

# Unpacking ‘positive’ and ‘negative’ parliamentarism\*

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The distinction between ‘negative’ and ‘positive’ parliamentarism is usually conceptualised rather narrowly in terms of parliamentary involvement in government formation, particularly via an investiture vote (Bergman, 1993b). Arguably parliamentarism impacts the formation process and the type of governments that are formed, but potentially it has a much broader effect on parliamentary work and executive-legislative relations. If we wish to study this broader impact of parliamentarism, however, we need to carefully examine the concept and its relation to other characteristics of parliamentary systems.

We need to explore, conceptually and empirically, how powers relating to cabinet appointments relate to other parliamentary powers, such as legislative and control powers (Sieberer, 2011; Strøm et al., 2010) as well as existing classifications of (parliamentary) democracy in which executive-legislative relations play an important role (Lijphart, 2012).

This paper has two contributions. First, it critically evaluates the concept of parliamentarism itself using Gerring’s (1999) framework of conceptual goodness. I ask whether the positive-negative dichotomy suffices (Bergman et al. 2003), whether we should contrast positive and negative formation rules with positive and negative resignation rules (De Winter, 1995)? Second, it establishes how parliamentarism relates to other dimensions of the political and legislative system, both conceptually and empirically, using existing measures of parliamentary power and types of democracy for Western European democracies. Conceptually and empirically parliamentarism provides a distinction between countries that cross-cuts related typologies of parliamentary democracy (in terms of electoral system, legislative power), which potentially makes it a very valuable concept in understanding executive-legislative relations.

## Parliamentarism and parliamentary democracy

In parliamentary democracies governments require the trust of parliament. The executive does not derive its authority directly from the people as is the case in presidential systems, but rather is the agent of parliament (Strøm, 2003). Parliamentary systems do differ substantially, however, in how this trust is demonstrated. In some systems parliament has to explicitly show

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\*Paper presented at the workshop "The Evolution of Parliamentarism and Its Political Consequences", *Joint Sessions of Workshops of the European Consortium of Political Research*, Salamanca, Spain, April 10–15, 2014. This is a work in progress, if you would like to cite it, please check for the latest version.

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its support for a new government, while in other systems this trust is assumed to exist until proven otherwise.

The distinction between 'negative' and 'positive' parliamentarism has been introduced in the academic literature by Bergman (1993b; 1995). Positive parliamentarism is probably the most clear-cut: in these systems a new government has to win an investiture vote in parliament. Thus, the government formation rules are formulated in a 'positive' sense: government must *win* parliamentary support. In countries characterized by 'negative' parliamentarism the rule is rather that governments must *not lose* parliamentary support. In Sweden, for example, new governments must face an investiture vote, but the rule is that the government can stay on as long as it does not receive an absolute majority of votes against (Bergman, 1993b). In other countries there is no investiture vote at all: parliamentary support is simply assumed. If parliament would want to remove the new government, it would have to table a non-confidence motion. Thus, the labels 'negative' and 'positive' parliamentarism are shorthand for government formation rules formulated in 'negative' and 'positive' terms respectively.

The distinction between negative and positive parliamentarism has been used primarily in the analysis of government formation: what type of cabinets is formed. Bergman (1993b) found that minority cabinets are more likely to form if government formation rules are formulated in a negative way, because this requires no show of explicit majority support. This focus on the relationship between government formation rules and the type of government formed is understandable given the Bergman's aims: he enriched the analysis of government formation processes with a concept that had hitherto been overlooked.

The concept can, however, be applied beyond the field of government formation. An alternative understanding is to view the concept as an aspect of parliamentary power or, more specifically, as part of the relationship between parliament as a *principal* and government as an *agent* (Bergman et al., 2003; Sieberer, 2011). One might go even further. Because the concept is termed as an adjective ('negative' or 'positive') to the rather broad term *parliamentarism*, one might ask what the relationship of the concept with other classifications of democracy is, for example classifications based on the electoral system used or the degree of vertical and horizontal decentralisation.

These questions are partly conceptual and partly empirical. I start out by considering what Gerring (1999) calls the 'conceptual goodness' of negative and positive parliamentarism. In particular I will consider the familiarity and resonance of the term, its parsimony and ability to differentiate and its field utility. I will argue that the concept is embedded in three conceptual fields: the government formation literature, the literature on parliamentary powers, and the literature on classifications of democracy. The subsequent empirical analysis looks at the empirical relationships between parliamentarism and other relevant concepts in the latter two fields.

## Conceptual goodness

Gerring (1999) distinguishes between eight criteria of conceptual goodness. While it would be very difficult for any concepts to receive high marks on all of the eight criteria, because some lay competing demands on the concept, it is a useful tool to examine strengths and weaknesses of any social science concept. Rather than applying all of Gerring's criteria to the concept of positive and negative parliamentarism one by one, I will highlight a number of issues that application of Gerring's framework to our concept raises.

### A familiar and resonating term?

Let us begin with the term 'negative and positive parliamentarism'. As I noted above, the adjectives are the most important here. The argument is that we might distinguish between two types of parliamentarism: a negative and a positive form. Until it is explained, however, that 'positive' and 'negative' actually refer to the government formation rules used in parliamentary democracies, the *familiarity* of the terms is not very high (Gerring, 1999, 368). Therefore, one might argue that it would be better to talk about positive and negative government formation rules. At the same time the differences between positive and negative government formation rules are fundamental to parliamentarism. After all, parliamentary democracy is defined as a system in which government requires the support of parliament. Thus, whether that support has to be explicit or implicit is a central feature of parliamentarism. Therefore, using the terms negative and positive parliamentarism as shorthand for government formation rules formulated in positive or negative terms seems warranted and increases the *resonance* of the term (Gerring, 1999, 370).

### Does the dichotomy suffice?

In almost all work, parliamentarism is presented as a simple negative versus positive dichotomy (Bergman, 1993b; De Winter, 1995; De Winter and Dumont, 2008; Conrad and Golder, 2010; Sieberer, 2011). Does this suffice? This touches upon the concept's ability to *differentiate*. Bergman (1993b, 50, 1995, 46) distinguishes between five different rules regarding government formation, to which we can add the rule by which a government has to win less than a majority (Cheibub et al., 2013). We arrive at six different rules regarding investiture, which I ordered in terms of the degree to which parliamentary support is required (see Table 1).

The most demanding rule in terms of explicit parliamentary support for the government at the time of investiture is the rule of absolute majority support. In this case the supporters of the government, those willing to vote explicitly in support of the government, should outnumber the no-votes and abstentions/absences. Thus, the government has to win the explicit support of a majority *of MPs*. Under relative majority support, the government merely has to win the majority *among those voting*. In this case, abstentions or absences are not counted against the government, which makes it possible to 'tolerate' the government by abstaining from the investiture vote. Under the negative formation rule that less than an absolute majority votes

against the government, the government has to ensure that the number of no-votes is smaller than the yes-votes and absences/abstentions combined. In other words: here abstentions effectively actually count towards the government. Unless the opposition can muster an absolute majority of votes against the government, it will win investiture.

Note that effectively the main distinction between rule 1, 2, and 4 in Table 1 is the way absences/abstentions are counted. Under the absolute majority support these count against the government, under relative majority support these are ignored and under the less than an absolute majority against-rule these count towards the government.

There are two additional ‘positive’ investiture rules that are (potentially) less demanding than absolute or relative majority support. Under the plurality support rule, which is used in third-round voting in Germany and Finland, a prospective prime minister or government merely has to win more votes than any alternative that is proposed. Under this rule a plurality party with only 35% of the seats might be able to get its prime ministerial candidate elected. In practice, however, candidates are voted on one at a time in Germany and Finland. Therefore, in practice the plurality rule amounts to a relative majority rule.<sup>1</sup>

The investiture rule that would be least demanding for the government, apart from not having to face a vote at all, is the requirement to win less than majority support. An example is the Greek case under its 1952, in which the government has to win support of only 40% of MPs (Cheibub et al., 2013). This rule is, however, no longer used in Greece. Not having to face an investiture vote is of course least demanding for the government and provides parliament with little formal influence over government appointment. Under those circumstances opposition parties in parliament might, however, propose a no-confidence motion at the very start of the governmental tenure, a possibility which I will discuss below.

It is important to note that the formulation of the government formation rules as negative or positive is not identical to the degree of influence of parliament has on government formation. It would be possible to have positive rules that provide less parliamentary control over government inauguration than negative rules, for example true plurality voting or a less-than majority requirement. These two positive rules are, however, not used today. Therefore, we can take the ordering below as an ordinal extension of the positive versus negative dichotomy. This extension helps to differentiate between different *degrees* of positive and negative parliamentarism, and therefore provides an improvement on the simple dichotomy used in many studies.

## Investiture and removal

The distinction between positive and negative parliamentarism is usually based on investiture rules. A lack of investiture rules is defined as a form of negative parliamentarism, because the government does not receive explicit parliamentary support. This does not mean, however, that these parliaments have nothing to say about the formation of a new government. When

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<sup>1</sup>If the plurality rule was applied according to its definition in the first round of voting this would in practice amount to a weaker position of parliament than under the negative formation rule under 4. As it is implemented today, however, in combination with absolute majority requirements in the first (two) rounds of voting, it amounts to larger parliamentary control.

Table 1: Required majorities in investiture votes

Formation rule	Positive or negative	Rule
1. Absolute majority support	Positive	$Y > (N + A)$
2. Relative majority support	Positive	$Y > N$
3. Plurality support	Positive	$Y_1 > Y_n$ for each option $n$
4. Less than absolute majority against	Negative	$(Y + A) > N$
5. Less than a majority	Positive	$Y > M(Y+N+A), M < 0.5$
6. No investiture vote	Negative	-

Note:  $Y$  = Votes in favour of the government ( $Y_x$  = Votes in favour of government alternative  $x$ ),  $N$  = Votes against the government,  $A$  = Abstentions/absences in investiture vote,  $M$  = Majority required (in %).

no investiture vote exists the government is tolerated until parliament adopts a no-confidence motion. If at the time of inauguration the government lacks parliamentary support, it can be removed simply by adopting a no-confidence motion.

The Dutch case presents an interesting example. Bergman (1993b) argues that the Netherlands, while not having formal rules nor a practice of investiture votes, is in fact an example of positive parliamentarism because of the strong *norm* that governments should be supported by a parliamentary majority. Indeed, except for a couple of caretaker governments, all Dutch governments were supported by a parliamentary majority. When a minority cabinet was formed in 1939 it immediately faced (and lost) a no-confidence vote in parliament. In later work, however, the Netherlands has consistently been classified as a case of negative parliamentarism, because of the lack of an investiture vote.

If we wish to distinguish between various types of parliamentarism in terms of the relationship between parliament and government, we should not only take account of the investiture rules, but also of *removal* rules (De Winter, 1995; Cheibub et al., 2013).<sup>2</sup> Table 2 presents a cross-tabulation of investiture and removal voting rules. I am focusing on the voting rules here, because these are the clearest aspect of the investiture and removal rules, but one could also incorporate other aspects of investiture and removal in the empirical analysis (number of candidates, timing of the vote, proposal power).

The rows of table 2 contain four investiture voting rules. I left out the 'Less than a majority' and 'Plurality' investiture rules here, because these are not used or only in a third-round vote (Germany, Finland). In the columns three categories of removal rules are distinguished. The most demanding form of no-confidence motion is the constructive motion of no confidence, which requires parliament not only to express its loss of confidence in the current government, but also to name a new (head of) government. This system is used in Germany, Spain and Belgium. The second rule is that a no-confidence motion requires the support of an absolute majority of MPs, which is used in many countries, including Greece, Finland, Sweden and France. While this is still quite demanding, supporters of a no-confidence motion do not have to agree on an alternative government, which makes success more likely. Adoption of a no-confidence motion is in principle easiest under the third rule, relative majority. This system is

<sup>2</sup>De Winter (1995) uses the term 'resignation' rules, but as we are concerned here more with the ability of parliament to *force* the government to resign, the term removal rules seems more appropriate (Sieberer, 2012).

Table 2: Cabinet formation and removal voting rules

Investiture voting rules	Absolute majority	Relative majority	Less than absolute majority against	No investiture vote	Removal voting rules		
					Constructive motion of no confidence ( $Y^* > Y + A$ )	Absolute majority ( $N > Y + A$ )	Relative majority ( $N > Y$ )
					Germany, Spain, Hungary, Poland, Slovenia	Croatia, Hungary, Romania	
							Finland, Ireland, Italy, Latvia, Luxembourg, United Kingdom
					Belgium	Bulgaria, Czech Republic, Estonia, Greece, Lithuania, Slovakia	
						Sweden, Portugal	
						France, Iceland, Malta	Austria, Denmark, Netherlands, Norway

*Note:*  $Y$  = Votes in favour of the government ( $Y^*$  = Votes in favour of government alternative),  $N$  = Votes against the government,  $A$  = Abstentions/absences. Germany and Finland have plurality rules in the third round of investiture. Spain has relative majority in the second round of investiture voting, Slovenia in the third round. In Slovenia the constructive motion of no confidence only requires an absolute majority if the government had also been invested by an absolute majority.

*Sources:* De Winter, 1995; Bergman et al., 2003; Cheibub et al., 2013; Sieberer, 2012 and the constitutions and parliamentary standing orders of the relevant countries.

used, among other countries, in Ireland, Italy and the Netherlands.

Table 2 shows that a number of different combinations of investiture and removal voting rules are in use across Europe. Generally countries in which the investiture requirement is higher (absolute or relative majority support required) also have high thresholds for the adoption of no-confidence motions. The best example is probably the constructive motion of no confidence, which is used in conjunction with an absolute majority investiture vote. Thus once a government wins an absolute majority investiture, it can only be replaced by an alternative government that manages to jump the same hurdle<sup>3</sup>. In Romania the rules for investiture and no-confidence votes are the same: both require an absolute majority. In Belgium investiture only requires a relative majority, while dismissing the government requires a constructive motion of no confidence to be passed, which effectively makes it somewhat easier to invest a government than to dismiss it.<sup>4</sup> In countries like Greece, the Czech Republic and Estonia this is also the case: there relative majority is enough to win investiture, but an absolute majority is needed to dismiss a government. Countries like Ireland, Italy and Luxembourg require relative majority decisions for both investiture and no-confidence votes. All in all, it seems that in quite a few countries with positive investiture rules it is actually more difficult to dismiss a government than to grant it investiture.

In countries with negative investiture rules, there are basically three different patterns. Of course, there are no countries with negative parliamentarism and a constructive motion of no confidence. That would be somewhat inconsistent, because a constructive motion of no confidence is basically also an investiture vote for a new government. In Sweden and Portugal, which fashion explicit negative investiture rules, an absolute majority is required to pass a no-confidence motion. Essentially, as long as the number of MPs willing to vote against the government remains smaller than the number of MPs willing to vote in favour of the government or willing to abstain in a (no) confidence vote, the government can remain in power.

In some countries without an investiture vote an absolute majority is needed to pass a no-confidence motion, while in other countries a relative majority suffices. In the former countries the governments are relatively well-protected against parliament: no investiture is needed and only when an absolute majority votes to dismiss them, do they need to resign. In the latter countries, governments are not so well-protected: a relative majority can send them away any time. Unless the introduction of no-confidence motions is restricted, the parliamentary opposition can use the no-confidence motion as an *ex post* form of investiture if it so wishes. The main distinction with countries that do have a relative majority investiture vote is that the investiture rule  $Y > N$  is *assumed* rather than *demonstrated*.

Therefore, in order to understand the relationship between government and parliament in parliamentary system, both investiture rules as well as removal rules should be taken into account. One issue is whether the labels 'positive' and 'negative' really apply to removal rules. Essentially, all no-confidence votes are of a *positive* form: loss of confidence has to be explicitly

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<sup>3</sup>Although in some countries the government itself can ask for a confidence vote, which does not require an alternative government to be named in the motion.

<sup>4</sup>Sources are divided on the question whether Belgium requires an absolute majority for investiture (Sieberer, 2012) or not (De Winter and Dumont, 2003, 259).

demonstrated with at least a relative majority.<sup>5</sup> Still, the distinction between different removal rules is important both in the debate on what type of governments are formed as well as the debate on parliamentary powers.

Essentially table 2 suggests that the difference between 'positive' and 'negative' parliamentarism can be understood as the way in which the relationship between parliament and cabinet is structured. The 'positive' type is characterized by relatively demanding requirements for investiture as well as removal. This means that cabinet has explicitly win the trust of parliament, but then is assured that this trust cannot so easily be removed. Countries like Germany, Hungary and Poland are good examples of this logic. Under the 'negative' type, winning (or rather not losing) investiture is relatively easy, but the cabinet is also quite easily removed. This logic is most clear in Austria, Denmark, the Netherlands and Norway.

In Gerring's (1999) terms, adding removal rules to the conceptualisation of positive and negative parliamentarism, somewhat decreases its *parsimony*, but increases its *differentiation*. As the negative versus positive parliamentarism distinction is usually framed in terms of the question whether the government formation/inauguration rules are formulated in positive or negative terms, adding removal rules to our understanding of parliamentarism makes this definition less clear-cut (*parsimonious*). On the other hand, if we define parliamentarism not just based on cabinet investiture rules, but also cabinet removal rules, we are better able to deal with cases like the Netherlands. Although no formal investiture vote is held there, the relatively flexible removal rules (relative majority vote), compensate a lack of parliamentary power over government formation. This helps to solve Bergman's problem how to classify the Netherlands.<sup>6</sup>

## Field utility

The last issue concerns the *field utility* of the distinction between positive and negative parliamentarism. Concepts are only useful in relation to other concepts. In other words, a concept is part of a particular *field*. With regard to parliamentarism we can, in fact, distinguish between three fields in which the concept is useful. First, the government formation literature. Bergman (1993) introduced the concept in this field because of the puzzle of minority government. As coalition theory traditionally assumed that governments needed majority support in order to be formed, the concept of negative government formation rules helped to explain why minority governments are a regular occurrence in some countries (Bergman, 1993b, 55). The utility of the concept is quite clear here as well as the theoretical contribution. Still, one might argue that there are other dimensions of parliamentarism that help to explain the type of government that is formed, such as the maximum number of rounds of investiture votes, whether the investiture vote focuses on the appointment of a prime minister/cabinet (*ex ante*) or the inauguration of the cabinet and assent to its programme (*ex post*) (Cheibub et al., 2013; Sieberer, 2012).

<sup>5</sup>Remember, that the explicit negative investiture rule was  $Y + A > N$ . Similarly an explicit negative removal rule would be  $N + A > Y$  (no-confidence is passed unless an absolute majority votes in favour of the government), but this is never used.

<sup>6</sup>Note that authors who classified the Netherlands as a case of negative parliamentarism (or lack of investiture) in fact had the same problem, but did not explicitly discuss it.

As noted above, parliamentarism also plays a role in two other fields. The type of government formation rules can be seen as an aspect of the power parliaments hold. This approach is taken by Bergman et al. (2003) who analyse the 'chain of representation from voters to policy'. Using the principle-agent framework, they study the transfer of power from voters to (party) politicians in parliament, who in turn are the principals of the cabinet. They distinguish between *ex ante* and *ex post* control mechanisms. The former relate to the way in which parliament selects the cabinet, in which the government formation rules are an important factor. The latter refers to checks on the government after the principal-agent relationship has started, for example the possibility to remove the government. A similar distinction is made by Sieberer (2011), who distinguishes between four dimensions of parliamentary institutional power: direct policy influence, *ex ante* selection, *ex post* control and committee power.

Conceptually, one might ask whether government formation rules are simply an important part of *ex ante* controls of parliament over the government or that the concept of parliamentarism should be conceived somewhat broader. I argued above that when considering the type of parliamentarism, both investiture rules as well as removal rules should be considered. Therefore, the distinction between positive and negative parliamentarism, while mainly relating to *ex ante* selection, also refers to some aspects of *ex post* control. Secondly, the reason to distinguish between parliamentarism (defined as the rules by which parliaments control the appointment and removal of governments) from other (*ex ante* selection) powers is that these rules are *central* to the parliamentary system: they essentially *define* the system. Therefore it makes sense to treat those rules separately.

If we think of parliamentarism as *the rules by which parliaments control the appointment and removal of governments* we should explore empirically how these rules relate to other aspects of parliamentary power, such the extent to which it is involved in policy making (direct policy influence), *ex ante* selection of other actors than the government (Ombudsman, judiciary, national audit office), as well as other *ex post* control mechanisms (parliamentary questions, interpellations). Earlier work has considered this relationship empirically, but only looks at the presence or absence of an investiture vote (Siaroff, 2003; Sieberer, 2011).

Third, the concept of parliamentarism connects to the literature on classifications of democracy. Lijphart's (2012) typology of democracy uses two dimensions: the parties-executive dimensions, which relates to the type of electoral system, party system and dominant type of government, as well as the federal-university dimension, which distinguishes between federalized and unitary systems. The concept of parliamentarism provides a separate dimension. Of course, it relates only to parliamentary, not presidential systems. But other than that, both positive and negative parliamentarism can be majoritarian (France versus United Kingdom), unitary (Sweden versus Finland), consensual (Netherlands versus Belgium) or federal (no cases in Europe).

There are, however, theoretical links between particularly the executive-parties dimension and parliamentarism. One aspect of that dimension is the relationship between parliament and government. Lijphart looks at the parliamentarism-presidentialism distinction as well as the type of cabinet that is formed (e.g. one-party minimal winning, minimal winning coalition,

minority, oversized). He argues that oversized and minority cabinets, although quite different in their composition, share a consensual trait: in both cases there has to be cooperation either in a broad coalition or in parliament between opposition and government. Therefore, he treats oversized and minority governments as more *consensual* while minimal winning cabinets (in which every coalition party is necessary to achieve a parliamentary majority) are seen as more *majoritarian*. While this makes sense from Lijphart's perspective, it somewhat complicates the relationship between negative/positive parliamentarism and Lijphart's executive-parties dimensions. On the one hand, one might argue that negative parliamentarism is somewhat easier in *majoritarian* democracies in which the plurality party usually achieves a parliamentary majority. If there is a majority party in parliament, investiture is rather a formality and can be done without. If a multitude of coalition governments is possible, the rules by which a coalition are formed are potentially more important. On the other hand, negative parliamentarism has been recognized as a factor that increases the likelihood of minority government, a characteristic of *consensus democracy*.

We might be able to resolve this complication by pointing out that Lijphart's classification does not, in fact, look at the rules of government formation (nor removal rules), but rather to the type of governments that are formed as well as the durability of those governments. In this literature, the concept of (negative and positive) parliamentarism is useful in distinguishing between the *rules* of formation and removal as well as the *practice* of which type of governments are formed. Negative/positive parliamentarism and Lijphart's executive-parties dimensions are thus conceptually distinct. The empirical relationship between the two dimensions will be explored below.

## Conclusion

The distinction between negative and positive parliamentarism has a strong potential for a better understanding of executive-legislative relations, even beyond what has been done before. In terms of the concept, it is most fruitful to go beyond the simple positive/negative dichotomy operationalized as the requirement to win an investiture vote. Instead we can conceptualise the type of parliamentarism as *the set of rules by which parliaments control the appointment and removal of governments*. We can distinguish between the *positive type* where governments are invested by an absolute majority and not easily removed and the *negative type* in which investiture is granted unless a majority objects or removes the government by a no-confidence vote after investiture. Rather than thinking about positive and negative parliamentarism as a simple dichotomy, we should take the voting rules (absolute majority, relative majority, not an absolute majority against) into account. Moreover, conceptualising parliamentarism in this way allows us to take various aspects of investiture and removal rules into account, such as the number of candidates, who proposes the candidate(s), the timing of the vote, the number of rounds voted on and other possible limitations on the power of parliaments regarding investiture and removal.

## Parliamentarism, legislative power and democratic typologies

To fully grasp the usefulness of parliamentarism as a separate characteristic of parliamentary power and political systems, one needs to look beyond the conceptual discussion and look at empirical relationships as well. If we find that empirically parliamentarism is associated very highly with other aspects of parliamentary power and the political system, then its potential for explaining variation in political behaviour and institutions is small. We could say that the added value of parliamentarism would be relatively low. If, however, parliamentarism is not associated with these other characteristics of parliaments and political systems, parliamentarism as a concept could bring something new to the table. First I will shortly discuss various ways to measure (positive versus negative) parliamentarism. After that I will consider its empirical relationship with indicators of parliamentary power as well as alternative characteristics of political systems in 29 European democracies (the EU-28 minus Cyprus, Norway and Iceland).

### Operationalizing parliamentarism

Most empirical studies use a simple dichotomy to operationalize positive versus negative parliamentarism: all countries without investiture votes are characterized as negative, as are countries in which the government is required not to lose an investiture vote by an absolute majority. All other countries, requiring some kind of majority (relative, absolute or even plurality) are classified as 'positive' (Bergman, 1993a; Strøm et al., 2010; Golder, 2010; Conrad and Golder, 2010; Sieberer, 2011).<sup>7</sup> Other analyses have looked at multiple aspects of investiture and removal, although these have not explicitly linked this to the concept of (positive and negative) parliamentarism (De Winter, 1995; Bergman et al., 2003).

The conceptualisation of parliamentarism as the set of rules by which parliaments control the appointment and removal of governments is most closely operationalized by Sieberer (2012), who distinguishes two dimensions: the Electoral Powers Index and the Removal Powers Index. The former refers to parliamentary powers regarding the appointment of governments and incorporates agenda setting power, the number of admissible candidates, the majority requirement and the voting method (open or secret). The latter is based on the type of no-confidence motions (constructive or not), majority requirement, voting method and whether individual ministers can be dismissed. Whereas each of these characteristics makes sense from a theoretical perspective, some of the choices in the index construction are (necessarily) rather *ad hoc*. In particular, it is not evident how different aspects of the investiture and removal rules should be weighted: is the difference between having one or (potentially) more candidates more important than the difference between an absolute or a relative majority? While Sieberer does discuss his choices, they might remain somewhat arbitrary, as he himself admits.

I will use the simple ordinal measures of the voting procedure used for appointment and removal of governments as a measure of parliamentarism. The voting procedures are most

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<sup>7</sup>Siaroff (2003) uses a three-fold classification: 0 for no investiture vote, 1 for investiture votes under negative rules and 2 for investiture votes under positive rules. The middle category is only used for Sweden, not for Portugal (the reason is unclear).

closely connected to the original formulation of ‘positive’ and ‘negative’ types of rules; as I discussed above, Bergman (1993b) outlined various voting rules in his exploration of the concepts. This does not mean that other aspects of the rules by which parliaments control the appointment and removal of government are irrelevant, but focusing on the core rules gives a good idea of the differences between countries while avoiding problems of weighting different aspects.

In practical terms, there is a strong association between Sieberer’s measurements and mine (see Figure 1). In terms of investiture, Germany is a bit of an outlier on the EPI, because it allows multiple candidates as well as election by secret ballot. The United Kingdom is classified as a case of negative parliamentarism by Sieberer (no investiture vote), whereas I would argue with Cheibub et al. (2013) that there is actually a relative majority vote after the Debate on the Address on the Speech from the Throne that marks the start of a new cabinet. While the Electoral Powers Index is somewhat more fine-grained because it includes more aspects, there is a strong correlation (Kendall’s  $\tau_b = -0.68$ ,  $p < 0.001$ ) between the EPI and Investiture Voting Rules (IVR).<sup>8</sup> The same is true for Removal Voting Rules (RVR) and the Removal Powers Index (RPI), which has a Kendall’s  $\tau_b$  of 0.81 ( $p < 0.001$ ).<sup>9</sup> The RPI shows some differences with the RVR because it includes an indicator measuring whether individual ministers can be dismissed. While the issue of dismissing individual ministers is a relevant characteristic from the perspective of the study of parliamentary power, that question is in fact less important from the perspective of parliamentarism, which relates to the relationship between parliament and the cabinet as a whole.

## Parliamentarism and legislative power

How do investiture and removal rules relate to other aspects of parliamentary power? Sieberer (2011) analyses the powers of 15 European democracies and inductively finds four dimensions of legislative power using an exploratory factor analysis: (1) direct policy influence, (2) ex ante selection, (3) ex post control, (4) committee power. Parliaments with high scores on the first dimension are able to control their own agenda, the committee timetable, resist curtailing the debate and have strong legislative budgeted institutions (Döring, 1995). The ex ante selection refers to positive parliamentarism, parliamentary freedom of choice (PFCI) and incentives to constrain (ICI). The PFCI indicates for a range of appointments to high offices, the degree of choice parliaments have in the matter, ranging from no say in it at all (low), to being able to nominate and vote on multiple candidates (1). The ICI is derived from this: it multiplies the PFCI values by 1, 1.5, and 2 for simple majority, absolute majority and qualified majority requirements respectively. As these are factors that relate strongly to the measurement of parliamentarism used in this paper, we would expect at least a degree of similarity. Note, however, that the PFCI and ICI refer to multiple offices (cabinet/PM, head of state, constitutional judges,

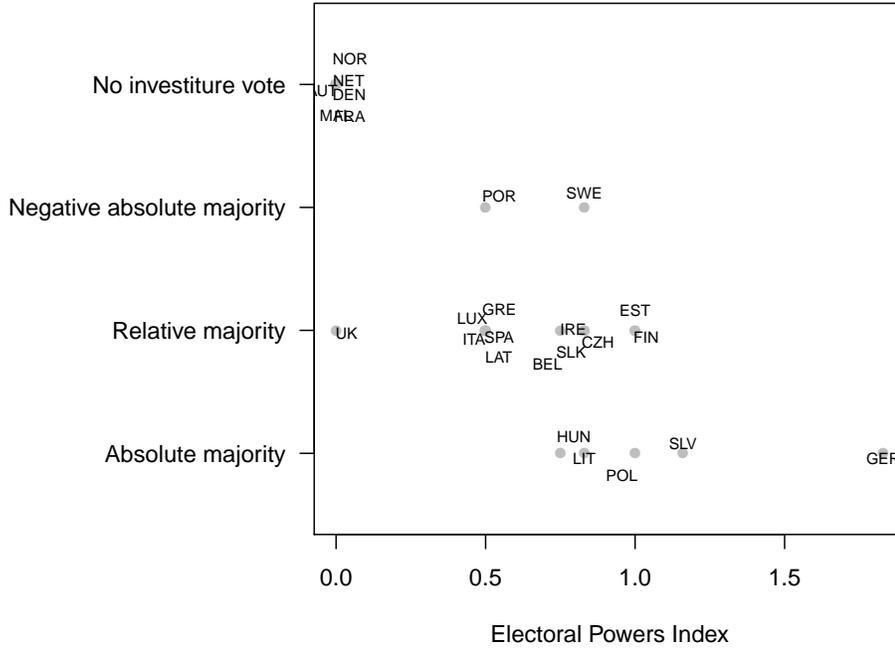
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<sup>8</sup>I do report significance levels, but these would only make sense if one would be willing to treat the current sample as a random selection, which is a problematic assumption. Still, we should be careful about inferring too much from the Kendall’s tau-b measures below 0.3 as our analysis only contains 29 cases.

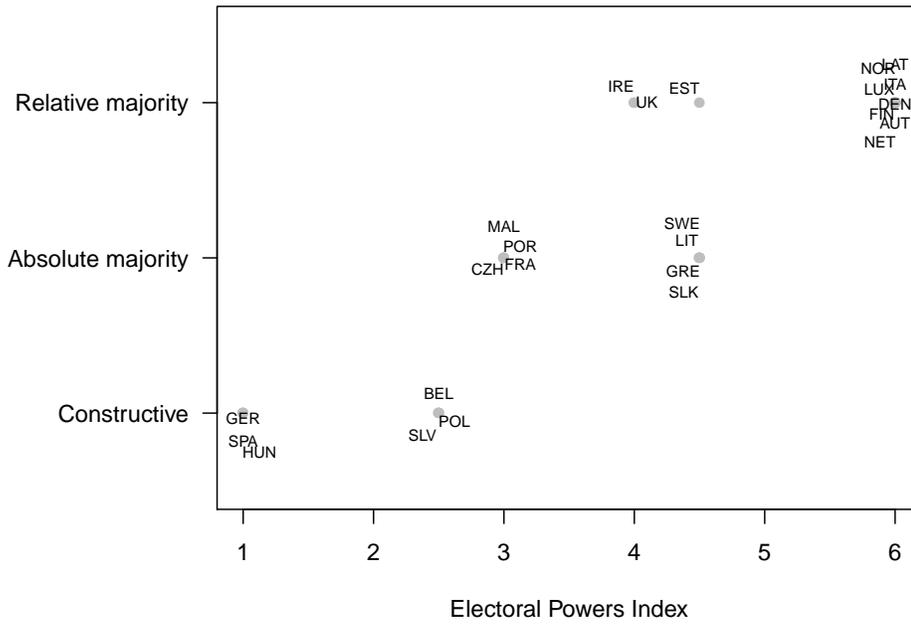
<sup>9</sup>If we remove the case of the UK, which is classified differently by Sieberer, Kendall’s  $\tau_b = -0.71$  for IVR-EPI and Kendall’s  $\tau_b = 0.85$  for RVR-RPI.

Figure 1: Association between voting rules and Sieberer's power indices

(a) Investiture Voting Rules (IVR) and Electoral Powers Index (EPI)



(b) Removal Voting Rules (RVR) and Removal Powers Index (RPI)



heads of audit institutions and the Ombudsman). Sieberer's third dimension, *ex post* control, refers to control powers over the cabinet. The fourth grasps committee and question powers, although this factor is relatively weak, as Sieberer notes (2011, 745).

As Sieberer's four dimensions are the product of a varimax-rotated explanatory factor analysis, we should expect that our measures of investiture and removal rules relate strongly to Sieberer's *ex ante* selection dimension and not so strong to any of the other three. Indeed, the Investiture Vote Rules (IVR) correlate strongly to the *Ex Ante* Selection dimension, which is not surprising since the latter partially includes the same indicators. More interesting is probably a lack of correlation with *Ex Post* Control and Committee Powers and the only modest correlation with Direct Policy Influence. This suggests that as far parliamentarism is empirically related to legislative power, this does not hold for all aspects of parliamentary power. A similar thing can be said for Removal Vote Rules, which correlates only quite modestly with *Ex Ante* Selection and Committee Powers and not with the other indicators. Moreover, parliaments with strong committees, tend to have higher majority requirements for removing the government. Therefore, Removal Vote Rules seem to balance rather than to reflect other parliamentary powers: parliaments that can relatively easily dismiss the government tend to be relatively weak in terms of *Ex Ante* Selection and Committee Powers.

If we look more specifically into the relationship between investiture and removal vote rules and *Ex Ante* Selection powers, a moderate to strong correlation is visible between the Parliamentary Freedom to Choose Index and both Investiture as well as Removal Vote Rules. Parliaments with less demanding Investiture Vote Rules tend to score lower on the PFCI and ICI. Similarly, parliaments with low thresholds for a no-confidence motion, tend to score lower on the PFCI and ICI. This suggests that positive parliamentarism is associated with more *ex ante* selection powers, at least in the 15 countries in Sieberer's (2011) analysis. Part of this might explained by the fact that the PFCI and ICI include the way in which the cabinet/PM is selected, which is, as we saw above, strongly related to the Investiture Vote Rules. We can avoid this by looking at the Incentives to Constrain Index for four specific institutions across 25 European countries (Sieberer, 2013). For Constitutional Judges and the Central Bank Director, the Incentives to Constrain Index is moderately strongly related to the IVR and, somewhat weaker, the RVR. This is, however, not the case for the Head of the Audit Institution and the Ombudsman. Most parliaments have a considerable say in the election of these officeholders, irrespective of Investiture Vote Rules.

All in all, we observe a moderate to strong relationship between positive parliamentarism in the form of high-threshold Investiture Vote Rules and low-threshold Removal Vote Rules and parliamentary powers to appoint other office holders. The relationship with other aspects of legislative powers is, however, quite weak. Parliaments with negative as well as positive parliamentarism can have high or low levels of direct policy influence, *ex post* control and committee powers (see also Siaroff, 2003). If we wish to explain parliamentary behaviour and outcomes it is, therefore, important to take these diverse aspects of parliamentary power into account.

Table 3: Correlations between parliamentarism and legislative power

	Investiture Vote Rules	Removal Vote Rules	N
Direct Policy Influence	0.33	0.02	15
Ex Ante Selection	-0.58*	-0.21	15
Ex Post Control	-0.03	-0.02	15
Committee Powers	-0.06	-0.26	15
Parliamentary Freedom to Choose Index	-0.29	-0.25	15
Incentives to Constrain Index	-0.49*	-0.55*	15
ICI: Constitutional Judges	-0.42*	-0.35 <sup>†</sup>	17
ICI: Central Bank Director	-0.44*	-0.21	25
ICI: Head of Audit Institution	-0.01	-0.16	25
ICI: Ombudsman	-0.05	-0.39*	23

Note: Kendall's tau-b correlations (<sup>†</sup> $p < 0.1$ , \* $p < 0.05$ ).

For the IVR, low values indicate a large majority requirement of investiture ('positive parliamentarism'), high values indicate no investiture vote ('negative parliamentarism'). For the RVR, low values indicate a large majority requirement for no-confidence motions, higher values a smaller majority requirement. The first six measures are from Sieberer (2011), the other four from Sieberer (2013). The former has measurements for the EU-15 (excluding Luxembourg, including Norway), while the latter presents data on the EU-25 (excluding Cyprus, as it is presidential, including Norway). The number of observations for the last four measurements varies according to the presence of the institution; where constitutional judges and central bank directors are appointed by a third party, these have been awarded an ICI of 0.

## Parliamentarism and democratic typologies

If we broaden our scope further, we might argue that parliamentarism is a characteristic of government forms, such as electoral systems, dominant cabinet type, and federalism. Lijphart (2012) has argued that many of these characteristics can be summarized by two dimensions: the executive-parties dimension and the federal-unitary dimension. Of course, there are other typologies of democracy against which we could compare parliamentarism, but Lijphart's typology seems to capture the dimensions that are most often used.

Empirically there is only a relatively weak connection between Lijphart's dimensions and our two measures of parliamentarism (see table 4). For Investiture Vote Rules the correlation is (virtually) non-existent, while for Removal Vote Rules there is a weak Kendall's tau. The more consensual countries seem to require smaller majorities for government removal, while more federalized systems seem to require larger majorities or even a constructive motion of no-confidence. There are, however, quite a few exceptions to this pattern (for example federal Austria requiring only a relative majority, majoritarian UK requiring only a relative majority), as one would expect with these weak correlations.

These figures relate to the 17 countries included in Lijphart's analysis, which mainly excludes countries in Central and Eastern Europe. We can use Gallagher's Index of Disproportionality and the Effective Number of Parties as proxy measurements for the Executive-Parties Dimension, so we can study these associations in almost all of the countries. The patterns hardly change: the Removal Vote Rules are not related to either indicator, while there is a weak correlation between Investiture Vote Rules and the Index of Disproportionality, which seems

Table 4: Correlations between parliamentarism and characteristics of democratic systems

	Investiture Vote Rules	Removal Vote Rules	N
Lijphart's Executive-Parties Dimension	0.06	0.27	17
Lijphart's Federal-Unitary Dimension	0	-0.25	17
Gallagher's Index of Disproportionality	-0.28 <sup>†</sup>	-0.12	28
Effective Number of Parties	0	0.06	28

Note: Kendall's tau-b correlations (<sup>†</sup> $p < 0.1$ ,  $*p < 0.05$ ).

For Measurement of IVR and RVR, see the note to table 3. Lijphart's dimensions relate to the 1981-2012 period (Lijphart, 2012), the other measures relate to the latest parliamentary election available in the ParlGov database (Döring and Manow, 2012).

to stem from the fact that all of the countries without investiture votes, have very proportional electoral systems (with the notable exception of France).

The main message here is that parliamentarism relates only weakly to the existing types of democracy as summarized by Lijphart. This implies that the distinction between positive and negative parliamentarism potentially has to add something in explaining different outcomes in terms of political (party) behaviour and policy (Cheibub et al., 2013).

## Conclusion

Despite the fact that the concept of 'negative' and 'positive' parliamentarism has been used for more than 20 years, its conceptual discussion has not very often extended beyond Bergman's (1993a; 1993b; 1995) original analysis. Recently, interest in broadening the application of the concept has increased (Cheibub et al., 2013, see also the other papers presented during this workshop). This paper tried to provide a conceptual and empirical exploration and aggregation of some of the issues that hitherto had been dealt with in a fragmented fashion.

In conceptual terms, my main conclusion is that it is useful to go beyond the dichotomy of 'negative' and 'positive' parliamentarism. We can define parliamentarism as *the rules by which parliaments control the appointment and removal of governments*. This extends beyond the traditional dichotomy in two main ways. Firstly, we focus not only on the appointment of the government, but also its removal. This point has been made before by De Winter (1995) and applied by Sieberer (2012), although many recent analyses still use the simple dichotomy. Secondly, rather than *only* looking whether rules are formulated in a 'positive' or 'negative' way, we should look at multiple characteristics of the rules that govern government appointment and removal. In this paper, I have focused on voting rules in terms of the majorities required, but other characteristics can also be taken into account (Cheibub et al., 2013; Sieberer, 2012).

Parliamentarism thus defined and operationalized in terms of Investiture Voting Rules (IVR) relates moderately to strongly to other parliamentary powers of appointment (Ex Ante Selection), but not to other dimensions of legislative power. This confirms earlier work by Siaroff (2003) and Sieberer (2011). Additionally, I find that Removal Voting Rules (RVR) do not relate to Sieberer's Ex Ante Selection dimension, but they do strongly relate to his Incentives

to Constrain Index (ICI). All in all, I find that 'positive' parliamentarism is related to a bigger say in the selection of office holders by parliaments, but not to other aspects of parliamentary power.

Parliamentarism also has potential in the broader debate on the type of democracy: I find virtually no association between parliamentarism and the two dimensions of Lijphart's typology of democracies. As institutional explanations relating to electoral systems or federalization do not always (fully) explain cross-national differences in parliamentary behaviour and policy outcomes, parliamentarism offers an additional institutional characteristic that might help us to explain these patterns.

It would be helpful if further work on the concept of parliamentarism could focus on its operationalization, especially ways in which we can include multiple characteristics of parliamentarism in the measurement of investiture and removal rules, such as the number of candidates, who nominates them, voting rounds, the type of ballot and the timing of the vote. In particular, we should think about how we weight these various characteristics in operationalizing parliamentarism. Secondly, we should try to extend our measurements to countries outside of Europe, so our analyses do not depend on a handful of cases (some good examples are Cheibub et al., 2013; Sieberer, 2012, 2013) . Lastly, current work in this area focuses on the formal rules of investiture and removal, while the way in which rules work in practise is often equally important. Formal rules are the starting point of analysing parliamentarism, but we should aim to go beyond them.

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