Cabinet Rules and Power Sharing in Presidential and Parliamentary Democracies

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Abstract

Comparative scholars have argued that the dominance of the chief executive over the cabinet distinguishes two systems of government: presidential systems, in which the executive decision-making power is concentrated in the hands of the president, and parliamentary systems, in which the executive decision-making power is shared among the parties that comprise the government’s coalition. We challenge this argument by presenting answers for two questions: Is a vertical dominance from the top (president) to the bottom (cabinet ministers) a categorical rule of the executive decision-making process in presidential democracies? Is a collegial (or a joint) executive decision-making process the premise of parliamentary systems? In this paper, we argue that the degree of power sharing between chief executives and cabinet ministers should be considered on a continuum scale, and that the level of dominance of the chief executive over cabinets varies among and within systems of government. By analyzing constitutions regulating the executive decision-making processes in 80 democracies, we find that our results support our argument. There is variation between cases and within cases, indicating that the executive decision-making processes between parliamentary and presidential systems can share similar institutional features.

Keywords: Executive Powers; Cabinets; Decision-Making Process; Constitutions; Systems of Government.

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1 Introduction

The comparative literature on systems of government has argued that the concentration of executive decision-making powers in the hands of the head of government is a distinctive feature of presidential systems (Lijphart 1992; Shugart and Carey 1992; Brunner 1996), while a joint decision-making process would be a singular feature of parliamentary systems (Lijphart 1992; Shugart 1993; Laver and Shepsle 1994). In this study, we challenge these arguments, and we aim to answer the following questions: Is vertical dominance from the top (president) to the bottom (cabinet ministers) a premise of the executive decision-making process in presidential systems? Is a collegial (or joint) executive decision-making process a premise of parliamentary systems?

Considering the possible influence that the cabinet ministers can have on the policy-making process in some presidential democracies (Martínez-Gallardo 2010; Amorim Neto 2006b; Alemán and Tsebelis 2011; Magar and Moraes 2012; Araújo, Freitas, and Vieira 2015), it is surprising that the role of the cabinet ministers in the decision-making process has been understudied, and to discover a lack of comparative studies regarding the cabinet decision-making process across and within systems of government. In this paper, we aim to fill this gap by conducting an analysis on executive powers within the executive branch—particularly the relationship between chief executives and cabinet ministers—in 80 democracies, which includes parliamentary and presidential constitutions.

We argue that there is more variation between and within systems of government than the current literature assumes. Although a shared power is prevalent in parliamentary democracies, and the dominance of the chief executive over the cabinet ministers is greater in presidential systems, our results suggest that the degree of power sharing on the executive decision-making process should be considered on a continuum, from centralized to decentralized cases. Our results support our argument, indicating that neither a full discretion of the head of government over the cabinet is an exclusive feature of presidential system nor that
the power-sharing between the executive chief and the cabinet is an unique feature of the parliamentary system.

Our paper is structured as follows: In the next section, we define and discuss the role of cabinets in presidential and parliamentary systems. In Section 3, we present our argument on the degree of power sharing between the chief executives and the cabinet ministers. Our data and methods are discussed in Section 4. In Section 5, we present our results. We discuss our findings and present our final comments in Section 6.

2 Cabinets and Systems of Government

Cross-sectional and longitudinal analyses of countries on virtually all continents have comprised a wide range of objects of study in comparative politics, such as the structure of the presidency (Moe 1993; Neustadt 1960; Edwards 1985; Wood and Waterman 1991; Rudalevige 2002; Lewis 2009; Howell 2003; Bonvecchi and Scartascini 2011; Bonvecchi 2014; Inacio and Llanos 2015; Mendéz 2007; Lanzaro 2013; Carmelo and Coutinho 2014; Siavelis 2010; Lameirão 2011; Vieira 2017), the ministerial composition (Riker 1962; Gamson 1961; Axelrod 1970; De Swaan 1973; Kreps 1990; Laver and Shepsle 1990; Austen-Smith and Banks 1988; Melo and Pereira 2013; Amorim Neto 2006a; Carroll and Cox 2007; Cheibub 2007; Alemán and Tsebelis 2011), and the political control among coalition partners (Martin and Vanberg 2004, 2011, 2013; Carroll and Cox 2012; Thies 2001; Strø m, Müller, and Bergman 2008; Praça, Freitas, and Hoepers 2011; Vieira 2013; Batista 2016; Araújo 2016). In this paper, we are interested the cabinet’s division of power between and within systems of government.

A non-collegial executive decision-making process is considered one of the definitional attributes of presidential systems (Lijphart 1992; Shugart and Carey 1992), and sometimes it has been described as the most important attribute (Brunner 1996; Sartori 1997; Martínez-Gallardo 2010). According to Siaroff (2003, p. 305), a presidential system is defined by “a single popularly elected head of state and government not accountable to the legislature.” Moreover, this definition is identified as “extremely consistent globally” (Siaroff 2003, p. 305).
By contrast, as members of the cabinet are directly responsible to the legislative branch in parliamentary democracies, the executive decision-making process in parliamentary systems is usually described as a joint decision-making process (Laver and Shepsle 1994).

Through an endogenous process, in a parliamentary system the legislative majority establishes the head of the government and the duration of its term, establishing limits by institutional powers such as the vote of confidence. In presidential systems, in turn, given the mutual independence between the executive and legislative powers (Laver and Shepsle 1996), and the central figure of the president as both head of state and head of government, it is assumed that chief executives in presidential democracies would have a free power to select and dismiss the members of the government (Amorim Neto 2002). Consequently, the cabinet ministers would have a subordinate role to the president in the decision and policy-making processes in presidential contexts. Thus, these forms of government are seen as systemic, according to which the adoption of a form would imply distinct executive power structures: The structure in presidential systems is centralized—i.e., the president dominates the process over the cabinet—and the structure is shared in parliamentary systems, wherein the chief executive (commonly, a prime minister) shares the power over the process with her ministers.

2.1 Unilateral Presidentialism, Collegial Parliamentarism?

The first analytical effort to understand the differences between systems of government from the perspective of the distribution of power within the cabinet (i.e., the bargaining power of the ministers vis-à-vis the executive chief) was developed by Linz (1990, 1994). Linz (1990) argued that, in presidential systems, ministers are submissive to the desires of the president, given that, if dismissed from their offices, they will be out of the public life. On the other hand, in parliamentary systems, ministers would occupy a position of equality with the prime minister, precisely because they return to occupy their seats in the parliament in case of dismissal. Moreover, once back in the parliament, the former minister, can decide, along with her party and other legislators, the future of the prime minister, investing, for
example, in a vote of censure.

In a similar vein, building on Douglas (1992), Lijphart (1992) emphasizes the one-person character of decisions made in presidential executive offices to the collegial character of decisions made in parliamentary executive offices as the distinguishing factors between these systems of government. Similarly to Lijphart, Sartori (1997) sustains the idea that the power in presidential offices is invested exclusively in the figure of the president (primus solus), who unilaterally and at her discretion appoints and dismisses her ministers of state. But, in parliamentary systems, Sartori (1997) identifies at least three patterns of power sharing, all involving some degree of collegiality: Cabinets in which the prime minister is the first 1. above unequal pairs, 2. between unequal pairs and 3. between equal pairs.

The contrast between a one-person executive in presidential systems and collegiate executives in parliamentary systems, is still described by some scholars as the distinctive factor to define systems of governments (Laver and Shepsle 1994, 1996; Amorim Neto 2002; Siaroff 2003).

3 Our Argument: Neither Too Much, Nor Too Little

Seminal studies on systems of government assume a set of outcomes endogenously linked to government systems, making parliamentary and presidential systems, for example, distinct and predictable (Linz 1990, 1994; Lijphart 1992; Moe and Caldwell 1994). However, the assumption on which these studies were based has been proven to be fragile, and several arguments raised by these aforementioned authors have been questioned by empirical analysis (Figueiredo and Limongi 2000; Cheibub and Limongi 2002; Cheibub 2007; Cheibub, Elkins, and Ginsburg 2014).

These recent analyses reveal that is possible for different government systems to share particular institutional aspects. Empirical evidence indicates, for example, that the institutional aspects that produce incentives for government formation to be multiparty or single-party are similar in parliamentary and presidential systems (Cheibub, Przeworski, and Saiegh 2004).
Similarly, in order to understand the outcomes of a certain democratic regime, it might be more important to know the way the decision-making process is organized than the country’s system of government (Tsebelis 1995; Cheibub and Limongi 2002). Regarding the legislative-executive relationship, for example, Cheibub and Limongi (2002, p. 176) stated that “decision making is not always centralized under parliamentarism and is not always decentralized under presidentialism. The reality of both parliamentary and presidential regimes is more complex than it would be if we derived these systems’ entire behavior from their first principles.”

The above studies have been focusing on the legislative-executive relations. In this paper, we focus on the decision-making process within the executive branch, i.e., in the relationship between the chief executives and their cabinet ministers. Instead of inferring results from assumed expectations based on the definition of the systems of government, we argue that a dichotomous classification of executive decision-making processes in parliamentary and presidential democracies could lead to empirical inaccuracy. Thus, we argue that analyzing the power sharing between chief executive and cabinet ministers on a continuous scale is analytically more powerful and empirically more precise.

In a recent article (Araújo, Silva, and Vieira 2016), we developed a new index on the presidential executive dominance over cabinets in Latin American democracies, and we argued that the decision-making process in presidential systems cannot be considered vertical or non-collegial in all cases. In this study, we expanded our cases to include parliamentary democracies into our analyses, which allowed us to compare the relationship between chief executives and cabinets in both the presidential and parliamentary contexts. Thus, in order to empirically evaluate our argument, in this paper we aim to capture the cross- and intra-system variation of executive decision-making processes in 80 democracies based on the degree of dominance exercised by the chief executive over the cabinet.
4 Research Design and Data

We build a data set based on constitutional formal rules of the executive decision-making processes in 80 democracies, covering countries from all continents. Of these countries, 31 are presidential democracies, and 50 are parliamentary democracies. By having countries’ constitutions as units of analysis, we adopted a cross-section type of research design.

We classify countries’ political regimes as democracies following Cheibub, Gandhi, and Vreeland (2010) and the Freedom House Project (2014). Countries assigned as democracies in both sources were also considered democracies in our dataset, otherwise the case was not included in our analysis. By following the criteria used by Elgie (2007) for classifying countries according to their system of government, presidential democracies were defined as those in which, through universal suffrage, an elected president rules both as the head of state and as the head of government. The parliamentary democracies were defined by the indirect choice—via the legislature—of the head of government, dependent on the confidence of the parties represented in the parliament.

4.1 Constitutional Rules

In order to deal with the problem of comparability and reliability of the constitutional texts, in our analysis we used the data collected and classified by the Comparative Constitutions Project (CCP) (Elkins, Melton, and Ginsburg 2015).

The CCP project was developed with the goal of improving—temporally and spatially—the efficiency and systematization of the information contained in different constitutions (Elkins 2013; Elkins et al. 2014). The information from the CCP was initially coded by five trained research assistants and later revised directly from the original constitutions by the authors in order to increase the reliability of the data.

The operationalization of the data collected take into account two dimensions (formal
rules) of the executive decision-making process:

1. Dismissal of Ministers (Ministerial Removal): This rule relates to the power of the chief executive to dismiss members of the cabinet at any time, without the consent of any of the legislative houses;

2. Cabinet Selection Procedure (Ministerial Selection): This rule establishes exclusive prerogative to the chief executive to appoint the members of the cabinet.

Ministerial removal was coded based on three questions from CCP: “Are the cabinet/ministers collectively responsible for their actions, or can they be dismissed individually? Who has the authority to dismiss the cabinet/ministers? What are the limitations on the ability to dismiss the cabinet/ministers, if any?” The rule for cabinet selection was based on two questions: “Who nominates/appoints the cabinet/ministers? Who approves the cabinet/ministers?”

The two dimensions above were operationalized as dichotomous variables. Where the formal rules give more power to the chief executive vis-à-vis the cabinet (e.g., autonomy for the chief executive to freely select or remove ministers), variables were assigned with a value of 1, but when formal rules constraint the cabinet powers of the chief executive, variables were assigned a value of 0. By summing the values of these two dimensions, the variable indicates the degree of dominance of the chief executive over the cabinet, referred here as the degree of centralization of the executive decision-making process. The indicator ranges from a decentralized process (a value of 0 in our index)—in which the formal rules of decision making in the cabinet fully constraint the decisions of the chief executive (primus inter pares)—to a maximum centralization (a value of 2 in our index), in which formal rules enable the chief executive to take unilateral decisions (sole executive)—i.e., a complete dominance of the executive chief over the cabinet.

Our index reflects our perception that the current measurements produced by the literature do not adequately measure the phenomenon addressed in this study. Also, this index is justified by its parsimony—taking into consideration two categories—which makes it easy to understand and replicable.
Since our research design focuses on formal rules, we cannot capture the informal aspects related to the executive decision-making process of different systems of governments. Although we agree that the relationship between political actors—in our case, between the chief executive and her ministers—is more complex than the analysis of formal rules within constitutions, there are at least two advantages in considering the formal rules of the decision-making process in cabinets in this study. First, the analysis of the constitutions enables us to clearly identify the activity and behavior constraints of political actors. Following Cheibub, Elkins, and Ginsburg (2014, p. 525), “we know who did what and when.” Second, given that the main inferences about systems of government are based on typologies formulated by the analysis of formal rules, an analysis of constitutions allows an evaluation and comparison of our arguments to those suggested by the current literature.

5 Results

Figure 1 shows the degree of centralization of the executive decision-making processes in 80 democracies. The centralization index was standardized (z-score) to enable an easier comparison of the degree of power-sharing of the executive branches in the analyzed cases. As depicted in Figure 1, cases located to the left of zero (standard deviations below the mean) are interpreted as democracies with a more decentralized executive decision-making process, i.e., in which the chief executive is constrained in their discretion to either select or remove ministers. Cases located to the right of zero (standard deviations above the mean) are democracies with a more centralized executive decision-making process, i.e., the chief executive dominates the power within the executive branch, and is free to select and remove the members of the cabinet. Cases located closer to zero are democracies in which the chief executive has at least one of the above cabinet powers, but is constrained in the other power (i.e., a shared decision-making process).

As we can see in the left side of Figure 1, in the majority of parliamentary democracies (75.5% of our cases), the executive branch has a more decentralized distribution of power, with
−0.89 standard deviation from the mean. In other words, decentralized executive branches, in which the decision-making power of the chief executive is constrained is prevalent in parliamentary democracies, such as in Spain, Germany, Denmark, Norway, Australia, and India. Nevertheless, there are at least seven parliamentary democracies (Marshall Islands, Vanuatu, Sweden, Suriname, Nauru, Kiribati, and Japan) in which the executive power is more centralized in the figure of the prime minister (14.3% of our cases). These seven cases are located 1.38 standard deviation from the mean. Five other cases (Nepal, Micronesia, Latvia, Israel, and Hungary) seem to have a shared executive decision-making process between the chief executive and cabinet members.

Figure 1: Degree of centralization of the executive decision-making process in 80 democracies by system of government.

In the right side of Figure 1, we can see that four presidential democracies (8% of our cases) have a more decentralized executive decision-making process—United States, Nicaragua, Ghana, and Cyprus. These cases are located −0.89 standard deviation from the mean, resem-
bling the distribution of power prevalent in parliamentary constitutions. Most of presidential
constitutions, in turn, are located 1.38 standard deviation from the mean, indicating the
prevalence of a centralized executive decision-making process (i.e., in which the president
dominates the executive power). Among these case are presidential democracies such as Ar-
gentina, Brazil, Chile, Dominican Republic, Ecuador, and Malawi. It is interesting to note
that 10 of our analysed cases (20%) are located 0.24 standard deviation from the mean),
revealing a significant number of executive branches in which the power is shared between
presidents and ministers.

Figure 2 depicts the distributions of ministerial selection and removal rules in parliamen-
tary and presidential democracies. We can observe that both in parliamentary and presiden-
tial constitutions, the removal rule (i.e., the power of the chief executive to freely dismiss
her ministers) is more common than the selection rule (i.e., the power of the chief executive
to freely select her ministers, without legislative constraints). Even so, ministerial selec-
tion and removal rules are more prevalent in presidential democracies than in parliamentary
democracies.

Among parliamentary democracies that constitutionally delegate both powers of free re-
moval and free ministerial selection to prime ministers are the Marshall Islands, Vanuatu,
Sweden, Suriname, Nauru, Kiribati and Japan. Except in the cases of Japan and Sweden, the
other cases are parliamentary democracies without the formal figure of the prime minister,
i.e., with a president elected by the parliament that serves as head of government. According
to Article V of the Marshall Islands Constitution of 1979, for example, it is incumbent upon
the president to freely appoint six to ten ministers from parliament, as well as to revoke
the ministerial mandate whenever she wishes. In similar designs, Nauruan, Japanese, Van-
uatuan, and Kiribatian constitutions ensure autonomous ministerial removal powers to the
chief executive, and establish that the chief of government is free to recruit cabinet ministers
among members of the parliament either in part (Nauru), mostly (Japan), or in its entirety
(Kiribati and Vanuatu).
Figure 2: List of Countries by Ministerial Selection and Ministerial Removal

In countries such as Nepal, Micronesia, Hungary and Israel, the chief executive has only the power to dismiss her ministers. According to the Israeli constitution of 1958, the prime minister may, after informing the government about her intention, remove a minister from her post. Such removal shall take effect 48 hours after a letter of notification is delivered to the dismissed minister.

In Latvia, in turn, the constitution reserves to the prime minister only the power to freely select her cabinet. Articles 55 and 56 of the Latvian constitution of 1922 states that the prime minister, after being appointed by the president (moderator), must freely choose her cabinet members.

As previously indicated, most presidential constitutions establish the discretionary powers of selection and removal to presidents. According to article 128 of the Dominican Republic Constitution of 2015, in his capacity as head of government, the President of the Republic has the power to appoint ministers and vice ministers, other occupants of public office, as

Source: Elaborated by the authors, based on data gathered from the Comparative Constitutions Project (CCP) (Elkins, Melton and Ginsburg 2015).
well as the power to freely remove ministers. In article 174 of the Uruguayan Constitution of 1966, it is incumbent upon the president of the Republic to freely select ministers. Once appointed and governing the office, ministers may at any time be removed by the Uruguayan President of the Republic.

In seven presidential democracies (Sierra Leone, Philippines, Palau, Nigeria, Maldives, Liberia, Kenya, and Burundi), presidents can only freely remove their ministers. The 1981 constitution of Palau stipulates that the members of the cabinet may only be appointed by the president after the consent of the senate, and ministers are not allowed to simultaneously occupy legislative and cabinet offices. In Burundi, according to article 129 of its 2005 constitution, the president can also freely remove her ministers. However, in order to replace a minister, the Burundian president must consider the judgment of her political party. In Comoros, the president has only the power to freely select her cabinet. As established by Article 16 of its 2001 constitution, the President of the Union, with the assistance of three vice-presidents, is free to nominate ministers and other members of the government.

Figure 3: Selection and Removal by Region
(Number of countries per region: Europe = 21; America = 29; Australia = 10; Asia = 9; Africa = 11)
Figure 3 depicts the distribution of selection and removal cabinet rules by region. It is worth emphasizing the contrast between constitutions in the European continent and in other continents regarding the limitations of both the powers of selection and the removal of cabinet ministers. The majority of European constitutions (85.71%) gives neither ministerial selection autonomy nor ministerial removal autonomy to the chief executive. Even so, this same condition in which the chief executive has neither the autonomy to select nor the autonomy to remove a minister is not negligible in countries located in the American continent (44.83% of the American constitutions analyzed). In decreasing order, this condition is present in 40% of the cases in Australia, 33.33% in Asia, and 27.27% in Africa. At the other end of the spectrum, the condition in which the executive decision-making is most centralized—i.e., in which the chief executive dominates the executive power with autonomy to select and remove ministers—is prevalent in American countries (51.72%) and rare in Europe (4.76%), followed by Australia (40%), Asia (22.22%), and Africa (18.18%). Africa is the continent with the largest proportion of constitutions that delegate only one capacity to the chief executive to either freely dismiss ministers (45.45%) or freely select them (9.09%).

6 Discussion and Conclusion

What do our results reveal about the 40-year-old debate regarding the differences and similarities among executive decision-making processes in presidential and parliamentary systems of government? We interpret our results cautiously. The contrast between executive powers between presidential and parliamentary democracies is neither too much—opposite to the idea that there are only differences between these systems—nor too little—opposite to the idea that the systems share the same executive power structure.

From the evidence presented, it is possible to identify at least two features in the distribution of powers in cabinets between and within systems of government. The first feature is the contrasting pattern between parliamentary (75%) and presidential (8%) constitutional cabinet rules regarding the decentralization of the executive decision-making processes. In
fact, there is undeniable evidence that parliamentary systems are more decentralized than presidential systems when it comes to cabinet powers. In this sense, some analysts were correct in contrasting the executive powers in systems of government as vertical in presidential democracies, and as horizontal in parliamentary democracies (Linz 1990; Lijphart 1992; Douglas 1992; Sartori 1997; Moe and Caldwell 1994; Siaroff 2003; Laver and Shepsle 1994, 1996; Amorim Neto 2002).

On the other hand, it is important to emphasize that in both systems of government there is variation on the degree of centralization/decentralization of the executive decision-making processes between the chief executive and the cabinet ministers. Although decentralized decision-making processes are prevalent in parliamentary democracies, there are presidential democracies with a similar decentralized structure. In a similar vein, although centralized decision-making processes are more common in presidential democracies, there are parliamentary democracies in which the executive power is centralized and dominated by the prime minister. This variation among systems of government indicates that despite their differences, presidential and parliamentary democracies may share similar institutional features regarding not only their legislative-executive relationship (Cheibub, Przeworski, and Saiegh 2004; Cheibub and Limongi 2002; Cheibub, Elkins, and Ginsburg 2014), but also the relationship within the executive branch (i.e., the relationship between the chief executive and the cabinet ministers) (Araújo, Silva, and Vieira 2016).

Also, our results reveal that Europe is the continent where constitutions present the greatest barriers to the selection and removal cabinet powers for chief executives, while chief executives in America find a greater discretion on these cabinet rules. This highlights the fact that Europe and America respectively comprise 95.23% of the parliamentary democracies and 60% of the presidential democracies.

The next steps of this research include incorporating semi-presidential democracies into our analyses and understanding the effects that the variation in the degree of centralization of the executive power have on the performance of democratic governments.
References


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