4 are variants of the classical category of “presidential” regime as discussed in the previous section. Regarding the other typologies reviewed above, the “consensus” model would correspond to type 1, while the “majoritarian” model would include types 2, 3, 4, and 5; type 1 would usually be associated with “divided government,” while types 2, 3, and 4 would alternate between “divided” and “unified” governments, and type 5 would usually be associated with “unified government”; there could be multiple veto-players in types 1, 2, 3, and 4, although not always, while type 5 would tend to have a single veto-player with higher frequency. Thus, the different typologies here reviewed only agree on considering types 1 and 5 as extreme, respectively implying diffuse and concentrated power, while types 2, 3, and 4 are differently classified, either together with any of the two extreme types or as intermediate ones.

4 Constitutional Consequences

It has been repeatedly postulated that different constitutional formulas have different consequences on politics, policy, and the polity. The “proximate” political consequences of different constitutional arrangements regard mainly the type, party composition, and degree of stability of governments. The rest of the consequences should be considered relatively “remote,” indirect, and perhaps identifiable in terms of constraints, limits, and opportunities, rather than determining specific decisions or outcomes. They may affect economic and other public policy making, as well as the corresponding performance, but only partially. Also, different constitutional formulas may help democracy to endure or facilitate its shortening. On all of these levels, significant and interesting empirical correlations between different constitutional formulas and outcomes have been found. But these correlations do not always go together with the specification of the mechanisms by which they may exist; in particular, how different types of governments may be linked to different policy performances, and how the latter may be related to the duration of democratic regimes.
4.1 Government Formation

In parliamentary regimes with majoritarian electoral rules, a single party, even with minority electoral support, usually finds sufficient institutional levers to form a government. This tends to make these governments more internally consistent and more durable than multi-party coalition or minority governments typical of parliamentary regimes with proportional representation, which are more vulnerable to coalition splits, censure, or confidence-lost motions, and other events and strategies provoking anticipated elections (Grofman and Roozendaal 1997; Strom and Swindle 2002; Smith 2004).

However, relatively stable single-party parliamentary governments, as well as presidential governments with a president’s party majority in the assembly and fixed terms, tend to produce more changing and unstable policies than those relying upon the support of multiple parties or inter-institutional agreements. To understand this, consider that a single-party government is the institutional result of an election that becomes decisive for all the multiple policy issues that may enter the government’s agenda. As the “spatial theory” of voting can illuminate, the “single-package” outcome of political competition in a policy “space” formed by multiple issues and dimensions can be highly unpredictable. The election may be won on the basis of a small set of issues that become prominent during the campaign and in voters’ information driving their vote. But the subsequent single-party government may have a free hand to approve and implement its preferred policies on many issues, even if they have not been salient in the previous debate and campaign.

In contrast, in multi-party elections producing coalition cabinets, as well as in inter-institutional relations involving different political majorities, each party can focus on a different set of issues, globally enlarging the electoral agenda and the corresponding debate. In the further institutional process, certain issues (typically including major domains such as macroeconomic policy, interior, and foreign affairs) are dealt with separately on single-issue “spaces”. Each of them can usually be the subject of a broad multi-party or inter-institutional agreement around a moderate position, which precludes drastic changes and induces policy stability in the mid- or long term. Other issues can be negotiated in such a way that the minority with more intense preferences on each issue may see its preferred policy approved, whether through the distribution of cabinet portfolios to parties focused on different domains (such as finances for liberals, education for christian-democrats, social policy or labor for social-democrats, etc.) or through logrolling among different groups on different issues in congress. This second mechanism creates different but enduring political supports to the decisions on each issue and also tends to produce relative policy stability. (Some ideas of this sort can be found in Blondel and Müller-Rommel 1988, 1993; Budge and Keman 1990; Laver and Schofield 1990; Strom 1990; Laver and Shepsle 1994, 1996; Deheza 1998; Müller and Strom 2000).
4.2 Policy Performance

A seminal analysis of the policy effects of different constitutional regimes and the type of governments they produce emerged from the study of British politics (see early discussion in Finer 1975). As seen from this observatory, a parliamentary-majoritarian regime creating single-party governments on the basis of a minority of popular votes is the scene of “adversary politics.” This implies two major consequences: first, electorally minority governments with a social bias are more prone to be captured by minority interest groups and to implement redistributive and protectionist policies hurting broad social interests; second, frequent alternation of socially and electorally minority parties in government produces policy reversal and instability (including changes in regulations of prices, the labor market, taxes), which depress investment incentives. The bases for sustained economic growth seemed, thus, to be damaged by the likely effects of Westminster-type constitutional rules on government-formation and policy-making.

This kind of argument has been tested in a number of studies basically using the (Westminster)majoritarian/consensus dual typology reviewed in the previous section. Most empirical findings show no significant differences in the performance of the two types of political regimes regarding economic growth, although some of them indicate a slightly better record for consensus democracies on inflation and unemployment. Better results for the consensus model have been found regarding electoral participation, low levels of politically motivated violence, women’s representation, and social and environmental policies (Powell 1982; Baylis 1989; Lijphart 1984, 1999; Crepaz 1996; Birchfield and Crepaz 1998; Eaton 2000).

Using a different approach, it has also been held that parliamentary regimes with proportional representation tend to develop broad programs benefiting a majority of the voters, including redistribution through social security and welfare policies, in contrast to narrower targets in both parliamentary regimes with majoritarian elections and presidential regimes. The parliamentary-proportional regimes appear to be associated to better growth-promoting policies, but they also have relatively high taxes and public spending, which do not necessarily favor growth (Persson and Tabellini 2003).

The weakness of empirical relations such as those here reported might reflect a relative remoteness of the independent variable (constitutional models) from the dependent one (economic and social performance). Economic growth, in particular, has indeed much more “proximate” causes than political institutions, such as capital formation, labor productivity, entrepreneurship, trade, technology availability, and education. The opposite of “proximate,” which would correspond to the role of institutions, should be “remote,” since the “proximate” causes just mentioned may in turn depend on institutions but also on other non-institutional variables such as climate and natural resources, population, and human capacities. Regarding institutions, those favoring state effectiveness and an effective judiciary,
as well as those regulating property rights, contracts, and finances, might be more relevant to explaining economic growth than certain variants in constitutional formulas and not necessarily closely related to them. (For recent discussions, see Hammond and Butler 2003; Alesina and Glaeser 2004; Glaeser, La Porta, and Lopez-de-Silanes 2004; Przeworski 2004; Acemoglu, Johnson, and Robinson 2005).

A new way to research could be designed by analogy to some recent studies on the relation between electoral systems and party systems reported above. In both problems (the relation between electoral systems and party systems and the relation between constitutional formulas and economic growth), the main tradition in empirical studies is comparative statics, that is, the comparison of different supposedly independent variables established in different countries. An alternative approach would compare different supposedly independent variables within the same country. In a similar way as changes in party systems have been identified before and after the change of electoral rules in each country, the rates of economic growth or other interesting variables could be compared for periods with different constitutional formulas in each country (including democracy or dictatorship). This may require difficult collections of data for very long periods. But it would permit a better identification of the specific effects of changing political-institutional variables over the background of presumably more constant variables for each country such as natural resources and population.

4.3 Democracy Duration

Different constitutional formulas have also been linked to different rates of success of attempts at democratization and to the duration of democratic regimes. Recent analyses of political change have emphasized that strategic choices of different constitutional formulas are driven by actors’ relative bargaining strength, electoral expectations, and attitudes to risk (Przeworski 1986, 1991; Elster 1996; Elster, Ofte, and Preuss 1998; Colomer 1995, 2000; Geddes 1996; Goodin 1996; Voigt 1999). A common assumption is that citizens and political leaders tend to support those formulas producing satisfactory results for themselves and reject those making them permanently excluded and defeated. As a consequence, those constitutional formulas producing widely-distributed satisfactory outcomes should be more able to develop endogenous support and endure. In general, widely representative and effective political outcomes should feed social support for the corresponding institutions, while exclusionary, biased, arbitrary, or ineffective outcomes might foster citizens’ and leaders’ rejection of the institutions producing such results. In this approach, support to democracy is not necessarily linked to good economic performance, as discussed above, but to a broader notion of institutional satisfaction of citizens’ political preferences. This is consistent with a rational notion of
legitimacy (Rogowski 1974), it can modeled as a positive relation between institutional pluralism and democratic stability (Miller 1983), and it can be refined with the concepts of behavioral and institutional equilibrium (Shepsle 1986; Colomer 2001b, 2205a; Diermeier and Krehbiel 2003).

Citizens’ political satisfaction with democratic outcomes has been estimated by means of measures of congruence between citizens’ preferences and policy makers’ positions and through survey polls. From the first approach, it has been found that cabinets in parliamentary regimes with proportional representation include the median voter’s preference with higher frequency than those using majoritarian electoral rules, in both parliamentary and presidential regimes; proportional representation and multi-parties, reduce, thus, the aggregate “distance” between citizens and rulers (Huber and Powell 1994; Powell 2000). In consistency with these findings, an analysis of survey polls in West European countries show that political satisfaction with the way democracy works is more widely and evenly distributed in pluralistic regimes than in majoritarian ones (Anderson and Guillory 1997).

In general, constitutional democracies favoring power sharing and inclusiveness should be able to obtain higher endogenous support and have greater longevity than those favoring the concentration of power. Indeed, empirical accounts show that democratic regimes are the most peaceful ones, while semi-democratic or transitional regimes are most prone to conflict, even more than exclusionary dictatorships (basically because the latter increase the costs of rebellion) (Snyder 1996; Hegre, Ellingsen, Gates, and Gleditsch 2001). Among democracies, parliamentary regimes are more resilient to crises and more able to endure than presidential ones (Linz 1990b; Stepan and Skach 1993, Mainwaring 1993; Linz and Valenzuela 1994; Przeworski, Alvarez, Cheibub and Limongi 2000; but see discussion by Power and Gasiorowski 1997; Cheibub and Limogi 2002). But by using a three-fold typology that, in consistency with the discussion above, also takes electoral systems into account, parliamentary majoritarian regimes appear to be associated with a higher frequency of ethnic and civil wars than presidential regimes, while parliamentary proportional regimes are the most peaceful ones (Reynal 2002, 2005). Proportional representation systems also experience fewer transnacional terrorist incidents than majoritarian ones (Li 2005).

Actually, almost no new democracy established in the world during the broad “third wave” of democratization starting in 1974 has adopted the British-style constitutional model of parliamentary regime with a two-party system and majoritarian electoral rules. This may make comparisons based on the dual typology parliamentary/presidential less reductive for this period since the former type has become, in fact, largely identified with its variant with proportional representation elections. But the three-fold typology can illuminate the pitfalls of the British constitutional model in previous periods, when most new democracies having adopted this model eventually fell and were replaced with dictatorships.
The number of constitutional democracies rose enormously during the last quarter of the twentieth century, encompassing for the first time a majority of total world population since 1996. This has been the result of a very long-term evolution, which started in the so-called first and second “waves” of democratization (basically corresponding to the aftermaths of the First and the Second World Wars), and accelerated in recent times with the end of the Cold War. Thus, constitutionalism has been increasingly linked to democratization, as noted at the beginning of this survey.

Among democratic constitutions, there has been a trend in favor of formulas permitting relatively high levels of social inclusiveness, political pluralism, policy stability, and democracy endurance. This reflects the relatively greater capability of pluralistic formulas to generate endogenous support. Not only may citizens obtain relatively broad satisfaction of their expectations and demands from democratic institutional formulas requiring the formation of a broad majority to make collective decisions, power-seeking politicians may also ultimately reject or abandon institutional formulas producing absolute losers and the total exclusion of relevant actors from power. Of the democratic countries with more than one million inhabitants, nowadays only less than one-sixth use parliamentary majority constitutional formulas, while about one half are checks-and-balances regimes or its presidentialist and semi-presidential variants, and more than one-third are parliamentary proportional representation regimes (updated from Colomer 2001a).

5 Conclusion

A number of questions addressed in the previous pages have become key questions in the political science literature on constitutions and may guide future research. There is still some room for discussion over the conceptual and empirical adequacy of the different political regime typologies. A clear distinction should be made between a priori institutional characteristics of the different models and the actual working of the samples of cases observed, which are always unavoidably limited and can thus induce biased inferences. The important role of party systems and electoral systems in shaping the relations between parliaments and governments is nowadays generally accepted, in contrast to narrower legalistic approaches that were typical of constitutional studies a few generations ago. But other questions remain open to more accurate analysis in a comparative perspective. They include the differences between the US-style “checks and balances” model favoring power
sharing and the “presidentialist” model, diffused in Latin America and possibly other parts of the world, favoring the concentration of power and some exclusiveness. Also, it is not clear whether the so-called “semi-presidential” model should be conceived as an alternation between different phases corresponding to alternative constitutional models rather than as an intermediate type.

The scope of direct political consequences that have been attributed to different constitutional models also deserves to be revised. Fairly direct consequences may include different degrees of policy stability and instability, which seems to be associated, perhaps counter-intuitively, to complex and simple constitutional frameworks respectively. Regarding economic performance, it would probably be wise to consider that constitutional formulas may have only an indirect role that should be put in a broader framework of non-institutional variables. While the comparative method has been mostly applied to the hypothetical consequences of different constitutional formulas used in different countries, a temporal dimension may enhance the analysis. Rates of economic growth or other relevant variables could be compared not only for different countries with different regimes, but also for periods with different constitutional formulas in each country, including democracy and dictatorship.

Finally, theoretical and comparative analyses should help to improve constitutional choice, advise, and design. The present wide spread of democracy in the world raises new demands for constitutional formulas able to produce efficient decision making and broad social satisfaction with the outcomes of government.

References


