Steffen Ganghof | Sebastian Eppner | Alexander Pörschke

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Australian bicameralism as semi-parliamentarism: patterns of majority formation in 29 democracies

Steffen Ganghof, Sebastian Eppner and Alexander Pörschke

Faculty of Economics and Social Sciences, University of Potsdam, Potsdam, Germany

ABSTRACT

The article analyses the type of bicameralism we find in Australia as a distinct executive-legislative system – a hybrid between parliamentary and presidential government – which we call 'semi-parliamentary government'. We argue that this hybrid presents an important and underappreciated alternative to pure parliamentary government as well as presidential forms of the power-separation, and that it can achieve a certain balance between competing models or visions of democracy. We specify theoretically how the semi-parliamentary separation of powers contributes to the balancing of democratic visions and propose a conceptual framework for comparing democratic visions. We use this framework to locate the Australian Commonwealth, all Australian states and 22 advanced democratic nation-states on a two-dimensional empirical map of democratic patterns for the period from 1995 to 2015.

Introduction

This article analyses the type of bicameralism we find in Australia as a distinct executive-legislative system, a hybrid between parliamentary and presidential government, which we call 'semi-parliamentary government' (Ganghof 2017). We argue that this hybrid presents an important and underappreciated alternative to pure parliamentary government as well as presidential forms of the power-separation, and that it can achieve a specific balance between competing models or visions of democracy (cf. Lijphart 2012; Powell 2000).

The notion that Australian political institutions form an unusual hybrid is, of course, far from new and captured in labels such as 'Washminster' (Thompson 1980) or 'parliament as platypus' (Bach 2003). The concept of semi-parliamentarism differs from these notions, however, and we hope that it can contribute to clarifying the Australian version of what constitutional theorists have called the 'new separation of powers' (Ackerman 2000; Albert 2010). In our view, Australian bicameralism is not platypus-like and unclassifiable.[1] To the contrary, it constitutes a 'missing link' in established typologies of executive-legislative systems.

More specifically, we conceptualise semi-parliamentarism as the analytical mirror image of the well-established type of semi-presidentialism (Duverger 1980; Elgie 2011).

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A semi-presidential system divides the *executive* into two (roughly) 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 (roughly) equally legitimate parts, only one of which possesses the power to dismiss the prime minister in a no-confidence vote. It establishes a formal separation of power between the executive and *one part* of the assembly.

The idea that Australian bicameralism mixes competing models or visions of democracy is also well established (e.g. Sharman 2013; Smith 2012, 55). Many authors have drawn on the comparative studies of Lijphart (1984, 2012) and characterised the Australian Commonwealth as a sort of 'semi-consensual parliamentary system' (Uhr 2009, 132). Our contribution to this debate is twofold. First, we specify theoretically how the semi-parliamentary separation of powers – when combined with specific electoral institutions – contributes to the balancing of democratic visions. Second, we propose a conceptual framework for comparing democratic visions and use it to locate the Australian Commonwealth and all Australian states on a two-dimensional empirical map of democratic patterns for the period from 1995 to 2015.

We do not pretend that the concept of semi-parliamentary government does justice to Australian executive-legislative relations in all of their path-dependent complexity. To the contrary, it deliberately abstracts from the specifics of the Australian cases, such as the fact that much of the relevant rules are conventions rather than written constitutional law (Aroney et al. 2015, chapter 6; Barry and Miragliotta 2015). Our goal is to capture the stylised essence of what constitutional designers in other polities can learn from the Australian experience. At a time when the 'perils of presidentialism' (Linz 1994) are once again on open display, in the United States and elsewhere, and partisan fragmentation complicates the formation of coalition cabinets in parliamentary systems such as the Netherlands or Germany, the Australian experience is highly relevant.

The next two sections elaborate on the notions of semi-parliamentary government and semi-parliamentary democracy. Section 4 maps different visions of democracy. Section 5 takes a closer look at the 'flexibility' of legislative decision-making under different executive-legislative systems. Section 6 is a brief conclusion.

Bicameralism as semi-parliamentarism

Comparative studies usually classify Australia's bicameral systems as parliamentary systems of government with 'strong' bicameralism (e.g. Lijphart 2012; Stone 2002; Ward 2012). We take a different approach.

In his study of the Australian Senate, Bach (2003, 330) is admirably clear as to whether the Australian Commonwealth has a parliamentary system: 'It does not.' 'In truth, the legislative powers of the Senate simply cannot be reconciled with the contention that Australia has a parliamentary form of government, pure and simple' (Bach 2003, 329). Stone (2006, 184), however, finds Bach's position

> badly mistaken, first, because a number of other national second chambers in parliamentary systems have or have had constitutional powers comparable to the Senate's and, secondly, because it is simply not a necessary, or defining, feature of parliamentary government that an executive should be able to enact 'its legislative program, or at least the priority items of its program' as Bach contends (Bach 2003, 332–333).

We share Stone's view that an executive's ability to enact its program is not a defining feature of parliamentary government. Instead, the defining attributes on which comparative studies agree concern only the *origin* and *survival* of the executive (Cheibub, Elkins, and Ginsburg 2014, 518–519; Shugart and Carey 1992). On the other hand, we also agree with Bach's conclusion that the Australian type of bicameralism is rather special and does change the form of government. Most of the other 'national second chambers' that Stone refers to are either indirectly elected (or represent state *governments*, like the German Bundesrat) or they also possess a no-confidence vote against the cabinet (like the Italian Senate). What distinguishes Australian bicameralism from these cases is the combination of (1) a directly elected upper house and (2) its lack of a no-confidence vote against the government.

In our view, the standard political science convention of defining a country's form of government exclusively with respect to the lower house cannot be justified if the upper house is directly elected and thus prima facie equally legitimate as the lower house. If two houses have an equal claim to represent the people, but the cabinet's survival in office depends only on one of them, a hybrid system of government is established.

Maybe there is a cogent objection to this position. Yet, justifications for the focus on the lower houses – even when upper houses are directly elected – sometimes reveal a degree of circularity, which goes like this: We can disregard the elected upper house's lack of a no-confidence vote in defining a country's form of government, because it is subordinate to the lower house; and we consider it subordinate, because it lacks a no-confidence vote. Elements of this circularity can be found, e.g. in Lijphart (2012, 192–193) and Ward (2000, cited in Bach 2003, 332).

To be sure, there is no real circularity when there are also other factors that render upper houses subordinate, most notably malapportionment (see below). For example, it could be said that in the Australian Commonwealth's parliamentary system the cabinet must have the confidence of the 'more popularly elected house' and that 'the Senate is the less popularly elected house' (Aroney et al. 2015, 409, 412).[2] In the Australian states, however, we find upper houses that are difficult to view as subordinate to lower houses in a non-circular manner. They force us to reconsider our definition of executive-legislative systems.

To avoid circular reasoning, we need a substantive criterion for when to consider upper houses in defining a country's executive-legislative system. For us the criterion is *direct election* (Ganghof 2017, 3). This is also the standard criterion for presidents, when we distinguish between parliamentary and semi-presidential systems of governments (Elgie 2011, 2016). When the president is indirectly elected, we have a parliamentary system; when he or she is directly elected, we have a semi-presidential system, regardless of how weak the president's powers are in the constitution or in practice. Our suggestion is to accord the same treatment to upper houses.

How, then, should we classify Australian bicameralism? While Bach (2003) rejects the classification as 'parliamentary', he cannot suggest an alternative. He implicitly assumes that semi-*presidentialism* is the only hybrid between presidentialism and parliamentarism (Bach 2003, 330). Yet, the comparative literature has long recognised two others. One is the Swiss hybrid of 'assembly-independent government' (Shugart and Carey 1992, 26). In this system, the executive is elected by the (bicameral) assembly, but serves a fixed term. It *cannot* be dismissed in a no-confidence vote. Assembly-independent government

thus combines one parliamentary feature (executive originates from the assembly) with one presidential feature (executive survives separately from the legislature). The second long-recognised hybrid, *prime-ministerial government*, is the mirror image of the Swiss case: voters directly elect the prime minister (separate origin), who can be dismissed in a no-confidence vote by the assembly (dependent survival). Israel experimented with this system, but only very briefly (Samuels and Shugart 2010, 179–180).

Bach's neglect of these hybrids is in line with most comparative textbooks and scholarly articles, which continue to focus on the tripartite distinction between presidential, parliamentary and semi-presidential systems. This is partly because we lack an established taxonomy or typology that includes all major hybrids into a parsimonious framework. A notable exception is Elgie (1998, 224), but his taxonomy distinguishes 24 possible types, only five of which are, or were, found in practice. Moreover, Elgie also neglects directly elected upper houses. If we introduced them into his scheme, the number of possible and non-existing types would multiply further. What we need, in our view, is a *parsimonious* typology that includes the five established types and the Australian case in a systematic manner. We believe that these goals are achieved by Ganghof's (2014, 2017) proposal, a slightly modified version of which is shown in Table 1.

Table 1 uses the two established dimensions for classifying executive-legislative systems – the origin and survival of the cabinet – but accounts for the fact that the executive may only be *partially* dependent on a *directly elected* assembly. This may happen in one of two ways (or a combination of them):

(1) *Semi-presidentialism*. The *executive* is divided into two democratically legitimate parts, only one of which depends on assembly confidence. This sort of division requires the separated part of the executive, the president, is directly (or at least popularly) elected.
(2) *Semi-parliamentarism*. The *assembly* is divided into two directly elected parts, and the cabinet's survival in office depends on the confidence of only one of them.

It is noteworthy that a typology that integrates the five established executive-legislative systems into a parsimonious and coherent framework logically implies the type that Australian bicameralism instantiates. Semi-parliamentary government can thus be seen as a 'missing link' in our typological thinking.

The combination of comprehensiveness and parsimony also has its costs, however. One is that the typology lumps together cases that a more fine-grained taxonomy would separate. For example, it lacks a separate category for a case in which both variants of *partial* assembly confidence of the cabinet exist at the same time. This more complex hybrid exists in the Czech Republic, which has a (1) directly elected, fixed-term president, (2) a prime minister dependent on lower house confidence and (3) a directly elected upper house

Table 1. Executive-legislative systems in democracies.

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

Source: Adapted from Ganghof (2017).

without the power to dismiss the cabinet. This case is both semi-presidential and semi-parliamentary. Table 1 groups this case together with purer forms of semi-presidentialism, even though its semi-presidential feature is not conceptually prior to its semi-parliamentary feature.

We also want to emphasise that there is much – actual or potential – institutional variation *within* each of the six basic types in Table 1, and this variation is likely to be crucial when it comes to the explanation of political outcomes (Cheibub, Elkins, and Ginsburg 2014; Elgie 2011; Shugart and Carey 1992). Nevertheless, the typology captures the basic choices any representative democracy has to make in designing its system of democratic delegation and accountability. The next section looks at the semi-parliamentary logic of delegation in more detail.

Defining semi-parliamentarism

Following Strøm (2000), we distinguish between a minimal and ideal-typical definition of executive-legislative systems. A *minimal definition* ought to provide criteria with which we can identify systems in an unambiguous manner. We can derive a minimal definition from Table 1 (Ganghof 2017):

(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.

This definition requires no subjective judgements as to whether the legitimacy of the two houses is truly 'equal' or not, or how the public perceives this. We can classify systems based on clear-cut constitutional rules.[3]

The minimal definition doesn't rule out the possibility that the cabinet is partly drawn from the part of the assembly without confidence authority (the upper house). A substantial share of upper house ministers is now common in Australia. This has not always been the case, but a ministerial presence in the upper house facilitates the successful conduct of the government's parliamentary business and legislative program.

The proposed minimal definition also omits actors' veto power. In doing so, it follows the recent literature on executive-legislative systems (Cheibub, Elkins, and Ginsburg 2014; Elgie 2011). Yet legislative veto power is certainly important and figures prominently in the *ideal-typical definition* of semi-parliamentarism (Ganghof 2017). This definition focuses on the *democratic* logic of delegation embodied in an executive-legislative system. The ideal-typical logic of semi-parliamentarism is that voters, as the ultimate principal, select two separate but equal agents, only one of which then becomes the principal of the prime minister and his or her cabinet. The full equality of the two legislative agents does not only require that both be directly elected, but also that the part of the legislature without confidence authority (the upper house) possesses an absolute veto over legislation.[4]

The democratic logic of semi-parliamentarism differs from all other types and creates a potential to balance competing visions of democracy in ways that are unavailable in other systems. Its defining features are crucial for this potential. If the upper house is not directly

elected or lacks a legislative veto, it is likely to be subordinate to the lower house. It thus lacks the power and legitimacy to change the overall character of democracy, even when its electoral system differs substantially from that of the lower house. On the other hand, if a directly elected upper house can also dismiss the cabinet in a no-confidence vote, it is likely to become too powerful (see Eppner and Ganghof 2017). If the composition between the two chambers – the two principals of the cabinet – differs substantially, parliamentarism and bicameralism get into conflict, so that the institutional configuration is unlikely to be stable in the long-run. Constitutional designers can avoid this by ensuring a 'congruent' composition of the two houses, but then the upper house is – again – unlikely to change the overall character of democracy.

The ideal type of semi-parliamentarism also allows us to see that a certain type of bicameralism is only one of several ways to instantiate it in the real world. For example, we can imagine a semi-parliamentary system in which the right to a no-confidence vote is reserved for a subset of the members of a unicameral parliament. The 'confidence college' for the cabinet would then not be a separate *chamber* but a large *committee* of parliament. The right to participate in a no-confidence vote could be reserved for parties that pass some legal vote share threshold or for single-member district representatives in a mixed member electoral system (Ganghof 2016a, 2017).

Real-word deviations from the ideal type

We can also use the ideal type of semi-parliamentarism to rank existing (minimally defined) cases of semi-parliamentarism according to how much they deviate from the ideal type. Ganghof (2017) considers three deviations.

(1) Malapportionment may reduce the *democratic legitimacy* of the upper house relative to the lower house. This is the case in the Australian Commonwealth, Western Australia and in Japan.
(2) The upper house may gain de facto *confidence authority* over the cabinet through an absolute budget veto. This veto exists in the Australian Commonwealth, South Australia, Tasmania and Western Australia.
(3) Polities deviate from this ideal, if the upper house *lacks an absolute veto* over (non-budgetary) legislation or if bicameral deadlocks are resolved through a joint session, in which the lower (larger) house may have the upper hand. We find these deviations in the Australian Commonwealth, Japan and Victoria.

Maybe this list of deviations is incomplete. In particular, we might read Bastoni (2012, 231) as suggesting that longer and staggered term lengths of upper houses are also relevant deviations. The argument is that lower house majorities should not be dependent for their legislative success on upper house members elected several years earlier. While we are sympathetic to this argument, it is controversial (Stone 2008, 184–185). Therefore, we do not consider equal and synchronised terms to be part of the ideal type.

If we stick to the above list, New South Wales is the only case that does not deviate from the ideal type (even though upper house members do serve longer, eight-year, terms). The Australian Commonwealth and Japan, on the other hand, deviate most strongly. The other Australian states are in-between.

In the two 'least' semi-parliamentary cases (given the ideal type), the Australian Commonwealth and Japan, there have also been debates as to whether, at least in practice, the survival of the cabinet *does* also depend on the upper house. In Australia, this was the position of the Governor-General and the Chief Justice of the High Court during the crisis of 1974–75 (Bach 2003, 111–119; Barry and Miragliotta 2015). They based their position on the Senate's right to deny supply (see also Aroney et al. 2015, 412–417; Taflaga 2018).

Since the Japanese upper house lacks this right, the case for 'dual responsibility' seems prima facie less plausible. Takayasu (2015) bases it on two arguments. First, although the upper house cannot veto the budget as such, it can veto 'budget-enabling' bills (Thies and Yanai 2014, 64) and thereby 'effectively block the budget from functioning' (Takayasu 2015, 161). Second, Takayasu suggests that the upper house has turned the formally non-binding censure resolution against a minister into a no-confidence vote by combining it with a 'boycott of Diet deliberation' (Takayasu 2015, 161). In 1998, it used this strategy to force the General Director of the Defence Agency, a cabinet minister, to resign. According to Takayasu, this strategy also applies to the prime minister. We do not know how widely accepted these arguments are among experts of Japanese politics, but if the Australian debate is any indication, the notion of dual responsibility is likely to be controversial.

Balancing visions of democracy

The semi-parliamentary constitution has a specific potential to balance competing modes of representation and 'visions' of democracy. Since voters directly elect two legislative agents, only one of which becomes the principal of the cabinet, the electoral systems of the two branches can be oriented towards different goals and values. We are not aware of empirical studies that locate the Australian Commonwealth as well as the Australian states in a quantitative mapping of democratic patterns. This section attempts to fill this gap. We discuss first how our conceptualisation of the two visions differs from Powell's (2000) and Lijphart's (2012) and then explain our operationalisation.

Conceptualising the two visions

Our approach draws on Powell (2000) but departs from it in several ways. Powell distinguishes between a Westminster and a 'proportional' vision of democracy but remains undecided between two distinct versions of the latter (see Ganghof 2015). One version, which goes back to John Stuart Mill, merely aims at parties' proportional *representation*; the other requires that each party have proportional *influence* on legislation. The former version is fully consistent with legislative majorities overruling minorities (within constitutional limits, of course). Indeed, only this version is consistent with treating the 'median voter' as a normative benchmark for the empirical analysis of democratic representation – a benchmark that Powell helped to establish. Proportional influence of all parties and median dominance are incompatible ideas (cf. Powell 2000, 165).

We focus on the 'Millian' version of the proportional vision and hence understand its disagreement with the Westminster model as one between *different versions of majoritarian democracy*. The disagreement does not concern *whether* majorities ought to rule, but about *how* they ought to *form*. In terms of the median voter criterion, for example,

we might understand the Westminster vision as trying to approximate the 'global' median voter in an essentially unidimensional political space and the proportional vision as trying to approximate the issue-specific median voter in a multidimensional space (cf. Powell 2000, 165, 256, n. 169; Stecker and Tausendpfund 2016; Ward and Weale 2010).

Hence we think of the two polar ideal types as *simple and complex majoritarianism* (Ganghof 2015). The rationale of the former is the simplification of the process of democratic majority formation in the public eye. Its danger is that the reduction to two parties and one dimension fails. This can lead to the dominance of small pluralities or even minorities, as Nagel's (1998) analysis of pre-reform New Zealand has shown. In contrast, the 'complex' vision of majoritarian democracy embraces the complexity that results from multiple parties competing in a multidimensional space and potentially forming flexible, issue-specific legislative coalitions. Its danger is that complexity overburdens voters' cognitive capabilities as well as the cooperative capacities of independently competing political parties.

The two visions and the separation of powers

Our approach also differs in how we conceptualise the relationship between the two visions and the constitutional separation of powers. Lijphart's (2012) ideal-type of 'consensus democracy' has two definitional dimensions. It includes not only proportional representation and multi-party systems, but also various forms of constitutional power-separation, including bicameralism. Such a definition makes it conceptually impossible to analyse how a constitutional separation of powers can *balance* different visions of democracy. Moreover, Lijphart (2012) himself has shown that his two 'dimensions' of democracy are not empirically related. We believe there to be no inherent conceptual relation either. Hence our conceptualisation of simple and complex majoritarianism relates only to one of Lijphart's (2012) dimensions of democracy, the 'executive-parties dimension'(see Ganghof and Eppner 2017).

We assume that the conflict between these visions of democratic majority formation plays out differently in different executive-legislative formats. It is strongest and most clearly defined in a pure, unicameral parliamentary system (Ganghof 2015, 2016b). In such as system, efforts to balance the two visions must focus on the electoral system of parliament. Particular designs might hit a 'sweet spot' between the two polar visions by inducing parties to form two competing pre-electoral coalitions (Shugart 2001) and/or by limiting the number of parties in parliament (Carey and Hix 2011; but see McGann 2013). In contrast, when the *survival* of the cabinet is constitutionally separated from at least one directly elected part of parliament, constitutional designers can balance the two visions by orienting the electoral systems of the different branches towards different goals.

Shugart and Carey (1992, Chapter 1) highlight the same point for presidential systems (see also Cheibub 2006). However, since these systems also separate the *origin* of the executive from the legislature, they have the important downside of concentrating executive power in a single individual (Linz 1994). This leads to severe dilemmas in institutional design, most notably with respect to term limits for the president (Carey 2003; Cheibub 2007). It also tends to undermine the unity and programmatic capacities of political

parties (Carey 2009; Passarelli 2015; Samuels and Shugart 2010). Finally, it facilitates the rise and electoral success of politically inexperienced outsiders or newcomers, who may, once in office, subvert democracy (Carreras 2017; Linz 1994).

In contrast, semi-parliamentary systems can balance different visions of democracy, while keeping the prime minister responsible to the majority in the lower house and to his or her party. This house becomes, to some extent, a 'confidence college' for the cabinet, while only the upper house can – like the legislature in a presidential system – consider legislative matters independently from the survival of the cabinet.

The difference between Lijphart's (2012) and our approaches is also highlighted by the Swiss case. He sees Switzerland as a major example of 'consensus democracy', partly because the same 'oversized' four-party coalition has almost continuously been in office since 1959. Yet, since the *survival* of the Swiss cabinet is constitutionally separated from the legislature, it is misleading to think of it as a parliamentarism-like coalition (Ganghof 2010, 680). There is no coalition contract that establishes the four parties as veto players. Each cabinet party can be outvoted on a particular issue, which happens increasingly (Traber 2015). A substantial share of legislative coalitions consists of issue-specific *minimal-winning* coalitions built around the median party. Switzerland can thus also be viewed, at least to some extent, as a form of 'complex majoritarianism', and the constitutional separation of powers is crucial in that regard.

Operationalising the two visions

We operationalise the ideal-types of simple and complex majoritarianism with six variables and try to map quantitatively how the Australian Commonwealth and states balance the two visions. The online-appendix gives details on the variables. Our three indicators for 'simple majoritarianism' are:

(1) *Party-based identifiability* (*Ident*) measures voter ability to identify two competing options for government before the election. It combines information on how much votes are concentrated on the biggest two competing parties or pre-electoral blocs, whether the government consists of a single party/bloc and whether it has majority status. Since the focus is on *party-based* identifiability, direct presidential or prime-ministerial elections are neglected.
(2) *Clarity of responsibility* (*CoR*) is based on a ranking of cabinet types, which captures the ability of voters to determine which parties are responsible for past policies. The ranking takes directly elected upper houses into account.
(3) *Cabinet stability* (*Stab*) relates the average term length of cabinets to the constitutional maximum.

The three indicators for 'complex majoritarianism' goals are as follows. When directly elected upper houses exist, indicator values are for the more 'complex' house.

(1) *Proportionality* (*Prop*) is measured by the (log of the) effective district magnitude (Best and Zhirnov 2015). This purely institutional measurement is important because it captures the entry barriers for new parties (McGann 2013). Facilitating this entry is important in the vision of complex majoritarianism (Ganghof 2016b).

(2) *Dimensionality* (*Dim*) is the effective number of dimensions. The party positions for the Commonwealth are taken from Benoit and Laver's (2006) expert survey, the party position for the Australian states come from an expert survey we conducted ourselves in 2016. 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 reflected or constructed in the assembly (Ganghof, Eppner, and Heeß 2015; Stecker and Tausendpfund 2016).

(3) *Legislative flexibility* (*Flex*) measures the extent to which governing parties commit themselves to a fixed majority coalition or remain free to choose between different support parties.[5]

Empirical patterns of democracy

Our sample includes 29 advanced democratic systems: 23 non-presidential nation-states and the Australian states (see online-appendix for details).

We present the resulting patterns of democracy for the period from 1995 to 2015 in three complementary ways. Figure 1 shows radar charts for the semi-parliamentary polities: the bicameral Australian polities and Japan. For Victoria, we distinguish between the periods before and after the switch to PR in the Legislative Council (first PR election in 2006). For comparative purposes, we also include Queensland, Switzerland and the most typical cases of complex and simple majoritarianism, the United Kingdom and Denmark. We normalise all variables between zero and one, based on the minimum and maximum values of the respective indicators in the sample. We will comment on the country-specific patterns in Figure 1 in combination with the next two figures.

Figure 2 condenses the six variables into a single spectrum from simple to complex majoritarianism, similar to Lijphart's (2012) 'executive-parties dimension'.[6] We normalise values, so that one unit corresponds to one standard deviation, while the average value is zero. In line with expectations, the United Kingdom, Queensland and Victoria (especially prior to the 2003 constitutional reform) are at the 'simple' end of the majoritarianism-spectrum, Denmark, Israel and Switzerland are at the 'complex' end. Note, however, the substantial difference between the latter cases. In Switzerland, mechanical proportionality is not very high (effective district magnitude of 7,7), and party positions are measured to be rather unidimensional. In contrast, Denmark combines high scores on all three indicators of complex majority formation.

The kind of summary dimension depicted in Figure 2 is ill suited to deal with separation of power systems, however. It implicitly assumes that when semi-parliamentary systems – as well as presidential systems in Lijphart's (2012) study – realise goals from different visions in different branches, they cancel each other out rather than achieving the best of both worlds (Ganghof and Eppner 2017, 6–7). Averaging the goals of the two visions systematically neglects the optimisation potential of semi-parliamentarism.

To take account of the separation of powers, Figure 3 averages the three respective goals of the two visions separately along two dimensions. It highlights, first, the general *trade-off* between the two types of goals (in parliamentary and semi-presidential system), as indicated by the negative regression line. This trade-off follows from the contradictory
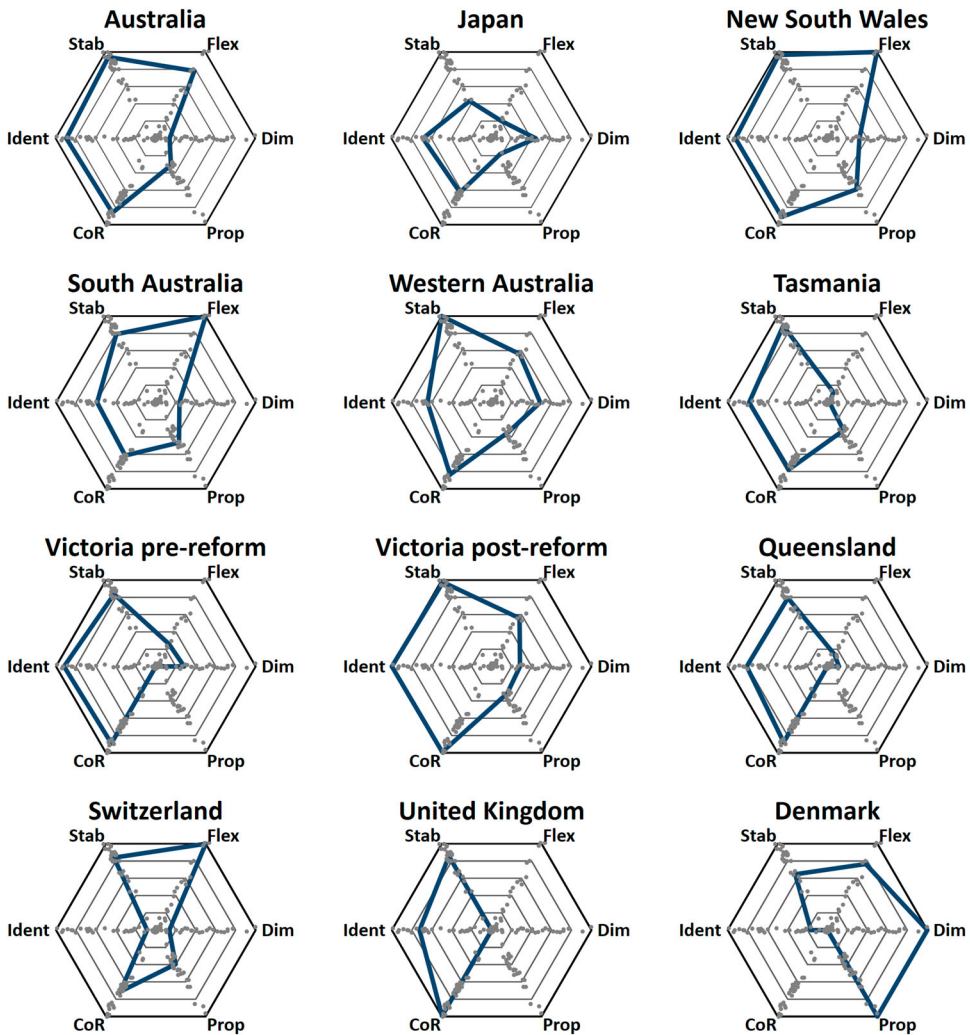
Figure 1. Balancing democratic visions in semi-parliamentarism.

demands on the party system. The goals of simple majoritarianism are most achievable when party system fragmentation is low, whereas the goals of complex majoritarianism tend to be associated with a high (effective) number of parties.

Indeed, Figure 3 reveals the limits of the above-discussed 'sweet spot' arguments as applied to pure parliamentary systems (Carey and Hix 2011; Shugart 2001). Almost all pure parliamentary systems are very close to the regression line, with Israel being the only strong outlier.[7] The 'optimised' electoral systems in democracies like Spain (low-magnitude PR) or Germany (mixed-member proportional) do not *transcend* the trade-off, but merely achieve rather centrist positions *on* the trade-off line. The sweet spot arguments are predicated on a behavioural rather than institutional measurement of proportionality (Best and Zhirnov 2015) as well as the neglect of the goals of dimensionality and legislative flexibility. Democratic majority formation in countries like Denmark or Finland is more complex, but not necessarily less 'efficient' (see also Ganghof, Eppner, and Heeß 2015).
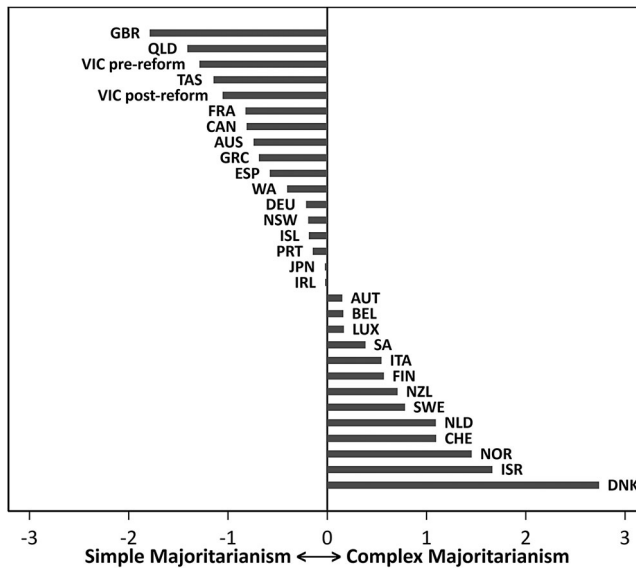
Figure 2. Simple and complex majoritarianism (one dimension).

Figure 3 shows how semi-parliamentarism has the potential to mitigate the trade-offs, but also how the utilisation of this potential depends on case-specific features and institutional design choices, most notably with respect to the electoral systems of the two houses. To see this, consider the positions of New South Wales and Japan. In Figure 2 the two cases are close together in the middle of the spectrum. In Figure 3, in contrast, they deviate from the trade-off line in different directions and to different extends. New South Wales is a positive outlier in that it uses its semi-parliamentary constitution to
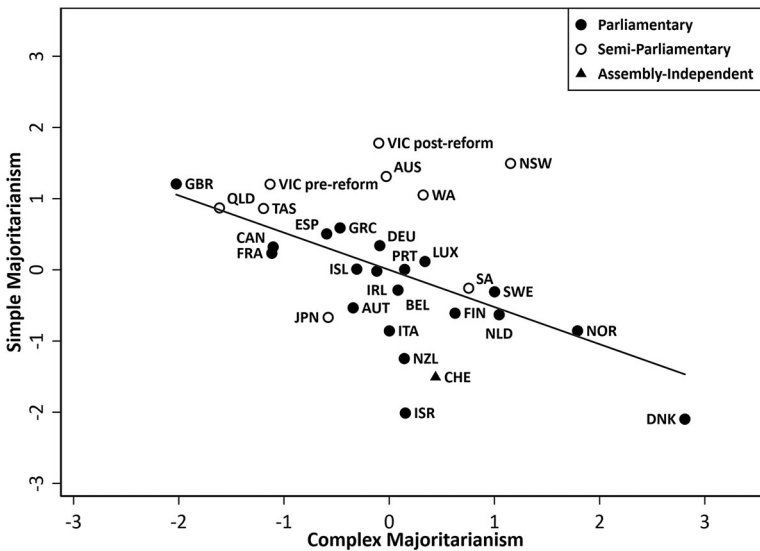

Figure 3. The tradeoff between simple and complex majoritarianism.

achieve relatively high values along both dimensions: it combines the majoritarian goals in the lower house with some degree of proportionality and a potential for flexible decision-making in the upper house (Smith 2018).[8] In contrast, Japan approximates neither of the two visions particularly well, despite its semi-parliamentary constitution (Figure 1). One reason is that electoral proportionality is moderate and rather similar for the two houses (Rosenbluth and Thies 2010, 193). Another is that the *formateur* party sometimes includes minor parties into the cabinet in order to gain upper house majorities (Eppner and Ganghof 2017), which reduces cabinet stability (due to staggered upper house terms), clarity of responsibility and legislative flexibility.

The other Australian polities have unsurprising empirical patterns and relative positions in the three figures. Queensland, which abolished bicameralism in 1922 (Ward 2012, 64), embodies the vision of simple majoritarianism. Victoria has strengthened proportionality and flexibility in the constitutional reform of 2003, but without compromising the goals of simple majoritarianism. The Commonwealth, Western Australia and post-reform Victoria all exemplify the 'optimisation' potential of semi-parliamentarism, but they achieve the goals of complex majoritarianism to a lesser extent than New South Wales.[9] South Australia differs from the other Australian polities in that it achieves the goals of simple majoritarianism to a lesser extent, largely due to hung parliaments and the need to include minor parties and/or independents into the cabinet (Ward 2012, 81–87).

Tasmania is a special case, since it uses proportional representation (PR) in the lower house and majority rule (alternative vote) in the upper house (Farrell and McAllister 2006). Its use of the 'sweet spot' (Carey and Hix 2011) solution of small (five-member) districts in the lower house makes democratic majority formation slightly more 'complex', but cannot mitigate the conflict between the two visions. Tasmania does not use the upper house to achieve more flexible coalition building *between* parties, but to complement party-based coalition building in the lower house with a more personalist, locally based form of majority formation in the upper house (Sharman 2013).[10]

Implications for potential reforms

The upshot of our analysis may become clearer when compared to that of Lijphart (1999, 2012). He suggests that to turn Australia into a 'consensus democracy', introducing PR in the lower house would be desirable (Lijphart 1999, 318). In our view, this proposal neglects the institutional design potential of semi-parliamentary constitutions. In terms of Figure 3, lower house PR would push the Australian cases more towards the trade-off line, and the degree of proportionality would determine their position along this line of zero-sum goal conflict. The upper house would lose its specific role in the balancing of democratic visions.

A different reform approach would try to strengthen this role and reinforce the positive outlier status of the semi-parliamentary cases in Figure 2. To strengthen the goals of complex majoritarianism, the proportionality and dimensionality *in upper houses* would have to increase. This would probably require an increase in the (relative) *size* of these houses. Strengthening the goals of simple majoritarianism would require a more far-reaching reform of lower houses. If constituency representation were shifted into a bigger upper house, lower house elections could be held in a single system-wide district,

based on absolute majority rule, and seats awarded only to the two parties with the strongest voter support (for details, see Ganghof 2016a, 2017). Such a system would mimic presidential elections in that it would *guarantee* a two-party system and identifiable one-party cabinets. It would also allow all votes to count equally for the selection of the prime minister and his or her cabinet, regardless of where they are located. While these reforms are unlikely to be considered by constitutional reformers in Australia, they would take the balancing potential of semi-parliamentarism to its logical limit. Furthermore, this modified semi-parliamentary system might be attractive for constitutional designers that are drawn towards advantages of presidential systems but wary of concentrating massive executive power in a single individual.

Legislative flexibility

One way in which our analysis differs from Powell's (2000) and Lijphart's (2012) is that we take the polar vision of complex majoritarianism to include the goal of flexible, issue-specific decision-making. This section first reflects on the normative rationale of this flexibility and then discusses its feasibility under different executive-legislative systems.

Ward and Weale (2010) derive the value of issue-specific decision-making from the basic democratic value of political equality (see also Weale 2018). In their view, equality requires that separable issues be decided in separate majority votes in the legislature. In social choice terms, the idea is to empower the issue-specific median in parliament and the electorate (cf. Black 1948). The authors contend that issue-specific majority voting has 'unique normative properties … in the sense that it does not give a privileged role to any citizen or representative in the making of collective choices … .' (Ward and Weale 2010, 27).[11] While the authors' analysis focuses on a multidimensional issue space, the basic point also applies to a one-dimensional space. Flexibility matters in this case, because the location of the status quo may vary across issues. If the status quo is on the right, the median party can build a coalition with the left parties, and vice versa.

Legislative flexibility is difficult to achieve in a pure parliamentary system. Since the task of parliament is not only to pass legislation but also to keep the government in office, there is a greater imperative to build majority cabinets based on a coalition contract, in which the cabinet parties establish each other as 'veto players' (Tsebelis 2002). Legislative decisions thus often reflect grand bargains across separable issues, and policies may diverge systematically from the issue-specific median – because veto players (1) block the movement towards the issue-specific median or (2) demand movements away from the median position on some dimension as part of a larger logroll.

Ward and Weale (2010) suggest that even in pure parliamentary systems the formation of *minority* cabinets may still lead to a pattern of issue-specific and median-oriented majority formation (see also Weale 2017). However, a number of factors work against such a pattern. For one thing, when the electoral system is highly proportional (which seems necessary to align the median party on a separable dimension with the median voter), minority governments often consist of several parties, all of which do become veto players. For another, the imperative of cabinet stability often reduces the *de facto* flexibility of minority cabinets, because the opposition parties that keep the government in office demand substantial policy gains on issues salient to them (Christiansen and Pedersen 2014). More generally, once we abandon the assumption of purely policy-seeking

actors and bring in votes and office as motivational factors, opposition parties may approach the status of veto players in the case of minority cabinets (Angelova et al. 2017; Ganghof and Bräuninger 2006; Klüver and Zubek 2017).

Flexible majority formation becomes easier, therefore, when the cabinet's *survival* in office is separated from the assembly. Switzerland's assembly-independent government (see Table 1) is an instructive case in point, as explained above. However, the Swiss system gives voters no choice between competing options for government (Figures 1–3). In contrast, semi-parliamentary government potentially allows voters to choose stable and relatively centrist one-party majority cabinets (in the lower house) which govern with issue-specific majorities (in the upper house). It thereby partly avoids the trade-off between flexibility and cabinet stability that we find under pure parliamentarism as well as the trade-off between flexibility and identifiability that we find in Switzerland. Furthermore, since minor parties in the upper house have little or no chance to gain substantial representation in the lower house, they may accommodate the government's agenda more than an opposition party in a unicameral PR system like Denmark (Ganghof and Bräuninger 2006; see also Young 1999).[12]

As an example, consider the first legislative period in Victoria after the switch to PR in the Legislative Council (2006 to 2010). The ALP government could generally choose between a centre-left coalition with the Greens and a centre-right coalition with Liberals and/or Nationals in the Legislative Council.[13] The pattern of formal votes (divisions) suggests that the government made ample use of this flexibility.[14] Of the assented to 334 bills, divisions were called on 33. Of those, 36 percent were won by a centre-left coalition, 58 percent by a centre-right coalition and 6 percent by a 'mixed' coalition. The ALP used the centre-right coalition, e.g. for law and order legislation and infrastructure projects, the centre-left coalition, e.g. for anti-discrimination and environmental protection legislation. By being able to choose between a left and right coalition, the cabinet was likely able to reduce the concessions that opposition parties could extract as well as to avoid deadlock. Had the ALP turned one of the alternative coalitions into a fixed portfolio coalition (a likely scenario under parliamentarism), the additional veto player (or players) within the cabinet would have been able to block legislation (Tsebelis 2002). The ALP would have had to give up part of its program or negotiate a larger package deal, which would likely have required significant concessions on other, separable issue dimensions.

The political actors are well aware of the median's power under flexible, issue-specific decision-making, as revealed by the following quote from Michael Egan, Leader of the Government in the NSW Legislative Council from 1995 to 2005. 'At one stage when I was Leader I had 13 crossbenchers to deal with … I had to get six of those 13 to support me on anything that we wanted through if it was controversial. And, generally speaking, I could either get the six that were, so to speak, on the left to vote for us or the six or seven on the right. So you played them off like that … .' (Clune Forthcoming, 7).

Questions for further research

Even under semi-parliamentarism, of course, the majority party in the lower house may choose to include minor parties into the cabinet based solely on the need for their support in the *upper* house. While this has not yet happened in Australia, we noted

above that it has in Japan. This raises important questions for a theory of institutional design. (1) If upper houses were to become more proportional and ideologically dispersed, would coalition government become more likely? (2) If it did, would this undermine issue-specific decision-making in upper houses?

On the latter question, it is clear that cabinet parties whose confidence is not required to keep the government in office, are no veto players in a strict sense (cf. Angelova et al. 2017; Strøm 2000). Possibly, an equilibrium could emerge in which the coalition government and some degree of issue-specific decision-making coexist – just as in Switzerland. Exploring these and other possibilities is beyond the scope of this article. However, we believe that much can be learned from comparing – theoretically and empirically – coalition-building under semi-parliamentarism to coalition-building in minority situations under presidentialism and parliamentarism. We want to end this section by briefly sketching some of the relevant issues and hypotheses.

First, Cheibub, Przeworski, and Saiegh (2004) argue that, in presidential systems, more fragmented and ideologically dispersed party systems *increase* the likelihood of majority portfolio coalitions. The argument – which rejects the assumption of purely policy-seeking parties – is that flexible ad hoc coalitions in the legislature are easier to form when potential support parties are ideologically close. As the distance between party preferences increases, presidents must offer cabinet positions in return for policy support. If this argument were correct and applicable to semi-parliamentary systems, it might imply that very high levels of partisan fragmentation and diversity – even if limited to the upper house – make legislative flexibility more difficult to achieve. There is some evidence for this view, but it is hardly conclusive (e.g. Cheibub, Przeworski, and Saiegh 2004; Cheibub-Figueiredo, Canello, and Vieira 2012).[15]

Second, institutional details matter. One example is veto power. Students of presidentialism have argued that the easier it is for a president to sustain a veto (i.e. demanding rules for veto override), the more likely are minority cabinets (e.g. Chaisty and Power 2016; Cheibub-Figueiredo, Canello, and Vieira 2012). The president can use the veto to protect the government's agenda and block unwanted legislation. Under Australian semi-parliamentarism, a majority cabinet can rely on its lower house majority to veto legislation, which might help to explain the absence of bicameralism-induced coalition governments.

Third, students of presidentialism have also argued that majority coalitions can constitute a 'legislative shield' against (potentially politically motivated) presidential impeachment (Perez-Linan 2014). In the absence of an impeachment procedure, but with the cabinet's clear political responsibility to the *lower* house majority, this legislative shield is less important.

Finally, Strøm (1990) has argued with respect to parliamentary systems that parties are more likely to stay out of the cabinet, if they can influence legislation in parliament, especially through the committee system. This may allow them to achieve their policy objectives, while avoiding the potential electoral losses associated with cabinet participation. Araújo, Freitas, and Vieira (2017) suggest that this logic extends to presidential systems. If these arguments are correct, highly proportional and diverse upper houses *with strong committee systems* may still be conducive to flexible decision-making.

While this discussion is very tentative and incomplete, it highlights the importance of the more detailed design choices within a semi-parliamentary constitution (see also Ganghof 2016a, 2017). Furthermore, it suggests that we might learn much from systematically

including the semi-parliamentary cases into the emerging comparative literature on coalition building and law-making across different regions and executive-legislative systems (Chaisty, Cheeseman, and Power 2018; Cheibub, Przeworski, and Saiegh 2004).

Conclusion

Like Sharman and Moon (2003, 3), we see a distinctive model of bicameralism as 'Australia's contribution to the repertoire of representative democracy.' We have tried to characterise this contribution in a way that detaches it from the specific discourse on bicameralism. In our view, Australian bicameralism embodies – albeit imperfectly – an ideal-typical form of government, one that has not received much attention from constitutional designers in other parts of the world. We believe that it deserves more attention, as it might achieve a balance between different visions of democracy otherwise unavailable.

By formulating the logic of semi-parliamentary democracy in a more abstract manner, we have also highlighted that semi-parliamentarism can take various institutional forms and might be adapted to the status quo in a particular polity. For example, a presidential system that wants to overcome the concentration of executive power in a single individual might turn presidential elections into elections of a standing two-party 'confidence college' for the president. To mimic presidential elections as much as possible, it might be desirable to elect this college in a single nation-wide district rather than single-member districts (SMD). In contrast, if a unicameral parliamentary system with a mixed-member proportional electoral system like New Zealand wanted to introduce semi-parliamentarism, it could do so, for example, by giving the right to participate in the no-confidence procedure only to SMD representatives.

The notion of semi-parliamentary government might also facilitate a more systematic comparative perspective on cabinet formation and legislative coalition building in Australia. As we have argued, the interaction between the two houses in Australia's semi-parliamentary systems is not only comparable to other bicameral systems, but also to the interaction of executive and legislature in presidential systems as well as in parliamentary systems in the case of minority cabinets. Comparisons across these different institutional contexts have much to teach us.

Notes

1. On Australian 'exceptionalism', see Dowding (2017).
2. Of course, this confidence requirement is a convention. The Commonwealth constitution vests executive power in the Queen, exercisable by the Governor-General. However, this is 'to be understood in a purely formal sense, actual power being wielded by responsible ministers in Cabinet … ' (Aroney et al. 2015, 412). 'The withdrawal of confidence will require the resignation of a minister from the government, and if the loss of confidence is directed to the prime minister or the ministry collectively, the government itself must fall' (Aroney et al. 2015, 409).
3. A problem is that upper houses may only be partly directly elected (Elgie 2018). In this case, judgements about the required share of directly elected members have to be made. This is a standard problem of operationalisation.
4. Ganghof (2017, 6) argues that the other part of the legislature (the lower house) does not necessarily require an absolute veto.

5. Of course, our above-used measure of flexibility is rough and may sometimes mislead. It merely measures whether the cabinet has a majority or formed a fixed legislative coalition. Yet, a cabinet that is formally free to legislate with shifting coalitions may not do so.
6. For the similarities between our and Lijphart's variables, see Ganghof and Eppner (2017).
7. From 1996 until 2003, Israel had a 'prime-ministerial' system (see Figure 1). We exclude those years, but including them would not make a substantial difference.
8. Recall, however, that our measure of flexibility is imperfect. In New South Wales, e.g., patterns of legislative coalition-building have varied substantially over time, in ways that our measure does not capture (see Clune and Griffith 2006; Smith 2006, 2012). In the current legislative period, the Coalition government can generally rely on the support of the highly accommodating Christian Democrats, which reduces the flexibility of decision-making at a behavioural level. This also means that Figure 3 is likely to exaggerate the extent to which democratic patterns in New South Wales transcends the tradeoff between simple and complex majoritarianism.
9. On the party system in the Australian Senate, see also Kefford (2017).
10. Hence decision-making in Tasmania's upper house is also flexible and issue-specific, but not based on parties. Our analysis therefore treats it as inflexible.
11. For arguments against this view, see Ganghof (2016b).
12. On adversarial opposition behaviour in the lower house, see Taflaga (2015).
13. Both of these coalitions often also included the small Democratic Labour Party (DLP).
14. The following numbers are our computations based on the parliament's bill archive and Hansard. We consider only divisions called on second or, alternatively, third readings of later assented bills. We excluded conscience votes.
15. On the role of bicameralism in presidential systems, see Albala (2017).

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Notes on contributors

Steffen Ganghof is Professor of Comparative Politics at the University of Potsdam. His research focuses on democratic theory, political institutions and political economy. His articles have appeared in the British Journal of Political Science, Comparative Political Studies, and the European Journal of Political Research, among others.

Sebastian Eppner is a post-doctoral research fellow at the Chair of Comparative Politics, University of Potsdam. His research focuses on political institutions, party competition and democratic representation in advanced democracies as well as quantitative research methods.

Alexander Pörschke is a doctoral candidate and research associate at the Chair of Comparative Politics, University of Potsdam. His research interests include political institutions, party competition and legislative behaviour. In his dissertation, he uses roll-call-votes as well as the recently conducted Australian Party Positions Expert Survey (APPES) to analyse the Australian bicameralism at the state level.

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Appendix: Sample, measurement and sources

Sample: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Japan, Luxembourg, Netherlands, New South Wales (AUS), New Zealand, Norway, Portugal, Queensland (AUS), South Australia (AUS), Spain, Sweden, Switzerland, Tasmania (AUS), United Kingdom, Victoria (AUS), Western Australia (AUS).

Variable	Measurement	Sources
Identifiability	Average of Blocvote and Linkage Blocvote = share of votes of the two biggest blocs (a bloc being a party or a pre-electoral coalition of parties) Linkage = average of Pecgov and a majority status (dummy) Pecgov = dummy that is 1 for each cabinet that consists of a bloc	Döring and Manow (2016) for electoral results, own collection for Australian substates. Own data collection on pre-electoral coalitions based on case-specific sources, e.g. EJPR 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	Döring and Manow (2016) for lower houses, Eppner and Ganghof (2017) for upper houses. Own data collection for Australian substates.

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Variable	Measurement	Sources
	.33 = single-party minority 0 = multi-party minority	
Cabinet Stability	First we calculate the average duration of cabinets for each legislative term. Second, we divide this average by the constitutionally maximal length of a legislative term. Third, we average those durations (weighted by the term length). A new cabinet begins when elections take place or the party composition of the cabinet changes. If only the prime minister or ministers are replaced without affecting the partisan composition, we don't count a new cabinet.	Döring and Manow (2016), own data collection on constitutional term lengths and the Australian substates.
Proportionality	Log of effective district magnitude (Taagepera and Shugart 1989), $M = (50/T)$, with M being the effective district magnitude and T the legal threshold.	Best and Zhirnov (2015), complemented for more recent elections and own data collection for the Australian substates.
Dimensionality	Effective number of dimensions (END) based on the results of principal component analyses that use party positions on several items as variables and parties as cases. Cases are weighted with seat shares. $\text{END} = \frac{1}{\sum P_i^2}$, with i 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.	Benoit/Laver (2006) and own data collection for the Australian substates (Ganghof, Pörschke and Eppner 2016)
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.	Strøm (1990) and Döring and Manow (2016) for lower houses, Eppner and Ganghof (2017) for upper houses, own data collection based on case-specific sources.