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Parliaments and government termination: understanding the confidence relationship

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ABSTRACT

The core feature of a parliamentary system is not that governments tend to emerge from the legislatures in some way or another, but their political responsibility to this body. While in only *some* parliamentary systems the government needs formal support of parliament in order to take office, in *all* parliamentary systems no government can survive against the will of parliament. The academic literature related to the rules for how governments form is vast. Strikingly, scholars have paid far less attention to unpacking the core institution of parliamentary systems of government – the confidence relationship and the various no confidence procedures. Placing the focus on how the parliament can hold the government accountable, this special issue assesses the larger influences legislative confidence has on executive–legislative relations, and improves our understanding of the ways in which the executive may be challenged or dismissed.

KEYWORDS Parliament; government; government formation; government termination; vote of no confidence

The majority of countries today are democracies, and of them, the largest group is parliamentary. A parliamentary system of government, unlike presidentialism with its separation of powers, is a system where the government – a collective body comprised of a prime minister and other ministers – is responsible or accountable to the parliament.¹ Against the will of parliament, no government can continue; political responsibility implies that parliament at essentially any time may decide to remove or replace the government (Cheibub *et al.* 2014; Przeworski *et al.* 2012). Parliament's ability to terminate the government is the common core of all parliamentary systems.

Some definitions of parliamentary systems of government are slightly broader, as they include formulations about government formation. Lijphart (1984: 68), for instance, emphasises that in parliamentary

democracies ‘executive authority emerges from, and is responsible to, the legislative authority’. Similarly, according to Sartori (1997: 101) parliamentarism requires ‘government to be appointed, supported and, as the case may be, dismissed, by parliamentary vote’. Strictly speaking, these formulations capture positive parliamentarism, which – in contrast to negative parliamentarism – requires some kind of vote in parliament to install the governing coalition.

However, as Laver (2006: 123) stated, ‘Not all parliamentary government systems require formal investiture votes... This is why it is the parliamentary no confidence procedure, not the parliamentary investiture vote, that defines parliamentary government’. In other words, one could contend that of the two main defining characteristics of a parliamentary system of government, the former (government appointment by parliament) is the less relevant. The core feature of a parliamentary system of government is therefore governmental responsibility to the legislature, namely legislative confidence. The empirical evidence confirms this claim: while in only *some* parliamentary systems the government needs formal support of parliament in order to take office, in *all* parliamentary systems no government can survive against the will of parliament (Müller *et al.* 2003).

The academic literature related to the first part of the above definitions, the rules for how governments form, is vast and growing. The literature covers almost every aspect of coalition bargaining, how and why various types of party-based governments form, and their majority status and political consequences. In recent years, authors have outlined in detail the often tremendously complex rules and conventions regulating government formation. This obviously includes *formateur* rules (Bäck and Dumont 2008) and investiture procedures (Bergman 1993; Bergman *et al.* 2003; Cheibub *et al.* 2015; Rasch *et al.* 2015). Likewise, a substantial literature on multiparty governance, coalition management and government survival has emerged (Martin and Vanberg 2011; Strøm *et al.* 1988; 2008; Warwick 1994). These studies deal with government termination in one way or another, and dissolution powers and early elections in particular (Schleiter 2020). Strikingly, no one has unpacked the core institution of a parliamentary system of government – the no confidence procedures – in the same way as scholars have done for investiture procedures and, to some extent, dissolution procedures.

In parliamentary systems, there are numerous mechanisms through which the parliament can hold the government accountable – such as motions for the agenda, parliamentary questions, and legislative committees, to name a few. These routine instruments of parliamentary accountability are relatively weak. The stronger tools that actually employ political

power and sanctions are those wherein the parliament can threaten the very existence of the government by invoking the question of confidence.

Placing the focus on how the parliament can hold the government accountable, this special issue assesses the larger influences legislative confidence has on executive–legislative relations, claiming that the way in which the executive may be challenged or dismissed has far greater influence than previously understood. The articles explore the institutions by which parliaments hold governments accountable and how they balance elected parliaments and appointed governments in parliamentary systems. Contributions move beyond the standard focus on government formation and instead analyse government termination by parliament – although formation and termination evidently are interlinked – evaluating its consequences in a detailed and comprehensive manner. Such research on parliaments and government termination not only beckons for systematic attention, it is also timely because one of the main trends that can be identified in the institutional evolution of parliamentary systems is towards making it procedurally costlier for parliament to terminate the government.

We contend that the role of parliaments in government termination is an important and necessary, but neglected, key to understanding parliamentary systems, and thus the goal of this special issue is to begin to fill an academic lacuna concerning arguably *the* defining feature of this system of government. We posit that the mechanisms of government termination do not come into play solely in the effort to bring down a government. Rather, anticipation and the potential for termination are highly important factors – alongside other extensively researched factors such as the possibility to reject the government’s legislative proposals – in the ability of parliaments to exercise power vis-à-vis governments (Bergman *et al.* 2021; Martin and Vanberg 2011; Rasch and Tsebelis 2011). This means two things: First, the specific mechanism that exists in each parliament for the termination of the government will influence executive–legislative relations in general – from the start of the term (such as the type of government formed) and throughout its tenure (on aspects like government–opposition relations). Second, changing the rules concerning government termination will change the dynamics between the two branches and influence many other aspects of a parliamentary system of government.

How and why parliamentary governments terminate

The literature on parliamentary systems of government is massive and growing. It deals with issues such as the emergence of this system of

government (Cheibub *et al.* 2014; Congleton 2011; Cox 2016); the characteristics of coalitions (Dodd 1976); the formation of minority, minimum winning, and oversized coalitions (Baron and Ferejohn 1989; Golder *et al.* 2012; Laver 1998; Riker 1962; Strøm 1990; Volden and Carrubba 2004); the allocation of portfolios (Bäck and Carroll 2020; Carroll and Cox 2007); the duration and durability of cabinets and ministers (King *et al.* 1990; Saalfeld 2008; Warwick 1994); and the political and economic consequences of parliamentary institutions and various types of governments (Martin and Vanberg 2011; Persson and Tabellini 2005). Since the early 1990s, scholars have paid more attention to the institutional details of formation processes and how governments operate (Bergman 1993; Diermeier *et al.* 2003; Laver and Schofield 1990; Laver and Shepsle 1996; Rasch *et al.* 2015; Strøm *et al.* 1994). Glasgow *et al.* (2012) argue that, ‘The theoretical literature dealing with parliamentary government formation is arguably among the largest and most developed areas in all comparative politics’.

The same is not true for questions related to how and why governments end, or, the nature of government termination in parliamentary systems. Academic understanding of the use of dissolution powers has certainly improved (Lupia and Strøm 1995; Smith 2004), and some recent studies demonstrate the tremendous complexity of constitutional rules regulating early elections (Goplerud and Schleiter 2016; Strøm and Swindle 2002). Similarly, the related literature on government survival and duration is substantial, as, for instance, review articles by Laver (2003) and Schleiter (2020) clearly show. Yet we do not see a significant effort in the existing academic literature to understand the core institutional mechanism of parliamentary systems, that is to say the confidence relationship more broadly and the no confidence procedures in particular. While there has been attention devoted to modes of executive–legislative relations and the institutions that regulate government formation and governance (Bergman 1993; Döring 1995; Field 2016; King 1976; Martin and Vanberg 2011; Strøm *et al.* 2003), the ways in which parliaments may challenge – and eventually replace – governments remain neglected (for a few notable exceptions, see Damgaard 2008; de Winter 1995; Huber 1996; Sieberer 2015). In short, theoretical and empirical work designed to distinguish among different aspects of government termination have lagged far behind the study of government formation. The reasons for this relative neglect are not obvious to us. However, if one assumes that there are minimal variations in no confidence procedures or that the variation is politically insignificant, there is no reason to prioritise this field of research. Similarly, termination of governments because of no confidence votes are extremely rare events (although the institution shapes behaviour on a day-to-day basis even if it is not actually used). Another

reason for this lack of attention is the notion that assembly confidence and government accountability to parliament prevent enduring conflicts between these two branches.

The situation is paradoxical in the sense that delegation models – explicitly or implicitly – have become essential to coalition research (Indriðason and Kam 2020; Strøm 2000; Strøm *et al.* 2003). Parliamentary governments operate on delegated authority from the legislature (or one of its chambers), in turn delegating further to individual ministers and bureaucratic departments (Andeweg 2000; Thies 2001). Principals (parliaments) need to delegate to agents (government) primarily to handle problems of capacity and competence. The extent to which agents in practice advance the interests of their principals vary. There are fundamental challenges with respect to the selection of suitable agents as seen from the point of view of the principal (adverse selection), and to ensure that the agents act in accordance with the preferences of the principal (hidden actions or the problem of moral hazard). In relation to both of these types of agency problems, the institutionalisation of the confidence relationship between parliament and government is crucial. Yet, this part of the ‘contract design’ of parliamentary systems of governments seldom gets explicit attention in coalition research.

The life cycle of governments has three stages or phases: government formation, governance, and government termination (Bergman *et al.* 2021). Analytically, it is easy to distinguish between the phases, and, as we already have noted, the literature on termination – except for duration studies – is much more limited and rudimentary than the scholarly work on formation and governance. The phases are, however, interlinked and hard to separate in practice. We argue that the termination attributes and their evolution are a key to understanding the nature of relations between parliaments and governments, with far-reaching direct and indirect effects on the governing of parliamentary systems. Such a perspective suggests that all of the stages significantly affect one another, regardless of when they occur chronologically. Focussing on government termination, we contend that the resulting confidence relationship, based on the particular institutional mechanisms, affect the ‘earlier’ stages of government formation and the management of executive–legislative relations during the government’s tenure.

Government termination is therefore connected to the formation, management, duration, and stability of government coalitions in a parliamentary system of government. Examination of the confidence relationship will reveal that different types of this important relationship produce dissimilar kinds of governments and diverse dynamics in executive–legislative relations. Thus, this special issue will begin to correct

the imbalance in the literature concerning government termination by empirically charting historical, conceptual, and empirical paths of government termination so that it will no longer be seen as just a final and concluding stage. This special issue not only argues, it also demonstrates, that the later stage can influence the earlier stages in the life cycle of governments in a parliamentary system of government.

For example, in established parliamentary systems, motions of no confidence are rare; and among these motions, those that pass are extremely rare – only 5% result in government termination (Williams 2011). Therefore, it would seem that initiators of the vote of no confidence do not always do it with the intention of successfully terminating the government. Rather, an important factor in the ability of parliaments to exercise power vis-à-vis governments relies on the *potential* of a vote of no confidence. Thus, the specific mechanism that exists in each parliament for the removal of the government will influence executive–legislative relations during the entire tenure of the government, from its formation; and changing the rules concerning the vote of no confidence will change the dynamics between these two branches.

In summary, despite the centrality of the confidence relationship in parliamentary systems of government, it is both surprising and regretful that the contemporary academic research into its impact remains underdeveloped. Over a decade ago, Damgaard (2008: 310) warned that, ‘If government formation is crucial in parliamentary democracies ... then the termination of the very same cabinets must be equally important. ... On the whole, therefore, formation and termination of cabinets delineate political processes that we cannot and should not study in mutual isolation.’ That warning has not been heeded, and was only recently repeated by Schleiter (2020: 308), ‘formidable inferential challenges arise from the fact that government formation and termination are jointly determined outcomes, which should be, but are not usually, analysed as such.’

The contribution of this special issue

The confidence relationship in general, and the political consequences of government termination by parliament in particular, have not received enough scholarly attention. Research on this vital topic has been hampered by a somewhat nebulous conceptualisation of the dependent variables; a lack of comparative empirical data; and even worse, a lack of a clear understanding of what the rules being investigated across countries are and what they mean. Moreover, it is methodologically challenging. As Schleiter (2020: 303, emphasis in original) recently concluded, ‘the literature up to this point has not adequately captured how political

institutions structure bargaining about cabinet termination'. In order to attempt to correct this, this special issue showcases newly emerging research on the origins, functioning, and political consequences of the core institutions of parliamentary systems of government.

What might bring parliamentary governments down? Institutionally, responsible government ultimately rests on four interwoven mechanisms: the no confidence vote (the defining feature of parliamentarism); the confidence vote; dissolution powers; and the investiture. The focus in this special issue is on the details and effects of no confidence procedures as part of the confidence relationship.

Parliamentary systems of government first emerged more or less as an unintended result of strategic interaction between the executive – monarchs and their advisors – and legislatures. Cheibub and Rasch (2021) analyse the constitutionalisation of the confidence relationship in Europe over a period of 200 years. They demonstrate how the core procedures of no confidence and confidence motions, as well as dissolution and early elections, emerged and developed through constitutional reforms and systematic institutional design. Reform processes have tended to protect both the executive and the legislature from mutual interference. Core parliamentary mechanisms have become more restrictive, and parliamentary systems of government less flexible, than they originally were.

The next two contributions dig deeper into various aspects of the confidence relationship. Lento and Hazan (2021) analyse the characteristics and dimensions of the defining feature of a parliamentary system of government, which is the no confidence vote. No confidence procedures are quite complex, and the authors propose a conceptual framework based on decision-making stages and the hurdles involved. They distinguish between, on the one hand, initiating motions of no confidence and, on the other, actual voting by parliament on such motions. On both dimensions, procedures could be more or less restrictive. For instance, the voting decision rule could be simple majority or absolute majority – as abstentions would count in favour of the government, motions become more difficult to adopt in the latter case. Constructive versions of no confidence procedures are even more restrictive. The empirical part of the article fruitfully outlines the procedures in a set of countries, places the countries in a framework according to the dimensions, and demonstrates that the reform trend is in the restrictive direction with respect to both initiation and voting.

Schleiter and Evans (2021) investigate the confidence vote, an element of the confidence relationship but an instrument for the executive. Prime ministers may try to solve legislative conflicts by invoking a threat of government resignation or early election. If responding actors – for

instance backbenchers in the governing coalition, a coalition partner, or even opposition groups – fear what can happen if the government loses the confidence vote, they may give in to pressure. In this way, premiers can use the confidence vote strategically to extract concessions and avoid replacement between elections. Just like no confidence procedures, there are important variations in the institutionalisation of confidence votes. Schleiter and Evans (2021) capture this variation in a new index they develop. They focus on four dimensions: initiation of the confidence vote; the voting rule in parliament; the reversion outcome if the confidence motion is rejected; and, finally, restrictions on the use of the procedure. By applying the measure to a set of European democracies, the authors are able to show that prime ministers with extensive confidence powers are able to use this resource to reduce the risk of removal between elections.

The literature on government coalitions uses a common definition of when governments terminate and new ones form. Shomer *et al.* (2021) challenge this terminology on the ground that it risks inflating the number of governments and, at least in some countries, severely distorts scholarly understanding of government duration and durability. More specifically, they criticise the definitional condition that any partisan change in the composition of a government signifies its termination, and demonstrate how using more precise definitions affects government duration considerably in a number of countries. They illustrate their claims by re-visiting the established hypothesis that minimum winning coalitions survive longer than oversized governments. When applying the modified definitions, differences in duration between these two types of majority coalitions virtually disappear.

The details and exact design of no confidence procedures influence executive–legislative relations and the behaviour of politicians and parties in coalition politics. Rubabshi-Shitrit and Hasson (2021) further analyse the constructive variant of the no confidence procedures, which currently exists in seven countries. Germany was the first country to adopt the procedure in 1949. Constitution makers saw it as a tool to avoid the destructive instability of the Weimar Republic by making it impossible for purely negative majorities to bring governments down. In a detailed comparative exploration, the authors demonstrate that governments in countries with constructive no confidence procedures are more durable; their terms of office tend to be longer than in countries with the regular vote of no confidence.

Walther and Hellström (2021) investigate the relationship between core parliamentary institutions and cabinet duration in East Central Europe. Their institutional variables comprise characteristics of no confidence procedures and the discretionary powers of prime ministers. Guided by previous studies of durability, a large number of other political and economic variables are included in an Extreme Bounds Analysis. It turns out that

only a handful of factors have consistent and robust effects, regardless of model specifications, on how long governments last, and among them are the restrictiveness of no confidence procedures. Obviously, restrictive rules make it more difficult for parliament to bring down a government.

Findings in recent research suggest that ideological polarisation and strong extreme parties have a destabilising effect and lead to a higher risk of non-electoral cabinet replacements. Bergmann *et al.* (2021) investigate to what extent these results are mitigated by legislative institutions. In their analysis, they include government formation rules (positive parliamentarism); unilateral dissolution powers of prime ministers; the ability to invoke a vote of confidence; and the restrictiveness of no confidence procedures. Results are mixed and model specifications and operationalisation of variables crucial. However, restrictive no confidence procedures seem to serve as a ‘shock absorber’ moderating the effect of strong extreme parties on non-electoral cabinet replacements.

Nikolenyi (2021) deals with executive–legislative relations more indirectly. A growing number of parliaments around the world are discussing anti-defection laws that protect the unity of legislative party groups. This kind of legal restriction on party switching interferes with the political freedom of individual parliamentarians, and we hardly find them in established democracies. Nikolenyi analyzes the three exceptions – New Zealand, Israel, and India – in detail, explains why the legislatures adopted anti-defection laws, and indicates their political consequences. He argues that the legislative bodies passed this legislation when defections interfered with legislative parties’ control over government. By increasing the cost of defecting and party switching, legislators discouraged prospective defectors from terminating governments. Thus, anti-defection laws became an institutional source of government duration.

All of the contributions to the special issue are richer in content than the summaries above indicate. We have emphasised the institutional lessons of the articles, especially the constitutional mechanisms at the core of the parliamentary system of government, i.e. no confidence procedures, confidence procedures, and – to some extent – dissolution powers. The collection of articles improves our understanding of the institutional details of assembly confidence, why the various mechanisms emerged and how they operate. In addition, the special issue demonstrates – through different approaches, research designs and data sets – that the design of core parliamentary institutions matter for government duration.

Where to go from here

As a growing number of countries discuss enacting changes to their government termination procedures, a fresh perspective could provide

crucial guidance by developing our understanding of the implications of such changes. Additionally, the articles in this special issue lay the foundation for further historical, theoretical, conceptual, and empirical development of the discussion, such as exploring what other factors government termination influence. We expect the results to have both academic impact as well as policy-related implications for the governing of parliamentary systems. For example, does the adoption of the constructive vote of no confidence – as discussed in Canada, the Czech Republic, India, Ireland, Italy and New Zealand – indeed stabilise the government?

Furthermore, reforming government termination procedures, generally in order to strengthen the government, is today both a relatively easy and an increasingly common phenomenon, presenting an urgent research question that has yet to be addressed or assessed. As more countries contemplate protecting their government from being overthrown by fleeting parliamentary majorities, a focussed perspective through which we can understand its greater meaning for governmental and parliamentary activity is essential. While the political focus of reforming the confidence relationship is usually on stabilising governments, this special issue assesses the other outcomes for parliamentary systems, which requires both the theoretical construct and the empirical evidence offered here. In this way, it begins to uncover both the unanticipated consequences and the unintended ramifications of parliaments and government termination.

From a normative perspective, the contemporary theory of parliamentary systems sees government termination as a mechanism for resolving executive–legislative conflicts, whereby parliament terminates the government in the event of disagreement. Government termination is therefore an ordinary occurrence in a parliamentary system of government, a corrective mechanism when disagreement occurs between the branches. Yet when left unregulated, the no confidence vote has the potential to encumber the normal operation of the political system by giving too much power to parliament in a destabilising way (perhaps the best examples are the French 3rd and 4th Republics). Indeed, the historical development of the confidence relationship can be seen as an attempt to limit its use as an instrument of legislative obstruction. It is now increasingly difficult for negative parliamentary majorities, especially pluralities, to terminate governments. While a parliamentary system of government, unlike presidentialism, is known for the flexibility it affords both the parliament and the government, this flexibility often comes at the expense of stability, or governance. Increasing the restrictiveness of government termination, aimed at guaranteeing stability, undermines not only the flexibility of a parliamentary system of government but also its very definition.

Note

1. We use 'parliamentary system of government', 'responsible government' and 'parliamentarism' interchangeably. We regard a 'parliamentary democracy' as a democracy with a parliamentary system of government, and not as a synonym for 'representative democracy'. On the use of these terms, see e.g. Ihalainen *et al.* (2016), Selinger (2019), von Beyme (2000) and Siaroff (2003).

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