

On the inevitability of divided government and improbability of a complete separation of powers

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Abstract This paper provides a tightly written overview and modest extension of the constitutional exchange and evolution model developed in *Perfecting Parliament* and uses that approach to analyze the division of authority that one would expect to see in contemporary constitutional governments. The analysis suggests that constitutions tend to be written, based on the king and council template, and buttressed by a more or less independent court system. Moreover, it suggests that constitutions change at the margin through time as constitutional bargaining takes place. This suggests that a complete separation of power is unlikely to be observed in the long run. Empirical evidence developed from the IAEP data base is consistent with these predictions.

Keywords Constitutional reform · Separation of powers · Divided government · Constitutional exchange

JEL Classification H11 · D72 · D86

1 Introduction

There are positive and normative approaches to analyzing divided government. Positive research explores the properties and origins of governments with several more or less independent centers of policy-making authority. Normative analysis attempts to assess the relative merits of alternative divisions of authority. With respect to the

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