



Evolution of presidential system in US and Russia

Nikhil Jain

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

Abstract

Countries around the world are demanding change: new leaders, new realities, and new systems of government. Most of these nations intend to shift toward more democratic forms of government, having lived in the shadows of authoritarian leaders. However, the sustainability of new democratic fervor directly depends on which system is chosen to replace a now defunct authoritarian model and how a chosen system allocates power between major players.

Keywords: presidency, checks and balance, separation of powers

Introduction

The presidency may have been invented at the Constitutional Convention of 1787, but the roots of the office run deep in history. To understand the adaptive and flexible nature of this office and the growth in presidential power over time, it is necessary to demonstrate how the institution came into being and the type of leadership the framers expected of this unique office.

The idea on which the framers drew in inventing a presidency is diverse and complex. They took a negative example away from their experiences with the king of England. Their fear of the executive embedded in the framers a determination *not* to let the new American executive squint toward monarchy. Several European political theorists opened the framers' imaginations to new possibilities for governing. John Locke's *Second Treatise on Government* (1690) and Montesquieu's *The Spirit of the Laws* (1748) were especially influential.

From their understanding of history the framers drew several lessons. In studying the collapse of Greek (Athenian) democracy, the founders deepened their already profound suspicions of democracy. Thus, they were determined to prevent what some framers referred to as mobocracy, tyranny of the people was just as frightening as a tyranny of the monarchy. From their examination of the Roman Republic and its collapse from the weight of empire, the founders understood how delicate the balance was between the Senate and the will of the emperor. An emperor armed as tribune of the people, bent on imperial pursuits, led to tyranny just as surely as monarchy and mobocracy.

On July 27, 1787, the drafting committee of the constitutional convention met at the Indian Queen Tavern to agree on a draft of the Constitution to submit to the entire convention. The committee's chair, John Rutledge of South Carolina, opened the meeting by reading aloud an English translation of the Iroquois's tale of the founding of the Iroquois Confederacy (Genovese: 2006: 20). Rutledge's purpose was to underscore the importance for the new nation of a concept embedded in the tradition of the Iroquois Confederacy.

The experience with colonial governors further added to the framers' storehouse of knowledge. Those states with weak executives, states dominated by the legislature with a defanged governor, seemed less well run than states like New York, which had a fairly strong, independent governor. Such examples softened the fears of executive tyranny among the founders, and opened their eyes to the possibility of a controlled but effective executive office. Thus, over time, the anti-executive sentiments began to wane, and there developed a growing recognition that executive tyranny was still to be feared, an enfeebled executive was also a danger to good government.

As the framers met in Philadelphia, most of those present recognized the need for an independent executive with *some* power. But what? No useful model existed anywhere in the known world. They would have to invent one.

The Emergence of a Presidency

The American Revolution against Great Britain was in large part a revolt against executive authority. Historian Bernard Bailyn said the rebellion against Britain made resistance to authority a divine doctrine. The colonists were for the most part defiant, independent, egalitarian, and individualistic. The symbols and rallying cries were antiauthority in nature and once it became necessary to establish a new government, it was difficult to reestablish the respect for authority so necessary for an effective government (Bernad: 1967). Reconstructing authority, especially executive authority, out of the ashes of revolution, was a slow, painful process. By 1787, when the framers met in Philadelphia to revise the Articles of Confederation, there was general agreement that a limited executive was necessary to promote good government. But what kind of executive? One person or several? How should he be selected? For how long a term? With what powers?

No decision at the convention was more difficult to reach than the scope and nature of the executive. They went through proposals, counterproposals, decisions, reconsiderations,

postponements, reversals, until finally a presidency was invented. The confusion reflected what political scientist Harvey C. Mansfield, Jr. referred to as the framers' "ambivalence of executive power" (Mansfield: 1989).

There were widespread and divergent views on the creation of an executive office. Initially, most delegates were considered "congressionalists," hoping to create a government with a strong congress and a plural executive with very limited power. Delegate George Mason proposed a three person executive, one chosen from each region of the nation (Gregg: 2005). Delegate Roger Sherman described this executive, according to the notes from the constitutional convention, as no more than an institution for carrying the will of the legislature into effect.

But there were also advocates for a strong, unitary executive. Alexander Hamilton initially wanted to institute a version of the British system of government on American soil, along with a monarch. However, there was little support for such a proposal, and Hamilton quickly backed away.

James Madison, often referred to as the father of the U.S. Constitution, had surprisingly little impact on the invention of the presidency, even going so far as to write in a letter dated April 16, 1787 to George Washington shortly before the convention, "I have scarcely ventured as yet to form my own opinion either of the manner in which the executive ought to be constituted or of the authorities with which it ought to be clothed¹. Probably the most influential framer on the invention of the presidency was James Wilson of Pennsylvania. At first, Wilson sought the direct popular election of the president, but eventually lost that battle and instead helped develop what became the Electoral College. He also greatly influenced the choice of a single over a plural executive.

In the end, the framers wanted to strike a balance in executive power. Making the presidency too strong would jeopardize liberty; making the office too weak would jeopardize good government. But just how to achieve balance remained a thorny issue (Cornin: 1989). Unlike the Congress and the Judiciary, for which there was ample precedent to guide the framers, the presidency was truly new, invented in Philadelphia, different from any executive office that preceded it. The president would not be a king, he would not be sovereign. He would swear to protect and defend a higher authority: the constitution.

The framers faced several key questions. First, how many? Should it be a single (unitary) or plural executive? Initial sympathy for a plural executive eventually gave way to a single executive, primarily because that was the best to assign responsibility (and blame) for the execution of policy. The second question was how to choose the executive. Some proposed popular election, which was rejected because the framers feared the president might become tribune of the people. Others promoted selection by the Congress, but this was rejected on the grounds that it might make the president the servant of Congress, and it would undermine the separation of powers. Finally, the framers invented an Electoral College as the best of several unappealing

alternatives.

Next, how long? Should the president serve for life? A fixed term? Two years, four years, six years? If for a fixed term, should he be eligible for reelection? After much hemming and hawing they decided on a four year term with reeligibility as an option. But the president could be removed impeached for certain, yet not very clearly delineated, offenses.

Any examination of the invention of the presidency that did not take George Washington into account would be remiss. Each day, as debate after debate took place, the men of Philadelphia could look at the man presiding over the convention, secure in the knowledge that whatever else became of the presidency, George Washington would be its first office holder. So confident were the framers (and the public as well) of Washington's skills, integrity, and republican sentiments, they felt comfortable leaving the presidency unfinished and incomplete. They would leave it to Washington to fill in the gaps and set the proper precedents.

The presidency that emerged from the Philadelphia Convention was an office with "very little plainly given, very little clearly withheld, the Convention did not define: it deferred." This meant that the presidency would be shaped, defined, and created by those people who occupied the office and the demands of different eras. The framers thus invented a very "personal presidency," and much of the history of presidential power stems from the way presidents have understood and attempted to use the office to attain their goals. As Alan Wolfe has written, "The American presidency has been a product of practice, not theory. Concrete struggles between economic and political forces have been responsible for shaping it, not maxims from Montesquieu" (Wolfe: 1981:121). The unsettled nature of the presidency was a marked characteristic of this peculiar office and, to some, the genius of the framers. The constitution that emerged from the Philadelphia Convention was less an act of clear design and intent and more a "mosaic of everyone's second choices". The presidency, left unfinished and only partially formed, had yet to be truly invented.

Evolution of presidential system in Russia

A presidential system emerged in the last soviet years to compensate for the decline of the communist party and the weakness of the parliament (pandey: 2002) ^[7]. Since the same system was simulated in Russia, the struggle between the presidency and parliament dominated the first phase of Russia's independent statehood. In March 1991 when a referendum was held in the USSR to determine whether a restructured USSR should be retained, voters in RSFSR approved an additional question on the introduction of Russian presidency.

After the collapse of the Soviet Union in 1991, Russia came across an opportunity to write new constitution as quickly as possible. But then the differences between the Yeltsin and the Duma reached a new high where the ratification of new constitution could not be agreed on, during this interim period of the constitutional commission Russia remained hung to the 1978 constitution, amendments to which, paved the way for the Semi-Presidentialism resulting the new constitution in 1993.

The long term weakness of the soviet regime led an alternative

¹ URL:<http://www.II Press Pubs.Uchicago.edu/Founders/documents/V1ch8s6.html>>. Accessed on June 6,2013

to the dominion system of capitalism. As a result the dominant process of reforms hastily worked out which in turn, led to the collapse of the soviet union (Chenoy: 2001). This was the revolution of its kind from the above which faced secessionism from below. Gorbachev, the last president of Soviet Union and the last general secretary of the Communist party of the Soviet Union (CPSU), emerged from within the structure of unified and hierarchical soviet political system.

Gorbachev's enduring reforms

Gorbachev galloped with the unbearable load of reforms and the irony was that he was not provided with any kind of margin to accomplish the assignment of bringing about the reforms. This self assigned task was becoming unbearable for Gorbachev. The situation turned like “ a dog in manger” during this process Gorbachev started even anti-alcohol campaigns, started restructuring the large soviet enterprises only to follow the notion of ‘acceleration’ to catch up with growth.

Gorbachev's democratizing process

It was in the 27th Party Congress, in 1986 where Gorbachev formalised the process of democratizing Soviet-Union. Under ‘perestroika’, Gorbachev tried on to address all political, economic and social issues together in the quest of quick democratization of almost century old political system of Soviet-Union. After ‘perestroika’ Gorbachev jumped on to ‘glasnost’ meaning openness. He traveled through the Soviet-Union with his new posture of democratic Gorbachev. He did not, however, care how impudent was he looking.

Gorbachev 's attempt to shift public opinion

Gorbachev and his teammates launched direct attack on the official ideology of the Soviet-Union. State philosophers widened this attack further. Soviet analysts declared that the foreign policy of USSR was over ideologised and the debate on ideology focused on a critique of the Marxist ideology as interpreted by soviet elites and philosophers. During this debate, the issues that were much talked about, were the ‘human factor’, ‘universal human values’, ‘common European Home’, etc. This campaign brought about not much real reform but gave rise to nationalism, regionalism, ethnicity, etc. The understanding of western ideologies and liberal ideologies was also distorted and could not reach the soviet masses.

Bureaucratic factionalism

The team of reformers in soviet union held the bureaucracy as the centre of conservative forces and a major obstacle to reform. The bureaucracy, a hierarchically organized community with functions at every level, numbering 18 million people spread out widely proved a hard nut to crack. But then Gorbachev had no other option but to rely on a few bureaucrats situated in the party and the government to carry out reforms. No clear alternate to bureaucratic structure was attempted. A system of dual power had emerged. Bureaucratic power in turn challenged political power (Sakwa: 1996).

The Republics and their Sovereignty

The structures of ‘perestroika’ replicated in the 15 soviet

republics. Both the impact and consequence of these policies were varied in these republics. One of these 15 republics, now called Russian federation (RSFSR) Yeltsin captured power on the sole campaign of anti-communist feeling combined with the elements of Russian nationalism. Vladimir Zhirinovsky founded the Liberal Democratic Party propagating Russian national chauvinism during this period. Russian press, and media with Orthodox Church constructed an image of the Russian people as the primary victims of communist and soviet totalitarianism. This well constructed image by media with Orthodox Church left the intended impact on Russian masses. By this time Yeltsin was seen as a “Liberator” of Russia. The election to the Russian Congress of People's Deputies (CPD) held in March 1990, indicated the support for a plural and democratic system. Democratic groups that developed around the “Democratic Russia” won 20% of the seats for the CPD and won 63 out of the 65 seats assigned to Moscow (Mcquire: 2012) ^[6] As a result Gavril Popov became head of the Moscow Soviet and Anatoly Sobchak headed Leningrad. In May 1990 Yeltsin was elected chairman of CPD.

Declaration of state Sovereignty

The Russian CPD passed a resolution on the “Declaration of State Sovereignty of the RSFSR” in 1990. This declaration stated that Russia was a sovereign state created by ‘historically united nations’ and that “RSFSR sovereignty is the unique and necessary condition for the existence of Russian statehood”. The declaration also stated that “the RSFSR retains for itself the right of free departure from the USSR.” declaration also emphasized on the priority on the Russian constitution and laws over soviet legislation. In addition the Russian parliament passed decrees to end the powers of the apparatchiki and to separate the functioning of the CPSU from Russian legislative body or other Russian institutions. The deputies voted for the laws of the Russian republic to take precedents over all-union legislation and Russia should control resources on its territory.

At the same time, some of the local soviet chairpersons resigned but the majority of the local leaders were the members of the local party committees right up to the coup of August 1991. The democrats could not wrest power from the communist who still continued to control the soviets at all levels.

The coup and the evolution of Presidential system of in Russia

The situation in the whole of soviet demography and territory was full of chauvinism and anarchism. As a result, soviet institutions, the party and state structures lost their power, legitimacy and finally the control. The contradictions between the Liberal and Conservatives sharpened, each group consolidated its positions. Yeltsin had situated himself as a popularly elected leader of the Russian federation. He had passed decrees to remove the control of the communist party from Russian state structures. A number of republics had declared independence Gorbachev's efforts at reviving the union were insufficient and finally, proved ineffective.

Gorbachev kept wavering between the liberal and conservative positions. At such a juncture intellectuals warned

of the “possibility of dictatorship.” Advisors like E. Shevardnadze and A. Yakovlev warned of the possibility of a coup and resigned from their positions. Finally the political landscape was divided.

There was no centre within Soviet Union. As a result a section of the soviet elite represented by the leadership of the republics decided to take power in the republics which resulted in the collapse of the centre. After the collapse of the soviet centre, the leadership of the Russian republic under Boris Yeltsin played a critical role in that dissolution, and created institutions parallel in power and authority to the centre in Moscow. They were the first to have a directly elected president. They also declared sovereignty from within the system that in turn, encouraged all other republics to follow. The Central Asian Republics were included in the final accord of disintegration after the republic of Russia. The Soviet Union thus had a dramatic end

Now, Russia emerged with a promise to develop a state committed to democracy based on rule of law, and the transition to a market economy, a break from soviet ideology and commitment to international treaties and obligations. The irony however, was how these promises would be kept and how the concept of the new Russian presidential system would develop was neither spelled out nor discussed in any public or political forum. The priority of this presidential system was to integrate the new Russian state into a presidential system with the western capitalist system and to usher in a market economy based on the simple principle of capitalism as shown in the early decrees of president Yeltsin. As one of the characteristics of post-totalitarian regimes, the absence of organized pluralism in Russia, hindered this kind of “pacted transition.” After the collapse of the USSR, the rules of the game were not decided. Thus, almost everything was open to criticism. The non-existence of a consensus on the organising principles of society and the economy further fostered uncertainty and impeded consolidation of the democratic system. In this sense, according to Michael Mc Faul Russian transition can be regarded as a revolutionary transition in which the rules of the game are not decided and consensus on the organising principles and civil society does not exist (Holloway: 1995:202).

References

1. Brown, Anrchie. *The Gorbachev Factor*, London: Oxford University Press. 1996; 198:199.
2. Laski J Harold. *The American Presidency*, Published: Helper New York, 1940.
3. Linz, Juan. *The Politics of Democratic Consolidation: Southern Europe in Comparative Perspective*, Baltimore: John Hopkins University Press, 1995.
4. Lijphart, Arend. *Constitutional Choices for New Democracies*, *Journal of Democracy*, 1991, 72-84.
5. Mazo D. Eugene *Constitutional Roullette: The Russian Parliament Battels With The President Over Appointing a Prime Minister*. 2005; 41:123-138.
6. Mcquire, Kimberly A. *Prident-Prime Minister Relation, Party Systems and Democratic Stability in Presidential Regimes: Comparing the French and Russian Models*, *Texas Internajonal Law Journal*, 2012, 433.
7. Pandey, Sanjay K. *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, 2002.

8. Shugart S Mathew, John M Carey. *The Premier presidential and president parliamentary experience. In Presidents and assemblies constitutional designs and electoral dynamics*, by Mathew Sobert Shugart and John M. Carey, United States of America: Cambridge University Press, 1992, 54-69.