

DEMOCRACY AND HUMAN RIGHTS

ON THE PERILS OF POPULAR PRESIDENTIAL ELECTIONS

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Preparing a constitutional overhaul in 2021, Armenia currently mulls the re-introduction of direct presidential elections. This is a bad idea.



Popularly elected presidencies might not directly lead to the collapse of democracy, except if coupled with strong powers, but can certainly put the healthy functioning of a democracy in peril.



More importantly, given the different logics characterizing the presidential and parliamentary arenas, popular presidential elections constitute an impediment to the development of a strong, stable and predictable party system, essential for the consolidation of democracy in the long run.

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1

INTRODUCTION

It was certainly no coincidence that the 2018 Velvet Revolution took place after the constitutional reform which, abolishing popular presidential elections, adopted parliamentarism for the first time since independence (see Casal Bértoa, 2015). This made Armenia, together with Moldova¹ and more recently Georgia, the only European countries to have abolished popular presidential elections since the end of the First World War.

It is also not coincidence that (s)elected by parliament in March 2018 as an internationally recognized figure with a less polarizing profile than previous Armenian presidents, current President Armen Sarkissian came to play an important role in the success of the Revolution and the consequent democratization of the country.

Although there might be arguments in favour of the re-introduction of popular presidential elections (e.g. power counterbalance, direct democracy), the truth is that popular presidential elections create more problems than solutions. The 2015 constitutional reform might have many flaws but, as for the reasons exposed in this policy paper, abolishing popular presidential elections and introducing a parliamentary regime was not one of them.

¹ Reintroduced, however, in October 2016.

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THE PERILS OF POPULAR PRESIDENTIAL ELECTIONS

The debate about the perils of popular presidential elections and the benefits of a parliamentary republic for the consolidation of democracy has been endless. Since Linz (1990) wrote his seminal articles on the topic, much ink has been spilled on the issue, without a foregone conclusion. For some scholars popular presidential elections can hinder the consolidation of democracy when (1) neither the presidential nor the governmental camp enjoys a parliamentary majority (i.e. divided minority government), (2) the president and the prime minister belong to different political camps (i.e. cohabitation), and (3) their “dual executive legitimacy”² leads to a gridlock situation where decision-making comes to a standstill (Elgie, 2008).

The only thing that is certain (see Elgie, 2011), however, is that democracies where both the prime minister and the cabinet are collectively responsible to both the legislature and the popularly elected president (“president-premier” semi-presidential regimes) are more prone to collapse than those where the prime minister and the cabinet are only responsible to the legislature, and not towards the popularly elected president (“premier-president”).

However, and independently of the debate about presidential powers (see more below), popular presidential elections have been found to produce important negative effects in terms of increasing both electoral fragmentation and polarization, hindering the process of party and party system institutionalization as well as reducing the quality of liberal democracies. But let us examine each of them in turn.

2.1. Party system fragmentation

Presidential elections can foster party system fragmentation, with the negative consequences this might have for cabinet stability (Grotz and Weber, 2012), party system institutionalization (Casal Bértoa, 2012, 2016) and the functioning of democracy (Sartori, 1976). Thus, scholars have shown that the number of parties is higher in countries where

² The former by virtue of his/her popular election and the latter by virtue of his/her parliamentary support.

presidents are popularly elected using a majoritarian run-off (i.e. two-round) electoral system.³ This is due to the fact that, because presidential elections are the unrivalled event in the political calendar of any country,⁴ competition for the presidency enhances the public visibility of politicians through increased media exposure and campaign contributions, boosting their options in future parliamentary elections. Moreover, “the expectation of a runoff increases the incentive to compete in the first run, either in the hope of placing among the two most favoured or of gaining bargaining power for support in the runoff of one of the two leading contenders” (Linz, 1994: 22).⁵ It is for these reasons (i.e. visibility, potential bargaining power) that popular presidential elections incite ambitious (many times ruthless) politicians, often total outsiders to the political life of the country, to form new parties with the only intention to satisfy their “personal” dreams. There are many examples of this phenomenon in Poland (e.g. Party X, Kukiz’15), Lithuania (Order and Justice), Moldova (Party of Rebirth and Conciliation of Moldova), Portugal (Democratic Renewal Party), Slovakia (Party of Civic Understanding, Movement for Democracy), Czechia (Party of Civic Rights), Ukraine (Strong Ukraine, All Ukrainian Union Solidarity, Servant of the People), etc.

2.2. Increasing polarization

But direct presidential elections not only encourage the formation of new parties with expectations to become the “dark horse” in the presidential race, they can also foster both ideological and political polarization. By giving anti-political-establishment parties (e.g. communists, nationalists, populists) the possibility to appeal directly to the public and “win office or, at least, get the necessary publicity to express their grievances against the establishment” popular presidential

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- ³ Which is the case in all European democracies with direct presidential elections.
 - ⁴ Turnout for presidential elections tend to be higher than for parliamentary elections, even in countries where the president has little (e.g. Poland, Lithuania) or almost no power (e.g. Czechia, Bulgaria).
 - ⁵ A way to avoid that is to have concurrent parliamentary and presidential elections, using a plurality electoral system for the latter. But this is more typical of presidential regimes in North and Latin America.

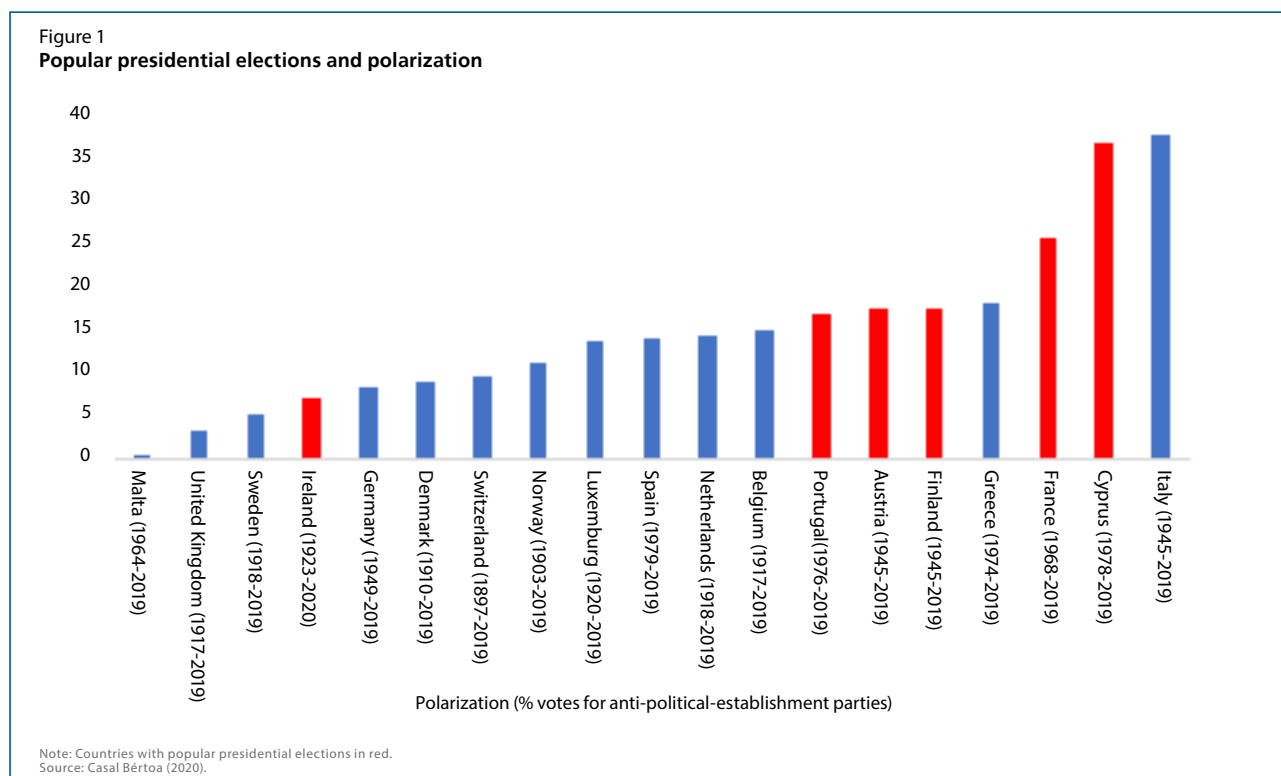
elections contribute to increasing the vote for illiberal and authoritarian outsiders (Casal Bértoa and Rama, 2020: 13-14, 16). Looking at the relationship between popular presidential elections and the percentage of vote for anti-political-establishment parties (e.g. populist, radical-right, extreme-left) in Western European democracies since 1848, these authors found that the popular election of the president increased the probability of polarization, measured by the percentage of vote for the abovementioned parties, in almost two points and a half percent in comparison to what can be observed in parliamentary regimes (Casal Bértoa, 2019: 7). Figure 1, which displays the level of polarization in 19 Western European consolidated democracies,⁶ clearly shows that countries with popular presidential elections tend to be much

more polarised than parliamentary ones. Ireland seems to be the only exception, but we should not forget that (1) Ireland was parliamentary until the late 1940s (see figure 2 below too), and (2) the percentage of vote for anti-political-establishment parties in the last February was as high as 27.2%.⁷

Moreover, given both the personalistic character and “the winner-takes-all” logic of presidential contests, popular presidential elections contribute to intensify the electoral competition between two main candidates, which in the worst-case scenario can turn into a real conflagration (Casal Bértoa, 2017a). The last 2018 presidential elections in Georgia, where the central dimension of competition between the two main parties (UNM and GD) was not ideological but rather

6 16 EU democracies, plus Norway, Switzerland and the United Kingdom.

7 The average level for the last 3 parliamentary elections being around 20%.



personalistic (Saakashvili vs. Ivanishvili), constitute one of the clearest examples.

2.3. Party de-institutionalization

Precisely the abovementioned personalistic character of popular presidential election might also discourage political leaders from investing in the institutionalization of their own parties (Samuels and Shugart, 2010). Thus, and contrary to presidents in parliamentary republics who need the support of already established parliamentary parties to be (s)electd and therefore have strong interests in party building, popularly elected presidents tend to present an “above party politics” attitude (Meleshevich, 2007). This not only leads to greater personalism, reducing “the relevance of party platforms and party organization” (Samuels, 2002: 480), but also might end in

Bonapartist behaviours, characterized by party instrumentalization with obvious demagogic and populist traits (Bahro et al., 1998:217). Examples of this type of conduct are abundant: Louis-Napoléon during the 2nd French Republic, Hindenburg during the Weimar Republic, Wałęsa in Poland, Putin in Russia, Yanukovych in Ukraine, to name just a few.

Moreover, the personalized character of a presidential race provides no safeguard and not buffer against political “outsiders”, with little or no political experience, seeking election (Linz, 1994). As Schuster’s, Paksas’ and Zeman’s presidential victories in Slovakia (1998), Lithuania (2002) and Czechia (2013) show, these individuals may create parties at the last minute in order to run for the presidency, therefore,

finding it very difficult to develop parties with strong linkages in society. Moreover, when successful, such presidents tend to ignore their own political parties, contributing to “the creation of small and ephemeral parties, most often the personal vehicles of presidential candidates and little more” (Cadoux, 2007:96). This clearly contrasts with presidents in parliamentary systems, usually long-term career politicians and, in many cases, also former party leaders (either in power or in opposition) over many years. For them, political parties are clearly infused with value.

Thirdly, while the incentive structure in parliamentary regimes encourages party discipline and, consequently, the formation of strong and institutionalized political parties, popular presidential elections may contribute to factionalism and within-party division, leading in the most acute case to the break-up of long-standing political parties. The 1996 presidential elections in Moldova, where the confrontation between President Snegur, Premier Shangeli and Parliamentary Speaker Lucinschi - all of them linked (directly or indirectly) to PDAM, clearly provoked its electoral collapse (from 43.2% votes in 1994 to 3.6% in 1998), with the consequent twist to what still was a feeble party system.

2.4. Party system institutionalization

More importantly, in a recent study examining all European democracies since 1848, Casal Bértoa and Weber (2020) found that in those countries where the president is popularly elected, party systems are much less stable. Thus, and in clear contrast to parliamentary republics where the president is (s) elected by the governing super-majority or as the result of a compromise between the government and the opposition

(e.g. Albania, Greece, Hungary), popularly elected presidents, appealing to a “broader” electorate,⁸ might be subject to blackmail by new and/or radical parties which will happily trade their support at the time of the presidential race for access to the spoils of office. There is perhaps no better example than the 2005 Polish presidential elections when, due to the unexpected confrontation between the two post-Solidarity candidates (Lech Kaczyński and Donald Tusk) after the withdrawal of the main post-communist candidate (Władysław Cimoszewicz), the party system turned ninety-degrees and passed from being characterized by a “post-communist vs. anti-communist” structure of competition (i.e. Democratic Left Alliance-Peasant Party vs. Solidarity-Freedom Union) to a “liberal vs. social” (Civic Platform vs. Law and Justice) partisan conflict (Casal Bértoa and Guerra, 2018).

Figure 2, which displays the level of stability in the structure of competition in those countries where popular presidential elections were introduced at a later stage (in red), clearly shows how party systems are more stable when the president is not popularly elected. Thus, with only one exception (e.g. Iceland),⁹ parties interact (i.e. compete, cooperate, colligate) in much more stable and predictable manner in periods where the president is not popularly elected. Moldova and inter-war Portugal, the only two European countries where popular presidential elections were introduced/eliminated twice, constitute the clearest examples of how presidential elections

- 8 Let us not forget that popular presidential elections have a “zero-sum game” character.
- 9 This is not surprising as the role of political parties in Icelandic presidential elections is almost non-existent (Kristinsson, 1999).

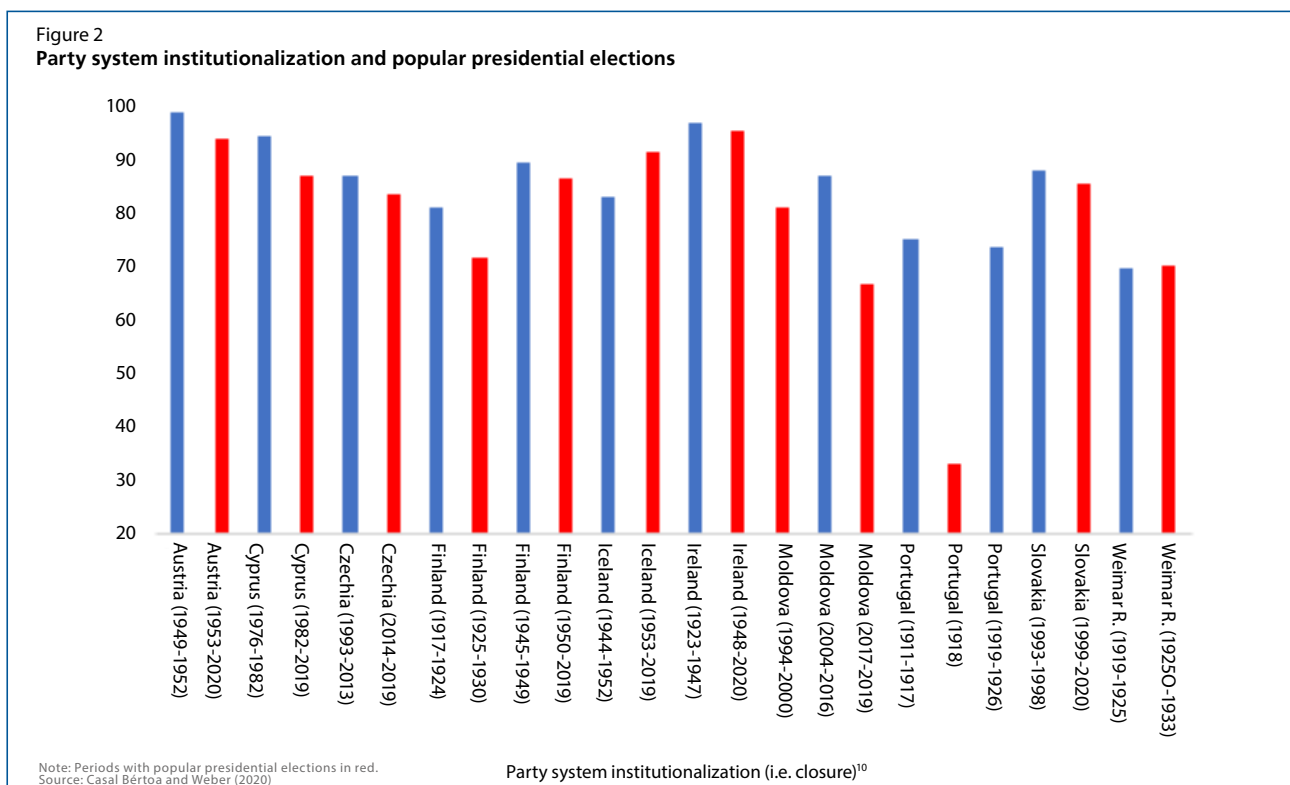
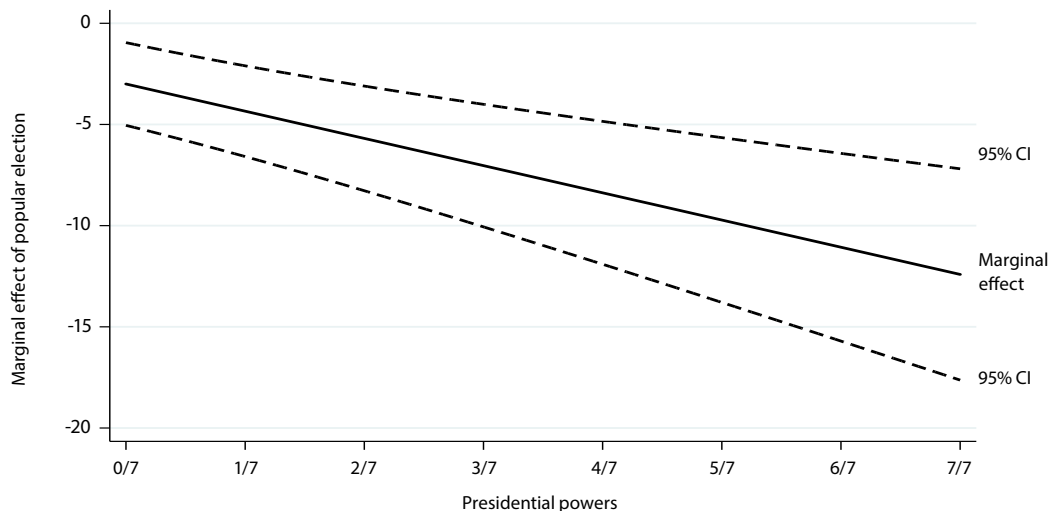


Figure 3
Marginal effect of popular presidential election on party system institutionalization (i.e. closure), over presidential powers



Source: Casal Bértoa and Weber (2020)

can hinder the process of party system institutionalization. Casal Bértoa and Weber (2020) also discovered that, provided the president is popularly elected, party systems will be more unstable the more powerful the president is. This is clearly visible in Figure 3 which shows how the negative impact of popular presidential elections on party system stability becomes stronger with each additional power at the president's disposal. It is not casual, therefore, that the only three semi-presidential European democratic party systems

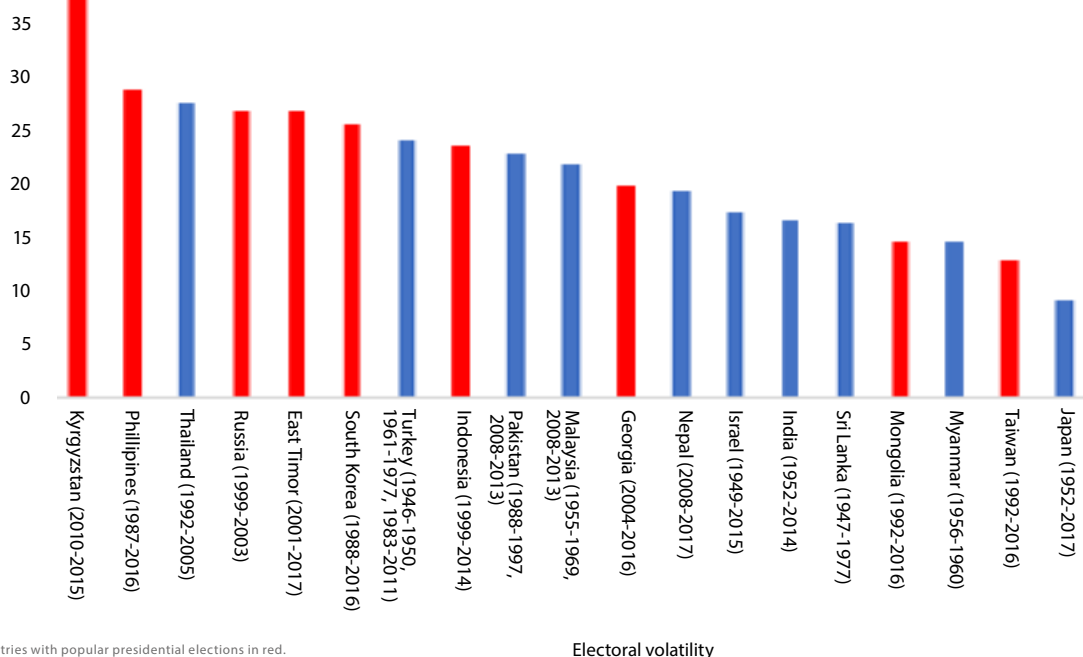
where the powers of the president were substantially reduced (i.e. Portugal, Ukraine and Georgia)¹¹ became more stable once that happened.

However, it is important to note, presidential powers do not hinder party system institutionalization if the president is not popularly elected, supporting the argument that it is essentially popular presidential elections what negatively affect party system stability, not a strong presidency per se.

10 Level of predictability in the structure of inter-party competition at the time of government formation (see Casal Bértoa and Enyedi, 2016).

11 A "premier-president" type of semi-presidentialism was introduced in 1983, 2006 and 2013, respectively.

Figure 4
Electoral volatility in 19 Eurasian, South and South-east Asian democracies



Note: Countries with popular presidential elections in red. Source: Lee and Casal Bértoa (2019).

2.5. Electoral instability

Interestingly enough, the negative impact of popular presidential elections has been found not only at the systemic, but also at the electoral level, especially in new democracies. Thus, Epperly (2011)¹² as well as Andrews and Bairett (2014) found that in post-communist Europe popular presidential elections cause voters to change their partisan preferences from one election to the next (with the electoral uncertainty this might create) by fostering the creating of new political forces and making elite-voter coordination more personalistic and less programmatic. And this is the case not only in Eastern Europe, but also in Asia where a study of the levels of electoral volatility during 131 elections in 19 party systems showed the same (negative) effect (Lee and Casal Bértoa, 2019). Thus, it is not surprising that with very few exceptions (e.g. Taiwan, Mongolia) electorates are more stable in countries where popular presidential elections are absent: for instance, Japan, Myanmar, Sri Lanka, India, Israel and Nepal (Figure 4).¹³

¹² His study includes also Armenia.

¹³ For similar results examining more than 50 democracies in the world, see Hunter et al. (2018).

2.6. Low quality of democracy

Still, the fact that popular presidential elections do not lead to the collapse of democracy, does not mean that they do not affect the functioning of democracy. In fact, in a study looking at the relationship between rise in support for anti-political-establishment parties and the level of liberal democracy in 28 EU democracies since the end of the Second World War, Rama and Casal Bértoa found that popular presidential elections had “a negative impact on [the levels of] liberal democracy” (2020: 398). The 2020 Polish presidential elections, where the presidential campaign revolved around the demonization of LGBT minority rights (Zagórski and Casal Bértoa, 2020), is without doubt the most recent example.

3

CONCLUSIONS

Independently of the public taste for charismatic figures, popular presidential elections have been shown to have important negative effects for the quality of democracy, the institutionalization of political parties or the development of a moderately fragmented, non-polarized and electorally stable party system.

Similarly, and as has already been shown, popular presidential elections introduce a “window of opportunity” which might lead to changes in the structure of inter-party competition making it less predictable and stable over time. If we take into consideration that party system stability is essential for the consolidation of democracy (Mainwaring, 1999), to the point that the achievement of a certain level of predictability in the way political parties compete, colligate and cooperate might prevent democracies from collapsing (Casal Bértoa, 2017b), we can see how the re-introduction of popular presidential elections in Armenia constitutes a serious peril for the prospects of building a politically stable liberal democracy. Especially if the “spirit of the 2018 Revolution” is to be fulfilled: namely, the establishment of a strong parliamentary democracy with stable party government.

Of course, everything will depend on the institutional framework that might accompany the reestablishment of popular presidential elections. Some types (e.g. premier-president, concurrent elections, plurality presidential elections) are less problematic than others. However, while neither necessarily more democratic nor more conducive to a higher balance of power (e.g. in the cases of cohabitation or divided minority governments), popular presidential elections cause more problems than they solve. To the point that, thinking of the proponents of their re-introduction, we can state, as the famous English writer and philosopher Gilbert Chesterton: “It isn’t that they cannot find the solution. It is that they cannot see the problem”.

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