

# Executive-Legislative Relations

Marek Rybar, PhD.

Comparative Perspectives, Winter 2018

# Normative basis of democratic government

- 1. governing must be linked to elections
- 2. government is constrained by constitutional limits (vertical and horizontal accountability)
- Government in representative democracies may take several forms, the most common are presidentialism, parliamentarism and semi-presidentialism

# Parliamentarism

- Is a system in which:
- 1. there is a head of government distinct from the head of state; the head of government is elected by the parliament is accountable to it
- 2. the terms of the executive and of the parliament are not fixed, they are mutually dependent

# Parliamentarism

- The executive without a parliamentary support will normally resign; the cabinet often has the power to dissolve the parliament and to call for new parliamentary elections
- "an almost complete fusion of executive and legislative powers"; members of the executive are typically recruited among the most senior members of parliament, i.e. they simultaneously hold positions in the two bodies

# Presidentialism

- Is a system where
- 1. president is simultaneously the head of government and the head of state, s/he is directly elected; and
- 2. the terms in office of the president and the parliament are fixed and not connected (a system of mutual independence)

# Presidentialism

- The executive led by president cannot dissolve the legislature and call the new elections; the legislature may not remove the president
- Presidentialism is a system of mutual independence of the two branches of power
- Members of parliament may not simultaneously hold executive positions (strict separation of powers)

# Semipresidential systems

- It is the arrangement with a president directly elected for a fixed term, AND with a prime minister and his/her cabinet accountable to the parliament
- Originally, M. Duverger (1980) also added that the president had to have “quite considerable powers”, this feature is now abandoned in favour of a purely institutional understanding of the concept

# Directorial form of government

- It exists only in Switzerland
- The executive (the so-called Federal Council) is composed of seven persons, each of them individually elected by a joint decisions of the two chambers of parliament
- The term of the Federal Council is fixed, it overlaps with the term of the parliament
- However, it is not accountable to the parliament and cannot be voted out of the office

# Directly elected Prime Minister

- A short-lived system that existed in Israel between 1996 and 2003
- Prime Minister was directly elected by all voters in a majority runoff system (simultaneously with parliamentary elections)
- the PM and his government was accountable to Parliament, in case of successful no confidence motion, early elections were to be held

# Differences among parliamentary systems

- The extent to which parliament is “rationalized” is the key explanatory factor:
- How difficult de facto is it for the parliament to pass a vote of no confidence to the cabinet
- To what extent does the government control the parliamentary agenda?
- How difficult is it for MPs to submit “private member’s bills”
- It all depends on the so-called party discipline

# Single-party majority cabinets

- The UK as the classic example
- With an absolute majority in the House of Commons, cabinet formation is straightforward, since party discipline is imposed (a CP majority of 330 out of 650 seats in 2015 elections)
- The opposition forms a shadow cabinet, a future government-in-waiting, and hopes to win the next parliamentary elections

# Single-party majority cabinets

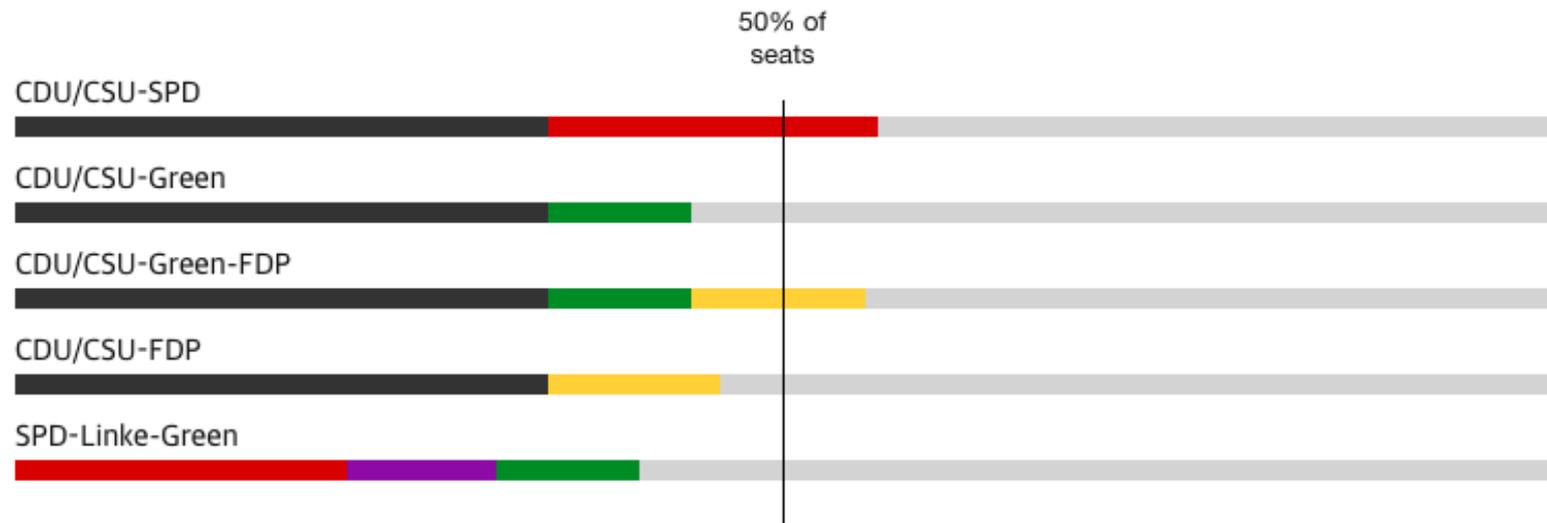
- The norm of collective responsibility, a uniquely British doctrine: all members of the cabinet must support the official line
- In a vote of no confidence, MPs vote along strictly party line (the role of party whip)
- The executive is not omnipotent: it must contend with powerful interest groups outside parliament and must also consider the wishes of party backbenchers

# Minimal-winning cabinets

- In most parliamentary systems, no party controls a parliamentary majority
- One possibility is to form coalition government with as many parties cooperating as are necessary to form a coalition to attain a majority in parliament
- Germany after 2017 elections: CDU/CSU 246, SPD 153, AfD 94, FDP 80, the Left 69, the Greens 64, out of 709 parliamentary seats
- 355 seats needed to form the MWC

# Possible Alternatives

## Possible coalitions



Electoral arithmetic in 2013 forced Angela Merkel into a grand coalition with the second-biggest party, the SPD social democrats. This time she may have one other option, a 'Jamaican flag coalition' of the CDU, centre-right liberals the FDP, and the Greens.

## Minimal-winning cabinets

- SPD initially announced it would not enter any new government
- The Left and especially AfD not considered acceptable parties to govern
- Coalition talks between CDU/CSU, FDP and the Greens (390 seats combined) failed due to policy differences
- Eventually, a fourth government led by A. Merkel and consisting of CDU/CSU and SPD was formed, controlling 399 out of 709 seats

# Oversized cabinets

- Include more parties than are necessary to attain a parliamentary majority
- Switzerland: four largest parties form a 7-member Federal Council and divide the seats along the so-called “magic formula” 2:2:2:1
- The logic is not that all four parties agree on a common program but rather that all should be represented when the Federal Council makes its decisions
- If no consensus is reached, a majority voting will decide

# Oversized cabinets

- Oversized cabinets are often established when societies are fragmented on religious, linguistic or ethno-regional grounds
- The idea is to allow each group to participate in the political process
- More often created in times of war, during economic crises or in the wake of cataclysmic political events

# Minority cabinets

- When the party (or parties) forming the cabinet does not possess a majority of parliamentary seats
- Frequent in Spain and Scandinavian countries, especially in Sweden, Denmark and Norway
- After the 2014 Swedish elections, a minority coalition government consisting of Social Democrats (113 seats) and the Greens (25)
- It was 37 seats short of a parliamentary majority in a 349-seat parliament

# Minority cabinets

- The government initially failed to pass the 2015 budget but later it stroke a deal with the moderate center-right opposition parties
- They allowed the government to pass the budget in return for concessions regarding immigration and defense policies
- Minority cabinets need to negotiate support in the parliament on an issue-by-issue basis

# Caretaker cabinets

- Sometimes it takes quite a long time for a coalition government to be put together
- In such cases, the old cabinet stays in office as caretaker cabinet
- It handles everyday business but cannot take major initiatives
- Following the 2017 Czech elections, for example, a new minority government was formed but failed to gain a parliamentary vote of confidence
- it stays in office until a new government is formed

# Differences among presidential systems

- Contrast the case of the US presidentialism and many of the Latin American presidential systems:
- Two-party vs. multiparty format
- Strong constitutional prerogatives of the US presidents vs. not-always-so-strong Latin American ones
- Weak horizontal accountability in Latin America vs. strong horizontal accountability in the US

# Differences among semi-presidential systems

- **premier-presidentialism vs. president-parliamentarism**
- Under the **premier-presidential** system, the prime minister and cabinet are exclusively accountable to parliament
- The president chooses the prime minister and cabinet, but only the parliament may remove them from office with a *vote of no confidence*.

# Differences among semi-presidential systems

- The president does *not* have the right to dismiss the prime minister or the cabinet
- Under the **president-parliamentary** system, the prime minister and cabinet are dually accountable to the president and the assembly majority
- The president chooses the prime minister and the cabinet but must have the support of the parliament majority for his choice.

# Differences among semi-presidential systems

- In order to remove a prime minister or the whole cabinet from power, the president can dismiss them or the assembly can remove them by a *vote of no confidence*
- **premier-presidential** system (e.g. Croatia 1992-2000, Russia, Ukraine 1996-2005 and 2010-2014) are usually less democratic than **premier-presidential** system (e.g. France, Poland, Lithuania, Romania)
- A shaky role of the PM and their cabinet is the key reason

# Presidents and multipartism

- in Latin America 1979 - 2006 just two presidentialisms with a two-party system - Mexico and Costa Rica, other countries have multiparty presidential systems:
- party alliances (coalitions) required for the system to function
- president is a *de facto* permanent *formateur*, a person in search of a majority supporting his/her legislative proposals

# Presidents and multipartism

- cabinet seats and other appointments
- "*pork*" and
- *policy* concessions
- often more important than ideology and party identity of parliamentarians who support president's proposals

# Presidents and multipartism

- Coalition-based multiparty presidential regimes succeed if the president
- 1) is constitutionally strong,
- 2) has “goods” to trade in order to attract and keep coalition partners, and
- 3) faces institutionalized and effective checks on presidential actions

# Semipresidentialism

- Since 1990, semi-presidentialism has become the preferred constitutional choice for new democracies
- The prevalent view is that semi-presidentialism is a poor constitutional choice for its inherent potential for **cohabitation**
- the situation where a president from one party holds power at the same time as a prime minister from an opposing party and where the president's party is not represented in the cabinet

# Semiprezidencializmus

- cohabitation is said to be problematic for new democracies, because president as well as parliament-backed prime minister have a democratic mandate
- However, Elgie shows that since 1990 only one semi-presidential democracy has collapsed while experiencing cohabitation – Niger in 1996 and in another case (Guinea-Bissau 2003) there is a link between the „threat“ of cohabitation and the fall of democracy