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President and Assemblies. 25 years after Shugart and Carey's book

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Abstract

Why are some institutions capable of enhancing democracy, while others struggle under pressure? Shugart and Carey wrote their seminal book *Presidents and Assemblies* (1992) at a crucial time in modern history in an effort to answer these fundamental questions. Because of bold claims and huge theoretical and conceptual contributions, their timely publication became the starting point for a new way to think about institutional specifications and types of political systems. And although their examples are by now dated, the idea of 'trade-off' or 'balancing efficiency and representativeness' (1992: 12) still speaks to the fundamental questions of regime change and democratic sustainability. While their study made clear that there are distinctions between system types, they also argued that not a specific type is more conducive or damaging to democracy; rather specific institutional configurations lead to a vulnerability of a political regime. 25 years after the first publication of *Presidents and Assemblies*, this special issue uses this argument and reconnects Shugart and Carey's book with the recent debate on individual attributes of legislative-executive relations and their effect on democracy. This article serves as an introduction and highlights the rationale and the major themes that run through the contributions to the special issue.

Keywords: Presidents and Assemblies, Parliamentarism, Presidentialism, Functional Equivalence, Semi-Presidentialism, Presidential Power

Preface to *Political Studies Review* volume (by Matthew S. Shugart and John Carey)

We are honored for this edition of *Political Studies Review* to focus on *Presidents and Assemblies*. We are delighted that the group of scholars whose work is gathered in these pages would devote such careful attention to our research. More than anything, we are humbled by the experience of revisiting our own work from so many years ago in light of the scholarship published in these pages. Some of our ideas survive the test of time and the exposure to careful scrutiny. Some fare less well. But the exercise reveals how far the study of political institutions, and political science as a discipline, have advanced in the years since *Presidents and Assemblies* was first published.

The articles in this volume push our initial analysis forward in every way. They refine our hypotheses and claims, stripping away ambiguity and exposing the core intuitions to the full light of day. Is there an empirical pattern by which strong presidencies are correlated with weak parties? If so, is there a causal mechanism rooted in the interests of key actors during the period when a democratic regime is founded? Is it the case that democracies with strong presidencies fail at greater rates than those with weak presidencies? If so, are the legislative powers of presidents the main problem? What specific rules and practices foster intra-executive cooperation in hybrid regimes?

These articles also expand the empirical universe against which the claims we first advanced in *Presidents and Assemblies* might be tested. In the early 1990s, our comparisons encompassing much of Latin America through much of the 20th Century felt expansive, and at the time it represented a move toward broadly cross-national work. The papers here continue that expansion in every way. They leverage new datasets that provide more precise, systematic, and sophisticated indicators of a range of democratic practices. They include regimes from Asia, Africa, and Europe, many of which embraced presidential or hybrid regimes relatively recently. And of course, they draw on a quarter century of history that was, when we originally wrote, yet to unfold.

The new data spur these authors to ask whether *Presidents and Assemblies* took measure of all the relevant institutional variables and whether we modeled their relationships correctly. They also marshal deep knowledge of individual cases, and of the variations in institutional design and practices below the constitutional level that drive governance outcomes.

We were novice social scientists when we produced *Presidents and Assemblies*. We were beginning to develop appreciation for the importance of research design and methods, but we were also pushing ahead with an empirical project that struck us as urgent. The resulting book was, we think, an important scholarly contribution but it is rough and imprecise in places, and stands to benefit from careful examination, refinement, and correction. That is precisely what the contributions to this volume deliver, and we are immensely grateful to the editors of this volume and for the efforts of so many scholars committed to advancing our understanding of presidential government beyond where *Presidents and Assemblies* initially brought us.

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Introduction

This special issue is devoted to the 25th anniversary of Matthew S. Shugart and John Carey's seminal book *Presidents and Assemblies* (1992). This book has been one of the most important points of reference for research on executive-legislative relations, presidential power and its impact on party systems since it was published in 1992. It is one of the most cited books on this topic.¹ Researchers embraced Shugart and Carey's work and their book became the starting point for a new way to think about institutional specifications and types of political systems. Since then the academic discourse has evolved but is still referring to this book and challenging its ideas. Years after the increased attention with the third wave of democratic transition, research is still exploring whether their initial institution-centered analysis is relevant today.

The purpose of this introduction is to highlight the ideas presented in *Presidents and Assemblies*, to provide suggestions for an institutional design, and discuss institutional configurations that work best for the efficiency and representativeness of a democratic system. We aim to connect two research strands and test 'functional parallels' (Albert, 2009: 577) or what we call functional equivalences independent of the system category. Based on this, the special issue will offer new insights on how executive-legislative relations, presidential power and party systems are shaped by the specificity or ambiguousness of constitutional provisions, by the sub-national or national party competition and the specific political and historical context.

The contributions in this special issue aim to take up the heterogeneity of topics discussed in *Presidents and Assemblies*. While the ideas presented in this introduction do not add up to a full-scale theoretical argument, they do provide an orientation and framework to investigate some of the core assumptions in Shugart and Carey's book. The individual contributions to this special issue can be aligned along two categories: Some papers address to what extent parts of the book still hold and were advanced in the last 25 years, whereas some papers are confronting the original matrix of the book.

In the following, we first sketch the core ideas in Shugart and Carey's (1992) book that are theoretically still game changing and relevant to this special issue and illustrate the key arguments. Next, we introduce the individual contributions to this special issue.

Functional Equivalences and Constitutional Choices

Shugart and Carey's goal was to provide institutional suggestions that work best for the efficiency and representativeness of a democratic system. Among other topics, they concentrated on the institutional side that offered an alternative story beyond the effect of parliamentarism and presidentialism on the transition from autocracy to democracy. The emphasis Shugart and Carey (1992) put on the variation within the then-infamous third type of semi-presidentialism advanced the debate about the 'right' constitutional choice for countries in democratization. In addition, their key arguments about the interplay between party system and presidentialism in Latin America seriously challenged Juan Linz's (1990a, 1990b) argument about the virtues and perils of parliamentarism and presidentialism.

Shugart and Carey's work on the categorization of political systems changed a whole branch of comparative political science research and paved the path for the reconceptualization of semi-presidentialism into premier-presidential and president-parliamentarism (Shugart and Carey, 1992). These two labels offer a key to the substantial engagement with the varieties of semi-presidentialism. Roper (2002) made use of this idea and advanced the labels into mutually exclusive categories. It is an important step from the discussion of semi-presidentialism as a mixed-type, to these now widely accepted subtypes of the colorful semi-presidentialism category (see for a different perspective Magni-Berton, 2012).

Since the publication of *Presidents and Assemblies*, research endeavors have highlighted the poor internal cohesion of the traditional categorization of presidentialism, parliamentarism and semi-presidentialism. And, although the internal coherence of these categorizations is empirically not as strong as was long assumed, they still carry weight in the scholarly debate (Fruhstorfer 2016). As this conversation on categories has evolved from the 'Linzian perspective' (Schleiter & Morgan-Jones 2009: 879), which emphasizes the worrisome effects and consequences of presidential and semi-presidential systems as such, research now takes a nuanced look at different subtypes of semi-presidentialism (i.e. premier-presidential and president-parliamentary systems) (Skach 2005; Elgie & Schleiter 2011; Sedelius & Linde 2018). Among them, we think the work of Cheibub, Elkins and Ginsburg (2014) is of particular conceptual and empirical value. Their assessment that the concept of semi-presidentialism, which has been criticized for decades, is 'the only class of constitutions that exhibit anything approaching internal coherence' (Cheibub et al., 2014: 539) is not surprising to most comparative scholars. But they were the first to provide conclusive empirical proof for what was theorized and described for individual cases and small-n comparisons before (Albert, 2009; Skach, 2005). This functional equivalence is also something Shugart and Carey already hinted

at in their book (for example when they describe the behavior of presidents under premier-presidentialism and ‘presidentialism under a divided government’ (Shugart and Carey, 1992: 55)).

The trade-off between representation and governability that signifies the tension inherent to all democratic regimes depends on various institutional characteristics and may be the most important and lasting contribution of *Presidents and Assemblies*. Based on this, research is taking two directions: while some return to the traditional taxonomy and remain within its boundaries (Gross & Debus 2017; Sedelius & Linde 2018), others have started to rethink them entirely and rather focus on individual constitutional configurations (Cheibub et al. 2014). Both approaches focus on an institutionalist perspective on constitutional configurations and their assumed effect. Most contributions in this special issue either focus on a more pronounced analysis or aim to open their research toward ‘attributes of legislative-executive relations that are believed to contribute to the outcome of interest’ (Cheibub et al., 2014: 540). This is a promising research direction that draws us back to *Presidents and Assemblies*. There, Shugart and Carey (1992) already argued that no specific type is more conducive or more damaging to democratic development. Quite to the contrary, specific institutional configurations, *i.e.*, the concentration of legislative power with the president and the way the party system is shaped, explains the potential vulnerability of a specific political regime. Furthermore, Shugart and Carey (1992) synthesize some of the core attributes that represent the difference between the logic of a parliamentary versus presidential system. These core attributes that are particularly important when we focus on institutional configurations beyond the classic taxonomy are in our understanding:

1. Accountability and Survival
2. Executive Lawmaking: Presidents and their legislative power
3. Party System and Organization

The contributors of this special issue try to unhinge some of these attributes of legislative-executive relations from the classic categorization. We thus combine the perspective of Cheibub, Elkins and Ginsburg (2014) and Shugart and Carey (1992) and focus on core functions of the political realm. Some of the authors are particularly interested to learn about the specific impact of these core attributes of governmental organisation on government efficiency and representativeness beyond the categorization of systems. Others try to

understand how far we can actually lift these features from the classic trichotomy and further investigate Shugart and Carey's (1992: 12) idea of 'trade-off' or 'balancing efficiency and representativeness'.

Accountability and Survival

Constitutions are a cornerstone of modern institutional design and define the general idea of power distribution. The rise of constitutions as a core element of the transition from autocracy to democracy has increased the diffusion of different institutional solutions to distribute power. This diffusion leads to unique constitutional hybrids. At the core of these hybrids is the idea of a separation of powers in Montesquieu's (1748 (1989)) *Spirit of the Laws*. In this classical analysis of political regimes, he clarifies the importance of a separation of power for the establishment of a stable government and to avoid tyranny. We can safely argue that history has proven Montesquieu correct and that the establishment of democratic regimes following this idea – albeit in different modifications – is the best solution for the balance of interests. These different modifications are clearly the basic differentiation of parliamentarism and presidentialism and are based on the hierarchical and transactional forms of executive relations: a chain of delegation (Shugart, 2008: 346–347). The basic feature that separates parliamentary and presidential systems is in general the origin and the survival of the government (Steffani, 1979). This systematic separation is challenged by the observation of so-called mixed regimes, containing elements of each (Shugart, 2008: 349).

Yet, the accountability of the government is a characteristic feature of parliamentary systems. As we understand it, it is reflected by two different political actions: the formation and dismissal of government. With very few exceptions, constitutions provide provisions for both actions that shape the constitutionally envisioned power and involvement of the president within these two areas.

The survival of the cabinet and its prime minister is mostly constrained by the party system and the cabinets' political success. This success (e.g., in economic and other policy terms) does not depend on the shape of the parliamentary majority. Among the different de-jure provisions, the accountability of government towards parliament represents the core feature that distinguishes parliamentarism from presidentialism; this feature is in fact definitional.

The formation of a new government is a political process that exists in various shapes and forms. Both formal and informal rules influence the actual procedure and any act of government formation requires the silent or outspoken consent of the parliamentary majority,

for example in form of an investiture vote. In most cases also the presidency is part of the process (either as an *ex post* confirmation or an *ex ante* nomination), but neither in parliamentary nor in semi-presidential constitutional designs there is the one way of how the president gets involved (Shugart 2005; Bucur and Cheibub 2017). Rather, we see variations of this reactive or proactive power (Bucur and Cheibub 2017), making the president an additional principal the government has to respond to (Protsyk 2006). Empirically, directly elected presidents do not automatically have a proactive or reactive role, instead that role is distributed relatively equally among directly and not-directly elected presidents (Bucur and Cheibub 2017, 808). Also, the link between variation in presidential prerogatives and cabinet proportionality has not been systematically explored in the case of non-presidential systems. Presidents use cabinet posts to reward members of the coalition and thus organize their legislative majorities (e.g., based on pre-electoral coalitions; see Hicken and Stoll, 2013). But there is a counter effect, both in parliamentary and presidential systems: a stable parliament and a majority with a high number of seats might threaten the stability of the executive (Schleiter and Issar, 2015). Research has also shown that the parliamentary seat share of the head of the executive is not a strong predictor of his/her control over parliament and how his/her governance will be supported by the legislature (Cheibub, 2002). In short, despite the fundamental differences of governmental accountability between parliamentary and presidential systems, the effectiveness of governance could be functionally equivalent.

This is also – but to a lesser extent – possible when it comes to the survival of the executive. Obviously, in non-presidential systems, the president often cooperates with parliament to dismiss the cabinet and/or prime minister, but with varying degrees of influence and also at different points in time (reactive or proactive). Yet, even in the categorical realm of parliamentarism and semi-presidentialism, a unilateral movement by the president is possible as for example the *de-jure* interpretation of the constitutional provisions in Iceland shows (Constitution of Iceland Art. 15 as well as Art. 11, 24, 79). Moreover, the variation of discretionary termination of the government by president ranges broadly speaking from government replacement to new elections (Schleiter and Morgan-Jones 2009a). More importantly, ‘the degree of discretion, which constitutions give to governments to manage their termination, is correlated with the constitutional status of the head of state in constitutional monarchies, parliamentary republics, and semipresidential republics’ (Schleiter and Morgan-Jones 2009a, 497) and might display similar features as presidentialism under divided government that has at least some implication on the *de-facto* survival of government.

Executive Lawmaking

Legislation is the central element of democratic decision-making; it defines the capacity of a political system to solve problems (Tsebelis, 1995: 293). Cheibub, Elkins and Ginsburg (2011: 3) have even stated that legislative powers:

‘[...] are undeniably important powers with potentially significant consequences for political stability and the quality of democracy. Indeed, it may well be that the dimension of *executive lawmaking authority* is found to be as important as the executive-selection features that distinguish presidential and parliamentary constitutions.’

Additionally, policy innovation and policy implementation are central elements in assessing government performance. Hence, in order to understand executive-legislative relations, we also need an assessment of the presidents’ involvement in the legislative process. Shugart and Carey (1992) distinguish between delegated and constitutional legislative power. This difference matters in order to understand the logic of partisan support or withholding of this support. This is a major obstacle for the prospects of the cooperation of president and parliament. And these prospects are important for the functioning of democratic governance in all political systems. France is the prime example when we search for executive lawmaking that features characteristics of both parliamentary and presidential regimes and their constitutionalization. This argument can also be expanded beyond the semi-presidential regimes (premier-presidentialism and president-parliamentarism sub-types in Shugart and Carey’s concepts), as a core element in affecting the president-parliament relationships and their outcomes. In both parliamentary and semi-presidential regimes, the number of bills approved are for the overwhelming majority ‘governmental bills’. That implies that the link between the executive and its parliamentary branch represents the key factor to be analyzed. In fact, from that point originates many of the executive and president’s political opportunities and constraints to carry his/her political program and to implement his/her agenda.

Parties’ Organizations and Party System

Political parties and the structure and mechanic of the party system are crucial factors in affecting the executive range of possibilities in implementing policies and supporting the legislative initiative and process. The political parties are different though not only in ideological terms but also in organizational assets. Those latter tend to vary not beyond the differences between the regime types where they act. In fact, although the institutions tend to

significantly affect the party organizations and their behavior (Samuels and Shugart 2010), there are some ontological features of parties that tend to persist even when under the pressure of the institutions. The parties' genetic characteristics (Panebianco, 1988; Passarelli, 2015) are a key feature in determining how resilient a party is despite the institutional environment it is facing. Therefore, the parties' organizations together with the party system as defined by the electoral system will be crucial to understand. They are an important tool to explain the real extent of the president vis-à-vis the(ir) assemblies. In particular, the relationship of the president with his/her party (also analyzed in this special issue) is relevant to keep into account to better explain patterns of executive-legislative relationships.

Overview of the Special Issue

To explore these questions of accountability and survival, executive lawmaking as well as the organization and important features of party systems further, this special issue brings together 8 articles that look at key areas of interest described in *Presidents and Assemblies*. The articles deal with important questions of executive-legislative relations, in particular the power shifts between president and government, and put Shugart and Carey's (1992) legacy to the test. While the ideas presented in this introduction do not add up to a full-scale theoretical argument, they do provide an orientation and framework to investigate core assumptions in Shugart and Carey's (1992) book. As described earlier, we aligned the contributions to this special issue along two categories: Morgenstern, Perez & Peterson, Passarelli, as well as Elgie confront the arguments in the book and show whether they still hold and were advanced in the last 25 years. Bucur, as well as Doyle & Power, Raunio & Sedelius, Koss, and West & Spoon confront the more substantial structure of the book and take up preliminary theoretical observations and test them empirically.

Linking government formation back to Presidents and Assemblies, *Cristina Bucur* explores power shifts between president and government. She shows how the possibility of presidents and their parties to gain coalition bargaining power depends on the formal constitutional power of the president and the complexity of the bargaining environment. To understand the logic of coalition bargaining she emphasizes the classic institutional distinction but also points out the underwhelming influence of presidents outside of presidential regimes.

Karleen West and Jae-Jae Spoon target the theoretical assumption in *Presidents and Assemblies* and empirically show the relation between the parties' role in a subnational contest and in national/presidential elections. Based on novel data, they provide evidence that a party's

presence in subnational elections and the level of centralization, influences the strategy parties use in presidential races. As they demonstrate, creating a momentum as theoretically discussed by Shugart and Carey (1992) is exactly what happens. Parties that are in contestation on the subnational level use presidential elections to gain momentum and recognition beyond the local level, something that is stronger with less centralization. That shapes both the behavior of individual parties as well as the structure of party systems.

Starting from the theoretical arguments on the so-called the inefficiency secret in *Presidents and Assemblies* David Doyle and Timothy Power approach this argument with new and updated empirical data. They test Shugart and Carey's (1992) argument that we see an inverse relationship between the extent of executive power and the strength of political parties for an updated dataset both in terms of country and time coverage. Their expanded dataset points out that the inverse relationship exists, but that the mechanism goes beyond the descriptive parochialism idea of the book and is rather rooted in the type of transition.

Michael Koss builds on the work of Shugart and Carey (1992) by testing whether different legislative powers have functional equivalents in the different political systems. The analysis presented in his contribution starts by asking whether the core legislative powers of presidents identified by Shugart and Carey— the veto, prerogatives in the introduction of certain pieces of legislation, and decree powers – show similar features across parliamentarism, semi-presidentialism and presidentialism. And indeed, the contribution provides first evidence for similar characteristics independent of the political system type and links the constitutional establishment of these prerogatives with difficult historical moments of representative democracies.

Tapio Raunio and *Thomas Sedelius* approach the power of the president from a unique angle, searching for alternative channels of influence, in particular when the country lacks constitutionalized coordination mechanisms between the core players in the executive. Their analysis builds on the specific logic of premier-presidential regimes and the inherent – constitutionally designed - ambiguity of the role of the president in these systems. This ambiguity benefits presidents and allows them to be the driving force in governmental decisions.

Robert Elgie revisits the at times intense scholarly debate about the classic taxonomy of presidentialism and parliamentarism. By using a meta-analysis of the concepts of premier-presidentialism and president-parliamentarism that were introduced by Shugart and Carey (1992) he shows the increased importance of these concepts and how they arrived in the core of political science research on institutions.

Scott Morgenstern, Amaury Perez and Maxfield Peterson critically review the assessment (a measure) of presidential power developed by Shugart and Carey (1992). This tool provided the basis of a vast branch of measurement attempts in political science literature. Various measures also followed the same problematic and flawed logic of composite index building. By advancing this logic by a combinatorial measure of presidential power, they try to understand the relative importance of individual constitutional provisions and their impact on democratization.

Gianluca Passarelli focuses on the presidential party which remains relatively understudied at both the theoretical and empirical levels. The party of the president is the key political actor that affects presidential activity during his/her mandate. The article aims to present a theoretical framework and a potential guideline for comparative studies. Starting from a critical review of Shugart and Carey's (1992) seminal book, Passarelli proposes a conceptualization of the presidential party and the theoretical possible effects of it on the legislature, which might be useful for further empirical analysis.

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ⁱ According to Google scholar more than 4000 individual citations in December 2018.