

## **Introduction: Under-Theorized Political Problems in the Founding**

### **Democratization Literature and New Proposals**

#### **Alfred Stepan**

More than thirty years after the Third Wave of democratization began, and seventeen years after the Wall came down, many of the new democracies are in danger. There is thus a greater need than ever to rethink how they might function better. A group of more than twenty former Presidents and Prime Ministers from Third Wave democracies East and West, and a group of invited academics from many different countries who specialize in democratization, gathered at the Third General Assembly of the Club de Madrid to address this challenge.<sup>1</sup>

We had agreed to focus our attention on possible political reforms that could increase the success of democratic governance.<sup>2</sup> We took as our collective task the exploration of whether some of the thinking that had driven much of our original actions and writings, before or early in the Third Wave, needed fundamental recasting in light of these dangers to democracy.

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<sup>1</sup> The meeting was held in November 2004 in Madrid. I was the Academic Coordinator of the Third General Assembly. The origins and missions of the Club de Madrid are discussed in the Preface by its President, Fernando Henrique Cardoso. Cardoso, as the former President of Brazil, the former President of the International Sociological Association, and a major activist and theorist of third wave democratization efforts, was of course a central figure in the design and execution of the conference out of which this volume grew. Other key planners of the Assembly were Kim Campbell, a former Prime Minister of Canada and the Secretary General and Vice President of the Club de Madrid, and Jorge Domínguez, Clarence Dillon Professor of International Affairs at Harvard University. Maria Elena Agüero, as Director of Special Projects and Institutional Relations of the Club de Madrid, was crucial in helping us coordinate all our activities.

<sup>2</sup> The General Assembly of 2003 had been devoted to economic reforms and democratic governance, with special attention to the International Monetary Fund.

After preparatory meetings we decided that three political areas were most in need of rethinking at our General Assembly. These themes constitute the distinct parts of the book.

I. How to Manage Potential Cultural Conflicts  
Peacefully, Democratically, and Effectively

Cultural conflicts over nationalism, religion, language, and race were not only under-theorized, but badly neglected, in the classic foundational studies of democratization.<sup>3</sup> However, they obviously are of intense concern now in many new, and old, democracies. We thus chose as our first theme, the problem of how to manage potential cultural conflicts peacefully, democratically, and effectively. Given the growing salience of “uncivil societies”, we particularly wanted to re-explore our original ideas about “civil society” and “solidarity”.

We address these issues with a chapter on ethno-communal- religious riots and varieties of civil society, by Ashutosh Varshney, a chapter on the democratic management of secessionist demands by Richard Simeon, and a chapter by Steven Friedman on the limits of the black racial solidarity of the anti-apartheid movement in South Africa for reducing inequality, especially for the very poor.

There have been, in my view, three key steps in recent theorizing about civil society that are relevant to our concerns in this volume. The first step is associated with

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<sup>3</sup> For example, not one chapter in the four volumes series that did more than any other work to establish the field of Democratic Transition studies (to which I contributed and thus share the blame) is devoted to such conflicts. See, Guillermo O’Donnell, Phillippe C. Schmitter, and Laurence Whitehead, eds., *Transitions from Authoritarian Rule* (Baltimore: Johns Hopkins University Press, 1986). And of course, given our focus on transitions in Southern Europe and South America we were silent on the issue of Islam.

Robert Putnam and was widely followed in thinking about new democracies. A core theme of Putnam is that, the greater the density and activity of civil society, the better it is for democracy.<sup>4</sup> The second major step was taken by Sheri Berman when she noted that in the 1920s, one of the “most similar” countries to the USA in terms of density and robustness of civil society, was Weimar Germany.<sup>5</sup> Her devastating point of course is that we have to not only think about density, but about the political content and context of different types of activities in civil society, and whether they help, or hurt, democratic life in the polis. The third major step was taken by the Indian social scientist, Ashutosh Varshney. In a prize-winning book about India, Varshney identified, and explained, why some types of civil society formations (especially those that combined Muslims and Hindus together in activities aimed at producing communal peace) were in fact “riot-inhibiting”, whereas equally dense civil society groupings of only Muslims , or only Hindus, were often “riot-inducing”<sup>6</sup> .

Varshney is now engaged in a major extension of his original research by extensive fieldwork in some important Muslim majority states: Indonesia, which is now a democracy, Nigeria, which is a border-line democracy with substantial communal conflict, and Malaysia, which has managed ethnic conflict reasonably well, but is not yet a democracy with fully fair and free elections. In this volume Varshney, discusses for the first time some of the results from his new research. His interim data shows that, with some important conceptual and political refinements of his classic Indian study, the core

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<sup>4</sup> See Robert D. Putnam, *Making Democracy Work: Civic Tradition in Modern Italy* ( Princeton: Princeton University Press, 1993). In his later work, especially his book, *Bowling Alone*, he distinguishes between “bonding within groups” and “bridging between groups”.

<sup>5</sup> Sheri Berman, “Civil Society and the Collapse of the Weimar Republic,” *World Politics* 49 (April 1997): 401-429.

<sup>6</sup> See his *Ethnic Conflict and Civic Life: Hindus and Muslims in India* ( New Haven: Yale University Press, 2002). This book received the 2002 Gregory Luebbert Prize for the best book in Comparative Politics from the American Political Science Association.

argument about riot-inhibiting and riot-inducing types of civil society organizations, holds.<sup>7</sup>

Finally, much of the civil society literature assumes that civil society must be independent of the state. However, Varshney shows how some “riot-inhibiting” civil society groups were helped in their formation by state actors. He then explores what this means for civil society theory, and for acceptable democratic practices.

Our second article, by the eminent Canadian scholar of comparative federalism, Richard Simeon, focuses on the question of secession. Often, ethno-secessionist movements, such as those in the Balkans, Nigeria, and Chechnya, have been marked by hatreds, numerous killings by all sides, and authoritarian practices. Many observers thus see all secessionist movements as democratic failures, and secession to be avoided at all costs.

Nonetheless, in numerous parts of the world, secessionist demands continue to figure prominently. Despite this fact, democratization leaders have not worked sufficiently on identifying a set of practices, and democratization theorists have not developed a body of literature, devoted to how secession struggles, whatever the outcome, can possibly be conducted peacefully and democratically. Simeon addresses these critical issues in his discussion of Quebec. My reading of Simeon’s article left me thinking that even if Quebec were to become an independent state, the political process of secession management would be a success because:

- There would be no violence.

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<sup>7</sup> He also includes an analysis of strife-torn Sri Lanka, with its Buddhist majority, and a large Hindu and a smaller Muslim minorities.

- Both independent Quebec and independent Canada would remain consolidated democracies.
- The social and economic systems of neither country would be seriously disrupted.

Simeon's rich analysis of the complex reasons for these probable outcomes directs our attention to a number of key factors: The evolution of Canada's de facto "asymmetrical federalism"; the construction of "civic nationalism", especially since the 1960s, in all parts of Canada; the collective "saying of no to violence" which emerged when the first and only political killing related to secession was committed in 1970; and the critical role of a neutral state institution, The Canadian Supreme Court, especially their 1998 decision that said that if there were referendum with a "clear question", and a "clear result" favoring Quebec's secession, the rest of Canada would have a "constitutional obligation" to negotiate the matter.

South Africa helps us think about some of the undertheorized dimensions of its success that may be creating problems for the deepening, and even continued civic harmony, of its new democracy. Black racial solidarity, and the organizational structures the African National Congress created to help it destroy apartheid, may now be impeding progress on one of the most urgent problems facing the country, reducing poverty given that the country still has one of the world's worst Gini indexes of inequality. Beginning in 2004, South Africa has witnessed a series of urban riots by the poor in almost all parts of the country. South Africa's leading analyst of organized of labor and policies for the poor, Steven Friedman, argues that the state must now be reorganized to make it more accessible to demands by the poor, and that the political system needs new forms of

political representation to allow the poor to more effectively voice their demands so that their preferences can become policies without riots as the major form of politics for the poor. The black liberation struggle of the ANC has privileged a party structure that is very centralized, and where most effective decisions are made at the national level. Friedman argues that the closed list, single member district, system of representation, coupled with local governments that are management, but not really political sites, means that the poor effectively have no direct access to, and control of, the political representatives supposedly closest to them. He argues that black racial solidarity makes the demands of the poor as a class difficult to articulate, and even legitimate, and that this is aggravated by the informality of labor structures. Thus, not yet anti-system riots, but anti local government riots. Guillermo O'Donnell supports the argument that the first generation of democratization studies correctly paid attention to the winning of political democracy, but he has also insisted that for democracy to delivery on its promise of better lives and more justice for the poor, many new democracies must reconfigure their states and their forms of political representation and accountability.<sup>8</sup> Friedman's article addresses these challenges.

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<sup>8</sup> See Guillermo O'Donnell, "On the State, Democratization and Some Conceptual Problems: A Latin American View With Glances at Some Post-Communist Countries", *World Development* 21 (1993): 1355-69.

II. How to Create and Control Democratically  
Useable Human Security Services

Most participants at our Assembly, both political leaders and democratization theorists, came of age in a world where non-democratic regimes fused military, police and intelligence services. Much of the original thinking about democratic transitions was understandably focused on getting rid of these fused and dictatorial structures.

But, the focus was on opposition. Most of the theoretical reflection was on civil society, not enough on political society, and very little about what to do with the coercive apparatus of the state if, and when, democrats came to power.<sup>9</sup>

Citizens have inalienable rights, but if there is no useable state with a democratically controlled coercive apparatus, citizen's rights cannot be effectively defended in a new democracy. To the extent that democratic leaders had a policy toward the security apparatus at the start of the transition, it was focused on getting the old incumbents out of power (even if most missions and prerogatives were left intact) and then to divide the control of the military, police and intelligence as much as possible. But few democratic leaders or thinkers had a strategy how to rebuild their security apparatus.

Now, more than thirty years after the third democratic wave began, many countries are experiencing declining support for democracy because the citizens feel they have no accessible and effective state in the area of the police.

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<sup>9</sup> For example, writing fourteen years after the "abertura" (the beginnings of a democratic opening) had started in Brazil, I noted that there were hundreds of excellent articles and books on civil society, a score on political society, and almost none on the state security apparatus, especially the police, intelligence, or even the military. See my *Rethinking Military Politics: Brazil and the Southern Cone* (Princeton: Princeton University Press, 1988), 4-12.

In countries where globally coordinated terrorism and/or narco-trafficking are lowering the quality of life in democracies, and in some cases the institutions of democracy themselves, it is also increasingly clear that the old model of each country acting autonomously, and domestically separating intelligence, police, and the armed forces, is no longer adequate.

Many of the former presidents and prime ministers at the General Assembly were certain that there had to be increasing national and international coordination of police, intelligence, and military operations to protect democracies.<sup>10</sup> However, they were equally worried about how to avoid the erosion-- of the sort many saw as occurring in Guantánamo -- of traditional democratic legal norms. Thus, the second major theme of the book is how to create, and control, democratically useable human security services.

Many new endangered democracies face what the Chilean born scholar, Felipe Agüero calls in his article, "The New 'Double Challenge': Simultaneously Crafting Democratic Control and Efficacy Concerning Military, Police, and Intelligence". Successfully confronting this new double challenge -- control and efficacy-- will require completely new types of policy and academic specialists, and a virtually new literature that we must rapidly incorporate into comparative democratization studies. Agüero's richly referenced article is a beginning of such a new literature.

Agüero's arguments are multiple and compounding.

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<sup>10</sup> We were meeting at the Cortes (Spain's Parliament) within blocks of the March 11, 2004 bombings at the Atocha Railway Station which killed(?) people

- There needs to be a significant shift away from the ideology of, and training for, “national territorial security”, to training for “citizens’ human security”.<sup>11</sup>
- The promotion of citizens’ human security must involve an integrated approach to good democratic governance within the state, as well as within the police, intelligence and armed forces. This new approach is beginning to be called “security sector reform”.<sup>12</sup> Agüero, who is a member of the International Advisory Board of the Global Facilitation Network for Security Sector Reform, analyses some of the successes associated with this new approach.
- The foundational studies of democratization placed emphasis on the “sequencing” of reforms, however, human security sector reforms must to some extent be addressed simultaneously. For example, in most of the new democracies that had been immediately preceded by military rule, almost all the initial reform efforts were devoted to military issues and there was a neglect of the police. But, this experience has now clearly shown that such sequencing produces its own problems. A “weak or ineffective police

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<sup>11</sup> Some of the foundational literature he cites for this shift include Laurence Whitehead’s chapter entitled “On Citizen Security,” in his *Democratization: Theory and Experience* (Oxford : Oxford University Press, 2002) and Rob McRae, Donald Hubert, and Lloyd Axworthy, eds., *Human Security and the New Diplomacy: Protecting People, Promoting Peace* (Montreal: McGill-Queens University Press, 2001).

<sup>12</sup> Agüero says the “security sector” reform approach originally grew out of British policy circles who were interested in a holistic approach to development assistance in post-conflict situations where good governance, sustainable development, and complete security sector reform were seen as closely interconnected. For some of the literature on this approach to security sector reform, which is now beginning to produce its own journals that will be of interest to democratization specialists, see Robin Luckham, “Democratic Strategies for Security in Transition and Conflict” in Gavin Cawthra and Robin Luckham, eds., *Governing Insecurity: Democratic Control of Military and Security Establishments in Transitional Democracies* (London: Zed Books, 2003). Also see Laurie Nathan, “Obstacles to Security Sector Reform in New Democracies,” *Journal of Security Sector Management* 2 (September 2004), and Chris Smith, “Security- Sector Reform: Development Breakthrough or Institutional Engineering?” *Conflict, Security and Development* 1, 1(2001).

will put pressure on officials to use the military for public order duties” or to militarize the police.

- He argues that the primary reason for the disappointing progress in reforms is due, not so much resistance by the security services, but the “inaction, complicit stance, or active encouragement of non-democratic behavior by civilian actors in government or political society”.

Agüero’s last point brings us to the key role of democratic leadership concerning security sector reform.

In many specialists’ judgment, the most imaginative and effective Minister of Defense of any Third Wave democracy was Narcís Serra, of Spain. A civilian, academic, and former mayor of Barcelona, he served as Minister of Defense from 1982-1990, and carried out reforms in virtually every aspect of civil-military relations. Serra’s democratic civilian leadership is precisely the sort that Agüero is urging. It is thus an important event that for this volume Serra presents his first major publication, in any language, in which he spells out the key principles he followed, and how he designed and implemented his reforms. Serra is also considered in Europe as a key thinker and activist concerning new democratic policies against terrorism. At my and Fernando Henrique Cardoso’s urging, he discusses some of Europe’s new policy approaches to these challenges.

Serra begins by spelling out the key tasks that he, working with the democratic government and legislature, had to carry out before he considered the democratic transition had been completed in the area of the armed forces. First, was removing the military from their full involvement in political power. The second task, was striving to

almost completely reduce the de facto tutelage of the new democratizing government, a tutelage stemming from the military's view of themselves as still the guardians of the nation, and able to take unilateral actions if they deemed the situation so required. And third, he had to eliminate the military's "conditioning" of policies of elected governments, due to the military's capacity to limit the reach, or even to veto, some crucial reforms.

Serra then goes on to spell out the additional tasks that he and the new democracy had to complete before the democratic regime could be consolidated. His first post-transition task was to eliminate the military's organizational and political autonomy in terms of budget control, definition of mission and force structure. He believes that this can only be done if civilian democratic leadership, and especially the Ministry of Defense, is able to develop, articulate, and lead a credible alternative military policy. The second task was the winning of military acceptance of democratic civilian, and judicial, supremacy. His third task was to get ideological and educational control of the military as a whole.

Serra argues that it took thirteen years, 1975-1988, to achieve all six of these pre and post-transition tasks in Spain.

One of the great virtues of Serra's discussion of these six tasks is that their clear enumeration allows citizens in any new democracy to conduct an inventory of how far their country has come, or not come, towards consolidating democratic control of the military. In my judgment some new democracies have only carried out the first task, others three or four, but very few have yet carried out all six.

The final part of Serra's article is his analysis of military, police, and intelligence reforms needed in both new (and old) democracies in response to transnational terrorism and narco-trafficking. He argues that the most dangerous combination most new democracies face is the fusion of the three services under military control. He thus advocates an initial decentralization of the services under democratic control. But then, no doubt to the surprise of some readers, he advocates a careful crafting of some recentralized national and international capacities, such as intelligence sharing, new and coordinated transnational legal codes that facilitate rapid extradition within democracies, and police who see protecting citizens' security as their first priority.

Serra is aware that there is the danger of recreating excessive and autonomous power, even though it is now in the hands of a democratic executive. He thus recommends a variety of new reforms to protect citizens' rights, and to control the democratic executive, such as an enhanced role for an independent judiciary, autonomous intelligence review boards, and re-invigorated legislative capabilities.

### III. New Proposals on How to Refine Presidentialism and Semi-Presidentialism

The fundamental models (each with many variants) of democratic governance among the world's modern democracies are parliamentarianism (as first founded in the United Kingdom) ,semi-presidentialism (as exemplified by the French Fifth Republic), and presidentialism (as first founded in the United States of America).<sup>13</sup> At our discussions at the Club of Madrid their emerged a consensus that many of the democracies currently in danger were so in part because of tendencies within the models of presidentialism and semi-presidentialism that had not been analyzed adequately at the start of the new wave of democratization.

To be sure, many democratic activists and democratic theorists, concerned about some of the rigidities of presidentialism as a system, had discussed the possibility of a full scale substitution of presidentialism by parliamentarianism. But efforts to replace, or reform presidentialism waned after the mid-1990s for two main reasons.

First, in one democracy after another, democratic politicians and democratic voters could not bring themselves to back away from the chance of having a powerful, democratically elected, president, who they believed could push the reforms most citizens wanted. Whatever the weight of the theoretical arguments against presidentialism, the political struggle against presidentialism seemed unwinnable.

Second, one of the most politically powerful arguments against presidentialism seemed to be challenged by historical events. Critics had argued that presidentialism

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<sup>13</sup> I develop and defend this assertion in the Introduction to my *Arguing Comparative Politics* ( Oxford and New York: Oxford University Press, 2001), 13-17.

contributed to coups and military governments. Indeed, in the 1960s and 1970s only five of the twenty countries in Latin America avoided military regimes. But, from the 1990s until today, military regimes have been disappearing in new democracies of East Asia and Latin America. Indeed, in 2006, there is not one military regime in Latin America.

But, as Arturo Valenzuela argues in this volume, some new and disturbing trends related to presidentialism in Latin America suggest that once again we need to rethink how the institutions of presidentialism, especially their Latin American variants, could be fundamentally reformed.

There may be no military regimes at the moment in Latin America, but as Valenzuela documents, since 1983 sixteen presidents have been forced out of office before their constitutional terms had expired, a seventeenth president interrupted the constitutional order by closing congress, and many others have only been able to pass legislation by decree. Today, among the world's democracies, many of the lowest chief-executive approval rating, weakest legislative support, and highest public opinion support for non-democratic alternatives to carry out changes are found in grid-locked Latin American presidential democracies. So there is a new crisis of democratic efficacy and democratic legitimacy in Latin America, and Valenzuela marshals powerful evidence to show that much of this crisis is related to presidentialism.

However, alternatives to strengthen such presidential democracies in danger has begun to emerge from years of discussions of Valenzuela with the great Argentine legal theorist, Carlos Nino, the seminal theorist of democracy, Juan Linz, and the beleaguered and eventually overthrown Bolivian president, Gonzalo Sánchez de Lozada. I call these alternatives “parliamentarized presidentialism”. Given the numerous crises of

presidentialism, the Club of Madrid as a group, and I as the editor, convinced Valenzuela of the need to debate these alternatives within our General Assembly, and eventually to make some of them available in print for the first time in this volume.

I participated in numerous discussions in Brazil, Chile, and Argentina in the 1980s and early 1990s about the desirability and feasibility of substituting presidentialism with a form of parliamentarianism. With few exceptions, the form of parliamentarianism that was most desired by political leaders and the public was actually French style semi-presidentialism, because it entailed a dual executive with a prime minister responsible to parliament, but it still had a directly elected president.<sup>14</sup> In retrospect, it is fascinating how little attention was actually devoted to an exploration of possible problems with semi-presidentialism.

Cindy Skach, the author of a major new book on semi-presidentialism, and Timothy J. Colton, one of the leading scholars on Russian politics, have teamed up in this volume to give us the critical assessment of the theory and practice of semi-presidentialism that we lacked at the beginning of the third wave.<sup>15</sup> They do this by comparing the post-communist experience, particularly in Russia, with the French Fifth Republic, and with the neglected, but increasingly attractive model, of Portugal. They have a new rich body of empirical evidence to examine because semi-presidentialism became the modal form

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<sup>14</sup> Also, in the early 1990s, some major scholars such as Giovanni Sartori and Gianfranco Pasquino were beginning to propose “semi-presidentialism” as the best of both worlds, of “pure presidentialism” and “pure parliamentarianism”. For their arguments see the chapter by Colton and Skach in this volume.

<sup>15</sup> Her book is called *Borrowing Constitutional Designs: Constitutional Law in Weimar Germany and the French Fifth Republic* (Princeton: Princeton University Press, 2005).

of governance adopted in post-communist Europe.<sup>16</sup> They use this body of evidence to show that there is much more variation, and potential dangers for democracy within some of these variations, than had previously been diagnosed.

As they point out, most analyses of semi-presidentialism discuss two electorally produced forms of the model's intrinsic "dual executive". Position 1: the president is a leader of a party or a coalition with a majority in both houses. Position 2: The president does not have a majority in the parliament, but the prime minister does.<sup>17</sup>

One of the reasons some people argued that semi-presidentialism was the best of both worlds was that they saw what I call position 1 as pure presidentialism with a legislative majority, and thus exempt from the problems of divided government. And they saw position 2 as close to pure parliamentarianism, because there is a prime minister who governs with a legislative majority and is the leader of the government. Thus, for some writers, such as Arend Lijphart, there is no dangerous space in semi-presidentialism (which almost does not exist as separate form of governance) because it really only involves an alternation (from position 1 to position 2 and back) between the two least problematic forms of presidentialism or parliamentarianism.<sup>18</sup>

However, there are indeed problematic spaces in semi-presidentialism. Position 2 is never actually close to pure parliamentarianism. The head of state is a directly elected

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<sup>16</sup> For example, according to Robert Elgie, the editor of *Semi-Presidentialism in Europe* (Oxford: Oxford University Press, 1999) by his classification and current count, 16 of the 27 European post-communist countries adopted semi-presidentialism. See his "Variations on a Theme", *Journal of Democracy* 16 (July 2005): 102.

<sup>17</sup> In their article in this volume Colton and Skach classify what I call position 1, "consolidated majority government" and what I call position 2, "divided majority government". I have only used the language of "positions" to facilitate my very compressed exposition of their argument. The useful phrase "electorally generated" was developed by Cindy Skach in her 1999 Oxford D. Phil. on varieties of semi-presidentialism.

<sup>18</sup> (Note: exact quote and full citation must be added).

president with a fixed term, and the presidential office often has constitutionally embedded prerogatives concerning external and internal security, intelligence, foreign affairs, emergency and decree powers, and the right to dissolve parliament and call for new elections. This is not pure parliamentarianism, but a “dual executive”, with two different electoral sources of legitimacy. The office of a directly elected president in semi-presidentialism with these powers thus has a firmer base within the state to contest the prime minister than any office could possibly have in pure parliamentarianism.

But, I have not discussed the most problematic space of semi-presidentialism. Positions 1 and 2 do not in fact exhaust the electorally produced possibilities of the model. Logically, there can be a position 3; where neither the president, nor the prime minister, has a majority.<sup>19</sup>

The potential problems of position 3 were neglected in the foundational literature of democratization studies because it was not sufficiently recognized as a possibility. The major model most democratic activists and theorists had in mind, the French Fifth Republic, was for its first 26 years always in position 1 and has never been in position 3.<sup>20</sup> However, as Colton and Skach argue, many of the new semi-presidential countries such as Russia, have almost always been in position 3.

They argue that position 3 is the most fraught with dangers for democracy because both the dual executives, even though neither has a legislative majority, have some constitutional claims to executive prerogatives. They argue that position 3 situations are

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<sup>19</sup> Colton and Skach call this position “divided minority government”

<sup>20</sup> For the numerous overlooked mechanisms and conditions- not found in most semi-presidential systems- that helped produce this result in France see Alfred Stepan and Ezra N. Suleiman, “The French Fifth Republic: A Model for Import? Reflections on Poland and Brazil,” in H.E. Chehabi and Alfred Stepan, eds., *Politics, Society, and Democracy: Comparative Studies* (Boulder and Oxford: Westview Press, 1995), 393-414. This article is reproduced in Stepan, *Arguing Comparative Politics*. The French case is developed in much greater historic detail in the previously cited book by Cindy Skach.

often resolved by presidents using their constitutionally embedded emergency powers, and special access to intelligence, police and military resources, to alter the balance of forces by non-democratic measures.

Colton and Skach demonstrate in telling detail how in the Russian case, position 3 contributed to President Yeltsin often ruling on the margins of democracy, or temporarily going “out of the democratic box” as in 1993, by closing the parliament by force, creating a new ‘super-presidential’ constitution while parliament was closed, and then getting that constitution ratified under plebiscitary circumstances.

What emerges from Colton and Skach’s analysis is that we need to be aware not only of French- style Fifth Republic semi-presidentialism (which in my judgment is now empirically a cell of one) ; but of two much more prominent patterns, Yeltsin-like “super-presidential semi-presidentialism”; and the emerging pattern that I call “parliamentarized semi-presidentialism”. This last pattern of politics and executive party constitutional relations is virtually unstudied. It developed first in Portugal, and with variants, is now predominant in Poland, Slovenia, Lithuania, and Croatia .

By the phrase “parliamentarized semi-presidentialism” I mean to call attention to a conscious set of political decisions and actions that might be deliberately taken by leaders, constitutional designers, and voters in order to reduce some potential problems with semi-presidentialism. The proposal entails a directly elected president, but, as in Portugal, Poland, Lithuania, Slovenia, and most recently in Croatia, the deliberate effort to avoid “super-presidentialism” by reducing the powers of the president and increasing the powers of the parliament, and often the courts.<sup>21</sup> The effect of these changes is to

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<sup>21</sup> This assertion is based on Stepan’s interview with the former prime minister and president of Portugal , Mário Soares, in Lisbon in June 1998, of the interview of Skach with the President of Poland, Aleksander

increase incentives for elected politicians and prime ministers to build and sustain democratic parties and coalitions. This is so because, in this form of semi-presidentialism, aspirant political leaders cannot lead the democratic government if the majority of parliament is against them.

In my judgment this form of semi-presidentialism will be the least dangerous to democracy because it will make position 3 much less likely to occur. Furthermore, while it would not eliminate the tensions between the dual executives endemic to position 2, it would render them less dangerous because the president has fewer powers in Slovenia and Lithuania than in France, and Portugal and Poland are now considered relatively weak presidencies.<sup>22</sup>

A look at the eight post-communist countries admitted into the European Union in 2004, and therefore deemed to have passed an important threshold of democratic

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Kwaśniewski, in Warsaw on May 21, 2001, long conversations of Skach and Stepan with the former president of Slovenia, Milan Kučan, at our November 2004 Club of Madrid meeting, and such writings as Leszek Lech Garlicki, "The Presidency in the New Polish Constitution," *East European Constitutional Review* 6 (Spring-Summer 1997), 81-89, and Miro Cerar, "Slovenia," in Elgie, ed., *Semi-Presidentialism in Europe*, 232-259. In 1997 in Poland, as Colton and Skach show, the president and the parliamentary majority, both from the same party, also increased the powers of the constitutional court so as to reduce the autonomy of the president. In Lithuania (unlike Soares, Kwaśniewski, or Kučan) Vytautas Landsbergis, the charismatic, but somewhat divisive nationalist independence leader, who became the first directly elected president of the newly re-independent country, would have liked expanded powers. The voters did not. His May 1992 referendum on expanded presidential powers was not successful, and Landsbergis did not receive a mandate for reelection. The first President of newly independent Croatia, Franjo Tudjman, (1990-1999), expanded his special powers to such a degree that at his death in 1999 Croatia was a "super-presidential semi-presidential" polity. In the elections for a new president in February 2000, Stjepan Mesic ran on a platform pledging to support a constitutional amendment reducing presidential powers if elected. This pledge helped him win the second round. By September 2000 the parties that had supported him in the presidential election had a majority in parliament and with Mesic's support passed the constitutional amendment reducing presidential, and increasing parliamentary, powers. Mesic was reelected president in January 2005 partly because he had honored his pledge.

<sup>22</sup> But as the former Prime Minister of Portugal, Aníbal Cavaco Silva, stressed at our Assembly, a prime minister with a majority in Portugal, is not as free from the head of state as a prime minister in a purely parliamentary system would be, because the president without a majority in parliament still had powers to dissolve the parliament and call elections in order to try to get a majority. Within months this had actually happened in Portugal. Steven D. Roper on his combined score of presidential powers gives France a 5, Slovenia less at 3, and Lithuania 1. See his "Are all Semipresidential Regimes the Same? A Comparison of Premier-Presidential Regimes", *Comparative Politics* 34 (April 2002): 253-272.

consolidation, is extremely illustrative. Five of the new member countries are pure parliamentary-- Hungary, The Czech Republic, Estonia, Latvia , and Slovakia. None were French-style Fifth Republic semi-presidential. None were “super-presidential semi-presidential.” All the remaining three new European Union members -- Poland, Solvenia, and Lithuania-- are close to “parliamentarized semi-presidentialism”.

The value of identifying this new pattern is not only that it calls attention to a new pattern as such, but that it also alerts us to an unexpected, and democratically useable, political process. It suggests that there are types of actions that can be taken by democratic leaders and voters to mitigate some of the dangers to democracy of semi-presidential rule.