

6

How semi-parliamentarism can balance visions of democracy

A semi-parliamentary system creates a separation of powers between the executive and one part of a directly elected assembly. In the bicameral case, the prime minister and cabinet can be dismissed in a no-confidence vote by the first chamber but not by the second chamber, even though the latter is directly elected and has robust veto power. What makes this constitutional structure attractive?

To answer this question, I apply the framework established in Chapter 5 to the semi-parliamentary cases (as identified in Chapter 3): Australia and Japan, as well as the Australian states of New South Wales, South Australia, Tasmania, Victoria, and Western Australia. The analysis shows how semi-parliamentarism can balance different visions of democracy in ways that are unavailable under parliamentarism. In particular, it enables voters to make a clear choice between competing cabinet alternatives, while also being fairly represented in an issue-specific or policy-specific process of deliberation and legislative decision-making.

The next section discusses normative balancing under semi-parliamentarism from a theoretical perspective. I then compare the institutional designs of the seven semi-parliamentary cases and the resulting patterns of democratic majority formation. The two-dimensional mapping of these cases is complemented with comparative analyses of legislative coalition-building in Australia and legislative success rates under different forms of government. The remaining sections of the chapter discuss challenges to my argument, sketch its broader implications for the performance of democracies, and explain how semi-parliamentarism may complement other desirable institutional designs, such as compulsory voting and weaker forms of judicial review.

Normative balancing in theory

In Chapter 5, I specified the competing visions of simple and complex majoritarianism in terms of six goals. Here, I explore theoretically how semi-parliamentarism can balance them. The goals are discussed in the order that best reflects the logical connections between the relevant arguments.

Mechanical proportionality

Under semi-parliamentarism, the chamber of legislation and control has no constitutional power over the selection and dismissal of the cabinet. Therefore, the mechanical proportionality of its electoral system is less constrained by the desire to create identifiable cabinet alternatives, stable cabinets, and clarity of responsibility.

Identifiability

At the same time, a majoritarian electoral system for the chamber of confidence can enable voters to make a clear choice between alternative one-party governments. As discussed in Chapter 5, when majority or plurality rule is applied in single-seat districts, identifiability is not guaranteed (Dunleavy and Margetts 2004; Kollman 2018; Moser et al. 2018), but the same is true for the Westminster model of pure parliamentarism. Chapter 8 shows how using majoritarian methods (ranked-choice voting or run-off elections) in a single, jurisdiction-wide district allows voters to choose a single cabinet party directly.

Multidimensionality

For multiparty parliamentary systems to achieve identifiability, a low dimensionality of partisan conflict may be required (Ganghof et al. 2015). It makes the formation of two competing pre-electoral alliances more likely. Under semi-parliamentarism, by contrast, voters can choose the cabinet through the first chamber, so that the dimensionality of partisan competition need not be constrained in the second chamber.

Legislative flexibility

Chapter 5 has shown that legislative flexibility is constrained under parliamentarism because multiparty and multidimensional parliaments make substantive minority cabinets of a *single party* unlikely to form and difficult to legitimize. When minority cabinets consist of multiple parties, this tends to establish each of them as a veto player on all issues. Under semi-parliamentarism, by contrast, voters can directly legitimize a single government party in the first chamber, even when this party's seat share in the proportionally elected second chamber is well below an absolute majority. Legislative flexibility thus tends to increase.

To see this more clearly, we can apply the argument that Tsebelis (2002: 97–98) develops on the basis of the standard spatial model for one-party minority cabinets under pure parliamentarism (see also Laver and Schofield 1990; Strøm 1990). Figure 6.1 illustrates it in a simplified version, showing the ideal points of five parties in a two-dimensional political space. The government party G has a first-chamber majority but minority status in the second chamber. The latter also includes party C, which is the opposition party in the first chamber, as well as three further parties (A, B, D) that are represented only in the second chamber. For the sake of simplicity, we assume that each party has 20% of the seats in the second chamber, so that every possible three-party legislative coalition is a minimal-winning coalition with the power to pass legislation.

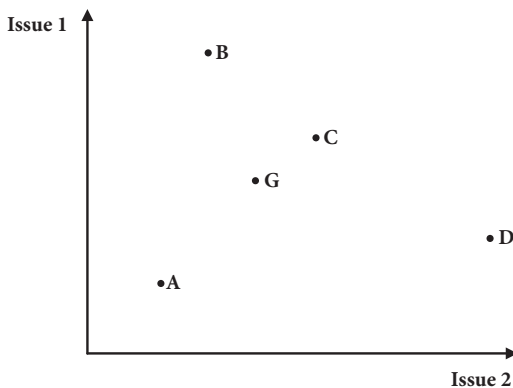


Fig. 6.1 Legislative flexibility of single-party cabinets in two dimensions

Notes: see text.

In the constellation shown in Figure 6.1, and if all parties are predominantly policy-seeking, G is likely to find support for its proposals, regardless of where the status quo is located. If the two issues are decided separately, G benefits from its median status on both dimensions and will get support for its own ideal point. If the decision is made in a genuinely two-dimensional manner, G will typically be able to move the status quo towards its own ideal point. The reason is that it can always exclude two parties from the winning coalition and, hence, at least one of the parties with more extreme preferences (A, B, or D). If G has strong agenda power, it will typically not have to make any concessions at all; it will get majority support for proposing its own ideal point. Some minimal-winning coalitions could also form against the government; for example, ACD or BCD. The government might accept these alternative majorities as long as its basic program remains intact, or seek a compromise with members of the alternative coalition, or use its agenda or veto power to block undesired policy change.

Cabinet stability

Semi-parliamentarism can create stable cabinets by combining two institutional engineering solutions: reducing the number of parties in the chamber of confidence, while making government survival independent from parliamentary confidence in the more proportional chamber of legislation. One advantage of this combination over pure parliamentarism is that the legislature can be simultaneously “strong” vis-à-vis the executive in two distinct ways. The first chamber remains strong in its ability to dismiss the chief executive and the cabinet, while the second chamber remains strong in its ability to control the executive. By contrast, efforts to stabilize cabinets in multiparty parliamentary systems tend to reduce parliament’s control capacity (by creating majority cabinets that dominate parliament) and/or its dismissal capacity (by making no-confidence rules “constructive”).

Clarity of responsibility

The final goal, clarity of responsibility, is necessarily compromised in any separation-of-powers system—except perhaps when a single (disciplined) party has sole control of both branches (Powell 2000; Schwandt-Bayer and Tavits 2016). However, by facilitating the formation of single-party majority cabinets in the first chamber, semi-parliamentarism can achieve an aspect of

clarity of responsibility that is often considered to be especially important (e.g. Cheibub 2006).

Institutional comparison of the cases

Table 6.1 compares the current institutional design of the seven cases identified as (minimally) semi-parliamentary in Chapter 3. These designs fall into three groups, the biggest of which is *mainland Australia*. It includes the cases that use the semi-parliamentary constitution to balance simple and complex majoritarianism. First chambers are elected under majoritarian rules in single-seat districts (alternative vote, AV), second chambers under proportional rules in multi-seat districts (single-transferable vote, STV). As a result, there is a substantial difference in the disproportionality—as measured by Gallagher’s (1991) Least Squares index—with which votes are translated into seats in the two chambers. Yet, the disproportionality in the second chambers is not particularly low (perfect proportionality would equal a value of zero) due to small assembly sizes and moderate district magnitudes (Farrell and McAllister 2006).¹ This results in relatively compact party systems with three to four effective parliamentary parties.

The second “group” consists of *Tasmania*, which uses semi-parliamentarism to balance party-based and personalized majority formation. The resulting balance is that “[p]rogrammatic choices can be made through parties at lower-house elections, supplemented with local representation through Independents in the upper house” (Sharman 2013: 344). Sharman (2013) explains in detail how personalized majority formation in the second chamber is achieved. A crucial element is that second-chamber members are elected by the AV and have fixed, staggered, six-year terms, with one-sixth of the membership retiring at annual periodic elections held on a fixed day each year. These annual elections cannot be overridden by dissolving the chamber and forcing a general election for all seats, and they cannot be held on the same date as elections for the first chamber. In Tasmania, second-chamber elections are thus like a series of annual by-elections in two or more electoral districts, whose timing is beyond the control of the government. This institutional structure results in a long-established dominance of independents in the second chamber, which has been reinforced in recent years by rules on election spending that severely limit party influence.

¹ In the two states that elect the second chamber in a single state-wide district, New South Wales and South Australia, the district magnitude is reduced due to staggered elections of only half of the chamber.

Table 6.1 Electoral systems in the semi-parliamentary cases

| | NSW | VIC | SA | WA | AUS | TAS | JPN |
|---------------------------|------|------|------|------|------|-----|---------|
| First chamber | | | | | | | |
| Assembly size | 93 | 88 | 47 | 59 | 150 | 25 | 465 |
| Electoral system | AV | AV | AV | AV | AV | STV | FPTP+PR |
| District magnitude | 1 | 1 | 1 | 1 | 1 | 5 | 1/6–28 |
| Effective magnitude | 1 | 1 | 1 | 1 | 1 | 5 | 7.7 |
| Disproportionality | 10.6 | 12.7 | 16.5 | 21.8 | 12.2 | 6.2 | 21.6 |
| Effective parties (votes) | 3 | 3 | 3.6 | 3.5 | 3.3 | 2.7 | 4.8 |
| Effective parties (seats) | 2.1 | 2.1 | 2.2 | 1.9 | 2.1 | 2.3 | 2.5 |
| Second chamber | | | | | | | |
| Assembly size | 42 | 40 | 22 | 36 | 76 | 15 | 242 |
| Electoral system | STV | STV | STV | STV | STV | AV | SNTV+PR |
| District magnitude | 21 | 5 | 11 | 6 | 2–6 | 1 | 1–6/48 |
| Effective magnitude | 21 | 5 | 11 | 6 | 5.6 | 1 | 20.0 |
| Staggered? | Yes | No | Yes | No | Yes | Yes | Yes |
| Disproportionality | 4.9 | 5.5 | 11.7 | 5.6 | 5.3 | – | 11.2 |
| Effective parties (votes) | 3.4 | 3.9 | 4.3 | 4.0 | 4.5 | – | 4.7 |
| Effective parties (seats) | 3.1 | 3.3 | 3.2 | 4.1 | 3.4 | – | 3.3 |

Note: Data is for the latest election (if this was not a double dissolution election). In the Australian cases, the Liberal and National parties are treated as separate parties unless they competed jointly. AV = alternative vote, FPTP = first past the post, PR = proportional representation, SNTV = single non-transferable vote, STV = single transferable vote.

Source: For data sources, see appendix. Disproportionality is Gallagher's (1991) index.

While Sharman does not emphasize this, the semi-parliamentary constitution is also crucial for the Tasmanian institutional–behavioral equilibrium. For if the second chamber possessed the right to dismiss the prime minister, it would be democratically unacceptable that voters can never hold the second chamber as a whole accountable for its actions and that these actions are not organized in terms of programmatic choices (see also Fewkes 2011: 91).

The Tasmanian use of the semi-parliamentary constitution also implies that the partisan politics in the first chamber is subject to the same tension between simple and complex majoritarianism as a pure parliamentary system (Chapter 5). Tasmania has dealt with this by adopting proportional representation (STV) with a small district magnitude ($M = 5$ since 1998). As Table 6.1 shows, this strategy has been successful in keeping both the effective number of parties and empirical disproportionality fairly moderate.

Finally, electoral system design in Japan is not geared clearly towards normative balancing. Japan uses mixed-member majoritarian electoral systems in both chambers (Nemoto 2018), and while empirical disproportionality in the first chamber is substantially greater, the effective numbers of parties in the two chambers differ less than in some of the Australian cases.

Normative balancing in practice

To quantify and visualize the balancing potential of semi-parliamentary government, we can build on the empirical framework developed in Chapter 5. Since the variables that capture the goals of simple and complex majoritarianism take directly elected second chambers into account, they can be applied to semi-parliamentary systems. The variables reflect whichever chamber is more relevant for a particular goal in a semi-parliamentary system (see appendix for details). In particular, the three variables capturing complex majoritarianism all reflect the value of whichever chamber achieves higher values. In mainland Australia, this is typically the second chamber.

Figure 6.2 reproduces Figure 5.2 from Chapter 5 and now includes the semi-parliamentary cases. It illustrates three main points. First, it reveals semi-parliamentarism's potential to mitigate the trade-offs between simple and complex majoritarianism. The cases of the Australian Commonwealth, New

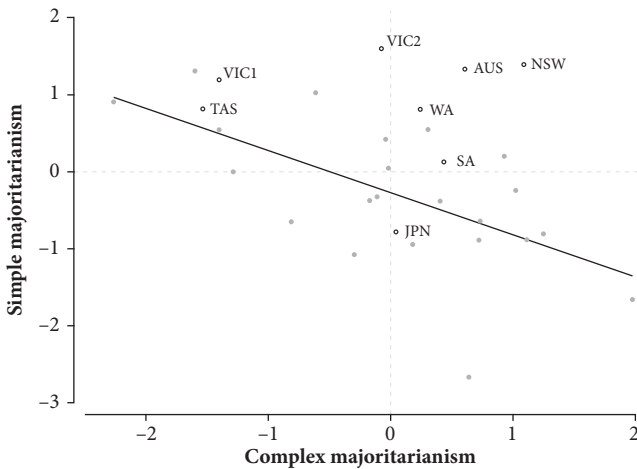


Fig. 6.2 Simple and complex majoritarianism in semi-parliamentary democracies, 1993–2018

Notes: see text.

South Wales, Victoria (after the constitutional reform of 2003), and Western Australia are positive outliers: they combine goals of simple and complex majoritarianism to an extent that is not observed in pure parliamentary systems.

Second, these cases' *absolute* levels of goal achievement differ along the two dimensions. With respect to simple majoritarianism, they are on par with Westminster systems like that of Queensland—the Australian state that abolished bicameralism in 1922. Along the complex majoritarianism dimension, by contrast, even New South Wales does not come close to the values of Denmark's parliamentary system. The reasons are that, while some semi-parliamentary cases outperform Denmark with respect to legislative flexibility, proportionality and dimensionality remain limited even in the second chambers (see appendix). This is a limitation of the specific designs in Australia, however, rather than of the semi-parliamentary constitution as such (see Chapter 8).

Finally, the profiles of the semi-parliamentary cases vary greatly. Since Tasmania uses the semi-parliamentary constitution for a different purpose, its approach to balancing simple and complex majoritarianism is not different from a pure parliamentary system. Japan and pre-reform Victoria do not make full use of semi-parliamentarism's potential for normative balancing, mainly because the electoral systems in the two chambers are similar. South Australia follows the same institutional template as the other cases in mainland Australia (Table 6.1) but does not achieve similar outcomes. Reasons include the small size of the second chamber, the relative frequency of minority situations in the first chamber, and the major parties' resulting need to gain support from minor parties and/or independents in the process of cabinet formation (Brenton and Pickering 2021; Ward 2012: 81–87).

As in Chapter 5, it is useful to take a closer look at the two goals that are most difficult to reconcile under a pure parliamentary system: identifiability and flexibility (Figure 6.3). Three points stand out. First, the semi-parliamentary systems can achieve the same levels of identifiability as Westminster democracies. Second, they can achieve higher levels of flexibility than even the most flexible parliamentary systems because they provide a more secure path towards cabinets with only a single veto player.² Third, semi-parliamentary government can reconcile these two goals to a large extent, which is impossible under pure parliamentarism. Voters can more or less directly select a single-party government and be fairly represented in issue-specific legislative decision-making.

² The semi-parliamentary cases can never get beyond 0.75 on our measure of flexibility, because a single majority party in the first chamber is a veto player. This contrasts with the situation in Switzerland, where every party can, in principle, be excluded from the legislative coalition.

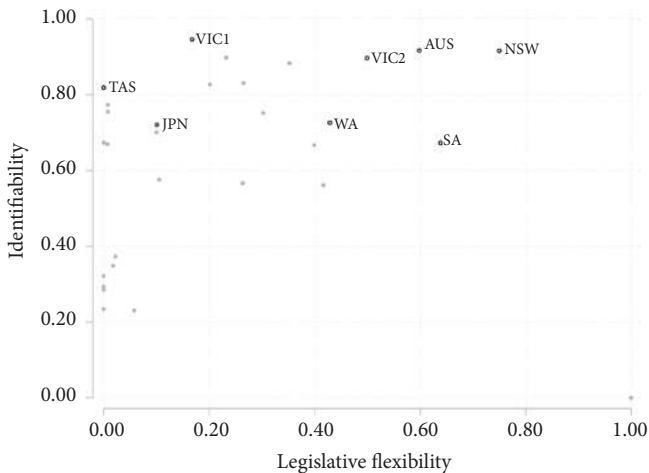


Fig. 6.3 Identifiability versus legislative flexibility in semi-parliamentary democracies, 1993–2018

Notes: see text.

A closer look at legislative flexibility

The indicator of legislative flexibility is rough and captures merely the *potential* for flexibility. One way in which this potential might not be realized is that governments tend to rely on the same legislative coalition throughout a legislative period. Another concern—well known from the literature on presidentialism—is that governments’ efforts at issue-specific coalition-building may fail and result in legislative deadlock. I discuss both possibilities in turn.

How much flexibility is there in practice?

We know from the research on minority governments that the potential for legislative flexibility is not always realized. One reason can be the location of parties’ policy positions relative to the status quo. If a minority cabinet wants to change the status quo in the same direction (left or right) on all issues, it might consistently seek support from the same party or parties (Ganghof et al. 2019). In practice, therefore, legislative coalitions might not shift much from issue to issue. Another possibility is that some potential support parties care only about a small set of issues, while accepting the government’s mandate on

Table 6.2 Legislative flexibility in mainland Australia (divisions), 1996–2019

| Legislative coalition (%): | Left | Mixed | Right |
|---------------------------------|------|-------|-------|
| Government: Labor | | | |
| With median control (N = 300) | 17 | 27 | 56 |
| Without median control (N = 80) | 1 | 53 | 46 |
| Government: Coalition | | | |
| With median control (N = 185) | 19 | 34 | 42 |
| Without median control (N = 17) | 82 | 18 | 0 |

Note: Entries are successful divisions in the second chamber on third or, alternatively, second readings of assented bills introduced by governments that have majority status in the first chamber, but minority status in the second chamber. The numbers give the percentages of left, mixed, and right coalitions. They do not always add up to 100% because coalitions with independents only are excluded.

Source: The data is taken from Pörschke (2021).

all others. The Christian Democrats in New South Wales have partly played this role.³

To explore actual legislative flexibility with available data, we can look at the patterns of coalition-building in second-chamber divisions. Table 6.2 does so for mainland Australia in the 1996–2019 period. It focuses on governments that have majority status in the first chamber but minority status in the second chamber. The main lesson is the importance of whether governments include the median party in the second chamber. When they do not, a “grand coalition” between the two major parties becomes likely, if not inevitable, and legislative flexibility is reduced. When they do control the second chamber median, however, governments tend to take advantage of this position. They become more likely to build coalitions on “their” side of the political spectrum, while excluding the major opposition party—although, in Australia, Labor governments tend to do this less often than Coalition governments (17% versus 42%). Since governments tend to include the second chamber median frequently, the division data suggests a fair degree of actual flexibility in legislative majority formation. This is corroborated by qualitative accounts (e.g., Clune 2021).

³ On coalition-building in New South Wales, see Clune and Griffith (2006), as well as Smith (2006, 2012).

Table 6.3 Government legislative success by form of government, 1979–2019

| | Parliamentary | Semi-presidential | Presidential | Semi-parliamentary |
|--------------|---------------|-------------------|--------------|--------------------|
| Overall | 85.8% (390) | 82.4% (110) | 66.4% (189) | 83.6% (150) |
| Single-party | 87.0% (169) | 78.6% (21) | 64.1% (101) | 84.1% (113) |
| Coalition | 84.9% (221) | 83.3% (89) | 69.0% (88) | 82.3% (37) |

Note: Observations are years, with their number given in parentheses. Since most semi-parliamentary systems are found at the subnational level in Australia, the unicameral parliamentary system of Queensland is also included.

Source: The data is taken from Pörschke (2021) and includes data from Saiegh (2011) and McKelvy (2013).

Does the separation of powers lead to deadlock?

But perhaps the attempt to build issue-specific or dimension-specific coalitions often results in legislative deadlock. To explore this possibility, I follow Cheibub (2007) and Saiegh (2009, 2011) in comparing governments' legislative "success" or "effectiveness" in democracies by form of government. These studies define this success as the ratio of the number of proposals introduced by the government to those approved by the legislature. Pörschke (2021) assembled a data set that builds on Saiegh (2009, 2011), as well as McKelvy (2013) and also includes the semi-parliamentary systems in the Australian states.⁴ Based on this data, Table 6.3 provides, for the period from 1979 to 2019, a modified version of Cheibub's (2007: 89, Table 4.6) comparison.⁵ While Cheibub collapsed parliamentary and semi-presidential systems, I treat the latter as well as semi-parliamentary systems as distinct types.

Since Table 6.3 integrates different data sets and compares across different time periods and levels of government, it must be interpreted cautiously. Nevertheless, the data suggests that success rates are rather similar under parliamentary, semi-presidential, and semi-parliamentary government but substantially lower under presidential government. How can this be explained?

Cheibub (2007: 89–90) suggests a partial explanation for the lower success rates under presidentialism based on selection bias. The idea is that presidents are more likely to initiate bills that they know will be defeated, whereas prime ministers under pure parliamentarism must be more careful to protect

⁴ Saiegh's data focuses on first chambers, while McKelvy also takes second chambers into account; so does, of course, Pörschke's data on the semi-parliamentary systems.

⁵ While Saiegh's data goes back to 1946 (for some cases), that of McKelvy and Pörschke only starts in the early 1990s.

their survival in office. If this were true, though, prime ministers under semi-parliamentarism might be expected to behave like presidents with respect to the second chamber. Table 6.3 provides no evidence for this.

A different potential explanation is that the negative effect of presidentialism on legislative success—whatever its true size may be—is only partly due to the branch-based separation of powers. It may also result from the way that presidential constitutions connect this separation to executive personalism (Chapter 2). Concentrating executive power in a single individual may reduce legislative success both directly and indirectly. An example of a direct effect is that presidentialism facilitates the election of outsiders or newcomers (Carreras 2017; Samuels and Shugart 2010), which tends to increase the likelihood of executive–legislative conflict (Carreras 2014).⁶

An example of an indirect effect is that executive personalism arguably makes it more risky to include a deadlock-resolution mechanism like assembly dissolution in the constitution (see Chapter 8 for further discussion). When presidents are allowed to dissolve the assembly, the threat of dissolution becomes a weapon not only of governments but of single human beings. Presidents can use it to “quell dissent” (Sanchez-Sibony 2018: 105) within their own parties and thus strengthen party “presidentialization” (Samuels and Shugart 2010). Under semi-parliamentarism, by contrast, the possibility of a double dissolution can be used more safely as a weapon of the government and/or first chamber against a potentially obstructive second chamber. Any strengthening of prime ministers vis-à-vis their party or coalition in the first chamber is balanced by this chambers’ confidence power. In the semi-parliamentary systems, it is often possible to dissolve the entire second chamber (e.g. in a double dissolution procedure) or half of it (e.g. after a lost no-confidence vote in, and dissolution of, the first chamber). This possibility may facilitate governments’ legislative success—regardless of how often it is actually used.

To take a closer look at the comparison between parliamentary and semi-parliamentary systems, I focus on the data sets of McKelvy (2013) and Pörschke (2021), as their measurement of legislative success consistently takes second chambers into account (Table 6.4). Pörschke’s data also allows us to single out those legislative periods under semi-parliamentarism in which the government is identical to or includes the median party in the second chamber.

We see—as we did in Table 6.3—that parliamentary systems tend to have higher success rates overall but that the difference is not large. Moreover, if

⁶ “Outsiders” are defined by becoming politically prominent from outside the national party system, “newcomers” by their lack of political experience in a party, a cabinet, or a legislature (Carreras 2017: 365–366).

Table 6.4 Government legislative success by form of government, 1993–2019

| | Parliamentary | Semi-parliamentary | Semi-parliamentary with government controlling the median in both chambers |
|--------------|---------------|--------------------|--|
| Overall | 88.4% (67) | 84.8% (31) | 90.1% (15) |
| Single-party | 85.0% (30) | 85.0% (26) | 90.7% (13) |
| Coalition | 91.2% (37) | 83.7% (5) | 86.1% (2) |

Note: Observations are legislative terms, with their number given in parentheses. Since original expert survey data on party positions in Australian states is used to determine the median party in both chambers (see appendix), Japan is excluded from the semi-parliamentary columns due to missing data.

Source: The data is taken from McKelvy (2013) and Pörschke (2021).

governments control the second chamber median in a semi-parliamentary system, legislative success rates are not lower. A particularly interesting comparison is that between coalition governments under parliamentarism (91.2%) and single-party cabinets with second-chamber median control under semi-parliamentarism (90.7%). The high levels of legislative success in the latter constellation may partly be explained by the governments' flexibility in building legislative coalitions. The relevance of median status also highlights the importance of institutional design (see Chapter 8).

In sum, the more detailed analysis shows that the semi-parliamentary separation of powers does not lead to severe and persistent legislative deadlock. It thus reinforces the results of the previous section: semi-parliamentary systems can balance simple and complex majoritarianism in ways that are unavailable under other forms of government. Most importantly, they simultaneously allow voters to clearly legitimize a single-party government and to be fairly represented in issue-specific legislative decision-making. In contrast to presidential government, these two goals are reconciled without concentrating executive power in a single human being.

Is normative balancing desirable?

But is it really desirable to balance simple and complex majoritarianism? One way to challenge this idea is to insist that some goals are inherently more important than others. Weale (2018) makes an argument to this effect.

He contends that the values of simple majoritarianism are “largely instrumental values,” whereas those associated with complex majoritarianism are “intrinsic”—they follow from the “very definition of democracy” (2018: 238). For him, the normative standard implied by the ideal of political equality is the “issue-by-issue median,” which he describes as a “voting rule” (Weale 2018: 237; see also Ward and Weale 2010). He suggests that a parliamentary system like Denmark can approximate this standard, so that the kind of normative balancing possible under semi-parliamentarism is not desirable.

My response is twofold. Conceptually, I see the issue-by-issue median not as a voting rule, at least not in the real world, but an abstract standard of what I have called process equality (Chapter 4). Its value is not intrinsic.⁷ The three goals of simple majoritarianism are just as much standards of process equality, but they emphasize the vertical, rather than horizontal dimension of the democratic process. The only goal of complex majoritarianism that is focused on formal institutions and might thus have some priority in institutional design is mechanical proportionality. But, as I argued in Chapter 4, semi-parliamentarism has an *advantage* over a pure parliamentary system in this regard, everything else being equal. If Denmark replaced its 2% legal threshold of representation with a 2% legal threshold of confidence authority (thus introducing semi-parliamentarism), the voters of new and very small parties would be treated more equally by the formal procedures, not less. The idea of democracy’s intrinsic value does not challenge the importance of normative balancing.

My second response is empirical. Weale’s argument presumes that substantive minority cabinets under parliamentarism actually achieve legislative flexibility and do empower the issue-by-issue median. As I have shown in Chapter 5, however, parliamentary government limits legislative flexibility. Minority cabinets in countries like Denmark tend to consist of multiple veto players, each of which can block a movement of policy towards the issue-specific median or demand movements away from it as part of a larger logroll. If the goal is to empower the issue-specific median, some version of Swiss-style assembly-independent government might be a better choice because every party can be excluded from the winning legislative coalitions. Yet we have seen in Chapters 2 and 5 that this form of government has severe disadvantages, too. Normative balancing is unavoidable.

⁷ As explained in Chapter 4, process equality may be considered “intrinsically” valuable in the sense that we might give it some priority over achieving good substantive outcomes. Here, we are concerned with the evaluation of formal institutions, whose capacity to achieve any process equality standard must be evaluated instrumentally.

What about democratic “performance”?

Another way to challenge the desirability of normative balancing is to question whether it actually improves the “performance” of democracies as measured in terms of variables such as voter turnout, corruption, or various socio-economic indicators (Bernauer and Vatter 2019; Lijphart 2012). One response is that it is impossible to directly estimate some relatively context-independent “average causal effect” of well-designed semi-parliamentarism on democratic performance. The reasons include (a) the small number of semi-parliamentary cases; (b) their currently far-from-optimal designs; (c) their geographical concentration in a single country; and (d) their prevalence at the subnational level. There is simply no valid way to directly estimate how well-designed semi-parliamentarism would perform, say, at the national level in Scandinavia, Israel, Brazil, or the United Kingdom.

Lest this response appear too apologetic, let me also turn the tables a bit and note that existing studies of democratic performance do not deal adequately with the constitutional separation of powers. For example, the kind of normative balancing arguments that I have advanced here for semi-parliamentarism have been made about presidentialism for some time (e.g. Cheibub 2007; Mainwaring and Shugart 1997; Shugart and Carey 1992) and there is also some empirical evidence to support them (e.g. Cheibub 2006). Yet, Lijphart’s (2012) empirical approach implies that when presidential systems approximate simple majoritarianism in the executive branch and complex majoritarianism in the legislative branch, they are similar to parliamentary systems with intermediate levels of proportionality, multipartism, and clarity of responsibility (Ganghof and Eppner 2019: 118). The optimization potential of the separation of powers is ruled out from the outset. Another example for the conceptual neglect of the separation of powers is the comparative analysis of Bernauer and Vatter (2019: 80, but see 11), which classifies the Swiss form of government as “semi-presidential” and, like Lijphart (2012), equates Swiss cabinets with oversized cabinets in parliamentary systems (Bernauer and Vatter 2019: 84).

These examples lead me to question that the institutional and behavioral variation of real-world democracies can be reduced to a few composite variables that explain democratic performance. This reductionist approach may lead to invalid causal claims (Ganghof and Eppner 2019). Moreover, it may limit our ability to think creatively about constitutional design by reinforcing a sort of cognitive path-dependency. Rather than to learn from unusual institutional configurations such as those in Switzerland or Australia, the effort to fit them into broad conceptual boxes, such as “consensus” or “majoritarian”

democracy, may lead us to distort their characteristics. The thick strokes with which we paint reality may keep us from recognizing deeper explanations and new design possibilities.

Given this danger, I am content with outlining the *theoretical* plausibility that a well-designed semi-parliamentary constitution *may* improve performance, everything else being equal. Turnout is a good example. Quite a few studies suggest that simple and complex majoritarianism have conflicting causal effects on turnout (Ganghof and Eppner 2019). On the one hand, proportional representation, multiple parties, and multidimensional preferences make it easier for voters to find a party they feel represented by, which renders them more likely to vote (Blais et al. 2014; Rodden 2020). On the other hand, all of these features, by reducing identifiability and clarity of responsibility, also seem to reduce turnout (Park et al. 2019; Tillman 2015). Parliamentary systems may try to balance these conflicting causal effects by providing incentives for alliance formation, but this balancing strategy is demanding (Chapter 5). The balance achievable under semi-parliamentarism *may* be superior because it can combine high levels of identifiability with proportional and multidimensional representation. This potential superiority is difficult to test empirically, partly because Australia uses compulsory voting, but this fact does not invalidate the theoretical argument.

Corruption is another example. Here, too, some studies point to a corruption-reducing effect of proportional representation and a high effective number of parties (Lijphart 2012), while others ascribe such an effect to high clarity of responsibility (Schwindt-Bayer and Tavits 2016). Still other studies try to reconcile these conflicting results by suggesting a corruption-reducing sweet spot at some intermediate level of party system fragmentation (Schleiter and Voznaya 2014). Well-designed semi-parliamentary systems may provide a different path towards optimization because single-party cabinets can provide for relatively high clarity of responsibility, while multiparty systems can increase party system competitiveness and achieve horizontal accountability. In fact, Schwindt-Bayer and Tavits (2016: 56–57) single out the Australian Commonwealth as a case that was more effective in fighting corruption when it was governed by single-party majority cabinets. What they neglect is that these cabinets usually lacked a majority in the proportionally elected Senate with a well-developed committee system. This fact may also have contributed to Australia's performance on corruption.

Arguments along these lines could probably be developed for additional performance indicators such as median voter congruence or satisfaction with democracy (see, e.g. Stecker and Tausendpfund 2016). Here, though,

I want to go one step further and explore how a semi-parliamentary constitution may benefit democratic performance indirectly, by complementing other performance-enhancing constitutional features. We might call this the synergistic benefit of semi-parliamentarism.

Synergistic benefits of semi-parliamentarism

To illustrate potential synergies, I will focus on two examples: compulsory voting and weak(er) judicial review of legislation. They relate directly to the two main advantages of well-designed semi-parliamentarism: (a) the kind of normative balancing it enables; and (b) its potential to achieve a genuinely political form of horizontal accountability.

Compulsory voting

Arend Lijphart (1997c) has famously argued that “democracy’s unresolved dilemma” is that elections do not accurately reflect the preferences of the citizenry. There appears to be a “cycle of disengagement” (Chapman 2019), in which many citizens with lower wealth and education levels vote relatively less, partly because they do not perceive the political system as responsive to them, and this non-voting reinforces the lack of responsiveness. Compulsory voting—when adequately sanctioned—has been discussed as a way to break this cycle, but only between 20 and 30 countries (depending on counting rules) have implemented this practice. Australia stands out in this group as having a well-designed and systematically enforced system (Bonotti and Strangio 2021).

There is also clear evidence that compulsory voting can have massive effects on democratic processes and substantive outcomes. For example, Fowler (2013) estimates that its introduction in the Australian states caused a 24-percentage-point increase in voter turnout and a 7–10-percentage-point increase in the vote and seat shares of the Labor Party, and that its national adoption increased voter turnout by 18.6 percentage points and pension spending by more than 40%. Other studies come to similar conclusions (Bechtel et al. 2016).

Compulsory voting nevertheless continues to be controversial (e.g. Brennan and Hill 2014; Birch 2018; Lever and Volacu 2018; Umbers 2020). What seems clear is that its successful justification depends on some broader configuration

of basic institutions, on penalties for nonvoting being mild, on the burdens of voting being minor, and on appropriate exemptions being allowed (Chapman 2019; Elliott 2017; Umbers 2020). I contend that its justifiability also depends on the mechanical proportionality of legislative elections being as high as possible, everything else being equal. For it seems objectionable to coerce citizens to vote whilst *restricting the very options they can vote on*. One might allow voters that feel constrained in their choices an exemption, of course, but if the democratic state coerces voters to turn out, it plausibly assumes a corresponding obligation to increase their freedom of choice as much as possible. And this, in turn, implies an obligation to search for a constitutional structure that is conducive to this goal.⁸

The empirical results by Fowler and others underline this point. It is not objectionable that compulsory voting shifts policies towards the left, if this shift corrects an existing bias, rather than creating a new one. But we know that legal or implicit thresholds of representation can also create bias and invert election results; they may turn electoral minorities into legislative majorities and vice versa. If, say, voters with libertarian beliefs are coerced to vote, they should be able to be represented by a libertarian party, even if this party remains very small and lacks constitutional power over the cabinet. Parliamentary representation can help this party to grow and make a principled case for and against certain policies (including compulsory voting). If coercion is justified as a way to level the playing field, then its combination with a biased electoral system is problematic. To the extent that semi-parliamentarism allows for a greater degree of mechanical proportionality than parliamentarism, everything else being equal, it might be a better structure to complement compulsory voting.

Weak(er) judicial review

Another contentious issue of constitutional design concerns the power of courts. Many authors emphasize the risks and downsides of adopting “strong” forms of the judicial review of legislation to protect individual rights (e.g. Bellamy 2007; Waldron 2006).⁹ These authors are often labelled advocates of “political constitutionalism” (Goldoni 2012). One main concern of theirs is

⁸ To my knowledge, this point has not been made in the literature. Lisa Hill, in Brennan and Hill (2014: 114, n. 10), considers “some degree of genuine choice” preferable and “some degree of proportionality ... optimal” I worry that these requirements are too weak.

⁹ The distinction between strong and weak judicial review is a simplification, of course. The reality is a gradual one along multiple dimensions of strength and weakness (Dixon 2019).

that strong judicial review undermines political equality. Political constitutionalists hold that the legislature is the right place to decide disagreements about rights. These concerns about political equality are also linked to concerns about substantive outcomes; for example, because judicial review may be used to entrench the political preferences of (formerly) powerful actors (Ginsburg 2003; Hirschl 2004). Again, my aim here is not to dive deeper into this debate but to highlight a widely accepted precondition for the absence or weakness of judicial review: an effective form of *political* accountability (e.g. Waldron 2006, 2012; Stephenson 2019).

Stephen Gardbaum (2014: 639) argues that the “[c]onstitutional evolution towards judicial review in established parliamentary democracies has been, in significant part, the result of changing institutional practices that have combined to undermine faith in traditional political modes of review and accountability, and render judicial ones the only seemingly practical alternative.” What he means in particular is the dominance of the executive in a parliamentary system with disciplined parties. He identifies as an overlooked contributing cause for the growth of judicial review the lack of an effective political separation of powers and, hence, a lost faith in “political accountability as an effective and sufficient check on government action” (Gardbaum 2014: 618).

Gardbaum (2014: 636) also notes that Australia is “one of the few countries to resist constitutionalization and judicial review of rights” and suggests that its bicameralism may help to explain this fact. The Senate exercises real legislative power and actively scrutinizes government legislation, primarily through its Standing Committee for the Scrutiny of Bills (Stephenson 2013), and this capacity to hold governments accountable is strengthened by the use of proportional representation for Senate elections. Gardbaum contrasts this situation with that in Italy, where similar electoral systems in both chambers diminish the Senate’s role as an agent of accountability.

While Gardbaum’s explanation for the relative lack of constitutionalization and rights review in Australia is somewhat speculative, semi-parliamentary government with a proportionally elected second chamber is without doubt an attractive constitutional structure for achieving political accountability (Stone 2008). In explicating it, though, Gardbaum focuses on the comparison to Italy and the electoral systems of the two chambers, while neglecting the form of government. Italy has a parliamentary system because the confidence relationship between cabinet and assembly is extended to the Senate, and this is the deeper reason why the electoral systems of the two chambers *cannot* be very

different without causing problems (see Chapter 7). Only because the Australian Senate does not have the constitutional power to dismiss the cabinet is there a true separation of powers and the electoral systems of the two chambers can be allowed to differ. The semi-parliamentary constitution is central to political accountability in Australia.¹⁰

None of this is to say that rights review in the Australian parliaments is satisfactory. There is probably a lot of room for improvement in terms of both institutions and political culture (Debeljak and Grenfell 2020). To the extent that rights review does work, however, second chambers play an important role as counterweights to executive and major party dominance (e.g. Grenfell 2020; see also Saunders 2021). Moreover, once we fully understand the structure and potential of semi-parliamentary government, we may be able to increase its potential to foster political accountability and reduce executive dominance (see Chapter 8).

Conclusion

The semi-parliamentary separation of powers can balance competing visions of democratic majority formation in ways that are unavailable under pure parliamentary government. The resulting normative balance may improve democratic processes and outcomes, and it may complement other potentially desirable constitutional designs, such as compulsory voting and weaker forms of judicial review. These insights remind us that there are no free lunches in choosing a form of government. Pure parliamentary government does have downsides.

This is not the same as claiming that semi-parliamentarism is superior to pure parliamentarism, all things considered. One reason not to exaggerate its advantages is that the tension between different visions of democratic majority formation is bound to resurface in the design of inter-branch relations. Roughly speaking, the more powerful the first chamber becomes relative to the second chamber, the more we strengthen simple vis-à-vis complex majoritarianism—and vice versa. I will discuss this issue further in Chapter 8.

¹⁰ Finland used to be another example of legislative supremacy in the constitutional review of legislation (Lavapuro et al. 2011), and this supremacy was complemented by a one-third minority veto in the unicameral parliament. However, since a minority veto biases the political process, it was abolished as soon as the political right felt as constrained by it as the left. I discuss this abolishment further in Chapter 7 (see also Eppner and Ganghof 2017).

The main conclusion here is not that normative balancing under semi-parliamentarism is necessarily *better* than that under pure parliamentarism, but that it is *importantly different*.

Another reason to remain cautious is that there are certainly more goals in constitutional design than I have covered here. I have deliberately focused on goals that have played a prominent role in the political science literature and especially in defenses of the presidential separation of powers (Cheibub 2006, 2007; Mainwaring and Shugart 1997; Shugart and Carey 1992). This will help me make my case against presidentialism in Chapter 9. If a broader range of goals is taken into account, however, the kind of normative balancing achieved by pure parliamentary systems might well be considered superior. For example, in times of increasing affective polarization between citizens and the overarching importance of the urban–rural divide in shaping this polarization, the formation of multiparty cabinets might be an important unifying force in society (Rodden 2020). While such cabinets tend to create veto players and reduce clarity of responsibility, as well as legislative flexibility, they may also help to create trust between different societal groups, build executive expertise in different parties, and so on. Perhaps a deeper understanding of semi-parliamentarism will also help us to better appreciate the strengths of pure parliamentary government.