

The President of Ireland in comparative perspective

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Abstract

There is long-standing belief that the Irish presidency is a unique or at least a very unusual institution. To what extent is this interpretation correct? This article compares the Irish presidency with other presidencies. It examines the spread of direct presidential elections and the gradual diffusion of constitutions with a mix of presidential and parliamentary features. It then compares the Irish president with 42 other presidencies, including countries with a directly elected president and those with an indirectly elected president. The article compares the powers of these presidents, the process of election, and the prospects for constitutional reform. The comparison shows that Ireland is now one of a small group of countries that have a directly elected but weak presidency and that while the Irish presidency may be unusual in almost all aspects of the electoral process the Irish case has equivalents elsewhere. The main conclusion is that the Irish presidency is not unique. In all significant respects, the presidency exhibits and has always exhibited commonalities with equivalent institutions. That said, in a number of regards the presidency has always been and/or remains relatively unusual.

Keywords

Ireland, president, direct election, powers, uniqueness

This article places the institution of the Irish presidency in comparative perspective. Is the very weak, directly elected presidency *sui generis* when compared with equivalent institutions elsewhere, or does it exhibit a set of characteristics that are common to other contexts? Certainly, there is long-standing belief that the Irish presidency is a unique or at least a very unusual institution. In 1945, an *Irish Times* editorial referred to the uniqueness of the Irish case (*Irish Times*, 7 June 1945). In 1974, Brenada Halligan (1974) argued that in a European context the Irish presidency was unique. In 2007 Garret FitzGerald (2007) identified a number of unusual features of the presidency. To what extent are such observations justified? To answer this question, we compare the Irish presidency with other presidencies in five key ways. We conclude that the Irish president is not unique. In all significant respects, the presidency exhibits and has always exhibited commonalities with equivalent institutions. However, in a number of regards the presidency has always been and/or remains relatively unusual. We also note that the number of countries with a very weak but directly elected president has increased over time. Thus, there is at least some reason to believe that an Irish-style presidency may become less unusual in the future.

The spread of direct presidential elections

The direct election of the Irish president was introduced in the 1937 constitution. To what extent was direct election an unusual constitutional feature at that time? How common is direct election currently?

There are three standard ways of selecting a head of state: there can be some process of hereditary succession; there can be the indirect election of a president by some type of electoral college, such as the members of the legislature and/or local authorities; or there can be the direct election of a president by a popular vote, or a direct-like election, which entails the popular election of an US-style electoral college with de facto binding mandates for particular presidential candidates, or non-binding mandates as in Finland up to and including the 1988 presidential election. We can capture both the direct election and direct-like election of presidents with the phrase 'popular election'. In Europe since the end of the 19th century there has been a shift from monarchies

to indirectly elected presidents and, in the post-war period and particularly since 1990, from indirectly elected to popularly elected presidents. This shift is captured in Table 1, which takes a snapshot of all sovereign European states in 1911, 1936, 1986 and 2011 and identifies the percentage of monarchies, indirectly elected presidents and popularly elected presidents.¹

Table 1 about here

Across the world, the popularity of popularly presidential elections has increased over time. In the US the direct-like election of the president was well established by the 1840s (Blais et al. 1997). In Liberia, the first direct presidential election was held in 1847. In Latin America direct presidential elections have taken place since the second half of the 19th century and became relatively common by the early 20th century. In Europe, the direct election of the president was very slow to take hold. Here, the first direct presidential election took place in France in December 1848. However, the next European presidential election was not held until 1918. In April of that year, contrary to the constitution, a direct presidential election was held in Portugal. In January 1925 the president of Finland was popularly elected and in March of the same year there was the first direct election for the president of Germany. There were regular elections in Finland thereafter. The second and last direct election in Germany was held in 1932. In 1933 Portugal adopted a new constitution and direct presidential elections were held intermittently between 1935 and 1958, although in a number of cases there was only a single candidate and they were not held democratically. The next European country to hold a competitive presidential election was Ireland in 1945. Austria held its first competitive presidential election in 1951, with Iceland following suit the next year. In Cyprus the first direct presidential election was held in 1960. In France, the first direct presidential election since 1848 took place in 1965. In Portugal, direct presidential elections were reintroduced following the restoration of democracy and the first election was held in 1976. Thus, in Europe there were only seven countries with directly elected presidents by the end of the 1980s.

Elsewhere, the popularity of direct presidential elections also increased only gradually. In Asia, direct presidential elections were adopted relatively early. In the Philippines there were regular elections from 1935. In South Korea

the first direct presidential election was held in 1952 and in South Vietnam three presidential elections were held from 1961 to 1971. In Sri Lanka the first direct presidential election was held in 1982. In Africa, the wave of decolonisation in the 1960s led a number of countries to adopt direct presidential elections. Leaving aside Liberia, presidential elections with more than one candidate or one de facto candidate were held in Burkina Faso in 1978, Dahomey (Benin) in 1968 and 1970, Equatorial Guinea in 1968, the Gambia in 1982 and 1987, Ghana in 1979, Nigeria in 1979 and 1983, and Senegal after 1978. That said, even if these elections were competitive, they were not always free and fair.

The explosion in the spread of direct presidential elections came with the wave of democratisation and the creation of newly independent states in the 1990s. Monarchy is now no longer a common constitutional choice. Cambodia is the only country to have restored its monarchy in this period.² Monarchies now tend to be confined to the British Commonwealth and a handful of established realms in Western Europe, as well as small number of countries in Asia and the Middle East, North Africa and Persian Gulf region. The indirect election of the president has also become a less popular constitutional choice than it was previously. In Europe, among the set of countries that underwent regime change in the early 1990s only Albania, Estonia, Hungary, Latvia, and Moldova currently have indirectly elected presidents, though the Czech Republic only abandoned this form of election in 2012. Elsewhere, while countries such as Bangladesh, Pakistan, and South Africa have democratised to a greater or lesser degree and maintained their indirectly elected presidents, Iraq is the only country to have undergone a profound regime change and chosen to select its head of state in this way. By contrast, the direct election of the president has become *de rigueur*. This method of selection was chosen by most of the countries of the former Soviet Union and the former Yugoslavia, much of Africa, and parts of Asia, including Indonesia, Singapore, Taiwan, and Timor-Leste. Indeed, a recent inventory has shown that the constitutions in 102 of 186 countries in the world currently make provision for a directly elected president.³

Overall, we can conclude that the adoption of the direct election of the president in Ireland was consistent with a general historical trend. That said, while Ireland was never unique in having a popularly elected president, it was a

relatively unusual choice to make in 1937, particularly in the European context at that time. Thus, Ireland was a relatively early adopter.

The spread of an unusual constitutional mix

In Ireland the direct election of the president is combined with the collective responsibility of the head of government and the cabinet to the lower house of the legislature. To what extent is this an unusual constitutional combination?

Taxonomically, there are four basic forms of democratic government. There are parliamentary monarchies and parliamentary republics where in both the government is responsible to the legislature, but where in the former the head of state is a monarch while in the latter the head of state is an indirectly elected president. There are then presidential systems and semi-presidential systems where in both the president is directly elected but where the government is responsible to the legislature only in the latter.⁴ According to such a taxonomy, constitutionally Ireland can be identified as having a semi-presidential system.⁵

Whereas direct presidential elections were pioneered in the Americas, the combination of a directly elected president and collective cabinet responsibility was a European invention. The first countries to adopt this combination, Finland and Germany⁶, did so in July and August 1919 respectively. In December 1929 Austria passed a constitutional amendment that bolted the direct election of its president onto its existing parliamentary system. In 1937 Ireland became only the fourth country in the world to have ever adopted this constitutional mix. By this time, though, the situation in Austria and Germany had already changed. In Austria, no direct election was held prior to the introduction of an authoritarian constitution with an indirectly elected president in 1934. In Germany the constitution of the Weimar Republic was suspended in the same year. Thus, in 1937 only two countries in the world, Finland and Ireland, had a semi-presidential constitution.

Given semi-presidentialism has never been adopted extensively in Latin America, the spread of this form of government was even more gradual than the spread of direct presidential elections themselves. In 1944 Iceland adopted a constitution with this mix. In 1945 the pre-1934 Austrian constitution was

reinstated. In 1962 an amendment to the 1958 French constitution combined the direct election of the president with collective cabinet responsibility. In 1976 Portugal adopted the same constitutional mix. Elsewhere, Senegal and Upper Volta (Burkina Faso) experimented with semi-presidentialism in the 1970s, but the system was not maintained. In Sri Lanka this system was introduced in 1978. In South Korea it was in place from 1980-1987. In 1987, Haiti adopted semi-presidentialism. As late as 1988, therefore, only nine countries in the world had both a directly elected president and collective cabinet responsibility and six were in Western Europe.

Again, the upheaval of the early 1990s transformed this situation. What had previously been an unusual constitutional combination became commonplace. There are now more than 50 countries with a semi-presidential constitution.⁷ Whereas prior to this time, the adoption of direct presidential elections usually meant the introduction of a purely presidential system, since the early 1990s around 70 per cent of the countries that have decided to select their head of state in this way have also chosen to combine this feature with collective cabinet responsibility. The result is that Ireland is now one of many countries with a semi-presidential constitution.

As before, even though Ireland was never unique in having a constitution that combined the direct election of the president and collective cabinet responsibility, for a long time Ireland was highly unusual in this regard, belonging to a very restricted set of mainly West European countries with this constitutional mix. Now, Ireland is one of the majority of countries in the world with a directly elected president and one of a large number of countries with a constitution that makes provision for both a directly elected president and collective cabinet responsibility to the legislature.

Presidential powers in comparative perspective

The unusual nature of the Irish presidency is most usually expressed in terms of the powers of the institution, or lack of them. There is a tendency to think of the presidency as being one of the weakest in the world and perhaps the weakest of all countries with a directly elected president. To what extent is this the case? In

this section and the next we restrict the comparison to the set of democracies and we define a democracy as those countries that have recorded a Polity 2 score of $\geq +6$ for at least the last five consecutive years in the database, which ends in 2010 inclusive. On this basis, we compare 42 democracies.⁸ This set of countries is predominantly European, but includes democracies in other parts of the world too. In all of them the prime minister and cabinet are collectively responsible to the legislature. In 28 there is a directly elected president and in 14 the president is indirectly elected.⁹

There have been various attempts to measure presidential power comparatively. To place the power of the Irish presidency in comparative perspective, Table 2 reports the scores for three measures of presidential power. The first is based on the Siaroff (2007) index, which identifies nine powers and gives a score of 1 if the president enjoys that power or 0 otherwise, thus generating a 10-point scale from 0-9. However, one of powers that Siaroff identifies is direct election. For the purposes of this article, we subtract one point from each of the countries with a directly elected president. This alteration facilitates the comparison of the Irish presidency with the president in countries where the head of state is indirectly elected. Siaroff measures constitutional powers such as whether the president has the power to dissolve the legislature. However, as discussed below, he tries to capture whether or not these powers are exercised in practice. So, if a president has a constitutional power that is never used, then he tends to give a score of 0 for that indicator. The second measure reports the scores based on the methodology set out by Shugart and Carey (1992). They identify 10 purely constitutional powers, all of which range from 4 (unrestricted power) to 0 (no provision). Thus, there is a maximum score of 40. The scores reported here are from various sources (Elgie, 2009; Elgie and Moestrup, 2008; Moestrup, 2010; Wu and Tsai, 2010), but they all use the original Shugart and Carey coding criteria. The third measure is based on a revised version of the Shugart and Carey methodology that was devised by Metcalf (2000). She identifies 11 purely constitutional powers, each of which again ranges from a score of 4 to 0. We report the scores recorded by Tavits (2009) who used the Metcalf-revised Shugart and Carey criteria. Table 3 reports the mean standardised presidential power scores for all three measures.¹⁰

Tables 2 and 3 about here

The results confirm that Ireland has a weak presidency relative to many other countries with a directly elected president. While the scores in Table 3 should be handled with some care, they suggest that the Irish president has fewer powers than the president in countries such as Mongolia, Poland and Portugal where the presidency is still only a moderately powerful institution. Table 3 also indicates that a number of indirectly presidents have more powers than the directly elected Irish president. These countries include Albania, Hungary and Estonia. However, we should also note that the Irish president has more powers than the equivalent office in a number of countries with a directly elected president. These countries are Austria, Bulgaria, Finland, Montenegro, Serbia, Slovakia and Slovenia. There are also countries with an indirectly elected president where the presidency has fewer powers than the Irish case. These countries include Germany, Greece and Latvia. Overall, while Tables 2 and 3 show that the Irish president has relatively few powers in comparative perspective, they also indicate that any perception that Ireland has the weakest directly elected president in the world never mind the weakest presidency is quite mistaken.

There is the possibility, though, that Tables 2 and 3 do not capture the real situation. As noted above, both the original Shugart and Carey scores and the Metcalf-revised Shugart and Carey scores are based solely on the constitutional powers of presidents.¹¹ The Irish president may have equivalent constitutional powers to other institutions, but perhaps those powers are exercised much more rarely than in other countries. If so, then it may be the case that even if in theory Ireland belongs to a set of countries with weak but directly elected presidents, Ireland may still be unusual because the president's powers may be used less frequently than elsewhere. Gallagher (1977, p. 376) hints at this argument when he refers to the "disinclination of Presidents to assert their full power". The Siaroff index provides us with the best means to explore whether or not this is the case. This measure of presidential power is based on constitutional prerogatives but also "on actual political practice" (Siaroff, 2007, p. 303). Siaroff gives a score of 1 to Ireland in two categories labeled by Siaroff as 'VT' – the power of the president to veto legislation, or more accurately the right to return

legislation for further consideration – and 'AP' – the discretionary appointment by the president of some key individuals such as the prime minister, other cabinet ministers, high court judges, senior military figures and/or central bankers (ibid., p. 304). The VT power clearly refers to Art. 26 1 1: “The President may, after consultation with the Council of State, refer any Bill to which this Article applies to the Supreme Court for a decision on the question as to whether such Bill or any specified provision or provisions of such Bill is or are repugnant to this Constitution or to any provision thereof”. To what extent has the Irish president used the power of referral/veto relative to other presidents elsewhere?¹²

The Irish President has referred 15 Bills to the Supreme Court since June 1938, or one nearly every five years.¹³ However, there have been seven referrals since 1990, or one every three years on average. This is period during which most of the presidencies referred to in this article have existed and constitutes a more appropriate period for comparison. While there is no dataset that records presidential vetoes cross-nationally, it is clear that even compared only with those countries with weak but directly elected presidents the Irish president is particularly disinclined to assert this power. For example, in Bulgaria President Parvanov vetoed four Bills in 2010 and two in 2011. In Slovakia President Gašparovič vetoed three Bills in June 2011 alone. Poland provides another good comparison. Here, Wyrzykowski and Cieleń (2006, p. 260) show that from 2000-2005 President Kwaśniewski referred 12 Bills to the Constitutional Tribunal for review. This is perhaps the closest equivalent to the power of the Irish president under Art. 26 1 1 of the 1937 Constitution. In addition, though Wyrzykowski and Cieleń (2006, p. 260) show that President Kwaśniewski also vetoed 24 Bills during the same period. Therefore, even though the Polish president under the 1997 Constitution is recorded by Siaroff as having both the same amount of power as the Irish president and the same constitutive powers (AP and VT), it is clear that in Poland the presidency is a much more active institution. In fact, even indirectly elected presidents are often more active than the Irish president. Tavits (2009, p. 60) shows that the president of Estonia vetoed 41 Bills from 1992-2001 and seven Bills from 2001-2005. That said, we have to acknowledge that there are some directly elected presidents who are also very inactive. For example, in

Finland the president has not vetoed a single piece of legislation since the introduction of the new Finnish Constitution in 2000.¹⁴ Equally, in Iceland even though President Grímsson has vetoed three Bills and, thus, provoked three referendums since 2004, these remain the only vetoes that have been exercised since 1944 and, indeed, almost the only examples of the Icelandic president exercising any sort of power since that time. So, while it is reasonable to conclude that in practice the Irish president is one of the least interventionist presidents from a comparative perspective, again Ireland is not unique in this regard.

Overall, we can conclude that from the late 1930s to the late 1980s the Irish president had the fewest constitutional powers of all countries with a directly elected president and that this was certainly the case for countries with both a directly elected president, a prime minister and collective cabinet responsibility.¹⁵ However, since the increase in the number of countries with directly elected presidents in the early 1990s Ireland is no longer unusual in this regard. There are now directly elected presidents with as few if not fewer constitutional powers than the Irish president. For example, the presidents of Croatia, Montenegro, Serbia, and Slovenia do not even have the power to refer bills to their respective constitutional courts. We can also conclude that even if there are other countries with presidents that have as few powers as the Irish president, in Ireland these powers have been used very sparingly. Again, though, Ireland has not been the only country to have a hyper-inactive president. Arguably, even though they have more constitutional powers, the presidents of Austria and Iceland have always been even less active than their Irish counterpart. Currently, Ireland is a member of a small set of countries whose presidents scarcely ever intervene in the political process. The other countries in this set are Austria, Croatia, post-2000 Finland, Iceland, Montenegro, Serbia and Slovenia. When the direct election of the president becomes operational in 2013, we will also be able to add the Czech Republic to this list. There is always the possibility that particular incumbents of these institutions may push the boundaries of the office. President Grímsson in Iceland is a case in point. Generally, though, these presidents are figurehead leaders and in the exercise of their office they resemble equivalent leaders in pure parliamentary systems. Indeed, certain indirectly

elected presidents have been more interventionist than the Irish president and equivalent cases.

The presidential term and the process of election

Another element of the presidency that might be seen as unusual concerns the presidential term and the electoral process generally. The length of the president's term, the system used to elect the president, the process by which presidential candidates are nominated, the low number of candidates at elections, and the high number of uncontested elections all have the potential to make Ireland stand out from other countries. Is this the case?

In 1937, de Valera justified the president's proposed seven-year term on the basis that "the period set down is a very common term for a Presidency. ... It is the term in the case of a number of Presidents in other countries, and consequently it seems to be a reasonable term" (Dáil Éireann Debate, Vol. 67 No. 8, Bunreacht na hEireann (Dréacht)—Coiste (ath-thogaint), Tuesday, 25 May 1937, p. 1071). At the time, he was correct. If we take a snapshot of the constitutions of European countries with directly or indirectly elected presidents in 1937, the presidential term was seven years in six countries (Austria, Czechoslovakia, France, Lithuania, Poland, and Portugal),¹⁶ six years in two countries (Finland and Spain), three years in two countries (Estonia and Latvia) and five or four years in just one country (Greece and Turkey respectively). Therefore, in 1937 a seven-year presidential term was easily the modal category. As Table 4 demonstrates, though, Ireland is now the only democracy with a directly elected president and a seven-year term, though Israel and Italy, both of which have indirectly elected presidents, also have a seven-year term. For directly elected presidents, the modal category is now five years. In France the president's mandate was reduced from seven to five years in 2000. A five-year term is also the modal category for indirectly elected presidents. Among the 14 pure parliamentary democracies identified previously, 10 have a five-year presidential term (Albania, Czech Republic, Estonia, Germany, Greece, Hungary, India, Malta, Mauritius, and Trinidad and Tobago), two have a seven-year term (Israel and Italy), and two have a four-year term (Moldova and Latvia). Thus, within the set of countries

with a directly elected president and collective cabinet responsibility Ireland certainly stands out. When countries with an indirectly elected president are included as well, then Ireland belongs to a very small set of countries with what is now a relatively long presidential term.

Table 4 about here

In cross-national terms, Table 4 shows that Ireland is unequivocally exceptional in terms of the method by which the president is elected. Easily the modal category is a two-ballot runoff system. In this system, there is a second ballot if no candidate wins a majority of the vote at the first ballot. At the second ballot, usually only the top two candidates at the first ballot are allowed to stand. Only four countries, including Ireland, deviate from this system. In Iceland and Taiwan there is a single-ballot plurality system. So, for example, in Taiwan Chen Shui-bian won the 2000 presidential election with just 39.3 per cent of the votes cast. In Namibia, Art 28 (2) (b) of the 1990 Constitution states that “no person shall be elected as President unless he or she has received more than fifty (50) per cent of the votes cast and the necessary number of ballots shall be conducted until such result is reached”. The SWAPO party has been so dominant since independence that a majority has been forthcoming at the first ballot. Thus, Ireland is unique in using the Alternative Vote system (or the Single Transferable Vote system with a district magnitude of one) to elect the presidency. Moreover, no other country has ever used this method to elect its president. So, Ireland has been exceptional in this regard since 1937.

Another potentially unusual feature of the Irish system is the restricted process for nominating presidential candidates. The system is criticized for being dominated by established political parties and for making it difficult for independent candidates and candidates from minor parties to stand. Table 5 shows that Ireland is certainly exceptional in the specific restrictions that it places on potential presidential candidates. However, Mongolia and Turkey also have very restrictive constitutional procedures that resemble the Irish case.¹⁷ In all other countries, the process of nomination is more open. In many countries, the regulations are set out in law rather than in the constitution. While such laws can usually be amended much more easily than a constitutional provision, sometimes the legal measures are extremely restrictive. This is particularly the

case in Taiwan. Therefore, in terms of formal procedures for nominating candidates, the Irish case is restrictive, but again Ireland is not entirely unusual in this regard.

Table 5 about here

How do the formal procedures correspond to political practice? If we record an uncontested election as a single-candidate contest, then the figures in Table 4 show that presidential elections Ireland have indeed been contested by a relatively small number of candidates.¹⁸ For example, if we take the average number of candidates across the whole set of presidential elections in any given country, then only in Iceland has there been on average fewer candidates than in Ireland. If we take the average effective number of candidates, then there have been fewer candidates in both Iceland and Namibia.¹⁹ Therefore, Ireland has not had a uniquely small number of presidential candidates on average. If we count only elections since 1990, then this conclusion is reinforced. (See Table 6.) This is period when the majority of direct presidential elections has occurred. Therefore, a better comparison can perhaps be made. During this period, there was an uncontested election in Ireland, but still the average number of candidates in Irish presidential elections was higher than in Austria, Cape Verde, Iceland, Mongolia, and Taiwan. If we take the average effective number of candidates, then there were also fewer candidates in Portugal and São Tomé e Príncipe. There are some clearly identifiable reasons why some of these countries have had fewer candidates. In Mongolia the restrictive rules have helped to keep the number of candidates even lower than the figure for Ireland. A similar point applies to Taiwan. In Cape Verde the two-party system has meant that other candidates have tended not to emerge even though the rules are not particularly restrictive. In Iceland, the weakness of the presidency has discouraged elections and has also restricted the number of candidates when elections have taken place. A similar point applies to Austria. Here, in 1998 the Social Democrats and the Freedom Party both declined to stand a candidate against the incumbent president from the People's Party, while in 2010 the People's Party made the same decision when faced with a popular Social Democratic president. Thus, the Austrian case bears some similarities to the situation in Ireland. In Austria, the nominating procedures are not particularly restrictive, but the presidency is very

weak and occasionally one or more of the main political parties has decided not to contest the election, thus reducing the mean number of candidates over time.²⁰ So, whether we count all presidential elections or only a more recent subset, we can conclude that Ireland is not unique. There are countries that typically have fewer presidential candidates and fewer effective candidates. That said, Ireland is still among the set of countries where the number of presidential candidates has been relatively low in comparative perspective.

Table 6 about here

The final aspect in which the Irish electoral process might be considered unusual is the high number of uncontested elections. There have been 13 presidential elections since 1937 and six have been uncontested. This is a very high figure, but it is surpassed by the Icelandic case. Here, there have been 16 presidential elections since 1944 including the 2012 contest and nine have been uncontested. Ireland and Iceland clearly stand out in this regard. However, there have been uncontested elections elsewhere. In Cape Verde President Monteiro was re-elected unopposed in 1996 as “a token of the high esteem that he had acquired while in office” (Meyns, 2002, p. 162). In São Tomé e Príncipe Miguel Trovoada was the sole candidate at the 1991 presidential election. This was the first election following democratization and the absence of competition was at least partly due to the fact the former ruling party declined to stand a candidate on this occasion. In both cases, voting still took place. In Finland, there have been occasions when elections have not been held. In 1940 President Kallio resigned. Rather than having a new election during wartime, the electoral college that was popularly elected in 1937 merely reconvened and President Ryti was elected for the remainder of the term. In 1943 President Ryti was re-elected but also by the 1937 electoral college. In 1944 President Ryti resigned and parliament passed a law allowing President Mannerheim to serve for a full term without an election. When he resigned in 1946, parliament elected President Paasikivi to serve out the remainder of the term. Thus, there were no presidential elections from 1937-1950, even though there were four occasions when one might have been held. Clearly, wartime circumstances account for this situation.²¹ Generally, the situation in Ireland and Iceland is very unusual, even if uncontested elections are not unheard of elsewhere.

Overall, we can conclude that in all regards the general context in which presidential elections are held in Ireland is very unusual. Even so, only in relation to the electoral system is Ireland unique. As regards the term of office, the procedure for nominating candidates, the number of candidates contesting elections, and the presence of uncontested elections, Ireland is one of a very small set of countries with the same or equivalent features. However, the set of countries varies according to each aspect of the electoral process.

Presidential institutions and political reform

To what extent are presidential institutions likely to converge? Will the Irish presidency be reformed in a way that makes it more or less like other presidencies? Will other presidencies be reformed in a way that makes them more like the Irish presidency?

The issue of reforming the presidency is periodically on the Irish political agenda. In this regard, the direct election of the president is generally accepted. The Committee on the Constitution (1967, pp. 9-10) presented arguments for and against direct election, but, as in so many respects, failed to make a recommendation. The Constitution Review Group (1996, p. 29) acknowledged that its members were divided on the issue, but made no recommendation for change at least partly because there was no public demand for it. The All-Party Oireachtas Committee on the Constitution (1998, p. 5) came to the same conclusion. Therefore, to the extent that there has been a general move towards the creation of directly elected presidents, then there is little likelihood of Ireland going against this trend. With regard to presidential powers, the Constitution Review Group (1996, p. 31) wished to reduce the president's powers, particularly with regard to Art. 13.2 and the right to refuse a dissolution of the Dáil in certain circumstances. However, the All-Party Oireachtas Committee on the Constitution (1998, p. 5) was by and large happy for the president's few existing powers to be maintained. There is also the possibility that the presidency may be discussed as part of the upcoming Constitutional Convention. Specifically, there may be discussion of reducing the president's term to five years and of opening up the suffrage to Irish citizens overseas.² Overall, there seems to be a general

consensus that the president's powers should not be increased. Thus, Ireland is likely to remain in the subset of countries with a weak directly elected president. In this context, what are the prospects for presidential reform in other countries?

There is little evidence that the worldwide trend towards the direct election of the president is likely to be reversed. Cuba, Germany and Moldova are the only countries that currently have an indirectly elected president that previously had a directly elected president.²³ In Estonia the first round of the 1992 presidential election was a direct election, even though the second and decisive ballot was indirect by members of the legislature. Estonia has since abandoned this system in favour of pure indirect election. With these few exceptions, when countries adopt the direction of the president, they tend to maintain it. In Finland there is a debate as to whether the president should continue to be directly elected, but, as in Ireland, there seems to be public support for the idea (Arter and Widfeldt, 2010). In Iceland, a process of constitutional review is currently underway. The Constituent Council, which was tasked with drawing up recommendations for change, presented a series of wide-ranging constitutional reforms, but the issue of abandoning the direct election of the presidency was not among them. In other countries with a weak directly elected president, such as Montenegro, Serbia, Slovakia, and Slovenia, there is currently no debate about abolishing direct presidential elections. So, as things stand, we can safely assume that direct election is likely to remain the modal way of selecting the head of state for some time to come. More than that, the number of countries with a directly elected president is likely to increase. In the Czech Republic the constitution was amended in March 2012 to introduce direct presidential elections. The first election is scheduled for 2013. In Italy, the Senate passed a constitutional amendment in July 2012 to introduce direct presidential elections, though the reform is unlikely to be passed by the lower house before the legislature is due to be dissolved in 2013. In Nepal, decision-makers in the Constituent Assembly had informally agreed to introduce a constitution with a directly elected president before the Assembly itself collapsed over the issue of federalism in May 2012. In Moldova there was a referendum to reinstate the direct election of the president in September 2010. There was a large majority in favour of the proposal, but it failed to receive the support of a sufficient number

of voters to be implemented. Overall, Ireland is likely to remain a member of the club of countries with a directly elected president and, if anything, more countries are likely to join that club in the coming years.

There is some evidence that countries are increasingly inclined to reduce the powers of their presidents. In 1997 the new Polish constitution weakened the powers of the president relative to the so-called 'Little Constitution' that had preceded it. In 2001 Croatia drastically reduced the powers of its president such that the country now has one of the weakest directly elected presidents in the world. In Finland, the power of the president was progressively diminished in the 1990s with the new 2000 constitution creating a very weak institution and with further reforms in October 2011 rendering the presidency weaker still.²⁴ In France constitutional reforms in 2008 placed new albeit limited restrictions on presidential power. In 2010 Georgia passed a wide-ranging set of constitutional amendments that decreased the power of the president and increased those of the prime minister. That said, the movement towards reducing presidential power is not a one-way process. In Portugal a 1997 constitutional amendment increased the president's power to call a referendum.

Generally, whereas previously it would be commonplace to hear the argument that there is little point in creating a directly elected president if the institution did not have considerable power, now this argument seems to have lost its force. In 1999 Slovakia introduced the direct election of the president without increasing presidential powers, thus creating a weak but directly elected president. The same was true of the Czech Republic in 2012 and of Turkey in 2007, though a new constitution is likely to be introduced there in the next period. Overall, while countries have not been explicitly copying the Irish model, the idea of establishing a weak but directly elected president is no longer unusual.

Conclusion

It is very tempting to see the Irish presidency as unique. Directly elected presidents are usually considered to be strong. So only indirectly elected presidents could be as weak as the Irish president. This line of reasoning is false. As we have shown, Ireland was certainly an early adopter when it came to the

introduction of the direct election of the presidency, particularly in a European context. Similarly, for a long time Ireland was one of only a handful of countries anywhere with both a directly elected presidency and collective cabinet responsibility. In the contemporary context, though, Ireland is part of the mainstream in both regards. Moreover, even though the Irish president undoubtedly has relatively few powers, there is nothing unique about the Irish case in this regard. Ireland is now one of a small group of countries that have a directly elected but weak presidency. The same story can be told in relation to the process of election. The Irish presidency may be unusual in almost all aspects of the electoral process, but in each aspect, with the exception of the electoral system, the Irish case has equivalents elsewhere. Indeed, in terms of future reforms it is likely that more countries may join the set of countries with a weak but directly elected president. Overall, it would be an exaggeration to say that the design of the Irish presidency is now commonplace, but it is certainly not as unusual as commentators have often seemed to imply.

Notes

¹ The Table includes Russia and Turkey, but excludes micro-states and communist regimes. The early constitutions are available in Wright (1919). In 1936 Bulgaria, Estonia and Germany are excluded because their constitutions were suspended at this point. There is a similar table in Strøm and Amorim Neto (2006, p. 622).

² In a 1999 referendum Australia chose to maintain its parliamentary monarchy.

³ See <http://www.semipresidentialism.com/?cat=127>, viewed 23 July 2012. This inventory excludes eight countries where the constitution was suspended or where there was an explicitly transitional constitution.

⁴ By their nature, absolute monarchies, where there is no government responsibility are not democratic. There are no countries where the president is indirectly elected and where the government is not responsible to the legislature.

⁵ This term tends to be used solely by comparativists when referring to the Irish case. The standard way of identifying the Irish system is to refer to it as a parliamentary democracy.

⁶ There is a highly contentious argument that the 1937 Constitution borrowed directly from the 1919 German Constitution in relation to the presidency. The two institutions “exhibit so many secondary resemblances ... that a direct importation must be suspected” (Hogan and Whyte 2003, 4.1.61). There is no doubt that de Valera and others did consult other constitutions, but there are so many differences between the presidency in the 1937 Irish and 1919 German Constitutions that if there was any “direct importation” then it was strictly limited.

⁷ See the list in Elgie (2011, pp. 24-25).

⁸ We include Iceland and São Tomé e Príncipe in the list of countries with a directly elected president, even though they are too small to be included in the Polity dataset. We include Malta in the list of countries with an indirectly elected president, even though it is too small to be included there. We exclude Pacific micro-states. We also exclude Botswana and South Africa where there is an indirectly elected president, but where there is no prime minister. Finally, we exclude Mali because of the coup in March 2012.

⁹ For the purposes of the subsequent figures, we include the Czech Republic as a country with an indirectly elected president, even though the constitution was amended to direct election in March 2012. The amendment formally comes into operation there in October 2012 and the first direct presidential election is scheduled for 2013.

¹⁰ The range for the standardised calculations is 0-8 for the Siaroff scale and 0-24 for the original Shugart and Carey scale. The range is 2-13 for Tavits' version of the Metcalf-revised Shugart and Carey scale. However, given the country coverage in Tavits' exercise is much smaller than in the Shugart and Carey exercise, we standardise on the basis of the original 0-24 range. This ensures that the presidential power scores are not artificially high in Tavits' version of the Metcalf-revised scale. Where a country has a standardised score on more than one scale, the mean of the standardised scores is reported in Table 3.

¹¹ Clearly, constitutional powers are an imperfect guide to presidential power in practice. This is particularly the case in countries with uncodified constitutions, such as the UK, but also in other monarchies, including Belgium, Denmark and Sweden.

¹² . It is certainly true that the threat of a veto, such as happens in the US, may be enough for a bill to be amended or even withdrawn. Even so, the veto example helps to illustrate some of the issues regarding the actual use of constitutional powers.

¹³ [http://en.wikipedia.org/wiki/Council_of_State_\(Ireland\)#Referring_of_bills](http://en.wikipedia.org/wiki/Council_of_State_(Ireland)#Referring_of_bills) (accessed 13 September 2011).

¹⁴ I am grateful to Tapio Raunio for confirming this point.

¹⁵ Both Shugart and Carey (1992) and Metcalf (2000) record a score of 8 for Finland prior to the reforms in the 1990s.

¹⁶ Prior to the suspension of the constitution in 1934 the German president also served for a seven-year term. The fact that a seven-year term was the modal category at the time is one of the reasons why the extent of any "direct importation" from the 1919 German Constitution can be questioned.

¹⁷ In Turkey there has been no direct presidential election since yet and the constitutional situation is currently under review.

¹⁸ In two-ballot runoff systems, the number of candidates at the first ballot is counted.

¹⁹ The effective number of candidates is a notional figure. However, it helps to control for the relative permissiveness of the nominating procedures and the relative fragmentation of the party system.

²⁰ In Austria in 1980 the People's Party also declined to run a candidate against the incumbent Social Democratic president. In Portugal in 1991 the main opposition party declined to stand a candidate against the incumbent, again artificially reducing the number of candidates and leading to the easy re-election of the incumbent.

²¹ In 1973 parliament passed a law extending President Kekkonen's term for four years. This meant that the election that was due in 1974 took place in 1978.

²² See the article in *The Irish Examiner*, 'The role of the President in Constitutional Convention', 13 July, 2012, available at: <http://bit.ly/NJgEO0>, accessed 24 July 2012.

²³ It might also be noted that in 2001 Israel changed back from a directly elected prime minister to a prime minister elected by the legislature.

²⁴ See the article by Tapio Raunio on recent moves to reduce the powers of the president at: <http://bit.ly/qgEev4>, viewed 3 September 2011.

Table 1
The method of selecting European heads of state (% and N countries)

Date	Monarchies	Indirectly elected presidents	Popularly elected presidents
1911	90 (18)	10 (2)	0
1936	50 (13)	42.3 (11)	7.7 (2)
1986	38.1 (8)	28.6 (6)	33.3 (7)
2011	19.5 (8)	29.3 (12)	51.2 (21)

Table 2
Presidential powers in 42 countries

Country	Siaroff (max. 8)	Original Shugart & Carey	Metcalf-revised Shugart & Carey
Directly elected			
Austria	0	4	5
Bulgaria	2	2	2
Cape Verde	5	12	-
Croatia	3	7	-
Finland	1	1	8
France	6	5	9
Georgia	6	19.5	-
Guinea-Bissau	5	13	-
Iceland	0	11	13
Ireland	2	0	7
Lithuania	3	6	8
Macedonia	3	2	3
Mongolia	3	5	-
Montenegro	-	1	-
Namibia	6	12	-
Peru	6	9	-
Poland	2	6	9
Portugal	2	7.5	10.5
Romania	4	7	9
São Tomé e Príncipe	7	10	-
Senegal	-	20	-
Serbia	-	2	-
Slovakia	1	3	5
Slovenia	0	4	3
Taiwan	4	13	-
Timor-Leste	-	5.5	-
Turkey	2	-	7.5
Ukraine	6	13	-
Indirectly elected			
Albania	2	-	7
Czech Republic	1	-	5
Estonia	2	-	6
Germany	0	-	3
Greece	0	-	3
Hungary	1	-	10
India	2	-	-
Israel	1	-	-
Italy	2	-	6
Latvia	1	-	3
Malta	0	-	8
Mauritius	2	-	-
Moldova	2	-	-

Trinidad and Tobago	1	-	-
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Table 3
Mean standardised presidential power scores in 42 countries

Country	Score
Senegal	0.79
Georgia	0.78
São Tomé e Príncipe	0.65
Ukraine	0.65
Namibia	0.63
Guinea-Bissau	0.58
Cape Verde	0.56
Peru	0.56
Taiwan	0.52
France	0.44
Romania	0.39
Croatia	0.33
Iceland	0.33
Portugal	0.33
Lithuania	0.32
Timor-Leste	0.30
Mongolia	0.29
Poland	0.29
Turkey	0.28
Albania	0.27
Hungary	0.27
Estonia	0.25
India	0.25
Italy	0.25
Mauritius	0.25
Moldova	0.25
Macedonia	0.19
Ireland	0.18
Czech Republic	0.17
Finland	0.17
Malta	0.17
Slovakia	0.15
Bulgaria	0.14
Austria	0.13
Israel	0.13
Latvia	0.13
Trinidad and Tobago	0.13
Serbia	0.10
Slovenia	0.10
Montenegro	0.08
Germany	0.06
Greece	0.06

Table 4
Presidential elections in 28 countries to end 2011

Country	Term	Electoral system	Mean number of candidates (N elections)	Mean effective number of candidates
Austria	6	2-round runoff	3 (11)	2.13
Bulgaria	5	2-round runoff	13 (5)	3.11
Cape Verde	5	2-round runoff	2.6 (5)	2.01
Croatia	5	2-round runoff	9 (5)	3.47
Finland	6	2-round runoff	5.3 (13)	3.8
France	5	2-round runoff	10.1 (8)	4.8
Georgia	5	2-round runoff	6.5 (2)	1.92
Guinea-Bissau	5	2-round runoff	11 (4)	3.78
Iceland	4	plurality	1.7 (15)	1.48
Ireland	7	alternative Vote	2.5 (13)	1.86
Lithuania	5	2-round runoff	7.6 (5)	3.42
Macedonia	5	2-round runoff	4.5 (4)	3.24
Mongolia	4	2-round runoff	2.8 (5)	2.16
Montenegro	5	2-round runoff	4 (1)	2.86
Namibia	5	absolute majority	6.25 (4)	1.64
Peru	5	2-round runoff	11.6 (8)	3.43
Poland	5	2-round runoff	10.6 (5)	3.48
Portugal	5	2-round runoff	4.6 (8)	2.44
Romania	5	2-round runoff	11.6 (5)	3.75
São Tomé e Príncipe	5	2-round runoff	4.8 (5)	2.51
Senegal	5	2-round runoff	11.5 (2)	3.06
Serbia	5	2-round runoff	9 (1)	3.36
Slovakia	5	2-round runoff	9.67 (3)	3.32
Slovenia	5	2-round runoff	8 (4)	3.11
Taiwan	4	plurality	3.25 (4)	2.39
Timor-Leste	5	2-round runoff	5 (2)	3.29
Turkey	TBD	TBD	-	-
Ukraine	5	2-round runoff	13.6 (5)	3.68

Legend: TBD – To be decided

Table 5
Rules for the nomination of presidential candidates in 28 countries

Country	Nomination process
Austria	Art. 60: process regulated by law (signatures of 6,000 voters)
Bulgaria	Art. 93: process regulated by law (signatures of 15,000 voters)
Cape Verde	Art. 11: signatures from a minimum of 1,000 and a maximum of 4,000 voters
Croatia	Art. 94: process regulated by law (signatures of 10,000 voters)
Finland	Art. 54: each party with at least 1 deputy in parliament, or signatures of 20,000 voters
France	Art. 6: process regulated by law (signatures of at least 500 deputies/MEPs/local councillors from at least 30 departments and with no more than 50 from any one department)
Georgia	Art. 70: signatures of 50,000 voters
Guinea-Bissau	Art. 60: process regulated by law (nomination by a political party or signatures of 5,000 voters including at least 50 from at least 5 regions)
Iceland	Art. 5: signatures from a minimum of 1,500 and a maximum of 3,000 voters
Ireland	Art. 12: 20 members of the Oireachtas, or four councils, or former / retiring presidents
Lithuania	Art. 79: signatures of 20,000 voters
Macedonia	Art. 81: signatures of 10,000 voters, or 30 representatives
Mongolia	Art. 31: nomination by parties represented in the legislature
Montenegro	App. Art. 8: process regulated by law (signatures of 1.5% of the total electorate)
Namibia	Art. 28: process regulated by law (nominated by a political party, or signatures of 300 voters from at least 10 regions)
Peru	Art. 106: process regulated by law (political party or independent group registered with the National Election Board)
Poland	Art. 127: signatures of 100,000 voters
Portugal	Art. 124: signatures from a minimum of 7,500 and a maximum of 15,000 voters
Romania	Art. 73: process regulated by law (signatures of 200,000 voters)
São Tomé e Príncipe	Art. 98: process regulated by law (no information)
Senegal	Art. 29: nomination by a political party plus signatures of at least 10,000 voters across 6 regions with at least 500 in each region
Serbia	Art. 114: process regulated by law (signatures of 10,000 voters)

Slovakia	Art. 101: 15 representatives, or signatures of 15,000 voters
Slovenia	Art. 87: process regulated by law (10 members of the National Assembly, or a party nomination plus either 3 members of the National Assembly or the signatures of 3,000 voters, or the signatures of 5,000 voters)
Taiwan	Art. 46: process regulated by law (nomination by a political party that received at least 5% of the valid vote in the most recent presidential or legislative election, or signatures of at least 1.5% of the total number of voters registered in the most recent legislative election)
Timor-Leste	Art. 75 signatures of 5,000 voters
Turkey	Art. 101: 20 members of the Grand National Assembly, or nomination by parties that won 10% at the previous legislative election
Ukraine	Art. 103: process regulated by law (signatures of 500,000 voters with 20,000 in various regions)

Source: Constitutions and Electoral Laws

Table 6
Mean number of presidential candidates in seven countries (1990-2011)

Country	Mean number of candidates (N elections)	Mean effective number of candidates
Austria	3.25 (4)	2.20
Finland	8.7 (3)	4.0
France	12.3 (3)	6.43
Iceland	2 (5)	1.48
Ireland	4 (4)	2.65
Peru	11.5 (6)	3.54
Portugal	4.6 (5)	2.42

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