

Cabinet Rules and Power Sharing from a Comparative Perspective: Presidential and Parliamentary Democracies Reconsidered*

Victor Araújo[†] Thiago Silva[‡] Marcelo Vieira[§]

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Abstract

Objective: In this article, we analyze the formal rules of cabinet decision-making processes within and across constitutions in parliamentary and presidential systems.

Argument: We argue that the degree of power sharing between chief executives and cabinet ministers should be considered in a *continuum* scale, and that the level of dominance of the chief executive over cabinets varies from a centralized structure to a decentralized structure in both of these systems of government.

Data: Constitutions regulating the executive decision-making process in 50 democracies.

Implication: Our results suggest that the elements presented in theoretical models that try to explain the formal sharing of power in parliamentary systems can also be used to understand presidential contexts. Therefore, we reveal that the executive decision-making processes between these systems can share similar structures.

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

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[†]PhD candidate, Department of Political Science, University of São Paulo, São Paulo, SP, 05508-900, Brazil. E-mail: victor.asaraujo@gmail.com

[‡]PhD candidate, Department of Political Science, Texas A&M University, College Station, TX, 77801, USA. E-mail: ndsthiago@gmail.com

[§]Professor, Department of Social Sciences, Federal University of Espírito Santo, Vitória, ES, 29075-910, Brazil. E-mail: mmarvieira@gmail.com

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 the standard in 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? Would a collegial or joint executive decision-making process be the premise of parliamentary systems? Regarding the relationship between the chief executive and the cabinet ministers, would the differences between these systems of government be rigid or do they share similar structures?

Considering the possible influence that the cabinet ministers can have on the policy making process in some presidential democracies (Martínez-Gallardo 2010; Amorim Neto 2006; Alemán and Tsebelis 2011; Magar and Moraes 2012; Araujo, 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 50 democracies, which includes parliamentary and presidential contexts.

We argue that there is more variation in the intra-systems of governments than the current literature assumes. Our results support our argument, and indicate that neither the greater discretion of the head of government is inherent in the presidential system nor that the decentralization of powers between the executive chief and the cabinet members is an exclusive feature of the parliamentary system. Moreover, regardless of the system of government, a power-sharing structure is the most common arrangement in democratic executive

decision-making processes. Therefore, our results suggest that the degree of power sharing on the executive decision-making process should be considered on a *continuum*, in which the level of dominance of the chief executive over the cabinet varies from a complete vertical dominance—i.e, centralized cases—to an extreme *horizontalization*—i.e., decentralized cases.

Our paper is structured as follows: In the next section, we discuss the definitional attributes of presidential and parliamentary systems as suggested by the literature, and 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 3; in Section 4, we discuss our results, and; our final comments are presented in Section 5.

2 Background and Theory: Building our Argument

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). Siaroff’s (2003, p. 305) category of presidential system “with a single popularly elected head of state and government [and] not accountable to the legislature” is defined by elements such as the discretionary appointment powers of the president and her ability to chair cabinet meetings. According to Siaroff (2003), the power of the president in the above category of presidential system is “extremely consistent globally.” 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 time of its term, controlling the length of the term by an institutional power 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 under presidential contexts. These forms of government, thus, are seen as systemic, according to which the adoption of a form would imply a certain executive institutional structure: The structure in presidential systems is vertical—i.e., the president dominates the process over the cabinet—and horizontal in parliamentary systems, wherein the chief executive (commonly, a prime minister) shares the power over the process with the formed cabinet.

Seminal studies on systems of government, such as Linz (1990; 1994), Lijphart (1992) and Moe and Caldwell (1994), assume that the choice of a given system of government is followed by effects and consequences inherent in the system itself. That is, there would be a set of outcomes endogenously linked to government systems, making parliamentary and presidential systems, for example, distinct and predictable. However, the assumption on which these studies were based has been proved 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 produce similar characteristics and outcomes by sharing 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 relations, 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, our focus is on the executive politics within the executive branch. We are concerned about the relationship between chief executives and their cabinet ministers. Therefore, the empirical evidence that allows us to infer that the variable “system of government” is not able to adequately predict the outcomes in democracies only by the country’s system of government, is the same evidence that pushes us to rethink the power sharing between presidents and cabinet ministers from formal rules that structure the decision-making process within the executive branch.

Instead of inferring results from assumed expectations based on systems of government, models about how cabinets work and how their decision-making processes are defined should be evaluated empirically (Elgie 1997). Moreover, rather than assuming a dichotomous classification of executive decision-making processes in parliamentary and presidential democracies, after reviewing the recent literature on the topic, we believe that analyzing the power-sharing between chief executive and cabinet ministers on a continuous scale is analytically more powerful (Andeweg 1985, 1988, 1997; Barbieri 2003; Keman 2006; Vercesi 2012).

From this perspective, we aim to capture, through an empirical comparative analysis, the cross- and intra-system variation of executive decision-making processes in presidential and parliamentary democracies based on the degree of dominance exercised by the chief executive on her cabinet. Instead of accepting the argument that the decision-making process in the cabinet within these systems has an inherent character, in this study we reveal that regarding the executive powers of cabinets, the elements presented in theoretical models trying to explain the formal sharing of power in parliamentary systems can also be used to understand presidential contexts. Also, we reveal that the executive decision-making

processes between these systems can share similar structures and should not be taken as fixed rules.

In a recent article (Araújo, Silva and Vieira Forthcoming), by developing a new index on the presidential executive dominance over cabinets in Latin American presidential democracies, we sustained that the decision-making process in presidential systems—in spite of the power of the president to select and remove cabinet ministers—cannot be considered vertical or non-collegial at all cases. In this study, we expand our cases to include parliamentary democracies into our analyses, which allow us to compare the relationship between chief executives and cabinets in both the presidential and parliamentary contexts.

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3 Data and Methods

By having constitutions as units of observation (cases) and countries as the level of analysis, we have adopted a cross-section type of research design (Keman 2014). A database was built according to constitutional formal rules of the executive decision-making processes in 50 democracies.¹ In order to deal with the problem of comparability and reliability of

¹The list of countries included in our analyses can be viewed in Table 2.

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, Melton, Shaffer, Sequeda and Miranker 2014). The information from the CCP were later revised directly from the original constitutions in order to increase the reliability of the data.

The operationalization of the data collected from CCP follows the procedure adopted by Araújo, Silva and Vieira (Forthcoming) in their analysis on the degree of dominance of the chief executive over cabinets in Latin American presidential systems. The composition of the index takes into account five dimensions (formal rules) of the executive decision-making process:

1. Dismissal of Ministers (Cabinet Removal): Relates to the power of the head of the executive to dismiss members of the cabinet at any time, without the consent of any of the legislative houses;
2. Cabinet Selection Procedure (Cabinets Selection): The exclusive prerogative of the chief executive to appoint the members of the cabinet;
3. The restrictions of eligibility to the office of minister (Eligibility): The power of the chief executive to compose her cabinet with the actors of her choice, without any rule that limits her choice beyond citizenship and age;
4. Consent of Ministers for executive decision-making (Countersignature): Refers to the need for agreement by the minister on chief executive's decisions;
5. Ministers' Legislative Powers (Legislative Power): The power of the ministers to submit bill proposals to parliament.

The five dimensions above were operationalized as dichotomous variables, according to

the dominance of the chief executive on the executive decision-making process (*verticalization*). Where the formal rules give more power to the chief executive *vis-à-vis* the cabinet, variables were assigned with a value of 1, but when formal rules give more power to the cabinet, variables were assigned a value of 0. By summing the values of these five dimensions, the dominance indicator of the chief executive, referred here as the degree of *verticalization* of the executive decision-making process, ranges from a horizontal 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 *verticalization* (a value of 5 in our index) of the executive decision-making process, 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.

By following the criteria used by Elgie (2007) for classifying countries according to their system of government, presidential democracies are 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 are defined by indirect choice—via the legislature—of the head of government depending on the confidence of the parties represented in the parliament.

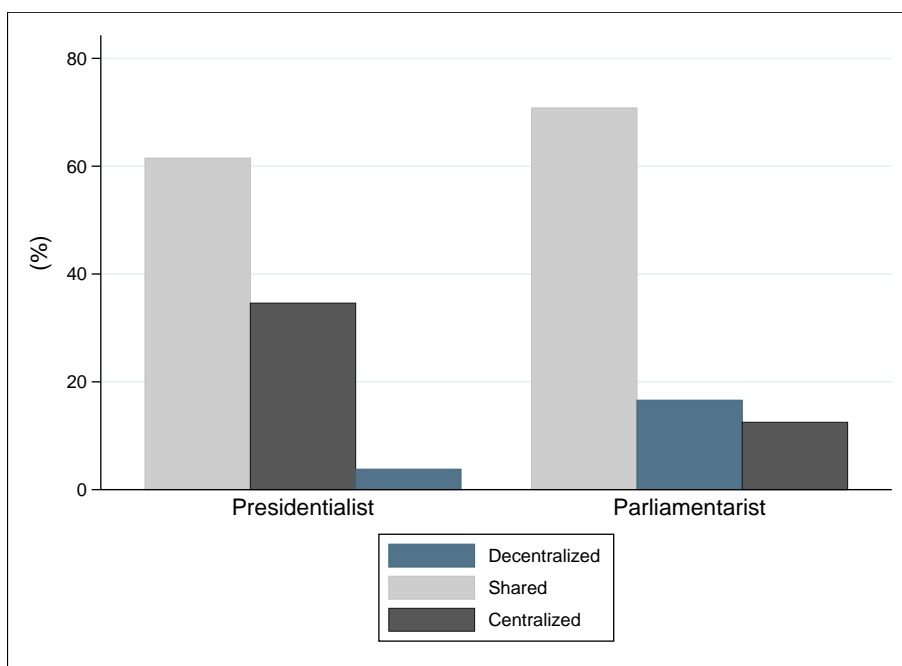
4 Preliminary Findings

Figure 1 shows the degree of *verticalization* of the executive decision-making processes in 50 democracies², distributed among parliamentary systems (24) and presidential systems (26). The *verticalization* score was standardized to enable the adoption of clear criteria in

²We classify countries' political regimes as democracies according to Cheibub, Gandhi and Vreeland (2010) and the Freedom House Project (2014). Countries assigned as democracies in both sources are also considered democracies in our dataset, otherwise the case is not included in our analysis. The Freedom House scores can be seen in Table 2 in Appendix A. The Freedom House scores can be seen in Table 2 in Appendix A

At least two relevant features can be observed in Figure 1 above and Figure 2 below. The first is the degree of *verticalization per se* in the executive decision-making processes analyzed. Of the 50 constitutions analyzed, 33 (66%) regulate a sharing power between the head of government and cabinet ministers within the executive decision-making processes. In 12 cases (24%) the head of government centralizes the executive decision-making. Only 5 democracies (10%) have decentralized processes.

Figure 2: Percentage of centralized, shared, and decentralized executive decision-making process by system of government



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

The second important feature is related to the degree of *verticalization* of the executive decision-making process according to each system of government. Of the 26 presidential constitutions, 16 (61.5%) have a shared decision-making process. In nine (34.6%) presidential democracies the president has a centralized power. Only in one case (3.8%) of presidential systems does the constitution empower the cabinet ministers of state more *vis-à-vis* the President of the Republic, decentralizing the executive decision-making in the cabinet. From the 24 parliamentary constitutions analyzed, in turn, 17 (70.8%) have a shared executive

decision-making process, while 4 (16.6%) decentralize the power of the head of government to the cabinet. Only in 3 parliamentary democracies (12.5%) is the executive process centered on the figure head of the government.

It is also worth noting the differences within the systems. Of the presidential systems, 16 constitutions induce a sharing executive decision-making process. However, we observe that the degree of power sharing is variable between cases. In Cyprus, Ghana, Philippines and Uruguay, for example, the decision making occurs in a more decentralized structure. In these countries, the dominance of the head of government is 0.74 standard deviations below the mean—corresponding to the value of 2 in our *verticalization* index. Moreover, there are also differences in the attributes which together result in the score of 2. While the Cypriot president can freely remove the cabinet ministers and make decisions without the need for ministerial countersignature, the Uruguayan president can only remove the cabinet ministers freely. In the Uruguayan case, the second factor to empower the president is the absence of restrictions on the eligibility for the post of minister.

The other cases in which formal rules promote a power sharing within the executive decision-making process are Argentina, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Honduras, Kenya, Malawi, Nicaragua, Paraguay and the United States. All of these democracies have a vertical rate equivalent to 3, with a positive 0.19 standard deviation from the mean. However, significant differences between these countries can be seen if we disaggregate the index according to our five attributes. While in all these presidential constitutions, the president can remove ministers without any restriction, the ministerial appointment in Honduras, Kenya, Paraguay and the USA has relevant restrictions. Moreover, the Dominican Republic, Honduras and Paraguay are the only cases where the constitution gives the head of government the prerogative to legislate and no legislative power to cabinet ministers.

In nine cases, the constitution centralizes the executive decision-making process in the figure of the head of government. However, in seven of them the centralization is slightly

smaller, with Brazil, Chile, Dominica, Guatemala, Mexico, Panama and Suriname having an index equivalent to 4 (1.11 standard deviations above the mean). In Brazil, Chile, Guatemala and Mexico the only restriction on presidential dominance over the cabinet is the need for ministers' countersignature in the decisions of the head of government. While the constitution of Dominica has a restriction on the ministerial eligibility, in Panama and Suriname the factor that limits the presidential centralization in the decision-making process is the legislative power of ministers. In Indonesia and Venezuela, the presidential dominance over the cabinet is absolute according to our index, which assumes, for these countries, the value of 5 and a positive 2.04 standard deviations from the mean. The only country in which the presidential constitution completely decentralizes power within the executive decision-making is Bolivia, which has a *verticalization* score of 0 and it is 2.59 negative standard deviations from the mean.

Of the parliamentary constitutions, in turn, 17 countries present a shared executive decision-making process (just one more case than in presidential systems). 10 of these parliamentary democracies tend to be more decentralized. These are the cases of Antigua and Barbuda, Bahamas, Belize, Estonia, Hungary, Israel, Luxembourg, Nepal, Solomon Islands, and Tuvalu, where the chief executive dominance index takes the value of 2 and is 0.74 standard deviation below the mean. Despite all these constitutions having the same degree of *verticalization*, it is worth noting that Luxembourg and Hungary are the countries that limit the prime minister's ability to remove cabinet ministers. The constitutions of Israel, Saint Vincent and the Grenadines have, along with Luxembourg, relevant limitations on the power of cabinet selection by the head of government. The remaining 7 constitutions that ensure a shared executive decision-making process are the Czech Republic, Germany, Greece, Italy, Japan, Serbia and Taiwan, where the dominance of the chief executive is 3, with 0.19 standard deviations above the mean. Of these cases, only in the Czech Republic and Italy can the head of the government not freely remove the cabinet ministers. On the other hand, only in these two countries, along with Japan, is the legislative prerogative

provided exclusively to the head of government.

The only parliamentary democracies that have a decentralized executive decision-making are those from the Netherlands, Pakistan, Papua New Guinea and Saint Vincent and the Grenadines. In these countries the dominance index is equal to 1 (1.67 standard deviations below the mean). However, it is interesting to note that among these four countries analyzed, only in the Netherlands is the prime minister not autonomous in the ministerial dismissal (cabinet removal). In the Netherlands, the only factor that empowers the head of government *vis-à-vis* the powers of the cabinet ministers is the unrestricted nature of eligibility for the post of minister.

India, Jamaica and Sweden are the only parliamentary countries in which the constitutions centralize the power within the executive decision-making process in the figure of the prime ministers. India and Jamaica have a score in our index equal to 4 and a z score equal to 1.11 standard deviations above the mean, and Sweden has a *verticalization* score of 5 (2.04 deviations above the mean). Despite identical scores between India and Jamaica, there is no restriction on the eligibility of ministers in India. The factor limiting the dominance of the head of government in Jamaica, in turn, is the limited power of the head of government on ministerial removal. The Swedish prime minister dominates the cabinet within the executive decision-making process, i.e., the head of government does not deal with any constraint on the removal or selection of ministers, as well as the eligibility for the post of minister, no restriction in her decisions, and Swedish ministers cannot legislate.

We must also consider how the systems of government differ according to each of the five dimensions that make up the vertical index used in this work. Table 1 reports the proportion of cases according to each dimension in which the power of the head of government is limited by any rule prescribed constitutionally by system of government. Except for cabinet selection rule, the head of government in parliamentary systems is more restricted by formal rules in all dimensions.

In the dimension cabinet removal, while the head of government in parliamentary systems

Table 1: Restriction on the Power of the Chief Executive in Each *Verticalization* Dimension by System of Government.

Dimension	Presidentialism	Parliamentarism
Cabinet Removal	2% (3)	12% (6)
Cabinet Selection	16% (8)	12% (6)
Cabinet Eligibility	20% (10)	30% (15)
Cabinet Countersignature	28% (14)	36% (18)
Cabinet's Legislative Power	28% (14)	34% (17)

Note: Number of cases in parentheses.

is restricted in 12% of the cases, in presidential systems this percentage drops to only 2% of the cases. Regarding the other dimensions of the executive decision-making process, while the dimension eligibility has a 10 percentage points difference between the systems of government, in the dimensions countersignature and legislative power the difference is eight and six points, respectively.

5 Discussion and Conclusion

By analyzing the formal rules within and across constitutions of executive decision making-processes in 50 democracies, in this study we presented evidence of a significant degree of similarity among presidential and parliamentary system. The structure of presidential democracies is not always vertical, nor is the structure of parliamentary democracies always horizontal. Moreover, there are a significant amount of cases that present a shared decision making-process between the chief executive and the cabinet ministers.

Although in presidential systems the formal rules prescribe less restriction to the head of government, the relative differences observed between the two systems of government are not of great magnitude. Even the dimensions in which the percentage difference reaches 10 points—removal and eligibility—the number of cases of restriction is low and fairly similar.

That is, except in a few cases, in both systems of government the head of government has wide discretion in removing and choosing her ministers. Adopting the same reasoning for the analysis of the other dimensions, it appears that the absolute difference between the two democracies groups never exceeds five cases (countries). Our findings are in accordance with recent studies showing that, since the end of 1970s, the wave of constitutional reforms in Latin American presidential democracies increased the legislative control over the president's ministers appointment and dismissal processes (Martínez-Gallardo 2010, p. 125), and strengthening the oversight powers of congress and the judiciary (Negretto 2011).

Regarding the limitations of this paper, the analysis undertaken in this study does not address comprehensively the universe of presidential and parliamentary cases, and does not include semi-presidential democracies. Also, since our analytical design focuses on formal rules, we can not capture the informal aspects related to the executive decision-making process of these systems of governments.

Although the relationship between political actors 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 the comparison of cases in time and space, allowing the investigation of a higher number of democracies. 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 of these arguments with evidence used by the current literature.

The set of information discussed in this paper indicates that the executive decision-making processes in presidential democracies is, on average, more vertical when compared to parliamentary democracies. However, we can not disregard the large variation within systems. It is not true that the head of government is always absolute in presidential cabinets, or that the executive decision-making process is inherently collegial in parliamentary democracies. There are cases of extreme centralization and decentralization in both systems

of government. Moreover, although it is not possible to point to a single standard, it can be seen from the comparative analysis undertaken in this study that, regardless of the system of government, the shared form of decision-making within the executive branch is the most common structure among the 50 democracies analyzed.

Appendix A

Table 2: Sample, System of Government, Freedom House Score, Verticalization Score, and Z Score

Country	System of Government	Freedom House Score	Verticalization Index	Z Standard Score
Sweden	Parliamentarism	10.00	5	2.04
Indonesia	Presidentialism	8.08	5	2.04
Venezuela	Presidentialism	5.17	5	2.04
India	Parliamentarism	8.50	4	1.11
Jamaica	Parliamentarism	8.50	4	1.11
Brazil	Presidentialism	8.67	4	1.11
Chile	Presidentialism	10.00	4	1.11
Dominica	Presidentialism	10.00	4	1.11
Guatemala	Presidentialism	7.42	4	1.11
Mexico	Presidentialism	7.83	4	1.11
Panama	Presidentialism	8.92	4	1.11
Suriname	Presidentialism	7.92	4	1.11
Czech Republic	Parliamentarism	9.75	3	0.19
Germany	Parliamentarism	10.00	3	0.19
Greece	Parliamentarism	9.17	3	0.19
Italy	Parliamentarism	10.00	3	0.19
Japan	Parliamentarism	10.00	3	0.19
Serbia	Parliamentarism	8.67	3	0.19
Taiwan	Parliamentarism	9.58	3	0.19
Argentina	Presidentialism	8.67	3	0.19
Colombia	Presidentialism	7.17	3	0.19
Costa Rica	Presidentialism	10.00	3	0.19
Dominican Republic	Presidentialism	8.25	3	0.19
Ecuador	Presidentialism	7.08	3	0.19
El Salvador	Presidentialism	8.25	3	0.19
Honduras	Presidentialism	6.75	3	0.19
Kenya	Presidentialism	7.25	3	0.19
Malawi	Presidentialism	6.92	3	0.19
Nicaragua	Presidentialism	7.67	3	0.19
Paraguay	Presidentialism	8.08	3	0.19
United States of America	Presidentialism	10.00	3	0.19
Antigua and Barbuda	Parliamentarism	8.59	2	-0.74
Bahamas	Parliamentarism	10.00	2	-0.74
Belize	Parliamentarism	9.42	2	-0.74
Estonia	Parliamentarism	9.75	2	-0.74
Hungary	Parliamentarism	9.17	2	-0.74
Israel	Parliamentarism	9.58	2	-0.74
Luxembourg	Parliamentarism	10.00	2	-0.74
Nepal	Parliamentarism	6.92	2	-0.74
Solomon Islands	Parliamentarism	7.83	2	-0.74
Tuvalu	Parliamentarism	10.00	2	-0.74
Cyprus	Presidentialism	10.00	2	-0.74
Ghana	Presidentialism	9.08	2	-0.74
Philippines	Presidentialism	7.83	2	-0.74
Uruguay	Presidentialism	10.00	2	-0.74
Netherlands	Parliamentarism	10.00	1	-1.67
Pakistan	Parliamentarism	6.33	1	-1.67
Papua New Guinea	Parliamentarism	6.67	1	-1.67
St. Vincent and the Grenadines	Parliamentarism	10.00	1	-1.67
Bolivia	Presidentialism	7.58	0	-2.59

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