

Presidential vs. Parliamentary Democracies: Implication for Hong Kong's Democratization

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In December 2005 the Hong Kong Government's political reform plan was vetoed by the Legislative Council. This plan, although limited in addressing the democratic deficiencies of the current political system, was nonetheless supported by a majority of Hong Kong's people according to different public opinion polls.¹ The incident showed a fundamental weakness in the political system of Hong Kong today, namely that its constitutional order renders major policy reforms difficult.

This research addresses the institutional deficiencies of the present political system of Hong Kong and proposes alternative forms of constitutional design for a future democracy. It argues that the current institutional order, which was specified by the Basic Law, cannot meet the governance needs of Hong Kong. Since Hong Kong will inevitably become a full democracy in the future, it is necessary to discuss how to improve governance capacity through constitutional reforms of the present system.

In the last decade or so there has been a wave of studies that examine the roles of institutional factors in political processes. Called new institutionalism, these studies have demonstrated that different constitutional structures, such as presidential or parliamentary systems, affect regime stability, accountability, responsiveness, and democratic durability.¹ As Haggard and McCubbines point out, "For newly 300 years, constitutional writers and institutional designers have been cognizant that their choices of institutional structure affects political behavior."²

According to Elgie, there are two distinctive generations of institutional studies of democracies within the new institutionalism.³ The first generation primarily focuses on the issues of how different institutional choices, such as presidential or parliamentary systems, affect democratic stability or durability. The focus of this generation of institutional study of democracies was the consequence of the global democratization that swept the world in the 1980s and 1990s. Scholars are naturally concerned with the challenges of democratic consolidation. In particular, they desired to explore whether a particular constitutional form of democracy would facilitate or hamper political stability of newly democratized countries.

The second generation of democratic institutional studies is characterized by a focus on varieties of institutional practices within presidential and parliamentary regimes. This means that not all presidential or parliamentary systems are exactly the same and their detailed institutional variations have a lot to do with their respective political stabilities. Moreover, the second generation of studies also began to pay more attention to the governance issue. In effect, these studies explore which institutional forms facilitate "good governance". As Weaver and Rockman make it clear in their study, they are interested in "governmental effectiveness", which refers to governmental capabilities to innovate, coordinate conflicting objectives, and set and maintain priorities. They study how institutional designs of a political system affect its capabilities. As they argue, "political institutions shape the process through which decisions are made and implemented and that these in turn influence government capabilities."⁴

This article incorporates primarily the concerns of the second generation of democratic institutional studies, namely how detailed institutional arrangements can impact governance capacity of the political system. It argues that the present constitutional system in Hong Kong suffers from major flaws in terms of governance capacity. The chief weakness is the lack of a legislative majority by the Chief Executive of the Hong Kong Special Administrative Region. This threatens to generate increasing policymaking and governance paralysis in the future, especially when both the Legislative Council and the Chief Executive will be popularly elected and, thus, command dual legitimacy. The constitutionally generated institutional conflicts between the legislative and the executive branch will weaken the political system's stability and its capacity to govern.

This article thus explores how to overcome the present system's institutional weakness by looking at possible alternative constitutional orders for a future democracy in Hong Kong. It will discuss the advantages and disadvantages of the presidential system, the parliamentary system, and the mixed semi-presidential system. It will also analyze the degree of political difficulties associated with adopting each of the three systems. The degree of political difficulties refers to the varying political costs of adjusting the Basic Law which defines the constitutional order of the current system. It also refers to the political cost of receiving consent from the Chinese Central Government that essentially possesses the veto power over any significant political reforms in Hong Kong.

The article is divided into the following sections. Part one analyzes the institutional weakness of the present system, which is essentially a presidential system without the necessary pre-requisites for its successful operation. The biggest cause of this weakness is the tradition under the Basic Law framework that the Chief Executive of HKSAR should not have affiliations with political parties. This tradition renders it unlikely that the Chief Executive will be able to command a majority in the Legislative Council. In recent years the lack of legislative support for the Chief Executive has led to declining governing capacity by the government. This situation has been described as a system of "disabled governance".

Part two of the article then examines the constitutional possibility of a pure presidential system. Although this reform option is the easiest politically, since it requires the least adjustment of the Basic Law, a presidential democracy has inherent institutional weaknesses. This has been proven by the repeated political crises associated with presidential democracies in the world. However, this article shows that a presidential system based on a two party system can function reasonably well. This will, in turn, require changes in Hong Kong's electoral system to facilitate the emergence of a two party system.

Part three examines the possibility of a pure parliamentary system, which, according to recent studies of democratic institutional forms, enjoys clear advantages. The biggest advantage is its greater ability to achieve executive-legislative unity and thus the ability to avoid political instability associated with institutional rivalry and dual legitimacy under a presidential system. Moreover, the parliamentary system normally enjoys higher institutional capacity for governance. However, this article argues that adopting a parliamentary system would require major revision of the Basic Law. This means that the political transaction cost of constitutional reform is also the highest for the parliamentary option.

Part four examines the merits of a semi-presidential system or a mixed presidential-parliamentary system. This system, if properly designed, can function reasonably well. In particular, recent studies have shown that the premier-presidential type of semi-presidential democracy has a good chance of achieving executive-legislative unity, which in turn will facilitate effective governance. This system has the intermediate degree of political difficulty with regard to the constitutional revision process.

Political Paralysis of the Basic Law System

The institutional weaknesses of the current constitutional order of Hong Kong is derived from the Basic Law, which intends to elevate the Chief Executive above partisan politics so that he only represents the people of Hong Kong. Therefore, although not specifically stipulated in the Basic Law, the non-partisan spirit embodied by the law has resulted in the established practice that the Chief Executive should not have affiliations to political parties. This means that the current political system of Hong Kong has the form of a presidential system, which means the chief executive and the legislature are separately chosen and are politically independently from each other, but not the necessary political requisites to make the system function properly.

Ironically, the current political system is characterized as an executive-led system, which supposedly gives the chief executive significant powers to make and implement political decisions. The truth is that this supposedly executive-led system is based on the political conditions that once characterized the colonial system in Hong Kong. These political conditions either no longer exist or are rapidly changing, and, as a result, the present political system only has the pretence, but not the substance, of an executive-led system.

The executive-led tradition of the Hong Kong government derived its origin from the colonial era when there was an absence of electoral and party politics. As Anthony B. L. Cheung observes in an excellent survey of Hong Kong's political change, the colonial rule was essentially a system of administrative state.⁵ There were no checks and balances among the institutions of government. The governor had supreme authority. He was aided by the Executive Council, which served as his inner cabinet, and the Legislative Council (Legco). The latter, however, was not a parliamentary body in any real sense since it was, until 1985, appointed by the governor. In fact, the governor was also the president of the Legco. Even after some members elected out of functional constituencies were added to the Council in 1985, the majority of the council was still appointed by the governor. The governor also had the power to veto legislation and dissolve the Legco. As a result of the administrative unity through the power of the governor, all public policies and legislation in the colonial era were controlled by the executive authority.

During the last days of the colonial rule the government intended to increase political representation by allowing direct election of 18 of 60 seats of the Legislative Council in 1991. The last British governor, Chris Patten, initiated further reforms to increase the political representation and legitimacy of the governing institutions.

However, during the stage of transition from British to Chinese sovereignty, the Basic Law of 1991 intended to maintain the executive-led system after the return of Hong Kong to China's sovereignty. This was largely the result of opposition by both the Chinese government and the conservative members of the drafting committee of the Basic Law, who were tied to the business interests of Hong Kong. They both favored a system that would prolong the executive-led administrative state to prevent a full democratization of Hong Kong, which could threaten China's sovereignty over Hong Kong and weaken the free market tradition of Hong Kong capitalism.

As a result, the Basic Law ostensibly maintains the same executive-led system while simultaneously giving the Legislative Council more popular representation. Through a process of slow expansion, currently half of the 60 Legco members are popularly elected out of geographical constituencies while the other half are elected out of functional

constituencies of various sizes. However, to maintain the executive-led nature of the system, the Basic Law, restricts the power of the Legislative Council to prevent it from being the equal of the Chief Executive. On the one hand, the SAR Chief Executive and heads of major bureaus of the government control most of the policy-making power. Most government policies do not need the approval of the legislature unless they involve changes of laws and appropriations. The executive also controls the initiative to legislation and all bills passed by the Legco need the Chief Executive's signature to be effective. The Chief Executive can also reject a bill and send it back to the Legco for reconsideration. He can dissolve the Legco if the same bill is passed by a second time. However, if the same bill is passed again by two-thirds majority by a new legislature, the Chief Executive has to resign.⁶

On the other hand, the Basic Law also restricts the power of the Legislative Council. One way it does this is through the vote-by-groups rule. While a government's bill only needs a simple majority in the Legco, bills initiated by individual legislators require majority support from both the functional and geographical part of the Legco.⁷ Second, the Basic Law also stipulates that individual members of the Legco can only introduce bills that are not related to public expenditure and political structure.

The institutional dilemma today is that the Basic Law, while intending to prolong the executive-led tradition that can be traced back to the colonial era, overlooks the new political reality that is no longer supportive of such a system. The executive-led system in the colonial era was essentially based on the governor's personal control over the legislature. Today, the new political situation renders this to no longer be feasible.

On the one hand, to discourage electoral politics and party politics, which will inevitably strengthen political momentum for full democratization (an outcome that neither China nor conservative elements in Hong Kong want to see) under the Basic Law framework the HKSAR Chief Executive cannot have affiliations with political parties. He is supposed to be politically neutral and loyal only to the entire society of Hong Kong. Therefore both the first Chief Executive Tung Chee-hwa and the current one Donald Tsang have no political affiliations. Tung was a businessman while Tsang used to be a career civil servant.

On the other hand, with the direct election of part of the legislative council in 1991, a nascent system of political parties has been on the rise. This process, in fact, accelerated after the hand-over of sovereignty due to the enlargement of electoral politics, which by 2004 allowed half of the Legislative Council to be directly elected by Hong Kong voters. This rise of electoral politics inevitably led to both the expansion of political parties, which now numbers around six to seven, and an explosion of party politics in the policymaking and legislative processes.

The rise of political parties and electoral politics has fundamentally undermined the Chief Executive's ability to govern in an executive-led manner. Because of his lack of political party affiliation, the Chief Executive cannot count on reliable support from the Legislative Council. More specifically, the Chief Executive cannot be guaranteed a majority in the Legco to pursue major political and policy goals. Although the Legislative Council is designed not to be the equal of the Chief Executive by the Basic Law, the Legco nonetheless can impede the executive leadership. The Legco can frustrate the Chief Executive's policy initiatives by not granting legislative approval. After all, government's legislation still needs to be approved by a majority of the legislature. Another way through which the Legco can check the government is its financial power. The annual budget of the Hong Kong government and all government appropriations exceeding ten million dollars must get the approval of the Finance Committee of the Legco. Moreover, the Legco can also be effective

in stopping the government from raising new revenues. In recent years nearly all tax proposals or fee hikes of government services received close scrutiny by the Legco.

More importantly, major political and institutional reform measures that require the revision of the Basic Law have to be approved by two thirds of the Legislative Council. This super majority requirement makes the Chief Executive particularly vulnerable to veto by the Legco since his lack of party affiliation deprives him of a reliable legislative majority. Although on specific legislative issues he can build ad hoc coalitions with selected political parties in the Legco to achieve particular policy goals, these coalitions are not steady as a result of the very fragmented party system that exists in the legislature.

Not surprisingly, the Hong Kong government's ability to pursue legislative agendas and promote policy and political reforms has been seriously hampered. One example was the infamous Article 23 controversy that led to the government's defeat in the legislative process. Article 23 of the Basic law stipulates that the government shall enact laws to prohibit political activities against the Central government. In 2003 the executive branch of Hong Kong government prepared to enact laws in accordance with Article 23. This triggered a major backlash from the people of Hong Kong over fear of loss of political freedoms. This backlash culminated in a mass demonstration on July 1st, 2003 that attracted around half a million people. Because of the unexpected popular backlash, the Liberal Party, which was previously a main supporter of the government in the Legislative Council, sensed that its continued support of government would jeopardize its performance in the forthcoming 2004 Legislative Council election, and decided to back out of supporting Article 23 related legislation. Sensing that it could not achieve a legislative majority in the Legco without support from the Liberal Party, the government withdrew its proposed Article 23 legislation.

This incident showed that the so-called executive-led governing system in Hong Kong is already a thing of the past. Although the Basic Law intends to maintain such a system, the new political reality of electoral and party politics after 1997 has made it difficult and impractical. In fact, the Chief Executive's lack of legislative majority has rendered him unable to pursue important political and policy goals.

This is most amply demonstrated by the recent defeat of the government's political reform plan in December 2005. In the Fall of 2005, to stave off pressure for direct election of both the Chief Executive and the entire Legislative Council, the Hong Kong government proposed modest reform measures to improve the legitimacy of the current political system. This reform package required revision of the Basic Law since it related to political institutional issues. The democratic reformers countered that these reforms were too limited to achieve any real progress toward democratization. As a result, a broad coalition of democrats in the Legco mustered sufficient votes to deny the government the two thirds majority that is required for any revision of the Basic Law. This legislative defeat humiliated the Hong Kong government and definitively proved that it could no longer count on executive-led policymaking.

This new political reality leads Anthony B. L. Cheung to describe the current political system in Hong Kong as a system of "disabled" governance that is showing increasing deficiency in state capacity and leadership, and even crises of efficiency and efficacy. Although there are other causes of this crisis of governance, Cheung argues that the Basic Law framework is the most culpable factor since it creates the institutional paralysis of an apolitical Chief Executive who is de-linked to the legislature. This disjointed political structure makes the governing system of Hong Kong unable to achieve effective policy coordination, efficiency, and leadership that are necessary for quality governance.⁸

The system clearly requires institutional reforms. Cheung recommends a modest package of reforms to enhance executive-legislative and government-parties interactions so as to improve the governance capacity of the system. This reform would enable political parties to play an intermediary role within the political process through participation in both the legislative and executive branches, so that there will be incentives for parties to support the Chief Executive and his government in policymaking and governance.⁹ Essentially, the reform should increase the role of political parties, which are already represented in the legislature, in the government so that a greater fusion of legislative and executive power can be achieved to facilitate smooth functioning of the political system.

Recently the leader of the Liberal Party, one of the two main parties that tend to support the government in the Legco, openly suggests that the problem with Hong Kong's political system is mainly institutional. James Tien particularly emphasizes that the government must be able achieve sufficient legislative support in order to pursue its policies. For this end, he calls for the Chief Executive to form a cabinet with members mainly from political parties in the Legco. More specifically, Tien urges the Chief Executive to form a cabinet based on a coalition between his Liberal Party and the DAB, which is the other main supporter of the government in the Legco.¹⁰

Although this suggestion can perhaps improve the governance capacity of Hong Kong in a limited way, the fundamental institutional constraints of the Basic Law still exist. This article suggests that Hong Kong may need to consider more profound institutional reforms, which may even require significant modification of the Basic Law. Relying on recent studies on the institutional choices of democracies, this article explores alternative constitutional arrangements that will enhance the governance capacity and even political stability of a future democracy in Hong Kong. It recognizes that there are significant political constraints over institutional reform of the present political system. Any major change of the Basic Law will have to face constraints from both internal disagreements and potential objection by the Chinese Central Government. Therefore, this research takes into consideration the political cost of alternative constitutional options. It not only explores which constitutional option can best address Hong Kong's governance problems but also which one has the best political probability to be acceptable to the Central Government of China.

The Presidential Alternative

The current political system as defined by the Basic Law is presidential in nature. The Chief Executive and the Legislature are separately chosen and are politically independent from each other. However, the system at the moment does not possess the pre-requisites for effective functioning of a presidential system. As Cindy Skach emphasizes, the president needs to be a "party man", which means that president needs to be someone "integrated into the party system and both supported by and supportive of parties."¹¹ This is an important condition for the president to achieve legislative support, even if his or her party does not necessarily control a majority in the legislature. Without the president being a "party man", the institutionalized conflicts between the president, who does not possess any legislative support, and the legislature inevitably invites political paralysis.

This is the primary reason that the current Hong Kong political system suffers from institutional and governance deficiencies. The Chief Executive's lack of affiliation with

political parties deprives him of consistent legislative support. He can build ad hoc coalitions with different parties in the Legco for specific legislative issues. However, the political foundations of these ad hoc coalitions are unstable at best and are constantly shifting. This, in turn, makes coalition building a major and constant concern of the Chief Executive, who can never be sure of the political base of his major legislation. This was shown during the debate over Article 23 related legislation. The Liberal Party, which had been supportive of the government's legislation, suddenly backed out of the legislative coalition that would have given the government the necessary majority in the Legco. This defection forced the government to rescind its efforts of initiating Article 23 related legislation.

The simplest solution to the current problem is to allow the Chief Executive to be a "party man". This will essentially change the political system of Hong Kong into a real presidential system. This reform option should also be the easiest from a political point of view since it requires minimal or even no revision of the Basic Law. The non-partisan and non-political tradition of the Chief Executive is not specifically defined in the Basic Law. The tradition is derived from interpretation of the spirit of the Basic Law in that the office holder should represent the whole society of Hong Kong.

Whether a future Chief Executive should be allowed to have party affiliation and whether this is permitted under the Basic Law are new topics of political discussion in Hong Kong. In fact, several political parties, including both the pro-establishment and the pro-democracy parties that constitute the broad opposition to the government, have recently voiced support for this reform option. For example, the Chairman of the Liberal Party, which is a pro-business party and a consistent supporter of the government in the legislature, proposed that the next Chief Executive should be someone from a political party.¹² His view was echoed by the Chairwoman of the Civic Party, which is a newly established pro-democracy party.¹³ Both of these leaders argue that the Basic Law does not prohibit political parties having their own candidates run for the office of Chief Executive.

This reform, if adopted, could mean a future Chief Executive will have greater legislative support since he or she can at least count on the support of his or her own political party in the Legco. This will improve the executive and legislative unity that the current system does not provide. The results will be greater governance capacity by the Chief Executive, who can more effectively initiate and implement major public policies or political reforms. This will significantly help prevent another defeat of major legislation as in the case of the 2005 political reform package proposed by Chief Executive Donald Tsang. Although most political analysts in Hong Kong agreed that Tsang's package, though limited in expanding the representativeness of the Hong Kong government, was conducive to the eventual transition to a full democracy, it was defeated in the Legco by not being able to receive the necessary two-third majority that is required for revision of the Basic Law. As a result political reform in Hong Kong is in a stagnant state at the moment since the government is sure that, without the necessary majority, any major reform initiatives will face very uncertain outcomes in the legislature. This stagnation is a system of "disabled governance" that discourages major policy reforms.

Although allowing the Chief Executive to be a "party man" is the simplest solution and will no doubt facilitate executive-legislative unity, and thus greater governance capacity by the government, it will not eliminate the potential of a weak executive as a result of his or her failure to achieve legislative majority. The reason for this is Hong Kong' extremely fragmented and uninstitutionalized party system.

According to the second generation of democratic institutional studies, beside basic constitutional designs in the form of presidential or parliamentary systems, various second tier political institutions such as party systems and electoral systems also play important roles in deciding the performance of the political system.¹⁴ In fact, some scholars have been examining how to bolster constitutional level institutional performance by improving second tier level institutional design. As Haggard observes about the presidential system, “divided government need not lead to stalemate, gridlock, and indecisiveness. Rather, only when cross-institutional or cross-party coalition formation is difficult or costly will indecisiveness be the result of separated powers. When conditions favor coalition formation, even a divided government can act decisively.”¹⁵

Colomer and Negretto explore how to make a presidential system work like a parliamentary system so as to improve its governance performance. They suggest to match a presidential system with appropriate party and election institutions to maximize its ability to initiate and implement policies. A very important suggestion is to develop a two party system since it will improve the chance that the president’s party also controls the legislative majority.¹⁶ If so, the president will have a greater capacity to pursue important policy and legislative agenda, therefore improving the efficiency and efficacy that tend to beleaguer presidential systems. In turn, a two party system has to be supported by an appropriate election system that facilitates the emergence and institutionalization of such party system.

Unfortunately, this is exactly the major problem that would hamper a presidential system in Hong Kong, since it has a very fragmented and uninstitutionalized party system. So even if a future Chief Executive is the leader of a political party the chance that his or her party will control a legislative majority in the Legco is very slim. At the moment there are at least six or seven political parties or quasi-political parties that are represented in the legislature in Hong Kong. The problem is that new political parties seem to be emerging every month. All these parties lack institutionalization. For example, party identification in Hong Kong is very low and even the largest political parties such as DAB and the Democratic Party tend to have fewer than two thousand registered party members.

Under such a fragmented party system, therefore, the Chief Executive’s ability to pursue legislative agendas will still be limited. This problem will in turn hamper the performance of the political system in terms of innovation, efficiency and efficacy. In fact, as Mainwaring’s research on Latin America has shown, a fragmented and uninstitutionalized multi-party system will almost guarantee the failure of a presidential democracy.¹⁷ Cox and McCubbines also note that state “ungovernability” is a typical problem under the divided government of the presidential system and the characteristics of the party system, especially the number of parties, critically affect the level of state ungovernability.¹⁸ Multi-party systems inevitably worsen the governability problem of a presidential system.

Shugart and Haggard put it even more bluntly, “If parties are highly fragmented and poorly disciplined, or if the president’s party is a minority in an ideologically polarized legislature, separation of purpose increases and, in turn, the potential for deadlock, instability, and balkanization also increase.”¹⁹

Therefore, if Hong Kong moves to adopt a true presidential system by allowing the Chief Executive to be the leader of a political party, reforms also have to be initiated to modify election systems to facilitate the rise of a disciplined two party structure. As shown by various studies, the election method of plurality in single member districts facilitates a stable two party system.²⁰ This will significantly improve the multi-member districts

election method in Hong Kong today, which encourages a fragmented multi-party system. In fact, moving toward a single member district system should be supported by the democratic parties in Hong Kong since this reform will force them to merge into a single potent democratic opposition that can compete more effectively in the elections and have a greater weight in the legislature.

However, even if a two party system can be established in Hong Kong, fundamental institutional deficiencies of the presidential system can still hamper the effectiveness of a future democracy. There have been numerous studies of the subject since Juan Linz's seminal discussion of the so-called "perils" of presidentialism.²¹ In fact, even before Linz's criticism, there had already been arguments among scholars that the presidential system tends to generate paralysis that threatens its stability and effectiveness. For example, Riggs claimed that presidentialism is a problematic regime type.²² Generally presidentialism is criticized for generating the following problems: temporal rigidity, majoritarian tendency, and dual democratic legitimacy. Temporal rigidity refers to the fixed terms of both the president and the legislature that increase the chance of political deadlock when they disagree with each other while there is no recourse to resolve the political crisis based on fundamental mutual opposition. Majoritarian tendency of the presidential system refers to its winner-take-all nature that tends to polarize political conflicts. Dual legitimacy of the president and the legislature also contributes to tendencies for both institutions to refuse to compromise since each believes it represents the people. This will in turn deepen the institutional gridlock that characterizes a presidential system. The overall effects of temporal rigidity, polarized conflicts under a winner-take-all system, and dual legitimacy are political instability and low governability of the system.²³

Therefore, Haggard and McCubbins argue that the separation of powers inherent in presidentialism has consequences for governance even when the same party controls both the legislature and executive: "Thus a separation of purpose remains a real possibility even when the assembly and president are controlled by the same party."

The problems associated with presidential systems, such as instability and low governability, are aptly demonstrated by the political crises in several East Asian countries that use the system. As Fukuyama and others observe, political crises have become the way of life in South Korea, Taiwan, Indonesia, and the Philippines.²⁴ In these countries, the polarized conflicts due to the winner-take-all nature of the system, coupled by permanent institutional gridlocks between the presidents and the legislatures, have resulted in political paralysis that frequently led to presidential impeachments, coup d'état attempts, and policymaking immobility.

Nonetheless, a two party presidential system will be a significant improvement over the current governing system of Hong Kong. It will have a reasonable chance to function well since the Chief Executive can expect legislative support when his or her party controls the majority in the legislature. Most importantly, this constitutional option is politically realistic since the Basic Law does not need to be modified to allow the Chief Executive to be affiliated with political parties. Although it is under debate in Hong Kong whether or not the Basic Law permits party affiliation by the Chief Executive, it does not specifically prohibit this. Although any change in the election method of the Legislative Council needs to be reported to the National People's Congress of China, the power of initiating and approving the change resides in the Legislative Council, which can adopt a change with a two-thirds majority of the body and a signature by the Chief Executive.

Therefore, the current system can be significantly improved for better governance without a major constitutional revision. This will make the necessary changes for the emergence of a true presidential regime based on a two party system more politically acceptable to the Central Government. Thus the presidential option is politically the most feasible.

What about the Parliamentary Option?

The problem with the presidential option is that it is not the most optimal choice from a pure governance perspective. As argued by Haggard and McCubbines, even a two-party presidential system cannot escape the fundamental institutional flaws of divided government. Therefore the parliamentary alternative has to be analyzed to see if it can better resolve the governance challenges facing Hong Kong today. In fact, most democratic institutional studies agree that an overall parliamentary system is superior in terms of political stability as well as decisiveness and efficiency.²⁵

Through the fusion of executive and legislative powers, a parliamentary system can avoid political deadlocks that characterize presidential systems. As a result, parliamentary systems have proven to be politically more stable. As Stephan and Skach's comparative study found, parliamentary democracies, on average, have better record of democratic durability.²⁶ Although regime stability is unlikely to be an issue for Hong Kong because of its high level of economic development and high degree of rule of law, institutional choice is important to new democracies with little democratic tradition and history. A parliamentary system will allow them to achieve more effective democratic consolidation.

What is relevant for Hong Kong is the governance capacity of a future democracy. While the first generation of democratic institutional studies focuses on the regime stability advantage of the parliamentary system, the second generation of studies explores its superior governance capacity. An important study on this aspect is by Weaver and Rockman, who examine how separation of power and fusion of power under the presidential system and parliamentary system affect government capabilities.²⁷

Their study is conducted in the context of how to improve the deficiencies in governmental capability with the American-style constitutional system. As they point out, the American separation of power system was created by founding fathers to counter ambition with ambition. It was not designed for efficiency. Today, many recognize that the system is inadequate in responding to the challenges of a modern society. As Weaver and Rockman note, "Although American political reformers often disagree on the particulars of the institutional remedies they seek, they generally share the view that governing in the modern era requires some changes to counteract the inefficiencies of governing capability that inhere in the current constitutional design. Increasing the collective capacity, responsibility, and accountability of the federal government has been the thread that ties together the various strands of reform proposals."²⁸

For the government to be effective it must possess adequate capabilities. According to Weaver and Rockman, "By a capability, we mean a pattern of government influence on its environment that produces substantially similar outcomes across time and policy areas."²⁹ They list several specific governmental capabilities: to set and maintain priorities; to

innovate when old policies have failed; to coordinate conflicting objectives into a coherent whole.

Weaver and Rockman reject the simplistic view that the parliamentary system is necessarily more effective in governance. They argue that, although institutions do affect governmental capabilities, their effects are contingent. More specifically, the constitutional design's impacts on governmental effectiveness are contingent upon characteristics of decisionmaking processes. Weaver and Rockman suggest to examine the following characteristics: cohesion of governing elites, existence of effective veto points, short-term autonomy of elites, and interest group access and influence.³⁰ They argue that parliamentary and presidential systems differ significantly on these decisionmaking characteristics.

Although Weaver and Rockman do not claim that the presidential system is always inferior in terms of governance performance, they nonetheless note that the parliamentary system does tend to be more effective because its decisionmaking characteristics offer superior capabilities. For example, they argue that greater elite cohesion and autonomy from short-term political pressures, and the absence of multiple veto points in a parliamentary system all facilitate policy innovation. Moreover, as Weaver and Rockman observed, "The generally higher elite cohesion and minimal veto points of governments in party government and single-party dominant systems offer important opportunities for-but not a guarantee of-a strong priority setting capability."³¹ They also note that different chapters in their book support "the parliamentary critique that the United States has difficulty coordinating objectives because it has no central mechanisms for resolving such conflicts," while higher elite cohesion, lack of veto points, and minimized interest group access make coordination of objectives easier in a parliamentary system.

Cox and McCubbines study the effective number of vetoes in different constitutional systems. They specifically study the effects on policymaking decisiveness and resoluteness: "Decisiveness is the ability of a state to enact and implement policy change. Resoluteness is the ability of a state to commit to maintaining a given policy."³² These two qualities can broadly refer to state capabilities to set priorities and implement given decisions.

Cox and McCubbines support the view that the parliamentary system is superior in both decisiveness and resoluteness while the presidential system suffers from lower levels of such capabilities. As they argue, "state 'ungovernability'-whether the inability to decide (indecisiveness), the inability to stick to a decision (irresoluteness), or the pursuit of inconsistent policies by different "subgovernments" (balkanization)-is typically a joint product of constitutional separation of power and electorally driven separations of purposes."³³ Separation of power refers to the constitutional checks and balances under a presidential system while separation of purposes refers to the phenomenon of different parties controlling different branches of the government in such a system.

In general, the fusion or the separation of legislative and executive power leads to differing decisionmaking processes in parliamentary and presidential checks and balances systems, with parliamentary systems characterized by stronger party discipline, greater recruitment of ministers from the legislature, and greater centralization of legislative power in the cabinet. These qualities give governments in parliamentary systems greater capabilities to perform governance tasks.

Thus, if Hong Kong currently suffers from the so-called "disabled" governance, the parliamentary option should not be ruled out. Much of the current political and policymaking paralysis as a result of the Basic Law system can be most optimally addressed by a parliamentary system. While the presidential option, especially one based on a stable two

party system, will improve the governance capacity of the Hong Kong government, it still suffers from the fundamental institutional inadequacies of presidentialism. The parliamentary alternative offers a sweeping institutional overhaul of the current system.

However, while superior in governance capacity, parliamentary governments, especially those based on a two party system, can have strong majoritarian tendencies since the party that controls the government can unilaterally decide almost everything. Thus, as observed by Shugart and Carey, this means that while a single party controlled parliamentary government possesses superior policymaking efficiency and governance capacity, it suffers from compromised representativeness.³⁴

This problem can be moderated by a multiparty parliamentary system that is based on proportional representation in parliament. The necessity of coalition governments under such as representation system increases the representativeness of the government as it becomes more inclusive of broad interests. Lijhpart, in his study of consensus democracy, also emphasizes the use of proportional representation and the consequent coalition governments in parliamentary systems.³⁵ In fact, most of the world's consensus-oriented democracies exist in multiparty parliamentary countries, particularly in continental Europe.

Therefore, if Hong Kong adopts a parliamentary system, the supporting party system and election system should be the opposite of a presidential system. As analyzed in the last section, presidentialism based on a multiparty system is the worst political combination. For a presidential system to function adequately, it requires an institutionalized two party system so that the president can have a realistic chance to achieve legislative majority. A two party parliamentary system, on the other hand, maximizes policymaking and governance efficiency while its disadvantage is representativeness. So if Hong Kong adopts a parliamentary form of government, the current fragmented multiparty system is, ironically, an advantage.

If a parliamentary system is desirable from a constitutional point of view, is it feasible from a political point of view? This is indeed the greatest constraint on the adoption of a parliamentary system in Hong Kong, since it would mean the complete overhaul of the Basic Law. The locus of executive power would shift from the Chief Executive to a chief cabinet officer elected out of the Legislative Council, which will also achieve the status of constitutional supremacy under such as system. The political change and constitutional revision processes would inevitably generate conflicts of interests among various forces in Hong Kong. Moreover, it would also be politically challenging to achieve the required consent from the Chinese Central Government, which tends to be suspicious of any major revision of the Basic Law. Therefore, the parliamentary option would be the most difficult alternative for constitutional reform in Hong Kong.

However, should the parliamentary option be entirely out of the question in future constitutional debate? Not necessarily so. It is argue here that the power of ideas is important in shaping decisionmakers' perceptions of available policy options. Horowitz, in his study of institutional designs of democracy, argues that political leaders are often surprisingly unaware of the different consequences of constitutional choices.³⁶ The Basic Law of Hong Kong was drafted in the late 1980s without the benefits of the power of ideas that were generated through widespread studies on constitutional designs from the 1990s to the present.

Therefore, if the parliamentary option deserves serious consideration because of its superior governance capacity, a systematic campaign of dissemination of ideas is critical. The ideas need to be transmitted to not only the political elites of Hong Kong but also the leaders of the Central Government of China. These leaders must be acquainted with the

advantages and disadvantages of different constitutional systems so that any decision is made only after thorough analysis of alternatives. In this context, the merits of the parliamentary system, such as greater political stability and more efficient and effective governance, could be recognized by those with the power to determine the constitutional revision process. If the Central Government wants Hong Kong to maintain its prosperity and global competitiveness, which is a repeated policy articulated by the Chinese leaders in various occasions, then it should realize that a parliamentary system is most suitable to achieve these goals.

Is France a Model for Hong Kong?

Although a presidential system based on a two party system can improve the current governance deficiency of the Basic Law system, it is also the most politically feasible since it requires little constitutional revision. The parliamentary option is best suited for the purpose of governance. However, it is also the most difficult to implement since it entails an overhaul of the Basic Law. Thus, is there a middle ground between the two options that can enhance Hong Kong's governance capacity while only requiring moderate revision of the Basic Law? The answer is a semi-presidential system that has attracted much attention lately. According to Elgie, this system is more commonly adopted than being recognized and so its institutional and political consequences deserve more analysis in democratic studies.³⁷

Maurice Duverger, who was the first to recognize the uniqueness of semi-presidential system in his study of the French Fifth Republic, defines such a system as: (1) the president is elected by popular vote; (2) the president possesses considerable power; and (3) there also exists a premier and cabinet, subject to legislative confidence, who perform executive functions.³⁸ Thus, a semi-presidential or mixed constitutional system combines features of both presidential and parliamentary regimes with dual executives as its core feature.

Recent studies of the semi-presidential system recognize that it is actually a broad constitutional category with significant internal variations. Shugart and Carey focus on the relationship between the president and the prime minister, or more specifically on how the prime minister is chosen. They argue that there are two distinctive types of semi-presidential systems based on this critical relationship between the two executives.³⁹

In a premier-presidential regime, the president and the prime minister are separately chosen by the voters in elections. The president cannot dismiss the prime minister, since he or she is elected out of parliamentary majority. In a president-parliamentary regime, on the other hand, only the president is popularly elected. The president appoints and dismisses cabinet ministers who are subject to parliamentary confidence. Moreover, the president has the power to dissolve parliament or legislative powers, or both.

Elgie also tries to distinguish between various sub-types of semi-presidential systems. According to him, there are three distinctive sub-types: semi-presidential regimes with ceremonial presidents; highly presidentialized semi-presidential regimes; and semi-presidential regimes with a balance of presidential and prime-ministerial powers.⁴⁰ The first type is in effect a parliamentary system, like Germany, Italy, and Israel. The second type, is essentially the president-parliamentary regime defined by Shugart and Carey since the president possesses the power to appoint and dismiss the prime minister. The last type, with a balance between presidential and prime-ministerial powers, resembles the premier-presidential system defined by Shugart and Carey.

Elgie argues that those with ceremonial presidents tend to function well since they are essentially parliamentary systems. Highly presidentialized system, on the other hand, tends to

be problematic. There are two kinds of problems associated with this type of semi-presidential regime. First, the president often asserts power against the legislature, which is not necessarily controlled by the president or his party. The result can be that the president tries to legislate power or rule by decree. A long-term consequence of this is that democratic quality of the system declines over time to the point of an illiberal democracy. As Colton and Skach point out, today's Russia is an example of how a president-parliamentary regime, as defined by Shugart and Carey, or a highly presidentialized system as defined by Elgie, can lead to imperial presidency that undermines the democratic nature of the system.⁴¹

Another problem is that since the president appoints the prime minister without necessarily also achieving legislative majority, the executive and legislative rivalry can lead to systematic political and policymaking paralysis. This problem, for example, hampers both Taiwan and South Korea, where the president appoints the prime minister without simultaneous legislative majority.⁴² The results are constant failures of government to pursue its legislative and policy agenda.

Elgie argues that, although semi-presidential system with balanced presidential and prime-ministerial powers can also be problematic since it may lead to a situation of cohabitation with the president and the prime minister coming from different parties, overall it "should be classified as a relatively wise constitutional choice. Certainly it appears to enjoy a better-than-average chance of success. Although balanced semi-presidentialism is almost invariably associated with intra-executive conflict, the experience of some consolidated democracies show that such conflict is surmountable."⁴³

Shugart and Carey also analyze how and why the premier-presidential type can work with relative success. They argue that when the president and the prime minister are both from the same party, the system functions like a presidential system with the added benefit of the president's simultaneous control of parliament. When cohabitation happens, which means the president and the prime minister are from different parties, the system will function like a parliamentary system with the prime minister as the chief executive while the president chooses to politically retreat. They use the French experience to show that cohabitation leads to a clear division of labor between the president and the prime minister. The president recognizes loss of public mandate when French voters choose a prime minister from another party. The president will then surrender domestic policymaking power to the prime minister while he focuses on defense and foreign policy issues that affect France's international interests as a whole.⁴⁴

Alfred Stephan and Ezra N. Suleiman also take note of the French phenomenon of switching between presidential and parliamentary system given the different relationship between the president and the prime minister. Although they recognize that cohabitation has proven to be workable in the French context, they argue that it is nonetheless less desirable than a pure parliamentary system given the possibility of intra-executive rivalry.⁴⁵

So the premier-presidential model should only be a constitutional alternative if a political system has the tradition of a high degree of rule of law, which helps regulate the difficult relationship between the president and the prime minister when they are from different political parties. Hong Kong is blessed with a very robust tradition of rule of law and so, theoretically, it can consider the premier-presidential model. The Chief Executive would co-exist with a Chief Cabinet Officer elected out of the majority party in the Legislative Council or a coalition of parties that possesses majority in the Legco. When they come from the same political parties, the Chief Executive essentially would be in charge of the entire executive power while simultaneously achieving legislative majority. This would

be a major improvement over the current Basic Law system where the Chief Executive cannot count on consistent legislative support.

When cohabitation occurs, the French experience could be replicated through the division of power between the Chief Executive and the Chief Cabinet Officer. While the Chief Cabinet Officer controlled domestic policymaking, the Chief Executive would be in charge of representing Hong Kong's interests externally. This includes the important function of reflecting the concerns of Hong Kong to the Central Government, which can critically affect Hong Kong's interests through its various policies.

Cindy Skach uses an innovative approach to study which type of semi-presidential system works and which fails. She focuses on whether the president or the prime minister can possess legislative majority. She distinguishes three electorally generated subtypes within semi-presidentialism: consolidated majority government, in which case the president and the prime minister are both elected from the same party and are thus in control of the legislature; divided majority government, in which case the president and the prime minister are elected from different parties, with the prime minister in control of the legislature; and divided minority government, in which case the president chooses and dismisses the prime minister and does not have legislative majority.⁴⁶

Skach argues that the divided minority government has great tendency to fail because of inherent political instability and paralysis. The Weimar Republic in Germany was the prime example. On the other hand, consolidated majority government presents no problems since the executive is also in charge of the legislature. The divided majority government can work as well given the French experience with cohabitation.

Typical of second generation democratic institutional studies which pays attention to detailed institutional configurations and second tier institutional factors, Skach argues that party and election systems are critical for creating different patterns of existence or lack of legislative majority by either the president or the prime minister, or by both simultaneously. She suggests that a disciplined two party system is conducive to the emergence of a consolidated majority government or at least a divided majority government, since it will maximize the chance that the president and the prime minister come from the same party or at least the prime minister has a clear majority in the parliament. In turn, a disciplined party system requires a complementary election system that facilitates the rise of such a party system.⁴⁷

Thus, if Hong Kong considers adopting the premier-presidential type of mixed system, it should also develop the supporting party and election systems to facilitate the emergence of a consolidated majority or at least a divided majority government. In this case a two party system is preferable. When consolidated majority government occurs, the Chief Executive is in charge of all aspects of policymaking. When divided majority occurs, the system can at least guarantee the Chief Cabinet Officer's control over the Legislative Council. In this situation, the system essentially functions like the parliamentary system.

The premier-presidential model has moderate political difficulty since it only revises the Basic Law system to a certain extent. Unlike the parliamentary option that requires the elimination of the Chief Executive position, the premier-presidential model needs only to add an additional position, that of the Chief Cabinet Officer. So it would be a less threatening option for those who currently support the Basic Law system. At the same time, the model could improve the governance capacity of a pure presidential system, which is characterized by institutionalized conflicts between executive and legislative powers. When the Chief Executive and the Chief Cabinet Officer come from the same party, the former would be in

effective control of the whole policymaking spectrum given his simultaneous control over the Legislative Council. Even when the Chief Executive and the Chief Cabinet Officer are from different parties, the latter could exercise control over the legislature. This is still an improvement over the Basic Law system in which the Chief Executive cannot count on systematic legislative support, or a pure presidential system in which the executive and legislative branches can be controlled by different parties with resulting institutional rivalry and political and policymaking paralysis. In fact, even if the two branches were controlled by the same party, institutional rivalry would still exist, as routinely shown by the American experience.

Therefore, the premier-presidential model represents a good trade-off between the pure presidential alternative and the pure parliamentary alternative. It can achieve more efficient and effective governance than a presidential system due to increased chance of executive unity, while its moderate degree of difficulty associated with constitutional change makes it politically more feasible than the parliamentary option. Therefore, interestingly, the French model could become a future constitutional option for Hong Kong.

The Politics of Constitutional Revision

The process of constitutional change is always a political process. Theoretical advantages of certain institutional designs will not become the reason per se for its adoption, since any constitutional change will inevitably shift power from some political actors to others. Therefore any attempts to improve the disabled governance of the Basic Law system will find both supporters and opponents. In Hong Kong, political institutional change is doubly difficult given the vital role of the Chinese Central Government in the process. It has a tendency to see major political changes in Hong Kong as hidden attempts to undermine China's sovereignty.

The catalyst for a constitutional revision process in Hong Kong depends on whether the present disabled governance will further deteriorate to the extent of full-scale political and policymaking paralysis. This scenario is possible given the recent situations in presidential democracies in East Asia. For example, in Taiwan the lack of a legislative majority by the DPP government has grossly undermined the governance performance of the entire political system. In other places such as Indonesia and the Philippine, constant political instability has become the norm of the system.

The Chinese Central Government needs to realize that the state of disabled governance will undermine the supposed superiority of the One Country, Two Systems regime. Rather than proving to the world that the system can generate quality governance, in recent years Hong Kong has been seeing increasing problems in various aspects of political and economic governance. Most importantly, the recent defeat of the political reform plan in the Legislative Council shows that the current political system renders major policy innovation difficult.

This research assesses possible constitutional alternatives to the current Basic Law institutional design. It argues that almost any change will be able to improve the Basic Law system which denies the Chief Executive the necessary legislative majority to pursue his political and policy goals. The research compares the strengths and weaknesses of presidential, parliamentary, and mixed constitutional systems. At the very least, the Chief Executive should be allowed to be a "party man" so that he can have an improved opportunity to achieve a legislative majority. If so, the present system will become a true

presidential model. To overcome the inherent instability of a presidential system due to institutionalized executive and legislative rivalry, this research also suggests that a two party system, supported by the necessary electoral system, can also maximize the chance that the Chief Executive possess a legislative majority. If not, a multiparty presidential system, as argued by many recent studies, is the worst possible combination with a presidential system and will, in fact, almost guarantee failure.

A presidential option is also the minimalist approach to constitutional reform since it requires little revision of the Basic Law. Therefore, although it may not be the most optimal solution to the current state of disabled governance as a result of the inherent governance weaknesses of presidential system, it is nonetheless politically feasible.

The parliamentary option can best address the governance deficiency of the Basic Law system. As many studies show, the parliamentary system does tend to possess higher governmental capabilities such as priority setting, innovation, coordination of conflicting goals, and efficiency in policy implementation. So it represents the maximalist approach to constitutional revision. Unfortunately, the parliamentary option also entails a major overhaul of the Basic Law. This renders the process of constitutional change difficult and uncertain.

The French type of premier-presidential model of a mixed system is a good trade-off both constitutionally and politically speaking. The existence of a parliamentary component inside this constitutional system allows a greater executive-legislative unity that does not exist under the separation of power arrangement of the presidential system. This will improve the governance capacity of the entire political system. Although the system is liable to the situation of political cohabitation, the French experience shows that a division of power between the two executive leaders (based on a voluntary political retreat by the president) can allow the government to function smoothly. Hong Kong's high degree of rule of law can make sure that this adjustment of the power relationship in a situation of cohabitation be feasible and relatively free from political instability.

Therefore this research suggests that the French model deserves serious consideration if Hong Kong recognizes that a constitutional reform is necessary to overcome institutional deficiencies of the Basic Law system. The Chinese Central Government in particular needs to be informed by constitutional scholars about the advantages of this model of governance so it will realize that a improved governance capacity of Hong Kong can better ensure the success of the One Country, Two Systems regime.

The mixed system option should be politically feasible since it requires a moderate revision of the Basic Law. The Chief Executive will retain his position while a new position of Chief Cabinet Officer will be added. This will invite less political resistance than the parliamentary model, which will require the elimination of the Chief Executive position and complete redefining of the role of the Legislative Council, since it will then acquire the status of constitutional supremacy in the new political system.

If adopting the semi-presidential model still proves to be too politically challenging, Hong Kong should at the very least move toward a two party presidential model of government. At least it is an improvement over the present Basic Law system. By increasing the probability that the Chief Executive will be able to possess legislative majority, governance in Hong Kong will no doubt improve.

Notes

1. For more discussion of new institutionalism, see Cindy Skach, *Browsing Constitutional Designs: Constitutional Law in Weimar Germany and the French Fifth Republic* (Princeton: Princeton University Press, 2005), pp. 118-19.

2. See Stephan Haggard and Mathew D. McCubbins, "Introduction: Political Institutions and the Determinants of Public Policy," in Stephan Haggard and Mathew D. McCubbins, eds., *Presidents, Parliaments, and Policy* (New York: Cambridge University Press, 2001), p. 2.

3. Robert Elgie, "From Linz to Tsebelis: Three Waves of Presidential/Parliamentary Studies," *Democratization*, Vol. 12, No. 1 (February 2005).

4. R. Kent Weaver and Bert A. Rockman, "Assessing the Effects of Institutions," in R. Kent Weaver and Bert A. Rockman, eds., *Do Institutions Matter? Government Capabilities in the United States and Abroad* (Washington, DC: The Brookings Institution, 1993), p. 7.

5. For a good survey of the history of executive-led governance in Hong Kong, see Anthony B. L. Cheung, "The Changing Political System: Executive-led Government or 'Disabled' Governance?" in Lau Siu-kai, ed., *The First Tung Chee-hwa Administration: The First Five Years of the Hong Kong Special Administrative Region* (Hong Kong: The Chinese University Press, 2002), pp. 44-47.

6. For these powers of the Chief Executive, see Articles 49-52 of the Hong Kong Basic Law.

7. For the voting method of the so-called private bill, which is initiated by individual members of the Legislative Council, see Annex II, Hong Kong Basic Law.

8. For more discussion of the system of "disabled governance," see Anthony B. L. Cheung, pp. 51-58

9. *Ibid.*, p. 59.

10. See "Tian shao zaichang zhizheng lianmeng" (James Tien Again Calls for Governing Coalition), *Singtao Daily*, May 15, 2006.

11. For more discussion of the importance of the president being a "party man", see Cindy Skach, p. 28.

12. James Tien, "Teshou ke yong zhengdang Beijing" (The Chief Executive Should Have Party Background), *Oriental Daily*, April 4, 2006. James Tien is the Chairman of the Liberal Party in Hong Kong.

13. Audrey Eu, "Jin zhengdang chengyuan ren teshou wei zhengzhi lunning" (Prohibiting Party Members to be the Chief Executive Violates Political Common Sense), *Singtao Daily*, April 27, 2006. Audrey Eu is the Chairwoman of the Civic Party.

14. R. Kent Weaver and Bert A. Rockman, eds., *Do Institutions Matter? Government Capabilities in the United States and Abroad* (Washington, DC: The Brookings Institution, 1993).

15. Stephan Haggard and Mathew D. McCubbins, "Introduction: Political Institutions and the Determinants of Public Policy," in Haggard and McCubbins, eds., *Presidents, Parliaments, and Policy* (New York: Cambridge University Press, 2001), p. 12.

16. Josep M Colomer and Gabriel L. Negretto, "Can Presidentialism Work Like Parliamentarism?" *Government and Opposition*, Vol. 40, No. 1, Winter 2005, pp. 60-89.

17. See Scott Mainwaring, "Multipartyism, Robust Federalism, and Presidentialism in Brazil," in Scott Mainwaring and Matthew Soberg Shugart, eds, *Presidentialism and Democracy in Latin America* (New York: Cambridge University Press, 1997), pp. 55-109.

18. Gary W. Cox and Mathew D. McCubbins, "The Institutional Determinants of Economic Policy Outcomes," in Stephan Haggard and Mathew D. McCubbins, eds., *Presidents, Parliaments, and Policy* (New York: Cambridge University Press, 2001), p. 28.

19. Matthew Soberg Shugart and Stephan Haggard, "Institutions and Public Policy in Presidential System," in Stephan Haggard and Mathew D. McCubbins, eds., *Presidents, Parliaments, and Policy* (New York: Cambridge University Press, 2001), p. 65.

20. For more detailed discussion of the relationship between election and party systems, see Rein Taagepera and Matthew Soberg Shugart, *Seats and Votes: The Effects and Determinants of Electoral Systems* (New Haven: Yale University Press, 1989). Also, Arend Lijphart, *Electoral Systems and Party Systems: A Study of Twenty-Seven Democracies 1945-1990* (New York: Oxford University Press, 1994).

21. Juan J. Linz, "The Perils of Presidentialism," *Journal of Democracy*, Vol. 1, No. 1, Winter 1990, pp. 51-69. For a longer study of the subject, see Juan L. Linz, "Presidential or Parliamentary Democracy: Does It Make a Difference?" in Juan L. Linz and Arturo Valenzuela, eds., *The Failure of Presidential Democracy* (Baltimore: The Johns Hopkins University Press, 1994), pp. 3-87.

22. See Fred W. Riggs, "The Survival of Presidentialism in America: Para-constitutional Practices," *International Political Science Review*, Vol. 9, No. 4 (October 1988), pp. 247-48.

23. For a good summary of the supposed problems of presidential democracies, see Matthew Soberg Shugart and John M. Carey, *Presidents and Assemblies: Constitutional Design and Electoral Dynamics* (New York: Cambridge University Press, 1992), pp. 29-35.

24. See Francis Fukuyama, Bjorn Bressel, and Boo-Seung Chang, "Facing the Perils of Presidentialism?" *Journal of Democracy*, Vol. 16, No. 2 (April 2005).

25. See Juan L. Linz, "Presidential or Parliamentary Democracy: Does It Make a Difference?"

26. Alfred Stepan and Cindy Skach, "Constitutional Frameworks and Democratic Consolidation: Parliamentarism versus Presidentialism," in Alfred Stepan, *Arguing Comparative Politics* (New York: Oxford University Press, 2001), pp. 257-275.

27. R. Kent Weaver and Bert A. Rockman, eds., *Do Institutions Matter? Government Capabilities in the United States and Abroad* (Washington, DC: The Brookings Institution, 1993).

28. R. Kent Weaver and Bert A. Rockman, "Assessing the Effects of Institutions," in Weaver and Rockman, eds., *Do Institutions Matter?* p. 3.

29. *Ibid.*, p. 6.

30. *Ibid.*, pp. 23-28.

31. R. Kent Weaver and Bert A. Rockman, "When and How Do Institutions Matter?" in Weaver and Rockman, eds., *Do Institutions Matter?* p. 456.

32. Gary W. Cox and Mathew D. McCubbins, "The Institutional Determinants of Economic Policy Outcomes," in Stephan Haggard and Mathew D. McCubbins, eds., *Presidents, Parliaments, and Policy* (New York: Cambridge University Press, 2001), p. 26.
33. *Ibid.*, pp. 28-29.
34. Matthew Soberg Shugart and John M. Carey, *Presidents and Assemblies: Constitutional Design and Electoral Dynamics* (New York: Cambridge University Press, 1992), pp. 11-12.
35. Arend Lijphart, "Majoritarian Versus Consensual Democracy," in Bernard E. Brown, ed., *Comparative Politics: Notes and Readings* (New York: Harcourt Publishers, 2000).
36. Donald L. Horowitz, "Constitutional Design: An Oxymoron?" in Ian Shapiro and Stephen Macedo, eds., *Designing Democratic Institutions* (New York: New York University Press, 2000), pp. 253-284.
37. Robert Elgie, "Variations on a Theme," *Journal of Democracy*, Vol. 16, No. 3 (July 2005), pp. 98-112.
38. Maurice Duverger, "A New Political System Model: Semi-presidential Government," *European Journal of Political Research*, Vol. 8, No. 2 (June 1980), pp. 165-87.
39. See Matthew Soberg Shugart and John M. Carey, *Presidents and Assemblies: Constitutional Design and Electoral Dynamics* (New York: Cambridge University Press, 1992), pp. 18-27.
40. See Elgie, "Variation of a Theme."
41. Timothy J. Colton and Cindy Skach, "The Russian Predicament," *Journal of Democracy*, Vol. 16, No. 3 (July 2005).
42. For more discussion of the institutional problems of Taiwan and South Korea, see Da-chi Liao, Chih-cheng Huang, and Chen-chang Hsieh, "The Impact of the Seventh Amendments to the ROC Constitution on the Role and Functions of Taiwan's Legislative Yuan: From Arena to Arena," *Taiwan Democracy Quarterly*, Vol. 3, No. 1 (March 2006); Lew Seok Choon, "Power Structure and Recent Political Development in Korea," paper presented at the International Conference on Korea's Future: Visions and Challenges, Hong Kong, May 11, 2006.
43. Elgie, "Variation of a Theme," p. 109.
44. Shugart and Carey, *Presidents and Assemblies*, pp. 58-61.
45. Alfred Stepan and Ezra N. Suleiman, "The French Fifth Republic: A Model for Import? Reflections on Poland and Brazil," in Alfred Stepan, *Arguing Comparative Politics* (New York: Oxford University Press, 2001), pp. 276-294.
46. Cindy Skach, *Browsing Constitutional Designs: Constitutional Law in Weimar Germany and the French Fifth Republic* (Princeton: Princeton University Press, 2005), pp. 15-21.
47. *Ibid.*, p. 21.

