

A New Political System Model: Semi-Parliamentary Government

Steffen Ganghof
University of Potsdam
2017

Forthcoming
European Journal of Political Research

Abstract: Semi-parliamentary government is a distinct executive-legislative system, which mirrors semi-presidentialism. It exists when the legislature is divided into two equally legitimate parts, only one of which can dismiss the prime minister in a no-confidence vote. This system has distinct advantages over pure parliamentary and presidential systems: It establishes a branch-based separation of powers and can balance the “majoritarian” and “proportional” visions of democracy without concentrating executive power in a single individual. The article analyzes bicameral versions of semi-parliamentary government in Australia and Japan and compares empirical patterns of democracy in the Australian Commonwealth as well as New South Wales to 20 advanced parliamentary and semi-presidential systems. It discusses new semi-parliamentary designs, some of which do not require formal bicameralism, and pays special attention to semi-parliamentary options for democratizing the European Union.

Keywords: semi-parliamentarism, bicameralism, Australia, New South Wales, Japan

The work on this article profited from a research stay at the University of Sydney from August to October 2016, and I would like to thank Anika Gauja and Rodney Smith for their generous help and hospitality. Portions of the article were presented at the Helmut Schmidt University Hamburg, the University of Osnabrück, the Australian Political Science Association conference 2016 in Sydney and the New South Wales parliament (sponsored by the NSW section of the Australasian Study of Parliament Group). In addition to the audiences and panel members at these events, I am grateful to Joachim Behnke, David Blunt, Scott Brenton, John M. Carey, Flemming J. Christiansen, David Clune, Sebastian Eppner, Gareth Griffith, Florian Grotz, André Kaiser, Simon Hix, JD Mussel, Alexander Pörschke, Stephen Reynolds, Fritz W. Scharpf, Stefan Schukraft, Campbell Sharman, Rodney Smith, Christian Stecker, Bruce Stone, Dag Tanneberg and John Uhr for helpful feedback and comments. I would also like to thank my interviewees (representatives and staff members) at the Australian Senate and the Legislative Councils of New South Wales and Victoria for their time and input. Special thanks to Sebastian Eppner and Alexander Pörschke for their contribution to the gathering and analysis of the data for this article, and to Leon Gärtner and Christian Lange for excellent research assistance. Funding from the German Research Foundation (DFG) is gratefully acknowledged (GA 1696/2-1).

1. INTRODUCTION

In a seminal contribution to this journal – from which the main title is borrowed here – Maurice Duverger (1980) defined the concept of semi-*presidential* government and analyzed the diversity of practices in what was then only a small set of semi-presidential countries (see also Elgie, 2011, 2016). This article carries out a similar analysis for the concept of semi-*parliamentary* government. It proposes to understand the latter as the mirror image of the former. A semi-presidential system divides the executive into two equally legitimate parts, only one of which – the prime minister – depends on assembly confidence for its survival in office. Conversely, a semi-parliamentary system divides the assembly into two equally legitimate parts, only one of which possesses the power to dismiss the prime minister in a no-confidence vote.¹ It establishes a formal separation of power between the executive and *one part* of the assembly. Semi-parliamentary government is a distinct but neglected executive-legislative system and a “missing link” in our typological thinking about democratic constitutions.

The article identifies as semi-parliamentary the constitutions of the Australian Commonwealth, the bicameral Australian states, and Japan. It connects the analysis of these cases with the comparative literature on executive-legislative systems and draws on the Australian experience to discuss new semi-

¹ Scholars have used the term semi-parliamentarism occasionally and inconsistently for executive-legislative systems generally labelled differently (Duverger, 1997: 137, Fabbrini, 2001, Linz, 1994: 48-9, Sartori, 1994: 110).

parliamentary designs. These designs do not necessarily require formal bicameralism. For example, a simple way to implement semi-parliamentarism is a legal threshold of confidence authority: It would deny parties with a below-threshold vote share the right to participate in the no-confidence vote, but allow them fair representation in the legislative and deliberative process in parliament. I suggest that semi-parliamentarism might also be an attractive option for democratizing the European Union.

Semi-parliamentary government deserves the attention of constitutional and democratic theorists because it may avoid important downsides of pure presidential and parliamentary systems, while maintaining many of their core strengths. In presidential systems, neither citizens nor representatives can remove an incompetent (rather than criminal or incapacitated) president from office – at least unless they are willing to stretch the constitutional rules (e.g. Marsteintredet et al., 2013).² The concentration of executive power in a single individual also provides strong democratic reasons for constitutional limits on reelection, but these limits undermine the executive’s electoral accountability and are often difficult to enforce (Ginsburg et al., 2013, Linz, 1994: 12). Popularly elected chief executives weaken parties’ unity and programmatic capacities (Carey, 2007, Samuels and Shugart, 2010); and while they may not increase the overall risk of

² Recall referenda can remove presidents, but few presidential constitutions include them, and – depending on their design – they are likely to be either ineffective or abused as a weapon of political opponents (cf. Welp, 2016).

democratic breakdown (Cheibub, 2007), they do seem to pose a persistent threat of authoritarian takeover *by the incumbent president* (Maeda, 2010, Svobik, 2015).

Semi-parliamentarism may offer potential solutions to these problems. It allows citizens to choose a prime minister in a way that mimics presidential elections, but the incumbent can be re-elected without limits and removed at any time by his or her party, or by the majority in *one part* of the assembly. Adequately designed, this part can function as a standing two-party “confidence college” for the prime minister. Since the executive’s survival is constitutionally independent from the other part of the assembly, there is still a form of branch-based separation of powers. Semi-parliamentarism can achieve *power-separation without presidents*.

A core problem of pure parliamentarism is the unavoidable tension it creates between parliament’s representative, deliberative and legislative roles, on the one hand, and its function as a “confidence college” for the cabinet, on the other. The former roles may suggest highly proportional electoral systems, yet the resulting fragmentation of parliament raises worries about the identifiability, accountability and stability of cabinets. Political science has discussed this tension as one between the proportional and majoritarian “visions of democracy” (Lijphart, 2012, Powell, 2000). Due to its separation of powers, semi-parliamentary government has the potential to balance these visions: The part of the assembly with confidence authority can achieve the “majoritarian” values of identifiability, accountability and cabinet stability, whereas the separated part can allow for proportionality, a multidimensional party system and issue-specific deliberation on individual pieces of legislation (cf. Ward and Weale, 2010).

The discussion proceeds as follows. Section 2 locates semi-parliamentarism in a general typology of executive-legislative relations, and provides a minimal definition of it. Section 3 constructs an “ideal-type” of semi-parliamentary democracy and analyzes how far the (minimally) semi-parliamentary systems in Australia and Japan approximate it. Section 4 elaborates on the theoretical argument. Section 5 summarizes the electoral designs in the bicameral Australian polities and empirically compares the balancing of the majoritarian and proportional visions of democracy in New South Wales and the Australian Commonwealth to the balancing achieved in 20 parliamentary and semi-presidential systems. Section 6 discusses new semi-parliamentary designs. Section 7 concludes.

2. TYPOLOGY AND MINIMAL DEFINITION

The dominant practice in political science has been to neglect upper houses in classifying a democracy’s executive-legislative system. In my view, this practice cannot be justified *if the upper house is directly elected and thus prima facie equally legitimate as the lower house.*³ If two houses of parliament have an equal claim to represent the people, but only one of them can dismiss the prime minister, then a hybrid system is established. Once we understand the structure of this hybrid, we can also see that it does not require formal bicameralism. In

³ On democratic legitimacy and upper house strength see also Russell (2013), who focuses on the *publicly perceived* legitimacy of upper houses.

developing the following typology, therefore, I will sometimes speak of the two “parts” of an assembly rather than its two “houses”.

Table 1: A Typology of Executive-Legislative Systems

Is the executive (partly or wholly) popularly elected?	Does the executive’s survival depend on the legislature?		
	Wholly	Partly	No
Yes	Prime-ministerial	Semi-presidential	Presidential
No	Parliamentary	Semi-parliamentary	Assembly-independent

Source: Adapted from Ganghof (2014).

Table 1 distinguishes six types of executive-legislative systems based on how the executive comes into and survives in office (Shugart and Carey, 1992). The types form three logical pairs. The first consists of the two pure types. A popularly elected fixed-term president, whose survival in office does not depend on the assembly, defines a *presidential system*. If two directly elected houses exist, the president must not depend on the confidence of either of them. In a *parliamentary system* the executive emerges from the assembly and its survival depends on the assembly’s ongoing confidence. If two equal houses exist, it is dependent on both of them (as it continues to be in Italy after the failed constitutional referendum of December 2016).

The second pair consists of two hybrids that combine one parliamentary with one presidential feature. “Assembly-independent government” (Shugart and Carey, 1992: 26) describes a system in which the executive is voted into office by

the assembly but, once in office, *cannot* be dismissed in a no-confidence vote. If there are two equally legitimate houses of parliament, as is the case in Switzerland, the survival of the cabinet must not depend on either of them. A popularly elected prime minister who can be dismissed in a no-confidence vote of the assembly, defines *prime-ministerial government*. If the assembly consists of two equally legitimate houses, both must have this dismissal right. Israel established a unicameral version of this system in the mid-1990s and abandoned it again a few years later (Ottolenghi, 2001).

The third pair also mixes elements of parliamentary and presidential government, but it does so by dividing either the executive or the assembly into two parts with equal democratic legitimacy. In *semi-presidentialism* a fixed-term president is legitimized through popular (direct) elections, but there is also a prime minister dependent on parliamentary confidence (Elgie, 2011). If there are two equally legitimate houses, both must be able to dismiss the prime minister, as is the case in Romania. Finally, in *semi-parliamentarism* both parts of the assembly (most commonly: both houses) are legitimized through direct election, but the prime minister and her cabinet are dependent on the confidence of only one of them.⁴ Both hybrids establish a *partial* dependence of the executive on the assembly's confidence: either only a part of the executive is dependent on

⁴ Ganghof (2014) discusses the bicameral version of this type under the label “chamber-independent government”. The term “semi-parliamentary government” is more general and includes the unicameral designs discussed in section 6.

confidence (semi-presidentialism), or only a part of the assembly needs to provide this confidence (semi-parliamentarism).

By proposing the typology in Table 1, I do not want to suggest that the detailed institutional choices *within* the six basic types do not matter, that these choices follow directly from the basic type, or that the types as such are generally very useful in explaining political outcomes (see Cheibub et al., 2014, Elgie, 2016, Shugart and Carey, 1992). Yet I do contend that, based on the two well-established analytical dimensions for classifying executive-legislative systems, semi-parliamentary government constitutes a distinct and neglected type. To specify it further, I first give a “minimal” definition with which cases of semi-parliamentarism can be clearly identified and distinguished from other types (cf. Strøm, 2000). The definition builds directly on Table 1:

1. There are no popular elections of the chief executive or head of state.
2. The assembly has two parts both of which are directly elected.
3. The executive’s survival depends on the confidence of one part of the assembly, but not the other.

Note that this definition does not include any requirements about the legislative power of the upper house, especially its veto power. This is in line with the most recent literature on executive-legislative systems. While earlier work on presidentialism and semi-presidentialism views the formal powers of the president as a defining attribute (Duverger, 1980, Shugart and Carey, 1992), more recent work does not (Cheibub et al., 2014, Elgie, 2011). Yet legislative power is certainly important. I argue below that an ideal-type of semi-parliamentary *democracy* requires that at least the separated part of the assembly (the upper

house in the bicameral case) have absolute veto power over all (non-budgetary) legislation.

The minimal definition does also not rule out the possibility that the cabinet is partly drawn from the part of the assembly without confidence authority (the upper house). Upper house ministers are common in Australia.

Finally, while the suggested minimal definition of pure semi-parliamentarism rules out popular executive elections, there can also be a “semi-parliamentary” version of semi-presidentialism. This more complex hybrid exists in the Czech Republic, which has a directly elected, fixed-term president, a prime minister dependent on lower house confidence and a directly elected upper house without the power to dismiss the cabinet. However, the Czech constitution gives neither the president nor the upper house strong formal powers. The lower house can overrule their legislative vetoes with absolute majorities.

Based on the minimal definition, we can identify seven (pure) semi-parliamentary democracies: the Australian Commonwealth, five Australian states and Japan.

3. A SEMI-PARLIAMENTARY IDEAL-TYPE AND ITS APPROXIMATIONS

This section develops a richer definition of semi-parliamentary *democracy*. It is a more “ideal-typical” definition (cf. Strøm, 2000), although not in the strict sense that no real-world system could satisfy its conditions. One purpose is to clarify the logic of democratic delegation embodied in this constitutional regime.

Another is to provide criteria for judging how closely the (minimally) semi-parliamentary cases approximate the ideal-type.

In the language of agency theory, the logic of democratic delegation in a semi-parliamentary regime is that voters, as the ultimate principal, select two separate but equally legitimate legislative agents, only one of which then becomes the principal of the prime minister and his or her cabinet. The cabinet is hierarchically subordinate to one part of the assembly, but not the other. This logic of delegation implies three desiderata. First, the democratic legitimacy of the two parts of the assembly ought to be equal. Second, the survival of the cabinet ought to be fully independent from one part of this assembly. Third, the legislative veto power of this separated part of the assembly ought to be absolute. These desiderata have six specific institutional implications, which I discuss in turn (Table 2).

Table 2: Approximations of Semi-Parliamentary Ideal-Type

	NSW	VIC	TAS	SA	WA	AUS	JAP
Equal legitimacy of UH?							
UH directly elected?	Yes	Yes	Yes	Yes	Yes	Yes	Yes
UH apportionment as fair as LH?	Yes	Yes	Yes	Yes	No	No	No
Unequal confidence authority?							
UH lacks confidence vote?	Yes	Yes	Yes	Yes	Yes	Yes	Yes
UH lacks absolute budget veto?	Yes	Yes	No	No	No	No	Yes
Absolute veto power of UH?							
UH has absolute veto (except budget)?	Yes	Yes	Yes	Yes	Yes	Yes	No
UH veto maintained in conflict resolution?	Yes	No	Yes	Yes	Yes	No	No

Notes: UH = Upper house, LH = Lower house, NSW = New South Wales, VIC = Victoria, TAS = Tasmania, SA = South Australia, WA = Western Australia, AUS = Australian Commonwealth, JAP = Japan.

Sources: Stone (2008) as well as the respective constitutions and electoral statistics.

Democratic legitimacy. By the minimal definition given above, all seven systems in Table 2 have directly elected upper houses. However, the relative (normative) legitimacy of the upper house is reduced if it is more malapportioned than the lower house, i.e., if the apportionment of districts violates political equality to a greater extent.⁵ It is well-established that malapportionment also limits the *perception* of upper houses as legitimate (Russell 2013: 384). The former Australian Prime Minister Paul Keating famously referred to senators as “unrepresentative swill”. Most upper houses considered here have greatly reduced malapportionment. It is completely absent in the upper houses of New South Wales and South Australia due their single state-wide districts. However, greater malapportionment than in the respective lower house exists in the Australian Senate (30%), the Legislative Council of Western Australia (around 25%), the and Japanese House of Councillors (16% in the constituency tier of the electoral system).⁶

One might object that, once we consider any deviations from equal legitimacy of the two houses, the upper houses of countries like Germany or the Netherlands might also be included in the analysis. Though not directly elected, their – formal and perceived – democratic legitimacy is quite high and might be on par with (some) directly elected but malapportioned upper houses. I am sympathetic

⁵ Longer and staggered term lengths of upper houses could also be seen as reducing their legitimacy, but this would be more controversial (Stone, 2008).

⁶ Own computations of Samuels and Snyder’s (2001) malapportionment index.

towards extending the analysis in this way (cf. Ganghof, 2014: 656, n. 10).

However, since I contend that we *must* see a certain type of bicameralism as changing the executive-legislative system, consistency requires that I choose a restrictive operationalization of upper house legitimacy. Analyzing additional bicameral systems as semi-parliamentary might be analytically fruitful, but it is no logical necessity in terms of our standard criteria for classifying political regimes and executive-legislative systems.

Upper house confidence. By the minimal definition of semi-parliamentarism, all upper houses considered here lack a no-confidence vote. However, an absolute veto over the budget can be used as a *de facto* no-confidence vote. New South Wales, Victoria and Japan lack an absolute budget veto and thus come closer to the ideal-type.⁷ The other cases have an absolute budget veto and deviate more from it.

Absolute legislative veto power. The upper house's absolute legislative veto power (with the exception of the budget) is not part of the above-proposed minimal definition of semi-parliamentarism, but an important part of the underlying ideal of democratic delegation. If the lower house possesses absolute veto power, as it typically does, and the upper house lacks it – as in the Czech hybrid – the constitution itself makes it clear that the two houses are not equal

⁷ In Japan the lower house does not have to overrule a budget veto of the upper house (by two-thirds majority). In the case of disagreement, the decision of the lower house becomes the decision of parliament after 30 days. On the role of the upper house in budgetary policy, see Thies and Yanai (2014).

agents of the voters. In contrast, I think that the absolute veto power of the lower house is no necessary part of semi-parliamentary democracy. Since the lower house is the principal of the cabinet and may have substantial agenda-setting and dissolution powers, a lack of veto power would not necessarily undermine its equal status. I will return to this issue in section 4.

In all minimally semi-parliamentary cases except Japan upper houses do have absolute veto power. Even if a veto is formally absolute, though, it may be substantially weakened in the dispute resolution procedure between the two houses. The crucial question is whether dispute resolution can involve a joint session deciding a conflicted issue by simple or absolute majority and thus favoring the larger (lower) house. This is the case in the Commonwealth parliament and in Victoria. All other Australian states maintain the equality of veto power (Stone, 2008). Tasmania and Western Australia have no provisions for dispute resolution; South Australia's constitution provides for a double dissolution election but no joint session; in New South Wales persistent deadlock can only be resolved in a popular referendum, in which the lower house is the agenda setter but both houses lose their veto power.

Table 1 is obviously a great simplification, but the overall picture is rather clear. New South Wales comes closest to the constitutional ideal-type of semi-parliamentarism, the Australian Commonwealth and Japan are farthest away; the other Australian states are in-between. Note that this rough ranking does not imply the hypothesis that upper houses will be more assertive, the closer they are to the semi-parliamentary ideal-type. In all Australian polities, Westminster norms and conventions remain strong, and the legitimacy of the lower house is widely

perceived as being superior (e.g. Reynolds, 2011). This is partly explained by the fact that Australian upper houses at the state level had a long anti-democratic history and were only democratized rather recently, 1978 in the case of New South Wales (e.g. Clune and Griffith, 2006). Another reason for the greater perceived legitimacy of the lower house is precisely its exclusive authority to dismiss the cabinet. This, I have argued, is a public misconception that political science should not replicate. After all, we do not question the democratic legitimacy of the assemblies in the United States, Uruguay or Switzerland because they lack a no-confidence vote. The existence or lack of confidence authority does not matter for democratic legitimacy but for the executive-legislative system.

4. TRADE-OFFS IN THE DESIGN OF EXECUTIVE-LEGISLATIVE SYSTEMS

Semi-parliamentarism is a particular instance of what constitutional theorists have called the “new separation of powers” (Ackerman, 2000). Proponents of presidential systems often conflate the popular election of the chief executive with the branch-based separation of powers, as if one could not be had without the other (Calabresi, 2001: 54-55). The analysis of semi-parliamentarism makes clear that this is a mistake. This executive-legislative system can achieve the main advantages associated with presidentialism, while avoiding some of its main downsides. I start with the balancing of the “majoritarian” and “proportional” visions of democracy and then move on to the independence of (one part of) the assembly on matters of legislation.

Balancing visions of democracy

Shugart and Carey (1992: Chap. 1) argue that a parliamentary system of government exacerbates basic tradeoffs in the institutional design of democracy. Since voters elect only one agent – parliament – which then selects a cabinet, a stark tradeoff emerges between an “efficient” government and a “representative” assembly. The authors’ notion of efficiency relates to the so-called “majoritarian” vision of democracy (Powell, 2000). Their particular focus is on identifiability, i.e., “the ability of voters to identify the choices of competing potential governments that are being presented to them in electoral campaigns” (Shugart and Carey, 1992: 9). “Representativeness” has two different aspects. First, the institutional logic of parliamentarism weakens local representation. National policy concerns expressed by parties become paramount and the “assembly formally constructed to represent local interests ... becomes principally an ‘electoral college’ for determining which party holds executive power” (ibid., 10-11). Second, even if we understand representation solely in terms of programmatic party platforms, parliamentary government creates a strong tradeoff in the choice of the electoral system. A highly proportional electoral system leads to a representative assembly but thereby tends to undermine identifiability. Optimized designs of electoral systems may help to mitigate these tradeoffs in parliamentary systems (Carey and Hix, 2011, Shugart, 2001), but the extent of this mitigation as well as the costs and risks involved are controversially discussed (Ganghof et al., 2015, McGann, 2013, Raabe and Linhart, 2017, St-Vincent et al., 2016).

Shugart and Carey (1992: 12-15) argue that presidential systems facilitate the balancing of conflicting design goals by allowing voters to elect *two separate agents*. Popular elections of a fixed-term president can achieve the “majoritarian” values of identifiability, accountability and (one sort of) cabinet stability, whereas assembly elections can be designed to maximize representativeness (see also Cheibub, 2006, 2007, Mainwaring and Shugart, 1997: 453, 461).

Yet presidentialism’s achievement of the majoritarian values comes at the price of concentrating executive power in a (single) individual. The identifiability of presidentialism “is of *one person*” (Linz, 1994: 12). Cabinet stability – to the extent that it exists (Pérez-Liñán and Polga-Hecimovich, 2017) – is presidential stability, whereas the partisan composition of the cabinet may change frequently (e.g. Martinez-Gallardo, 2012). Electoral accountability requires the president’s re-electability, but allowing (immediate) re-election increases incumbency advantage and may reinforce executive power accumulation. Empirical studies suggest that this accumulation creates a greater and persistent threat of authoritarian takeover by the incumbent, relative to parliamentary and semi-parliamentary systems (Svolik, 2015). Functional alternatives to term limits are not easy to find (Ginsburg et al., 2013). Moreover, even when a president is re-electable, voters are required to wait for the end of the presidential term to demand accountability, whereas prime ministers can be made accountable to their *parties* at any time, which then become accountable to the voters (Linz, 1994: 14). Independently elected presidents tend to weaken the party unity of governing parties relative to those in parliamentary systems “because they present a potentially competing source of directives against those of party leaders within the

legislature” (Carey, 2007: 106). They also contribute to weakening parties’ programmatic capacities, i.e., to parties being “broad coalitions with diffuse ideological commitments” (Samuels and Shugart, 2010: 14).

A semi-parliamentary system shares presidentialism’s potential for balancing the majoritarian and proportional visions of democracy, while avoiding many of its negative consequences. Here, too, voters elect *two agents*: the two parts (houses) of the assembly. The part whose majority is fused with the cabinet – the lower house in the bicameral case – can be oriented towards the goals of “majoritarian” democracy, but without undermining parties’ collective control over the chief executive. This part of the assembly is not merely an “electoral college” for the prime minister but a permanent *confidence college*. Its majority keeps the prime minister in power and is able to remove him or her at any time. Term limits are therefore unnecessary. The chief executive remains an agent of the party, which is accountable to voters. The other part of the assembly (the upper house) is similar to the assembly in a presidential system and can maximize representativeness. A highly proportional electoral system in this part of the assembly does not only achieve a fair representation of existing parties, but by making it easy for new parties to form, it also helps to keep existing parties accountable and allows new interests and identities and to come into play (Huber, 2012, McGann, 2013).

Note how the three criteria of the minimal definition of semi-parliamentarism are important here. (1) The absence of popular executive elections is important for making the chief executive accountable to her party. (2) The equal legitimacy (direct election) of the two parts of the assembly matters, because with clearly

inferior legitimacy, even an upper house with absolute veto power would usually need to practice behavioral self-restraint to avoid constitutional reform pressures.

(3) The upper house's lack of a confidence authority reduces the constraint the upper house puts on cabinet formation. When an upper house has confidence authority and favors certain cabinets over others, this is likely to create strong pressures for constitutional reform, as it did in Sweden (Eppner and Ganghof, 2017). Institutional designers can avoid these pressures by ensuring a similar or identical composition of the two houses, as they have done, for long periods, in Belgium and Italy (ibid.). Yet if congruence is necessary to stabilize the upper house, it cannot achieve better representation than the lower house after all.

Achieving greater representativeness in a resilient manner requires upper houses to possess equal legitimacy but lack confidence authority.

Branch-based power-separation and coalition-building

Mainwaring and Shugart (1997: 462) highlight another advantage of presidentialism: the *assembly's independence in legislative matters*. As representatives can act on legislation without worrying about immediate consequences for the survival of the government, "issues can be considered on their merits rather than as matters of 'confidence' in the leadership of the ruling party or coalition."

One normative argument for issue-specific decision-making is that it is potentially more egalitarian (Ward and Weale, 2010). In parliamentary systems, fixed majority coalitions tend to provide each party with informal power to veto any policy (Tsebelis, 2002). This may bias the lawmaking process towards the

status quo or facilitate logrolls that move policy away from the majority (median) preference on a particular issue dimension. Such logrolls may also happen under (substantial) minority cabinets, because the opposition parties that keep the government in office demand policy gains on issues salient to them (Christiansen and Pedersen, 2014). By making the proportional part of the assembly independent in legislative matters, semi-parliamentary systems may facilitate flexible and issue-specific decision-making while avoiding the negative effects of a popularly elected president on parties' unity and programmatic capacities.

Note two caveats, though. First, even minority presidents in presidential systems often build portfolio coalitions, partly because cabinet posts can buy policy support (Cheibub et al., 2004). The same may happen in semi-presidential systems, especially when the legislature is fragmented. To the extent that this coalition building establishes partisan veto players in the cabinet, some of the potential benefits of issue-specific decision-making may be lost.

Second, the flipside of any branch-based separation of powers is the possibility of deadlock. Yet deadlocks seem to be relatively rare, even in the case of single-party minority governments under presidentialism (ibid.). The same seems to hold under semi-parliamentarism (e.g. Clune and Griffith, 2006, Ganghof and Bräuninger, 2006, Russell and Benton, 2010, Smith, 2012). Moreover, much depends on the more detailed institutional rules. For example, the possibility of *assembly dissolution* may be less of a problem in semi-parliamentarism (as compared to presidentialism), since the chief executive does not serve fixed terms. Hence, if dissolution requires simultaneous reelection of *both* parts of the assembly, there is a way to resolve deadlocks without completely

undermining the separation of powers. Furthermore, the part of the assembly with confidence authority (the lower house) need not possess absolute *veto power* over legislation. If the government's majority in the lower house cannot veto legislation but can threaten to dissolve the assembly, the situation resembles that of minority cabinets in parliamentary systems (Becher and Christiansen, 2015) – with the important difference that voters can choose the cabinet party (and default *formateur* party) more directly than under parliamentarism. Deadlocks can also be resolved through *referenda*. If both parts of the assembly have the right to initiate a referendum on a deadlocked proposal, the separation of powers remains intact and the uncertainty about voter preferences may strengthen inter-branch cooperation (Ganghof, 2016).

Given space constraints, I cannot analyze governments' strategies and success in building legislative coalitions under semi-parliamentarism in more detail. The next section shows how the semi-parliamentary systems in Australia balance the proportional and majoritarian visions of democracy.⁸

5. NORMATIVE BALANCING ACROSS EXECUTIVE-LEGISLATIVE SYSTEMS

Let us start by summarizing the electoral systems in Australia's bicameral systems. As Table 3 shows, Tasmania differs from the other Australian polities. It uses semi-parliamentarism to achieve *local, non-partisan representation* in the upper house (Sharman, 2013). Alternative vote in single-member districts is one

⁸ On the case of Japan, see Thies and Yanai (2014) and Takayasu (2015).

important element of this design, staggered yearly elections and a small assembly size are others (Table 3). Partly due to these features, the Tasmanian upper house is dominated by independents. The resulting normative 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).

Table 3: Electoral Systems in Australia

	TAS	NSW	VIC	SA	WA	AUS
Lower house						
Assembly size	25	93	88	47	59	150
Electoral System	STV	-----Alternative Vote (AV)-----				
District magnitude	5	1	1	1	1	1
Effective parties (votes)	2.7	3.0	2.9	2.9	2.5	3.0
Effective parties (seats)	2.2	2.1	2.1	2.2	1.9	2.0
Disproportionality	6.8	10.6	12.8	12.1	10.2	12.5
Upper house						
Assembly size	15	42	40	22	36	76
Electoral System	AV	-----Single-transferable Vote (STV)-----				
District magnitude	1	21	5	11	6	6-12
Effective parties (votes)	-	3.4	3.9	4.0	2.6	4.5
Effective parties (seats)	-	3.0	3.3	3.5	2.1	3.4
Disproportionality	-	3.6	5.4	6.2	6.8	5.3

Notes: All values are based on the latest election and, where necessary, own computations. Disproportionality is measured by the Gallagher (1991) index. Sources: Own computations based on electoral statistics.

The semi-parliamentary constitution is crucial for this equilibrium: If the upper house possessed the right to dismiss the prime minister, it would be democratically unacceptable that voters can never hold the upper house as a whole accountable for its actions and that these actions are not organized in terms of programmatic choices (cf. Fewkes, 2011: 91).

As to the tradeoff between “majoritarian” and “proportional” goals, Tasmania adopts the above-mentioned “sweet spot” (Carey and Hix, 2011) solution of using

PR in small districts in the lower house (five members since 1998). Indeed, it manages to have both a low effective number of legislative parties and low empirical disproportionality at the same time (Table 3).

The more prevalent approach of using the semi-parliamentary constitution exists in the other bicameral polities in Australia (Table 3). It uses upper houses to achieve greater *ideological, policy-based* representativeness. This strategy combines Alternative Vote (AV) in single-member districts in the lower houses with PR (STV) in upper houses. The degree of proportionality achieved in the upper houses varies due to the variation of assembly sizes and district magnitudes (Farrell and McAllister, 2006). Again, New South Wales stands out with the highest district magnitude and lowest disproportionality.

To map the normative balance achieved by these semi-parliamentary systems more precisely, I focus on New South Wales and the Australian Commonwealth (for which expert estimates of party positions are available) and compare them to parliamentary and semi-presidential systems. The results will also inform the comparison to presidential systems, as explained below. I compare these systems' capability of simultaneously achieving six goals, three for each "vision" of democracy (Powell, 2000).⁹ The details of the six resulting indicators are provided in the appendix. All of them take account of directly elected upper houses.

⁹ For a discussion of how these goals relate to the path-breaking studies of Powell (2000) and Lijphart (2012), see Ganghof (2015) and Ganghof and Eppner (2017), respectively.

The three “majoritarian” indicators are as follows. (1) Party-based Identifiability (*Ident*) combines information on how much votes are concentrated on two competing pre-electoral blocs, on whether the government consists of a single bloc and whether it has majority status (cf. Ganghof et al., 2015, Shugart, 2001). Since the focus is on *party-based* identifiability, the indicator neglects presidential elections. (2) Clarity of responsibility (*CoR*) measures the ability of voters to determine which parties are responsible for past policies. The ranking of cabinet types is similar to the one proposed by Powell (2000: 53). (3) Cabinet stability (*Stab*) relates the average term length of cabinets to the constitutional maximum.

The three “proportional” goals are as follows. (1) Proportionality (*Prop*) is simply the inverse of Gallagher’s (1991) Least Squares index for the more proportional house.¹⁰ (2) Dimensionality (*Dim*) is the effective number of dimensions (Ganghof et al., 2015) in the house with higher dimensionality, based on expert survey data by Benoit and Laver (2006) as well as Pörschke (2014). This indicator captures the idea that if voters’ preferences are latently or potentially multidimensional – if their positions are “right” on some issues and “left” on others – then representativeness requires that this multidimensionality be

¹⁰ I do not use an institutional measure of electoral systems in order not to bias the analysis against the “sweet spot” argument advanced by Carey and Hix (2011).

reflected or constructed in the assembly (cf. Stecker and Tausendpfund, 2016).¹¹ Finally, one version of the proportional vision wants to potentially allow all parties in the assembly to participate in decision-making (Powell, 2000: 256, n.9). Hence, (3) legislative flexibility (*Flex*) measures – very roughly – the extent to which governing parties commit themselves to a fixed majority coalition or remain free to choose between different support parties.

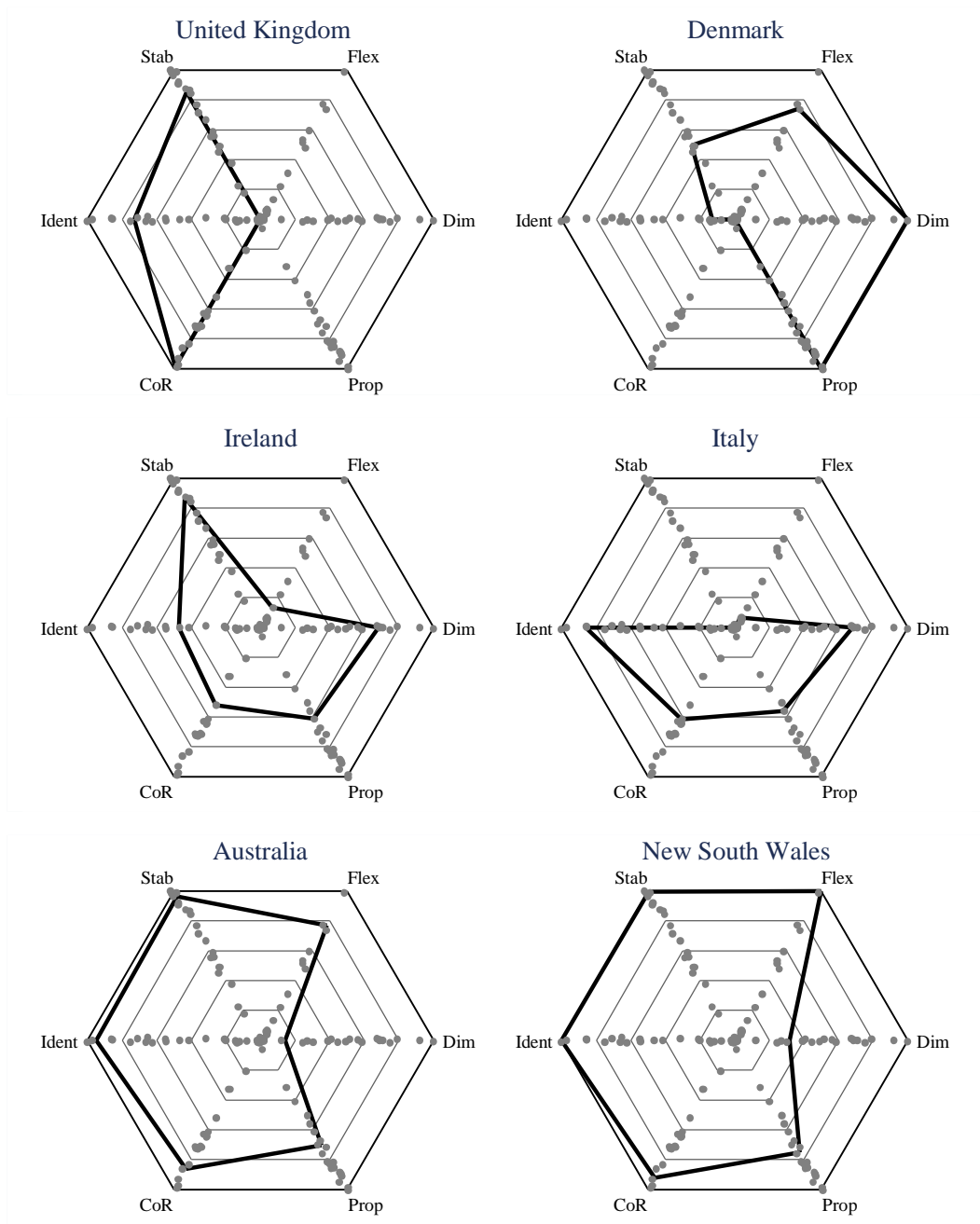
Figure 1 presents the tradeoff profiles of six countries on these six variables for the period from 1995 to 2015. All variables are period averages standardized between 0 and 1. This standardization is based on the minimum and maximum values in a sample of 21 advanced democratic nation-states plus New South Wales (see appendix).¹² The figure also plots the distribution of values in this sample along the six dimensions in Figure 1.

The United Kingdom and Denmark exemplify the polar “visions” of pure parliamentarism. They realize one vision at the expense of the other (cf. Powell, 2000).

¹¹ The theoretical variable of interest is how much institutions *reduce* the dimensionality of preferences in the assembly relative to that in the electorate or to some counterfactual standard. Actual dimensionality is the best proxy available.

¹² The other Australian states could not be included because we lack comparative data on party positions and hence on the dimensionality of the assembly.

Figure 1: Tradeoff profiles of non-presidential democracies (1995-2015)



Notes and Sources: See text and appendix.

Ireland and Italy are examples of semi-presidential and parliamentary systems, respectively, that try to balance the competing visions. The Irish strategy has been based on PR in moderately sized districts, the Italian on electoral systems that –

until recently – encouraged the formation of competing pre-electoral alliances. We see that both cases do have somewhat more balanced tradeoff profiles, but they are neither fully balanced nor do they achieve very high values on any variable (perhaps with the exception of cabinet stability in Ireland).

New South Wales and the Australian Commonwealth represent semi-parliamentarism. Both cases balance the two visions of democracy in that they realize the majoritarian goals about as well as the United Kingdom, but also reach high levels of proportionality and flexibility *in their upper houses*. They only fall short, in comparison to PR-parliamentary system like Denmark, in representing the (potential) multidimensionality of voter preferences. However, this is not an inherent limitation of the semi-parliamentary constitution but most likely a result of the path-dependent designs that evolved in Australia. Most notably, the small sizes and/or district magnitudes of upper houses are likely to limit the effective number of parties and dimensions (Li and Shugart, 2016). The next section will discuss ways to reduce the constraint on dimensionality, if desired.

The empirical analysis also speaks to the comparison with presidential systems, even though they are not explicitly included. Students of presidentialism emphasize that in presidential systems identifiability is “institutionally guaranteed” and that “presidential institutions provide a context of more ‘clarity of responsibility’” (Cheibub, 2006: 361). Here we see that semi-parliamentary systems can achieve equally high levels of identifiability and clarity of responsibility in a *party-based* manner. Moreover, the next section shows that adequately designed semi-parliamentary systems can also *institutionally guarantee* identifiability.

6. THE DESIGN OF SEMI-PARLIAMENTARY DEMOCRACY

The bicameral systems in Australia have evolved in a long political process that often reflected the self-interest of, and compromises between, partisan elites rather than some grand democratic design (e.g. Clune and Griffith, 2006). If constitutional designers in other systems were to consider semi-parliamentarism, which designs would be worth keeping, or changing? This section provides some preliminary answers.

Increasing upper house size. When we focus on the bicameral version of semi-parliamentarism and the goal of balancing majoritarian and proportional democracy, the *relative size of the two houses* in Australia is the opposite of what would be desirable. If the lower house is most of all a “confidence college” for the government, whereas the upper house assumes the role of the actual “legislature”, the latter should be larger than the former. A larger upper house would provide better conditions for proportional representation, multidimensional voter representation and scrutiny of legislation. Of course, the desirability of a smaller lower house also depends on the issue of constituency representation.

Constituency representation. There are good reasons to locate this representation, if deemed necessary, in the upper house (preferably in a form consistent with proportional representation). For one thing, constituency representation would then be less constrained by the logic of parliamentarism. For another, lower house elections could be organized in a single district, based on absolute majority rule. Like presidential elections, lower house elections would then guarantee identifiability and allow all votes to count equally for the selection of the prime minister, regardless of where they are located. Consider, for example,

a modified AV-system in which voters rank all (closed) party lists in their order of preference, and the parties with the fewest votes are sequentially eliminated until only two parties are left. These parties would gain lower house (or “confidence college”) seats according to their final two-party vote share (cf. Ganghof, 2016).

Unicameral options. As noted, bicameralism is not a necessary condition for semi-parliamentarism. Since the members in a unicameral parliament have equal legitimacy, a differentiation of their right to participate in the no-confidence vote would be sufficient to establish a semi-parliamentary system. The most straightforward implementation would be to set two distinct legal thresholds. Consider the example of Germany, which currently has a five percent legal threshold of representation. In the 2013 election, this threshold caused almost 16 percent of voters to waste their votes on parties that gained no representation, but it could still not prevent the formation of a Grand Coalition of the two major parties, Christian and Social Democrats (Poguntke and von Dem Berge, 2014). Had there been a two percent threshold of representation (as in Denmark), and a 10-percent threshold for participating in the no-confidence vote, at least three more parties would have gained representation, so that proportionality and dimensionality would have increased (Ganghof, 2016). At the same time, only the two major parties would have had confidence authority, so that the Christian Democrats would have been able to build a stable cabinet seeking issue-specific support in a more representative assembly.

The number of parties with confidence authority would not have to be reduced to two for semi-parliamentarism to be potentially useful. When party fragmentation in parliament is very high, as in the Netherlands after the 2017

elections, a moderate threshold of confidence authority might facilitate cabinet formation and governance without necessitating a higher threshold of representation.

Another unicameral option would be to rely on the mixed-member electoral system. In Germany half of the members of parliament are elected from party lists, the other half by plurality rule in single-member districts (SMD), but without affecting overall proportionality. If the right to participate in the no-confidence procedure had only been given to the SMD representatives, and the legal threshold reduced to two percent, the results would have been essentially the same as in the previous scenario.

Single-vote options. If constitutional designers are willing to give up explicit constituency representation, as they were in parliamentary systems like Israel or the Netherlands, a semi-parliamentary system need not require voters to cast two different votes. Elsewhere I describe a combined AV/PR-system in a single district: Voters rank as many parties as they wish in order of preference, and whilst their first preferences determine the proportional composition of the assembly, their fuller preference rankings determine the two top parties gaining seats in the “confidence committee”. The seats in this committee are part of the two parties’ proportional seat share and thus have no effect on the overall proportionality in the assembly (Ganghof, 2016).

The example of the European Union (EU). Established democracies might be unlikely to switch to semi-parliamentarism. Yet there are certainly systems for which some constitutional creativity seems desirable. The EU is an example (cf. Praino, 2017). As long as a common European currency exists, there is an urgent

need to legitimize – and give voters a choice about – the European regime of economic governance. Political scientists have mainly discussed the parliamentary and presidential options of doing so, but both seem seriously flawed in the EU-context. Given the fragmentation of the European parliament, parliamentarism could easily result in a permanent “Grand Coalition” of the two major party groups rather than giving voters a substantive choice between different mandates. Presidentialism, in contrast, could undermine, and forever prevent, what a democratic EU would desperately need: the emergence of truly European programmatic parties.

To see how semi-parliamentarism might be attractive, consider the proposal of transnational lists for European elections (Leinen, 2015). The basic idea is to elect a fixed number of members of the European Parliament (MEPs), say 20 or 30 percent, in a single pan-European district. Voters would thus have two votes, one truly Europeanized. One semi-parliamentary option would be to give only the “Europeanized” MEPs the right to participate in a no-confidence vote against the European Commission. The elections to this pan-European “confidence college” or lower house could be based on absolute majority rule, thus giving all voters a clear choice between competing programmatic mandates. The election of the rest of the European Parliament (or upper house) could be based on PR in national or local constituencies.

7. CONCLUSION

Semi-parliamentary government is a distinct and neglected type of executive-legislative system that deserves consideration by scholars and constitutional

designers alike. Parliamentary systems struggle with the tension between the proportional and majoritarian visions of democracy, and semi-parliamentary government is one approach to balancing these visions. Presidential systems struggle with the various negative effects of a popularly elected, fixed-term president, and semi-parliamentarism is one approach to avoiding these effects while maintaining or strengthening the advantages of a branch-based separation of powers highlighted in the literature.

One question for further research is how, and how successfully, legislative coalitions form under semi-parliamentarism. Another is how well semi-parliamentary systems perform in the sense of producing good outcomes. A recent study by Schwindt-Bayer and Tavits (2016: 56-7) argues that high clarity of responsibility reduces corruption, and they single out Australia as a democracy that was more effective in fighting corruption when it was governed by single-party majority cabinets – despite the fact that these cabinets usually lacked a majority in the proportionally elected Senate. While this is just one example, and perhaps a contestable one, it suggests the possibility that semi-parliamentary systems may combine certain performance advantages of “majoritarian” and “proportional” democracies. This possibility deserves further investigation.

Appendix: Sample, measurement and sources

Sample: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Japan, Luxembourg, Netherlands, New South Wales, New Zealand, Norway, Portugal, Spain, Sweden, United Kingdom.

Variable	Measurement	Sources
Identifiability	Average of <i>Blocvote</i> and <i>Linkage</i> <i>Blocvote</i> = share of votes of the two biggest blocs (a bloc being a party or a pre-electoral coalition of parties) <i>Linkage</i> = average of <i>Pecgov</i> and a majority status (dummy) <i>Pecgov</i> = dummy that is 1 for each cabinet that consists of a bloc	Döring and Manow (2016) for electoral results, own collection for New South Wales results. Own data collection on pre-electoral coalitions based on case-specific sources, e.g. <i>EJPR</i> Yearbooks.
Clarity of Responsibility	Duration-weighted average of cabinet types, based on the following ranking: 1 = single-party with majority in all directly elected houses .85 = single-party with majority in lower house only .66 = multi-party with majority in all directly elected houses .50 = multi-party with majority in lower house only .33 = single-party minority 0 = multi-party minority	Döring and Manow (2016) for lower houses, Eppner and Ganghof (2017) for upper houses. Own data collection for New South Wales.
Cabinet Stability	Average length of a cabinet divided by the constitutionally maximal term length. A new cabinet begins when elections take place or the party composition of the cabinet changes.	Döring and Manow (2016), own data collection on constitutional term lengths and on New South Wales.
Proportionality	Inversed Gallagher (1991) index for the more proportional house, elections weighted by length of the following term.	Best and Zhirnov (2015) and own data collection for New South Wales.
Dimensionality	<i>Effective number of dimensions</i> (END), based on the results of principal component analyses that use items of Benoit and Laver's (2006) expert survey as variables and parties as cases. Cases are weighted with seat shares. $END = \frac{1}{\sum P_i^2}$, with i	Benoit/Laver (2006) and, for New South Wales, Pörschke (2014).

	components and p being a component's share of explained variance (the relative size of the Eigenvalue). In countries with directly elected upper houses, values are for the house with higher dimensionality.	
Flexibility	Duration-weighted average of cabinet types, based on the following ranking: 0 = majority cabinet .5 = formal minority cabinet 1 = substantial minority cabinet Values reflect the house with greater overall flexibility in the period under consideration.	Döring and Manow (2016) for lower houses, Eppner and Ganghof (2017) for upper houses, own data collection based on case-specific sources.

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