Investiture and removal of governments: 'positive' and 'negative' parliamentarism

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Abstract The distinction between 'negative' and 'positive' parliamentarism, introduced by Bergman, has gained a wide use in the analysis of parliamentary politics and government formation. It is often used simply as a dummy variable, without much consideration of the features of government investiture rules in various countries. This chapter argues that we need to move beyond the dichotomy of positive and negative parliamentarism. In addition, we should contrast *investiture* rules with *removal* rules. An analysis of investiture and removal voting rules in 29 European democracies shows that most countries balance their investiture and removal rules. Most countries where governments face high thresholds for investiture, also make government removal relatively difficult. Conversely, in many of the countries without investiture votes, government removal requires only a relative majority of votes in parliament. The analysis of shows that investiture and removal rules are distinctive forms of parliamentary power that are best analysed as ordinal scales instead of dichotomies in order to understand their precise impact on governance and parliamentary politics.

Keywords Coalition governments · Investiture vote rules · Removal vote rules · Negative parliamentarism · Positive parliamentarism

Introduction

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

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demonstrated. In some systems parliament has to explicitly show 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 (1993a, 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 form as long as it does not receive an absolute majority of votes against (Bergman, 1993a). 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 cabinet is formed? Bergman (1993a) 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 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. One can regard 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). If we wish to study this broader understanding of parliamentarism we need to carefully examine the concept and its relation to other characteristics of parliamentary systems, such as legislative and control powers (Sieberer, 2011; Strøm et al., 2010).

These questions are partly conceptual and partly empirical. I start out by analysing the concept itself, focusing on the way it has been conceptualised (and operationalised) in the study of government formation and parliamentary politics. In particular I ask what constitutes an investiture vote. I then provide a measurement of investiture voting rules and (government) removal voting rules in 29 European democracies. An analysis of these rules illustrates that these are related to some aspects of parliamentary power but are also complementary. Finally, the chapter shows that it is helpful to operationalize parliamentarism in a more fine-grained fashion than the dummy variables that are often used: an analysis of the types of government formed shows that the dichotomy of 'positive' versus 'negative' parliamentarism only captures part of the variation between systems.

What Is an Investiture Vote?

Many countries in Europe, especially in Eastern Europe, require that there is 'a vote in parliament to demonstrate that an already formed or about the be formed government has legislative support' (Rasch et al., 2015, 3). A clear case is presented by Croatia, where the president proposes the members of the government to parliament. Within 30 days of accepting this mandate, the prime minister has to call for a confidence vote in parliament. Only when this vote is passed, shall the government assume office (Article 110 of the Croatian constitution). The situation is clear as the vote is (a) required (in this case by the constitution) and (b) held before the government officially assumes office.

In some cases the situation is less clear-cut because of the timing of the vote. In a number of countries the government is appointed by the Head of State and officially assumes office *before* a parliamentary (investiture) vote is taken. In Portugal, for example, the constitution states that the president appoints the prime minister (and other ministers), who within 10 days has to present a programme for government to parliament. Upon rejection of that programme, the government has to *resign.* Therefore, the investiture vote is taken when the government is already in office; otherwise it cannot resign. Still, this would generally be regarded as an investiture vote, because it has to take place soon after the government is formed.

Other cases are more difficult to classify because the investiture vote is not required by (constitutinal) law. In Belgium, the prime minister, on behalf of the government, *can* introduce a confidence motion after the presentation of its programme for government. She is not constitutionally required to do so, nor do the parliamentary standing orders specify such a requirement. Still, while strictly optional, every prime minister in Belgium has in fact done so. In the one case where he failed to introduce a new programme for government and hold an investiture vote when two members of the cabinet changed, the opposition qualified this as 'unconstitutional' (De Winter & Dumont, 2003, 263). Therefore, we might interpret the Belgian investiture vote as a mandatory, unwritten constitutional practice.[1] Contrast this with the situation in the French fifth republic, where a similar confidence vote is also optional and has been treated as such by many prime ministers. Therefore, in the French case, we can argue that there is no requirement for governments to hold an investiture vote, not even in practice.

The mandatory nature of investiture votes is also pivotal in the case of the United Kingdom. The UK has generally been described as a case of 'negative parliamentarism' for its lack of an investiture vote. Rasch et al. (2015), however, argue that the vote that is traditionally held at the end of the inaugural Queen's speech debate can

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[1] A similar argument can be made for the Portuguese convention for the opposition to request a no confidence vote upon the presentation of the programme for government, although this is a case of a negative investiture rule (Amorim Neto, 2003, 561).

be regarded as an investiture vote.[2] This vote is, however, tied to the Queen's Speech, not to government election investiture. A confidence vote is not required when a new prime minister takes office, for example when Theresa May took over from David Cameron in 2016 (nor when Liz Truss took over from Johnson nor when Rishi Sunak from her in 2022). Thus not every incoming cabinet in the United Kingdom does in fact have to face the confidence vote that governments formed just after the elections witness.[3]

Therefore, we should conclude that for a vote to count as an investiture vote it has to be faced by every new government, including those formed after prime ministerial turnover. Moreover, the vote should not be optional but required by law or by (strong) convention. It does not matter whether the government is appointed before or after the investiture vote, as long as that vote is bound to take place before or soon after the government takes office.

Beyond the Dichotomy

In almost all work, parliamentarism is presented as a simple negative versus positive dichotomy (Bergman, 1993a; De Winter, 1995; De Winter & Dumont, 2008; Conrad & Golder, 2010; Sieberer, 2011). Is this dichotomous concept able to *differentiate* well enough between cases (Gerring, 1999)? Bergman (1993a, 50; 1995, 46) distinguishes between five different rules regarding government inauguration, ranging from absolute majority support to no investiture vote necessary. I extend this slightly by splitting the absolute majority requirement into the requirement to obtain an absolute majority of *members* supporting the government and the requirement to obtain an absolute majority of *votes*. In the former case absentees count against the government, while in the latter case they are ignored. The difference between achieving an absolute majority of votes and a relative majority is when legislators can abstain from the vote and these abstentions count against the government.[4] We can order the rules in terms of the degree to which parliamentary support is required (Table 1).

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[2] Note that most of the time, the government's own motion has been agreed without a division (Kelso, 2015).

[3] After the 2017 election in which the Conservatives lost their parliamentary majority, some observers discussed the possibility of the Conservatives losing the Queen's speech vote and then Labour forming a government that would not have to face such a vote.

[4] Cheibub et al. (2021) argue that a rule could exist that states that the government has to win less than a majority. They argue that the Greek 1952 constitution provides an example as it would require only a 2/5 majority. The rule was, however, that all parliamentary decisions had to be taken by an absolute majority of *votes* (Art. 56), with the *additional* requirement of at least a 2/5 majority of *members* (Art. 78). Therefore, I do not include this less-than-a-majority rule here.

Table 1 Required majorities in investiture votes

Formation rule	Positive or negative	Rule
1. Absolute majority of members	Positive	$Y > N + A + \text{Abs}$
2. Absolute majority of votes	Positive	$Y > N + A$
3. Relative majority	Positive	$Y > N$
4. Plurality	Positive	$Y_1 > Y_n$ for each option $n \neq 1$
5. Less than absolute majority against	Negative	$Y + A (+ \text{Abs}) > N$
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 in investiture vote, Abs = Absences in investiture vote

The most demanding rule in terms of explicit parliamentary support for the government at the time of investiture is the rule of absolute majority of members support. In this case the supporters of the government, those willing to vote explicitly in support of the government, should outnumber the no-votes, abstentions and absences. Thus, the government has to win the explicit support of a majority *of MPs*. Under the absolute majority of votes, the number of government supporters has merely to be higher than the number of no votes and abstentions. Under relative majority support, the government merely has to win the majority among those voting, ignoring abstentions. 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 count towards the government. Unless the opposition can muster an absolute majority of votes against the government, the latter will win investiture.

Note that effectively the main distinction between rules 1, 2, and 3 in Table 1 is the way absences and abstentions are counted. Under the absolute majority of members support these count against the government, under absolute majority of votes only abstentions count against the government and under relative majority support both abstentions and absences are ignored.

There is one 'positive' investiture rule that is 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 or coalition with, for example, only 35% of the seats might be able to get its prime ministerial candidate elected. In practice, however, this situation has not yet arisen in Germany or, to the best of my knowledge, Finland (Ganghof & Stecker, 2015).

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 investiture than negative rules, for example plurality voting. As this rule has not been used in practice, 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.

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 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 by adopting a no-confidence motion.

The Dutch case (before 2012) presents an interesting example. Bergman (1993a) argues that the Netherlands, while (at the time) 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 (before 2012).

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., 2021; Diermeier & Merlo, 2000; Diermeier et al., 2003; Hazan & Rasch, 2022).[5] 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).

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[5] 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, 2015).

Table 2 Investiture and removal voting rules 1945–2023

		Removal voting rules			
		Constructive motion of no confidence	Absolute majority of members	Absolute majority of votes	Relative majority
		$(Y^* > Y + A)$	$(N > Y + A + Abs)$	$(N > Y + A)$	$(N > Y)$
Investiture voting rules	Absolute majority of members $(Y > N + A + Abs)$	Germany, Hungary, Slovenia, Spain	France 1946–1953, Croatia, Luxembourg 2023–, Romania		
	Absolute majority of votes $(Y > N + A)$	Poland 1997–	Estonia, Greece 1975–, Lithuania, Poland 1992–1996, Slovakia	Bulgaria, Greece 1946–1967	Latvia
	Relative majority $(Y > N)$		Czech Republic, France 1954–1957		Italy, Belgium 1945–1993, Ireland, Luxembourg 1945–2023, Netherlands 2012–, Finland 2000–
	Less than absolute majority against $(Y + A (+ Abs) > N)$	Belgium 1993–	Sweden 1975–, Portugal		
	No investiture vote –		France 1958–, Malta, Sweden 1971–1974		Austria, Denmark, Finland 1945–1999, Iceland, Netherlands 1945–2011, Norway, Sweden 1945–1970, United Kingdom

Note: Voting rules in first round of investiture vote are displayed. Y = Votes in favour of the government (Y^* = Votes in favour of government alternative), N = Votes against the government, A = Abstentions, Abs = Absences

Sources: The constitutions and parliamentary standing orders of the relevant countries and De Winter (1995), Bergman et al (2003), Cheibub et al. (2021) and Sieberer (2015)

The rows of Table 2 contain the five investiture voting rules that are used in practice. In the columns four 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 countries such as 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. Under the third rule a no-confidence motion requires an absolute majority of votes, in which absences are excluded but abstentions count against the motion. Adoption of a no-confidence motion is in principle easiest under the fourth rule, relative majority. This system is used in, among other countries, 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 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.[6] In Romania the rules for investiture and no-confidence votes are the same: both require an absolute majority of members. In some countries it is somewhat easier to invest a government than to dismiss it: Estonia, Greece (after 1975), Lithuania, and Slovakia require an absolute majority of *votes* for investiture, but an absolute majority of *members* for removal. Likewise, in the Czech Republic and France (1954–1957) a relative majority is enough to win investiture, but an absolute majority (of members) is needed to dismiss a government. Countries like Ireland and the Netherlands (after 2012) require relative majority decisions for both investiture and no-confidence votes. All in all, it seems that in a number of 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 four different patterns. There is one country which combines a negative rule of investiture and a constructive motion of no confidence: Belgium. There has been some unclarity regarding the Belgian investiture vote in the literature, but the constitution and parliamentary standing orders specify that the government only has to resign if it loses a confidence vote with a majority of members voting against it (Article 96 of the constitution). Even then, there is a procedure to vote in a replacement prime minister, which makes it a sort of 'constructive motion of confidence'. Effectively the test of investiture in Belgium is merely that no other government can be formed that would be supported by an absolute majority, although in practice politicians refer to

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[6]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.

winning a majority in parliament at the time of investiture (De Winter & Dumont, 2021). Given the complexities of government formation in Belgium, one can understand that the threshold for forming a government is relatively low compared to the threshold for removing it (Van Aelst & Louwerse, 2014). 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. The difference with the Belgian situation is that in Sweden and Portugal the opposition does not have to propose an alternative candidate.

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 systems, 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 demonstrated with at least a relative majority.[7] 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 to explicitly win the trust of parliament, but then is assured that this trust cannot so easily be removed. Countries like Hungary, Poland and Slovenia 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 the clearest in Austria, Denmark, Norway and the United Kingdom.

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[7] 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.

Operationalizing Parliamentarism

Most existing 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, 1993b; Strøm et al., 2010; Golder, 2010; Conrad & Golder, 2010; Sieberer, 2011).[8] 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).

Based on the above discussion, I argue that it is fruitful to move beyond the simple positive/negative dichotomy of 'positive' versus 'negative' parliamentarism operationalized as the requirement to 'win' an investiture vote. Instead we can conceptualize 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.

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 (2015), 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 remain somewhat arbitrary, as he himself admits.

I will use the ordinal measures of the voting procedure used for appointment and removal of governments as a measure of parliamentarism: the Investiture Voting Rules (IVR) and the Removal Voting Rules (RVR). The voting procedures are most

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[8] 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 (1993a) 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.

My analysis of investiture and removal voting rules focuses on 29 European democracies: 27 EU Member States (excluding Cyprus), Iceland and Norway between 1945 and 2016 (or since democratisation, mainly in Central and Eastern Europe). The coding is based on English translations of constitutions and, where applicable, parliamentary Standing Orders as well as existing scholarly sources (De Winter, 1995; Bergman et al., 2003; Cheibub et al., 2021; Sieberer, 2015). Whereas investiture and removal rules are quite persistent over time, there have been changes in some countries, so I have coded the time period for which a particular rule applied. All in all, my dataset has 39 observations[9] for the 29 countries in the period of analysis.[10]

In practical terms, there is a moderately strong association between Sieberer's measurements of parliamentary powers and mine (see Fig. 1). In terms of investiture, Germany is a bit of an outlier on the EPI, because it (formally) allows multiple candidates as well as election by secret ballot. While the Electoral Powers Index is somewhat more fine-grained because it includes more aspects, there is a moderately strong correlation (Kendall's $\tau_b = -0.60$, $p < 0.001$) between the EPI and Investiture Voting Rules (IVR).[11] The same is true for Removal Voting Rules (RVR) and

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[9] In some countries, for example Spain and Germany, different voting rules apply to progressive voting rounds. In Germany, an absolute majority is required in the first two voting rounds, while a plurality is necessary in the third round. In the dataset, I therefore provide two different codings: one based on the voting rule in the first round and one based on the least demanding voting rule. Which one to use depends on the research question at hand and, I would argue, is an empirical question. On the one hand one might argue that one should code the 'least demanding rule' as prospective cabinets might want to 'wait out' the first round(s) of voting when they do not command an absolute majority. As long as they command a relative majority and do not have an absolute majority against them, these governments stand a good chance of being elected in the later voting rounds. This has happened on occasion in Spain. On the other hand, one might expect that countries with different voting rules in different rounds might show a preference for the first round rule to be met. In Germany, for example, the third stage of voting has never been used as governments have been elected in previous rounds. Therefore, my default coding is the first round rule, but I also provide a coding based on the 'least demanding rule'.

[10] Slovenia is a particular case, because there new elections will be called upon if prime ministerial candidates fail to be elected by an absolute majority in the first two rounds of voting; these elections can subsequently be cancelled (within 48 hours) if a relative majority decides to have another vote on the prime ministerial candidate, who may then be elected by a relative majority. As this procedure is much more demanding than 'just' another round of elections, I classify Slovenia as requiring an absolute majority (of members) investiture vote.

[11] 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.
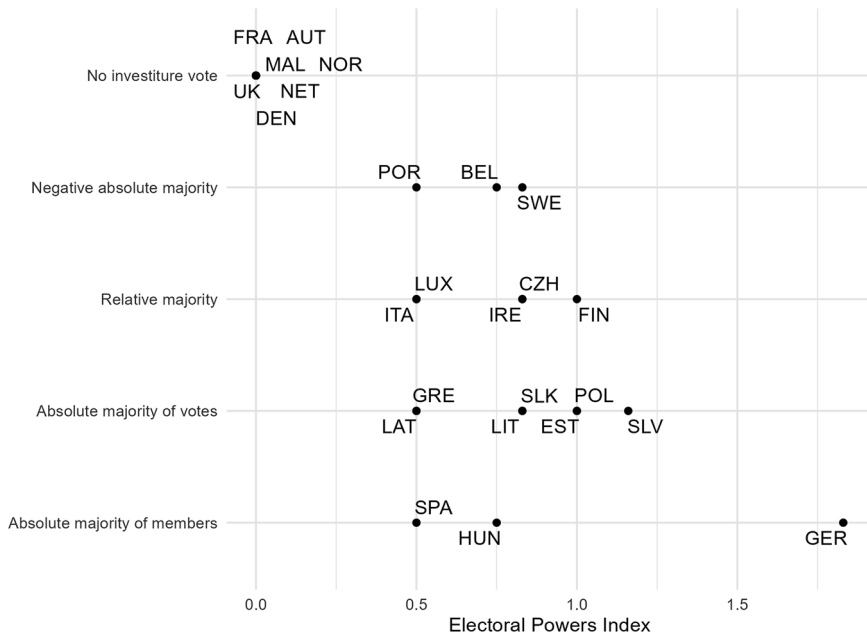
(a) Investiture Voting Rules (IVR) and Electoral Powers Index (EPI)
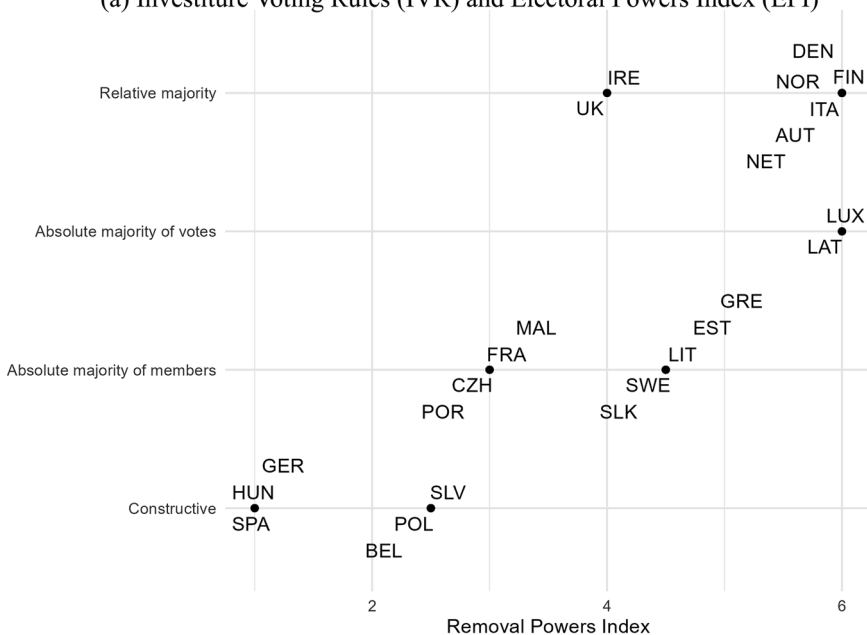
(b) Removal Voting Rules (RVR) and Removal Powers Index (RPI)

Fig. 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). (*Note*: Analysis uses one observation per country, the closest year to 2006, which was the year for which Sieberer observed his data)

Sieberer's Removal Powers Index (RPI), which has a Kendall's τ_b of 0.77 ($p < 0.001$). 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 does parliamentarism relate to other measures of legislative power? 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 refer 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).

Sieberer (2011) analysed 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 budget 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 chapter, 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, 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 strongly to any of the other three (see Table 3). 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 (and not significantly) 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 (see Table 3). 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.

Table 3 Correlations between parliamentarism and legislative power

	Investiture vote rules	Removal vote rules	N
Direct Policy Influence	0.22	0.02	15
Ex Ante Selection	−0.63*	−0.21	15
Ex Post Control	−0.03	−0.02	15
Committee Powers	−0.07	−0.26	15
Parliamentary Freedom to Choose Index	−0.35[†]	−0.25	15
Incentives to Constrain Index	−0.64*	−0.55*	15
ICI: Constitutional Judges	−0.36[†]	−0.38[†]	17
ICI: Central Bank Director	−0.37*	−0.24	25
ICI: Head of Audit Institution	−0.06	−0.20	25
ICI: Ombudsman	−0.21	−0.34[†]	23

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

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 the RVR. This is, however, not the case for the Head of the Audit Institution. The Ombudsman is related only to the Removal Vote Rules. 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 high-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.

Investiture Voting Rules and Government Formation

The importance of looking beyond an investiture dummy variable is illustrated here by comparing such dummy coding to a more detailed measure of investiture voting rules based on the coding proposed in this chapter. One of the central arguments

regarding the consequences of investiture voting rules is the question of what type of government is formed, particularly the share of minority governments formed (Bergman, 1993a, b; Mitchell & Nyblade, 2008). The argument is that countries with negative parliamentarism allow for the (easier) formation of governments supported by a parliamentary minority. To assess the impact of coding investiture rules using a dummy variable or a scale, I will compare the use of dummy variables to the ordinal scale presented in this article. This analysis is based on 283 cabinets from the European Representative Democracy Data Archive (ERD) dataset (Andersson et al., 2014); this selection includes partisan, post-election cabinets in situations where no single party controlled an absolute majority of seats.

Figure 2a presents the results of a logistic regression that uses a dichotomous 'positive parliamentarism' variable as its explanatory variable. The result supports the assertion that minority cabinets are more common under negative parliamentarism (also see Table 4). In systems with negative parliamentarism a minority cabinet was formed 41% of the time, compared to only 26% of the time in systems with positive parliamentarism ($p = 0.01$). This confirms previous analyses regarding government formation in Western Europe (Bergman, 1993b; Mitchell & Nyblade, 2008).[12] Cheibub et al. (2015) argue that the main distinction is not between 'positive' and 'negative' forms of investiture, but rather between systems with and without an absolute majority requirement. Using this indicator (see Fig. 2b), I indeed find a statistically significant difference in the prevalence of minority cabinets: 23% minority cabinets formed under absolute majority (of seats or votes) requirements against 37% of minority cabinets under less demanding rules ($p = 0.03$). However, both dichotomous measures hide relevant differences between various investiture voting rules.

The more fine-grained Investiture Voting Rules provides a better picture of the prevalence of minority cabinets according to various investiture rules. Figure 2c shows the results of a logistic regression that uses Investiture Voting Rules to explain whether a minority cabinet was formed.[13] To limit the number of categories I collapsed the 'absolute majority' voting rules as the incidence of minority cabinets was very similar in the two of them.[14] We see that under systems that require an absolute

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[12] When controlling for a 'continuation rule' that allows the incumbent coalition to make the first proposal for a new coalition after elections (which effectively amounts to the introduction of a dummy for Scandinavian countries) the effect of 'positive parliamentarism' disappears (Martin & Stevenson, 2001; Martin & Stevenson, 2010).

[13] I used the voting rules in the first round of voting. The findings are quite similar when we would look at the investiture voting rules in the last 'least demanding' round of voting. The main difference is that when including voting in the last round, we would include an additional category of plurality voting; none of the cabinets formed under this rule were in fact minority cabinets, which adds a large amount of variance to the estimation of the model parameters.

[14] One could, of course, add many other explanatory factors to these models. I refrain from doing so here for two reasons. First, my aim is not to explain all variation in minority cabinet formation (see instead the chapter of Strøm and McClean in this volume), but rather to document how different coding of one variable leads to differing results. Second, if we were interested in identifying the causal effect of investiture voting rules, one would need to think very carefully about the variables that need to be controlled for—it would indeed be very difficult to avoid both omitted vari-

(a) Positive parliamentarism   (b) Absolute majority requirement

(c) Investiture voting rules
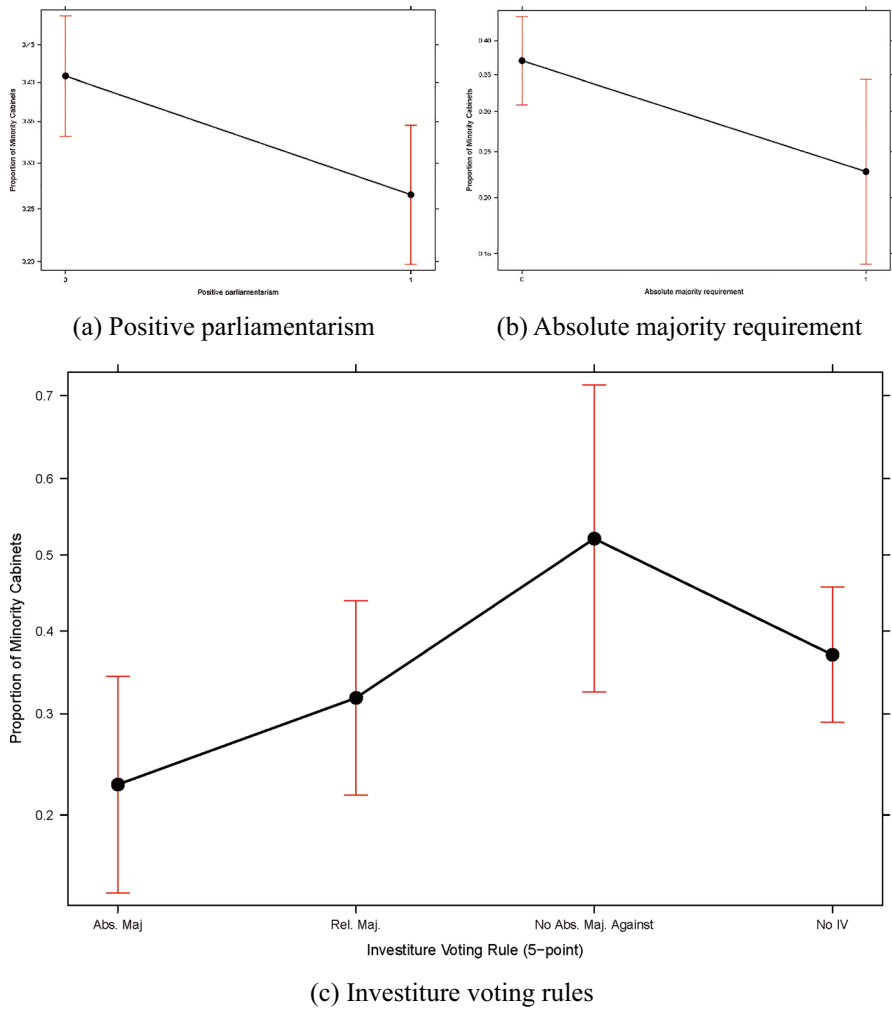
Fig. 2 Investiture Rules and Minority Government. (**a**) Positive parliamentarism. (**b**) Absolute majority requirement. (**c**) Investiture voting rules. (*Note*: predicted probabilities based on logistic regression models specified in Table 4)

majority (of members or votes), minority cabinets were formed 23% of the time, compared to 32% for systems with a relative majority requirement. The highest rate of minority governance is found in systems with a 'negative' investiture rule: 52%. This is markedly higher than cabinets formed that faced no investiture rule (37%).

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able bias as well as post-treatment bias as the causal/temporal ordering of variables is not clear. For example, investiture voting rules could both be imagined to be either a consequence or a cause of the bargaining position of the largest party. Therefore, I limit myself to a simpler correlation analysis.

Table 4 Logistic regression model explaining minority cabinet formation

	Model 1	Model 2	Model 3
(Intercept)	−0.37*	−0.53***	−0.61***
	(0.17)	(0.14)	(0.15)
Positive parliamentarism	−0.65*		
	(0.26)		
Absolute majority required		−0.69*	
		(0.33)	
IVR.Linear			0.65*
			(0.26)
IVR.Quadratic			−0.54
			(0.30)
IVR.Cubic			−0.41
			(0.34)
Log Likelihood	−178.00	−177.75	−176.27
Deviance	355.99	355.50	352.54
Num. obs.	283	282	282

Logistic regression model with standard errors in parentheses
Model 3 uses dummy coding for an ordinal variable with four categories
***$p < 0.001$, **$p < 0.01$, *$p < 0.05$

Thus, the differences *within* the 'positive' and 'negative' categories are almost as large (9% and 15% respectively) as the difference *between* those two groups (15%). Moreover, there are large differences within the group of systems that have a less than absolute majority requirement. Therefore, it makes sense to look beyond the 'positive-negative' or 'absolute majority or less' dichotomies when using investiture voting rules in empirical analyses and take into account the specific voting rules as well.

Conclusion

Despite the fact that the concept of 'negative' and 'positive' parliamentarism has been used for 30 years, its conceptual discussion has not very often extended beyond Bergman's (1993a, b, 1995) original analysis. Recently, interest in broadening the application of the concept has increased (Cheibub et al., 2021; Rasch et al., 2015). This chapter explored conceptual and empirical 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 (2015), although many recent analyses still use the simple dichotomy. The analysis of investiture and removal rules in 29 European democracies illustrates that there seems to be a balance between them. On the one extreme, investiture faces high thresholds, but once in power a cabinet is relatively well protected against removal, for example by the requirement that a constructive motion of no confidence is introduced rather than the confidence simply being taken away. On the other extreme, governments in some countries do not face any (parliamentary) investiture hurdles, but they can often be removed relatively easily by a relative majority vote. While there are deviations from this pattern, there generally is a balance of investiture and removal rules.

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. I focused on voting rules in terms of the majorities required, but other characteristics can also be taken into account (Cheibub et al., 2021; Sieberer, 2015). An analysis of the prevalence of minority cabinets shows that there are important differences within the 'positive' and 'negative' groups: it matters whether the rule is absolute majority or relative majority or whether there is a negative investiture vote or no investiture vote at all.

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.

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., 2021; Sieberer, 2013, 2015). Lastly, current work in this area focuses on the formal rules of investiture and removal, while the way in which rules work in practice 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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