

Presidential System in Russia, America and France

Nikhil Jain

Ph.D. Research Scholar, Centre for Russian and Central Asian Studies, School of International Studies Jawaharlal Nehru University, New Delhi

Abstract: This Paper makes an attempt to provide an exhaustive discussion regarding theoretical and conceptual aspects of different political systems (Presidential, Semi- Presidential and Parliamentary), their merits and demerits and the system of “checks and balances” and “separation of power”.

Keywords: political systems, “checks and balances”, “separation of power”.

1. INTRODUCTION

The present age witnesses democratic government of one form or the other, Presidential and Parliamentary being two among them. The Presidential systems of different countries are a result of their history, political circumstances etc. for instance, the American Presidency, French and Russian Presidential system. The American Presidency being the oldest, comprising the system of “checks and balances”, is the purest and the truest. The French Presidency which is Semi-Presidential because of its co- existence of cabinet and Presidency was unique and peculiar in itself (Shugrat and Carey: 1988). However, the Russian Presidential system in an effort to replicate the Presidential system of America, had to settle down with a system that was combination of both American and French Presidential system. But that did not lead the Russian Presidency to function uniquely. Thus, the constitution of the Russian Federation of Dec 12, 1993 was a product of a constitutional melting pot.

2. DEFINITIONS AND CONCEPTS

Regime Type Re-examined:

The understanding of the regimes in the existing literature is not clearly compartmentalized into categories and classifications. The classification however is necessary for better understanding while listing the criteria to be able to identify various regime types. As Troxel (2002:7) argued, the systematic analysis of the Presidential system requires that we also analyze the structures, constitutional provisions and the institutional powers provided under various systems in order to derive the true nature and features of Presidential systems. These Presidential systems are identified on the basis of the arrangement of power sharing between Parliament and executive of the Presidential office. The process of democratization also plays a major role in the evolution of a particular type of Presidential system. For example, the system of Semi-Presidentialism is defined by dual sharing of power between the Parliament and the President but President enjoys more power than the Parliament. Also, Shugart and Carey (1992:15) try to bring this out through an example of system of Premium-Presidentialism, where they claim that Premium Presidentialism falls in the category of Semi-Parliamentarianism rather than Semi-Presidentialism because the powers enjoyed by the Parliament are more than the powers enjoyed by the executive i.e. the President or the cabinet. The varied nature of these institutional powers in the form of either Partial-Presidentialism, or dual sharing of power or Semi-Parliamentarianism come under the purview of

the system called as Semi-Presidentialism or a mixed system. The Parliament is left with miniscule powers in comparison to the extra-ordinary powers vested in the office of President. The personality cult of the President also plays a major role in this kind of Super Presidentialism. Such a system is evidently seen in Russia, where the Parliament is rendered helpless without the approval of the President, hence, this system is also considered as essentially undemocratic system. (Holmes 1994: 23-26). The Institutionalism defines any system based on any institutional formal structures in a given country. For example, they will differentiate between the Presidential and Parliamentary systems based upon the formal rules and structures in a given context. (Peters, 2011)

Neo-institutional perspective looks at various institutions, in the context of the various values, norms, beliefs, democratic developments and various conceptions of power which help shape them (Grubovic, 2004). Within this framework, the balance between the Parliamentary and Presidential powers are weighed and applied to check the nature of the regime type. Under neo-institutionalism the method of classifying the system of a country depend upon the analysis of various models. Various models, on the other hand, can list different features of a system, thus classifying the same system as Presidential or Semi-President etc. from their own perspective depending on the methods they use. The same discrepancy follows in the neo-institutionalism also which depends on these various models. For example, a country may be classified as Semi-Presidential according to one model, while the other model may call it as Presidential. Hence, the classifications under the neo-institutional method are not absolute or appropriate (Troxel2002: 7).'

Behaviouralism and rational choice theory analysis, on the other hand, insists on analyzing the behavior of the individual political actors in the study of a Presidential system. They believe that the personality influence also majorly determines the evolution of the Presidential system, which has been majorly evident in case of Russian Presidential office, under the likes of Yeltsin and Putin (Peters, 2011).

Constitutional powers as a basis of determining the Regime type:

Shugart and Carey (1992: 15) are the main scholars who determine the regime type on the basis of the constitutional powers of the President. According to them:

1. Presidentialism is determined by various features which are maximum separation of power, complete or exclusive responsibility of the cabinet towards the President.
2. In the system of Premier-Presidentialism, President has major powers but the cabinet still remains responsible to the Parliament.
3. The President-Parliamentary system is the one in which the powers are shared between President and the assembly and the cabinet is responsible towards both in a confused manner.

Role of the structural factors in determining of the regimes:

Structural factors that determine the regime type can be divided into these major types- 1. How the executive and legislatures are appointed (Lijphart 1995: 6). 2. Whether the executive or the legislature have a fixed mandate or are dependent on the mandate of the other body (Linz and Valenzuela 1994: 6). In a Presidential system, the President is generally elected by the people. He/she also do not depend on the other body for their political mandate. They have a clear mandate of their own. Parliamentary system, on the other hand, is the one in which the executive is either indirectly elected or nominated, and it is responsible towards the legislature (Olson and Norton 1996: 13). Semi- Presidential system is a system which provides the powers to the executive generally between the systems mentioned above.

Russian Presidential system:

The process tracing of Russian Presidential system brings out that it emerged in order to compensate for the decline of the Communist party and to overcome the weaknesses of the Russian Parliamentary weaknesses (Pandey 2002). This Presidential system emerged only in 1990s, not before that (Mc Quire 2012). A need for a strong executive was felt when the programme of glasnost and Perestroika had to be implemented with a strong hand. In order to realise these economic programmes, Gorbachev and political reformers considered a strong U.S Presidential system as well as Semi-Presidential system of France (Mazo 2005). The need of the hour was the centralised executive power with a mandate of its own instead of a Prime minister with a shared mandate.

Initially, Gorbachev preferred a Presidential model similar to the United States' system, as he thought the "government needed the authority of a President at its head in order to implement difficult reforms" (Mc Quire 2012). As against it, Georgy Shakhnazarov, a Gorbachev advisor, advised that choosing a French Semi- Presidential system would keep mundane work away for the Prime minister while the President could focus only on the important work of the reforms. As a result, the Presidential system which came into being was a hybrid between the American and French model of Presidentialism. (Brown 1996).

When the constitution was being drafted, two dominant approaches emerged in the Constitutional Commission. One of those was by, Valery Zorkin, a member of the constitutional commission proposed a Presidential system in which a strong President would be the head of the government and state both. The second approach was advocated by Viktor Sheinis, Leonid Volkov, and Revolt Pimenov, who were in the favour of a Semi-Presidential system (Mazo 2005). Finally an agreement was reached in which the President could propose a prime- ministerial candidate who could in turn be confirmed by Duma.

As per the behavioural perspective, the personality factor came into play with the coming of Yeltsin. Yeltsin proposed a system with a stronger Presidency as compared to that proposed by the commission, and thus came forward the Presidential draft of the constitution of Russia today.

Yeltsin gave exceeding powers to the office of President. We can conclude about the extent of Presidential powers on the basis of some listed below, power to: (1) appoint and dismiss the Prime Minister; (2) "dissolve the State Duma;" (3) "appoint and remove from office the deputy chairs of the Government;" and (4) "issue edicts and decrees."¹ These powers give an upper hand to the President in the hierarchy as against the Parliament or the Prime minister.

Even the extent of the President's legislative powers is immense, such as the power to "issue edicts and decrees," which merely "must not contravene the constitution of the Russian Federation and federal laws."² Article 90 has laid no restrictions, temporal, topical, or otherwise, on the President's decree power, conferring upon the President an unencumbered capacity to enforce executive policies in lieu of legislative action or approval. President's decree power is further reinforced by Presidential veto. "If a war of laws versus Presidential decrees were to break out, the President would have the upper hand, for he could veto contrarian legislation, and force the legislature to come up with super-majorities to override."³ Thus, under the Russian constitution, the President has been provided with powers which overwhelm Duma and Prime minister's office. Duma has normally been provided with constitutionally conferred methods of control, namely the power of consent-rejection and no-confidence votes but these powers are also nullified by the power of the President to dissolve Parliament. Also the Parliament is not completely independent of President's control in the sense that the President has the ultimate control over the appointments being made to the Parliament. Thus, the President not only exercises the executive powers of a huge proportion but also shares a major chunk of the legislative powers.

Presidential System in USA:

To capture the nature and essence of the Presidentialism, it is mandatory to reflect over the conditions and circumstances on the basis of which it came into existence and what kind of leadership its framers expected out of this system. But this led certain questions to appear in the picture like the number of executive, whether there should be a unitary or plural executive etc. Initially, a plural executive was approved but later on it is the single executive that was sought after; so that one person can be assigned responsibility for the implementation of the policies and also to blame for if at all any policy or decision went wrong (Bailey 1965). The next question was concerned with the selection of the executive. Some recommended popular election but that proved to be a failure as the constitution makers feared that the President might turn out to be a protector of the people. Others proposed the executive can be elected through the Congress. But this too resulted to be a failure again as it might challenge the separation of powers and the Congress might treat the President as its servant. Hence, the framers of the constitution agreed upon an Electoral College.

¹ The constitution of Russian federation, 1993 is available at <http://www.departments.bucknell.edu/Russian/const/ch4.html>.

² ibid

³ ibid

An interesting fact regarding American Presidentialism is that it has certain cabinet officers in the form of advisers who can never hold a membership in either of the houses of the Congress (Harward 1996). The survival of these cabinet members depends upon the President. The relationship between the President and its cabinet members is one of the debated issues till date (Laski 1940).

Political Questions:

Another topic of contention between the two branches of American establishment i.e. executive and legislature is the concept of "Political Questions." A dispute over any issue might lead the executive and the legislature to seek help from the Supreme Court (the third branch apart from executive and legislature). The Supreme Court (occasionally) in turn might refuse to solve the issue on the ground that such issues contained political questions. Even its judiciary, by referring to "Principle of judicial self-restraint", maintains a distance from such issues. Hence, the doctrine of political questions results to be a constitutional element. The "separation of powers" that do not allow the American judiciary to interfere led to the refusal of court's interference again on political questions (Laski: 1940).

The President along with 14 executive departments of America governs and controls the country. A team of secretaries lead these departments who advises the President of United States towards some major decisions. The two houses are not in any way institutionally related to the President. The right to remove the President from its post exclusively belongs to the Senate who conduct hearings where America's chief justice of the Supreme Court holds the full authority.

The common argument that can be inferred from the American Presidentialism is that stronger the President, more intense is the threat to the individual happiness and freedom. This led its constitution makers to form Congress that balances and maintains the power of the executive. This might be the reason for an absolute separation of power between the executive and the legislative, two branches of power of American establishment.

Due process of law is a procedural concept of fairness that was established whereby each and every procedure employed or provided by the executive, legislature and the courts must undergo certain examinations or due standards to check its level of fairness. This became a great temptation to the courts. The initial fairness check of the governmental procedures gradually turned into a test that checks the capability of the government whether it can act at all. Chief Justice Taney made a due process argument in the *Dred Scott* case. But the Congress being too wide and too inappropriate was unable to find an authentic and unified solution to the problems. The congress was unorganized to the extent that they could not effectively device laws. Its members were not encouraged to analyze by their position regarding the problems of the entire nation. The houses of the Congress explicitly differed in their prestige but implicitly had a commonality i.e. anti-Presidential in character. Instead of obeying the lead, the congress is compelled to adopt some initiatives. Rather than integrating, this system makes strength to fritter away. It establishes its existence and proves its alleviation by discrediting the President, whereby the President is considered to be less than he actually is. Even if the President has his way, the stature of the Congress is not withered away. In spite of such dichotomies, the Congress and the President manages to co-exist.

Semi-Presidential System in France:

Any study of Presidency cannot be complete without going deep into the French Presidency. French Presidency differs the whole compass and premise of American Presidency and that is what makes French Presidency a Semi-Presidential in which a President is elected by universal suffrage which coexists with Prime Minister and cabinet is responsible to the legislature (Choudhry and Stacey 2013). Earlier from 1870 to 1958 the institution was always unstable. Charls de Gualle was one of the major proponent of change in the French constitution, in 1958, charls de Gualle established a new Presidency as a focus of authority in France. The constitution of the Fifth Republic of France has been described by many political analyst as tailor made for Charles de Gaulle: quasi-monarchical; quasi-Presidential a Parliamentary empire; and Semi-Presidential system (Pickles 1965: 26, Bell 2000: 243, Blondd 1974: 129).

The fifth republic came into being in the circumstances of the terminally unstable fourth republic which saw 25 governments during the span of 12 years. The constitution of the fifth republic was written specifically to redress this instability and allow for longevity and security. Consequently, the powers of legislature were reduced and those of the government increased. Thus, the French constitution creates the balance between executive and legislature. This balance is called "executive diarchy" the relationship between the President and the Prime- Minister or the President and the legislature, is crucial to define (Choudhry and Stacey 2013). While the constitution allocates power and sets the

framework for the exercise of power, the actual deployment of any those power, by either of the twin heads of the executive, depends on the relationship between the two.

The above significant change brought about by way of fifth republic a significant change in electoral politics in France. Maurice Duverger places Presidential power in France along a matrix of two electoral factors: whether there is a majority in the legislature; and whether the President is associated with the party in the majority. The President enjoys greatest effective power when there is a single party majority in the legislature and the President is a member of the party commanding that majority. By contrast, the President's power is weakest when he is opposed to a single-party majority (ibid). The President's power ranges between these two extremes depending on whether there is a coalition majority in the legislature, whether there is a dominant party in the coalition, and what the President's relationship is to the parties in the coalition (Knapp and wright 2001).

Even in the fifth republic the electorate is baffled by the conflict whether the government is led by the Prime Minister or the President. The dilemma is between majority party and coalition in the legislature. If the President is from the majority party he can exceed his powers and the Prime Minister has to submit to the President. In the case of reverse, if the Prime Minister is from the majority party and the President enjoys the support of the coalition in the legislature the Prime Minister can exceed his powers. In the case where a single party majority in the legislature is opposed to the President, the Prime Minister enjoys greater executive powers (Jospin1995). This dilemma still remains even with the fifth republic that means there is a scale of effective Presidential powers that depends on electoral politics.

3. COMPARISON BETWEEN PRESIDENTIAL SYSTEMS: RUSSIAN, FRENCH AND AMERICAN

The context of all the three systems is extremely different. Yet, the Russian system is the youngest at the age of twenty three, whereas the American and the French systems have passed the test of more than a century. By far the present Presidential system that France has, has been the most successful and stable in comparison to any French republic that has existed. The system of Presidentialism that exists in France can be categorised as Premium Presidentialism, while that of Russia can be called as President-Parliamentarianism.

The French system is a confused system which tries to strike a check and balance between the legislature and the executive. It holds the government i.e. the Prime Minister and its Cabinet, as well as the President accountable to the popular legislature. Russia, on the other hand, is the Presidential-Parliamentary system of government. Here, the Parliament can hold accountable the Prime Minister and his cabinet but not the President. Although, the French and the Russian Presidents are both elected by direct suffrage yet, the Russian President is not under the check of the democratic representatives. As a result, the health of the democracy has been ever flourishing in France.

Comparing and Contrasting the Russian and the American Presidential system brings out certain distinctions in the two systems and their implications for democracy. The American Presidential system developed much earlier and the America came in to existence as a result of the coming together of different federating constituent units. Since, these units assigned power to the federal structure in the capital; they also keep a check on the powers of the federal executive i.e. the President. Russia, on the other hand, was always constituted of a pre-existing federating units under strong centralised command, firstly under the Tzar and then under the Soviet Regime. Hence, the Russian President never faces any checks and balances from the Russian constituent units. In United States of America, the major tool in the hands of democracy is the "separation of power" or "checks and balances". In Russia, the President is enjoying legislative powers along with the power to dissolve Duma. In Russia, the shock of disintegration had been looming large and they looked for a powerful centralising force which they found in the Russian President. On the other hand, the American Presidential system had been a result of coming together of the different federating units; hence a need for a centralising executive force was never felt.

4. CONCLUSION

Having studied all the three systems of Presidentialism i.e. Russian, American and French, we can conclude that all the three are a product of their different backgrounds and special needs. The French system emerged in the context of the demand for Liberty, Equality and Fraternity. American President was a centralised executive working for the confederating units, with equal powers. The Russian President, on the other hand, emerged soon after the disintegration of USSR. There was a great need felt to keep a strong centralising force to bind all the federal units together. Hence, the

Russian President was given paramount power with exemptions from any chances of conflict between the executive and the legislature. The Russian President is more powerful than the Legislature or the Prime minister in any way. Hence, in real terms it is only the Russian Presidential system that deserves to be called as the Super-Presidentialism.

REFERENCES

- [1] Brown, Anrchie(1996), "*The Gorbachev Factor*", London: Oxford University Press.pp 198,199
- [2] Laski ,J.Harold(1940), "The American Presidency",Published: Helper New York
- [3] Linz, Juan (1995), *The Politics of Democratic Consolidation: Southern Europe in Comparative Perspective*, Baltimore: John Hopkins University Press.
- [4] Lijphart, Arend(1991), "Constitutional Choices for New Democracies", *Journal of Democracy*, pp. 72-84.
- [5] Mazo, D Eugene(2005), "*Constitutional Roulette:The Russian Parliament Battels With The President Over Appointing a Prime Minister*,"41 Stan J INTL L,pp-123,138
- [6] Mcquire, Kimberly A (2012),"Prident-Prime Minister Relation, Party Systems and Democratic Stability in Presidential Regimes: Comparing the French and Russian Models," *Texas International Law Journal*, April,15, 2012: 433.
- [7] Pandey,Sanjay K (2002), "*Russia's Superpresidentialism:Need of the Time or Threat to Democracy*," in Shashikant jha and Bhaswati Sarkar (ed) *Amidst Trubulence and Hope: Transition in Russia and Europe*, New Delhi: Lancer's Books.
- [8] Shugart, .S. Mathew, and John M. Carey(1992), "The Premier presidential and president parliamentary experience." In *Presidents and assemblies constitutional designs and electoral dynamics*, by Mathew Sobert Shugart and John M. Carey, 54-69. United States of America: Cambridge University Press.