

Constitutional Choices and the Performance of Presidential Regimes

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ABSTRACT

Politicians and academics alike agree that the design of political institutions is important in shaping policy decisions and the nature of political competition. This paper focuses on a set of issues that have been points of intense debate and conflict in the design of constitutions in newly democratizing countries during the 1980s and 1990s. First is how the electoral systems for the executive and legislative branches interact to encourage or discourage partisan support for the president. Whereas most studies of electoral systems focus on methods of electing legislatures, I direct attention to the electoral formula for presidential elections and the relative timing of elections for the executive and legislature. I conclude that plurality elections for the president and concurrent legislative elections tend to encourage partisan compatibility between the branches more than majority run-off elections for the president and non-concurrent legislative elections. The second part of the paper shifts attention to the constitutional powers over legislation afforded to presidents, regardless of partisan support, and the effects of these powers on bargaining and compromise between executives and legislatures. I examine, in turn, decree authority, agenda authority, and veto authority. The conclusion is that legislative procedures that allow presidents to implement policy decisions unilaterally generate more conflict between presidents and legislatures than those that encourage debate and negotiation prior to implementation.

Key Words: constitutional choices, electoral systems, presidential power

憲政選擇與總統制政府之表現

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摘 要

政治人物與學者都同意，政治制度的設計，就政策的形成及政治競爭的本質，是非常重要的。本文所要探討的問題是，在一九八〇及九〇年代新興民主國家在設計其憲政體制時，所面臨的抉擇及其引起的爭議。首先、行政及立法部門的選舉制度及其交互作用，是強化還是減弱黨派對於總統的支持。相對於多數選舉制度的研究，係針對立法部門而作，我則著重在總統的選舉方式及行政與立法部門選舉的時間配合。我的結論是，總統選舉採相對多數制及同時舉行立法部門的選舉，較之總統選舉採絕對多數多回合制及不同時舉行立法部門的選舉，利於行政與立法部門為同黨控制。本文的第二部分，暫且不論黨派的支持度如何，探討憲法賦予總統牽制立法的權力，以及此一權力對於行政與立法間的談判與妥協有何影響。我依序檢討總統的行政指令權、議程設定權以及否決權。結論是，立法程序如果允許總統單方面作成政策，比之政策作成前有討論與妥協的程序，總統與立法部門間的衝突即較多。

關鍵詞：憲政選擇，選舉制度，總統權力