

Cabinet Rules and Distribution of Powers in Presidential and Parliamentary Executives*

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Abstract

Comparative scholars have argued that the power of the chief executive over the cabinet is the distinguishing feature of two systems of government: presidential systems, in which the power of the executive branch is concentrated in the hands of the president, and parliamentary systems, in which the power of the executive branch is shared among the parties that comprise the government's coalition. We challenge this argument by asking: Are cabinet rules sufficient institutional features to distinguish systems of government? In this paper, we argue that the dominance of the chief executive over cabinets varies between and within these systems of government. By analyzing constitutions regulating cabinet rules within executive branches in 80 democracies, we find that our results support our argument, revealing that parliamentary and presidential executives can share similar institutional features.

Keywords: Executive Powers; Executive Branch; Cabinets; Constitutions; Systems of Government.

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1 Introduction

The comparative literature on systems of government has argued that the concentration of executive 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 shared executive powers between the head of government and cabinet ministers would be a basic feature of parliamentary systems (Lijphart 1992; Shugart 1993; Laver and Shepsle 1994). In this study, we challenge these arguments and suggest an answer for the following questions: Are cabinet rules that regulate the distribution of powers within executive branches sufficient institutional features to distinguish systems of government?

Considering the influence that cabinet ministers can have on a government's stability and the policy-making process in 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 distribution of power within executive branches (i.e., between the head of government and the cabinet ministers) has been understudied, and to discover a lack of comparative studies regarding the distribution of executive powers 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 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 within the executive branch is prevalent in parliamentary democracies, and the dominance of the chief executive over the cabinet ministers is greater in presidential systems, our results reveal that the distribution of powers within executive branches varies between and within systems of government, and that parliamentary and presidential executives can share similar institutional features. 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 a basic feature of the parliamentary system. Taking this variance into account can help scholars avoid empirical inaccuracies when studying how executive powers are distributed between and within systems of government.

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 distribution of powers between chief executives and 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' systems of government 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; Strøm, Müller, and Bergman 2008; Praça, Freitas, and Hoepers 2011; Vieira 2013; Batista 2016; Araújo 2016). In this paper, we are interested in the executive cabinet's division of power between and within systems of government.

A unilateral executive power in the hands of the president is considered a definitional attribute of presidential systems (Lijphart 1992; Shugart and Carey 1992), and 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 popu-

larly 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 executive cabinet are directly responsible to the legislative branch in parliamentary democracies, the executive branch in parliamentary systems is usually described as a joint (or collegial) decision-making process between the head of government and cabinet ministers (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. Presidential systems, in turn assume that chief executives would have a free power to form the executive cabinet — i.e., a free power to select and dismiss the members of the government (Amorim Neto 2002) — 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. Consequently, the cabinet ministers would have a subordinate role to the president within presidential systems. 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 dominated by the president, and the structure is shared in parliamentary systems, wherein the chief executive (commonly, a prime minister) shares the executive power 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 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 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

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 it 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). 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 focused on the legislative-executive relations. In this paper, we focus on the distribution of powers within the executive branch, i.e., between 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 classification of parliamentary and presidential democracies based on the separation of powers within the executive branch could lead to empirical inaccuracy. We argue that presidential and parliamentary systems can share similar institutional features regarding the distribution of powers within the executive branch. Taking the similarities and differences between and within presidential and parliamentary executives into account can lead us to comparative studies that are more powerful analytically and more precise empirically.

In order to empirically evaluate our argument, in this paper we analyze cross- and intra-system variations of executive institutional features in 80 democracies, particularly based on two cabinet rules: the power of the head of government to either select or remove her ministers.

4 Research Design and Data

We built a data set based on the constitutional cabinet rules of 80 democracies, covering countries from all continents.¹ Of these countries, 31 are presidential democracies, and 49 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*

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 (cabinet

¹The list of countries included in our analysis can be viewed in Table 1 in Appendix A.

rules) of the executive branch:

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 cabinet rules above were operationalized as dichotomous variables. Where the rule gives power to the chief executive to either freely select or freely remove ministers, variables were assigned a value of 1. Otherwise, when the chief executive is constrained in her autonomy to either select or remove the cabinet ministers, the variables were assigned a value of 0.

The choice of these two cabinet rules in this study reflects our perception that the current definition of presidential and parliamentary democracies based on the separation of powers within the executive branch is empirically inaccurate. Also, these rules are justified by their parsimony—taking into consideration two essential categories among other cabinet rules—which makes it easily replicable.

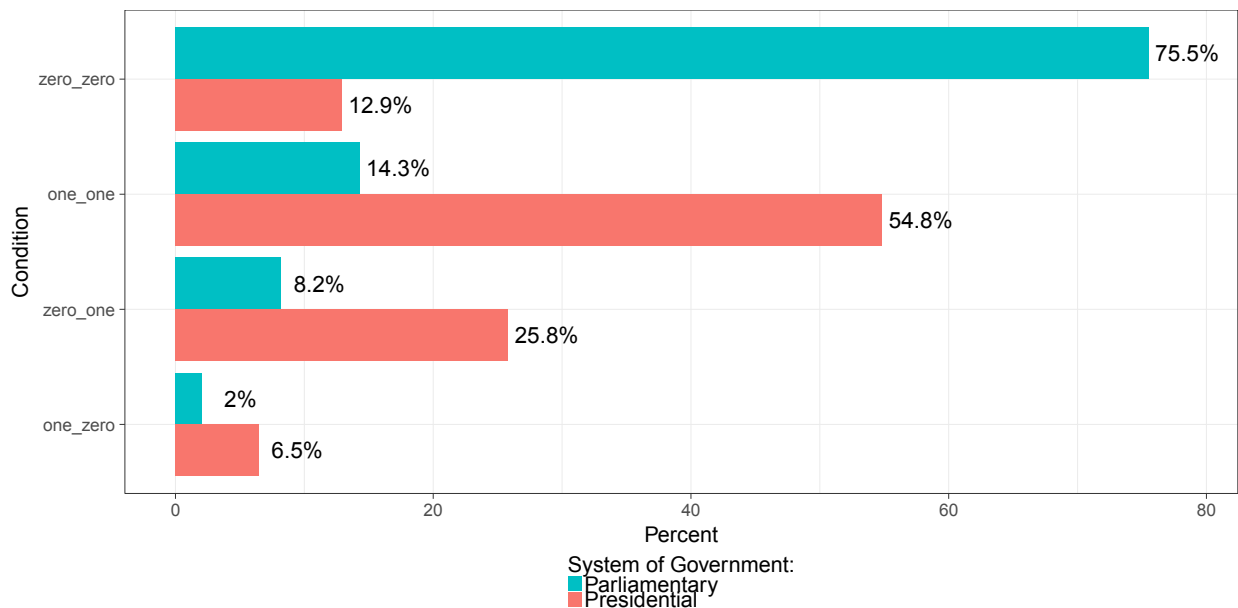
Since our research design focuses on formal rules, we cannot capture the informal aspects related to the relationship between chief executives and cabinet ministers. Although we agree that this relationship is more complex than the analysis of formal rules within constitutions, there are at least two advantages in considering the formal rules of executive 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 distribution of our cases by system of government based on the possible cabinet rule conditions: `zero_zero`: Selection = 0 and Removal = 0; `zero_one`: Selection = 0 and Removal = 1; `one_zero`: Selection = 1 and Removal = 0, and; `one_one`: Selection = 1 and Removal = 1.

Figure 1: Cabinet Rule Conditions by System of Government



As we can see in Figure 1, an executive branch in which the chief executive is constrained in both cabinet rules (condition `zero_zero`) is prevalent in parliamentary democracies (75.5% of our parliamentary cases). In the opposite way, an executive branch in which the chief executive is free to both select and remove her ministers is prevalent in presidential systems

(55% of our presidential cases). Nevertheless, almost 13% of the presidential democracies analyzed in this study has a distribution of powers within the executive branch that resemble the distribution of power prevalent in parliamentary constitutions (i.e., in which the chief executive is constrained in both cabinet rules). Similarly, 14% of the parliamentary democracies have a distribution of powers that resemble the distribution prevalent in presidential constitutions (i.e., in which the chief executive is free to both remove and select ministers). It is also interesting to note that in almost 26% of presidential constitutions, the president is free to remove her ministers, but constrained in her power to select the members of the executive cabinet.

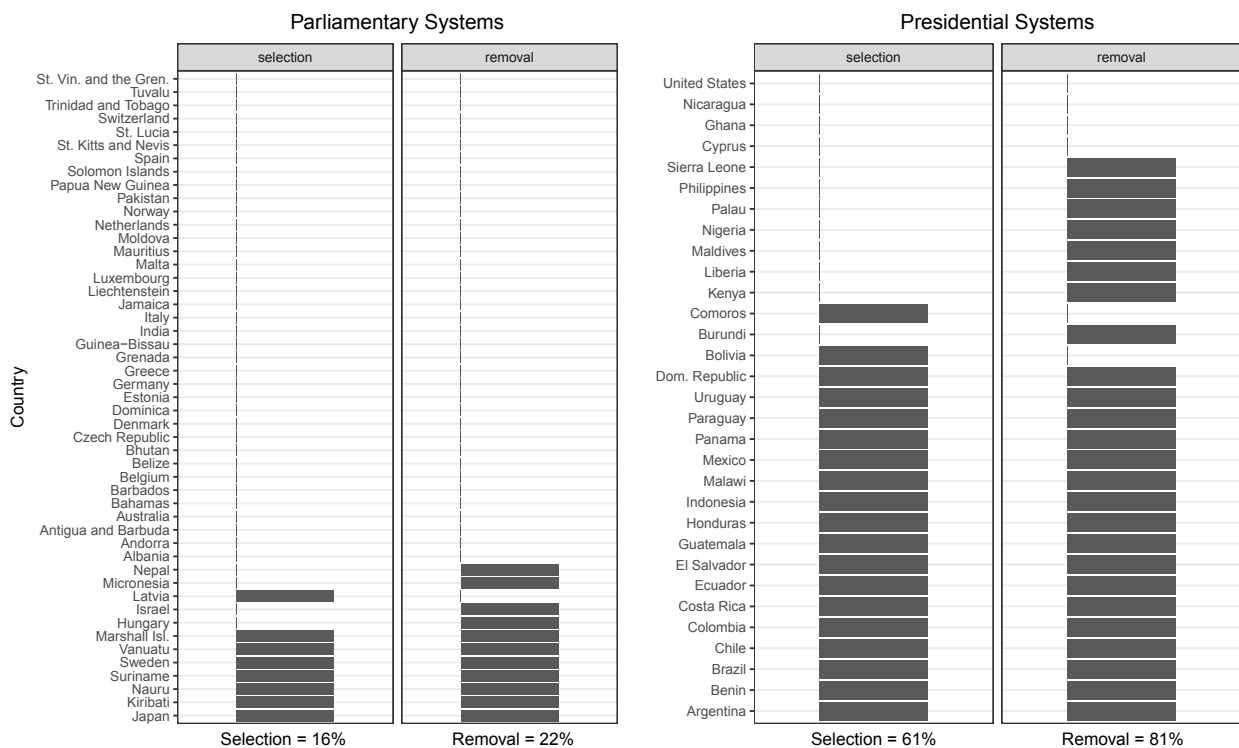
Figure 2 depicts the distribution of cabinet rules by country and by system of government. We can see in the left side of Figure 2 that, among parliamentary democracies that constitutionally delegate both powers of free removal and free ministerial selection to prime ministers are the Marshall Islands, 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, Vanuatuan, 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).

In parliamentary 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 state that the prime minister, after being appointed by the president (moderator), must freely choose her cabinet members.

Replace Figure 2 by a 2x2 table (if necessary).

Figure 2: Ministerial Selection and Ministerial Removal by System of Government



Source: Elaborated by the authors, based on data gathered from the Comparative Constitutions Project (CCP) (Elkins, Melton and Ginsburg 2015).

On the right side of Figure 2, we can see that four presidential democracies (8% of our cases)—United States, Nicaragua, Ghana, and Cyprus—have a distribution of powers within the executive branch that resemble the distribution of power prevalent in parliamentary constitutions. In these cases, the chief executive is constrained in both cabinet rules.

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

public office, as 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.

6 Discussion and Conclusion

What do our results reveal about the 40-year-old debate regarding the differences and similarities among the distribution of executive powers 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 and presidential constitutional cabinet rules regarding the power of chief executives to form and remove their cabinet ministers. In fact, there is undeniable evidence that presidents have more autonomy to form and reshuffle their

cabinet members than prime ministers. In this sense, some analysts were correct in contrasting the executive powers in systems of government as vertical (from the president to ministers) 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 among both systems of government there is variation within their cabinet rules. Although constraints on the power of the chief executive to select and remove ministers are prevalent in parliamentary democracies, there are presidential democracies with a similar executive cabinet structure. In a similar vein, an autonomous chief executive to select and remove ministers can be found in both systems of government. These variation among and within systems of government indicate 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).

The next steps of this research include incorporating semi-presidential democracies into our analyses and understanding the effects that executive cabinets with different rules have on the performance of democratic governments.

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Table 1: List of Countries, System of Government, and Cabinet Rules
(Ascending Order by the Summation of Cabinet Rules)

Country	System	Selection	Removal	Sum
Albania	Parliamentarism	0	0	0
Andorra	Parliamentarism	0	0	0
Antigua and Barbuda	Parliamentarism	0	0	0
Australia	Parliamentarism	0	0	0
Bahamas	Parliamentarism	0	0	0
Barbados	Parliamentarism	0	0	0
Belgium	Parliamentarism	0	0	0
Belize	Parliamentarism	0	0	0
Bhutan	Parliamentarism	0	0	0
Cyprus	Presidentialism	0	0	0
Czech Republic	Parliamentarism	0	0	0
Denmark	Parliamentarism	0	0	0
Dominica	Parliamentarism	0	0	0
Estonia	Parliamentarism	0	0	0
Germany	Parliamentarism	0	0	0
Ghana	Presidentialism	0	0	0
Greece	Parliamentarism	0	0	0
Grenada	Parliamentarism	0	0	0
Guinea-Bissau	Parliamentarism	0	0	0
India	Parliamentarism	0	0	0
Italy	Parliamentarism	0	0	0
Jamaica	Parliamentarism	0	0	0
Liechtenstein	Parliamentarism	0	0	0
Luxembourg	Parliamentarism	0	0	0
Malta	Parliamentarism	0	0	0
Mauritius	Parliamentarism	0	0	0
Moldova	Parliamentarism	0	0	0
Netherlands	Parliamentarism	0	0	0
Nicaragua	Presidentialism	0	0	0
Norway	Parliamentarism	0	0	0
Pakistan	Parliamentarism	0	0	0
Papua New Guinea	Parliamentarism	0	0	0
Solomon Islands	Parliamentarism	0	0	0
Spain	Parliamentarism	0	0	0
St. Kitts and Nevis	Parliamentarism	0	0	0
St. Lucia	Parliamentarism	0	0	0
St. Vin. and the Gren.	Parliamentarism	0	0	0
Switzerland	Parliamentarism	0	0	0
Trinidad and Tobago	Parliamentarism	0	0	0
Tuvalu	Parliamentarism	0	0	0
United States	Presidentialism	0	0	0
Bolivia	Presidentialism	1	0	1
Burundi	Presidentialism	0	1	1
Comoros	Presidentialism	1	0	1
Hungary	Parliamentarism	0	1	1
Israel	Parliamentarism	0	1	1
Kenya	Presidentialism	0	1	1
Latvia	Parliamentarism	1	0	1
Liberia	Presidentialism	0	1	1
Maldives	Presidentialism	0	1	1
Micronesia	Parliamentarism	0	1	1
Nepal	Parliamentarism	0	1	1
Nigeria	Presidentialism	0	1	1
Palau	Presidentialism	0	1	1
Philippines	Presidentialism	0	1	1
Sierra Leone	Presidentialism	0	1	1
Argentina	Presidentialism	1	1	2
Benin	Presidentialism	1	1	2
Brazil	Presidentialism	1	1	2
Chile	Presidentialism	1	1	2
Colombia	Presidentialism	1	1	2
Costa Rica	Presidentialism	1	1	2
Dom. Republic	Presidentialism	1	1	2
Ecuador	Presidentialism	1	1	2
El Salvador	Presidentialism	1	1	2
Guatemala	Presidentialism	1	1	2
Honduras	Presidentialism	1	1	2
Indonesia	Presidentialism	1	1	2
Japan	Parliamentarism	1	1	2
Kiribati	Parliamentarism	1	1	2
Malawi	Presidentialism	1	1	2
Marshall Isl.	Parliamentarism	1	1	2
Mexico	Presidentialism	1	1	2
Nauru	Parliamentarism	1	1	2
Panama	Presidentialism	1	1	2
Paraguay	Presidentialism	1	1	2
Suriname	Parliamentarism	1	1	2
Sweden	Parliamentarism	1	1	2
Uruguay	Presidentialism	1	1	2
Vanuatu	Parliamentarism	1	1	2