José Antonio Cheibub, Zachary Elkins, Tom Ginsburg. "Beyond Presidentialism and Parliamentarism"

Appendix I
Classifying constitutional regime types

The classification is based on three variables:

assconf: coded 1 if the constitutions states that the government requires assembly confidence in order to exist, 0 otherwise.

execlelc: coded
      1: popular direct election
      2: popular indirect election
      3: indirect election by legislature
      4: indirect election by a body that includes members of non-legislative organizations or of sub-national legislatures
      5: not elected

whoishead: coded
      1: President
      2: Governor-general (representing a monarch)
      3: Monarch
      4: Other

In coding **assconf** we adopt a strict view of assembly confidence. **Assconf** is coded 1 only when the constitution explicitly states that the government is <u>collectively</u> responsible to the legislative assembly and that, once confidence is removed, the government must resign. Thus, if the constitution states that the government is collectively (or individually) responsible but does not say anything about the government having to be removed if it loses confidence, we do not code it as having assembly confidence. Similarly, if the constitution only provides for the responsibility of individual ministers, we code it as not having assembly confidence, even if the constitution says the minister must resign if he/she loses confidence.[1]

---

[1] In some cases, such as the 1919 Weimar constitution in Germany, there was no explicit statement to the effect that responsibility was collective. However, the constitution stated that individual ministers and the chancellor (previously defined as the head of government) had to resign if they lost parliamentary confidence. In these cases we assumed that the resignation of the head of the government would immediately imply the removal of the entire government. This is, thus, different from the cases in which the constitution states that responsibility is individual and either does not indicate that resignation is required if it is lost or is not extended to the head of government. Note also that we made no assumptions regarding the requirement of resignation. We only coded the existence of assembly confidence in the cases where the constitution explicitly states that the government must resign, even if it had affirmed collective responsibility of the cabinet (such as in the 1951

Moreover, responsibility is political, in the sense that no justification other than the fact that a pre-stipulated majority desires it needs to be provided. In this sense we exclude cases in which governments and ministers are criminally responsible for their acts. Many constitutions, mostly in European monarchies of the 19th century, state that "ministers are responsible," leaving unspecified to whom, in which way and with what consequences. Cases like these we code as not having assembly confidence.

Regarding **execelec**, the only observation is that by indirect popular elections we mean those cases in which someone is elected by a body that was itself constituted through direct popular elections and with the exclusive purpose of electing a leader. Elections by existing assemblies are always considered to be indirect elections. The variable **whoishead** is self-evident.

We classify constitutions into three types, plus a residual category. The three types are:

<u>Presidential</u>: Constitutions in which the head of state is popularly elected (directly or indirectly) and the government does not need assembly confidence in order to exist. In stata, it is:

```
gen pres=1 if assconf==0&whoishead==1&execelec<3
recode pres missing=0
```

<u>Parliamentary:</u> Constitutions in which the head of state is a monarch or a president elected by the existing legislature, and the government must obtain the confidence of the legislature in order to remain in power. In stata, it is:

```
gen parl1=2 if assconf==1&whoishead>1&whoishead<4
recode parl1 missing=0
gen parl2=2 if assconf==1&whoishead==1&execelec==3
recode parl2 missing=0
gen parl=parl1+parl2
```

<u>Semi-presidential</u>: Constitutions in which the head of state is popularly elected (directly or indirectly) and the government needs to obtain the confidence of the legislative assembly in order to exist. In stata, it is:

```
gen semipres=3 if assconf==1&whoishead==1&execelec<3
recode semipres missing=0
```

Indian constitution, which simply states that the council of minister is collectively responsible to the parliament, with no reference to its resignation).

Constitutions by Regime

Presidential Constitutions

Afghanistan	2004	Dominican Republic	1896	Guatemala	1945
Argentina	1853	Dominican Republic	1907	Guatemala	1956
Azerbaijan	1991	Dominican Republic	1908	Guatemala	1965
Benin	1964	Dominican Republic	1924	Guatemala	1985
Benin	1990	Dominican Republic	1927	Guinea	1958
Bolivia	1839	Dominican Republic	1929	Guinea	1982
Bolivia	1843	Dominican Republic	1934	Guinea	1990
Bolivia	1851	Dominican Republic	1942	Guyana	1970
Bolivia	1861	Dominican Republic	1947	Guyana	1980
Bolivia	1868	Dominican Republic	1955	Haiti	1950
Bolivia	1871	Dominican Republic	1962	Haiti	1957
Bolivia	1878	Dominican Republic	1963	Haiti	1964
Bolivia	1880	Dominican Republic	1966	Honduras	1865
Bolivia	1938	Dominican Republic	2002	Honduras	1904
Bolivia	1945	Ecuador	1897	Honduras	1924
Bolivia	1947	Ecuador	1929	Honduras	1936
Bolivia	1961	Ecuador	1945	Honduras	1957
Bolivia	1967	Ecuador	1946	Honduras	1965
Brazil	1891	Ecuador	1967	Honduras	1982
Brazil	1934	Ecuador	1978	Iceland	1944
Brazil	1946	Ecuador	1984	Liberia	1847
Brazil	1988	Ecuador	1993	Liberia	1986
Burkina Faso	1960	Ecuador	1996	Lithuania	1938
Burundi	1981	Ecuador	1997	Malawi	1994
Cameroon	1961	Ecuador	1998	Maldives	1968
Cameroon	1972	El Salvador	1841	Maldives	1998
Central African Rep.	1959	El Salvador	1864	Mali	1974
Central African Rep.	1964	El Salvador	1871	Mauritania	1961
Chad	1978	El Salvador	1872	Mexico	1857
Chad	1989	El Salvador	1880	Mexico	1917
Chile	1833	El Salvador	1883	Mozambique	2004
Chile	1925	El Salvador	1886	Namibia	1990
Chile	1980	El Salvador	1939	Nicaragua	1858
Colombia	1853	El Salvador	1950	Nicaragua	1893
Colombia	1858	El Salvador	1983	Nicaragua	1905
Colombia	1991	Equatorial Guinea	1968	Nicaragua	1911
Comoros	2001	Equatorial Guinea	1982	Nicaragua	1939
Congo	2001	Equatorial Guinea	1991	Nicaragua	1948
Congo, Dem. Rep.	1978	France	1848	Nicaragua	1950
Costa Rica	1871	Gabon	1961	Nicaragua	1974
Costa Rica	1949	Gabon	1975	Nicaragua	1987
Cote D'Ivoire	2000	Georgia	1995	Niger	1960
Cuba	1935	Ghana	1979	Niger	1989
Cyprus	1960	Ghana	1992	Niger	1996
Djibouti	1992	Guatemala	1879	Nigeria	1978

Nigeria	1989	Seychelles	1979	Venezuela	1881
Nigeria	1999	Seychelles	1993	Venezuela	1891
Pakistan	1962	Sierra Leone	1978	Venezuela	1893
Palau	1981	Sierra Leone	1991	Venezuela	1901
Panama	1946	Sudan	1998	Venezuela	1904
Panama	1972	Syria	1953	Venezuela	1909
Paraguay	1870	Tajikistan	1994	Venezuela	1914
Paraguay	1940	Tanzania	1977	Venezuela	1922
Paraguay	1967	Togo	1961	Venezuela	1925
Paraguay	1992	Togo	1979	Venezuela	1928
Peru	1826	Turkmenistan	1992	Venezuela	1929
Peru	1828	Uganda	1995	Venezuela	1931
Peru	1834	USA	1781	Venezuela	1936
Peru	1839	USA	1789	Venezuela	1947
Peru	1856	Uruguay	1918	Venezuela	1953
Peru	1867	Uruguay	1934	Venezuela	1961
Peru	1920	Uruguay	1952	Venezuela	1999
Peru	1933	Uzbekistan	1992	Vietnam, Republic	1956
Philippines	1899	Venezuela	1830	Vietnam, Republic	1967
Philippines	1935	Venezuela	1857	Zambia	1964
Philippines	1973	Venezuela	1858	Zambia	1973
Philippines	1986	Venezuela	1864	Zambia	1991
Senegal	1963	Venezuela	1874		

Parliamentary Constitutions

Afghanistan	1964	Grenada	1974	Sierra Leone	1961
Afghanistan	1987	Guyana	1966	Solomon Islands	1978
Afghanistan	1990	Hungary	1946	Somalia	1960
Albania	1925	Hungary	1949	South Africa	1983
Albania	1928	Iraq	1925	South Africa	1993
Albania	1998	Iraq	2005	South Africa	1996
Antigua & Barbuda	1981	Ireland	1922	Spain	1978
Austria	1920	Israel	1948	St. Kitts & Nevis	1983
Bahamas	1973	Italy	1947	St. Lucia	1978
Bahrain	1973	Jamaica	1962	St. Vincent & Gren.	1979
Bahrain	2002	Japan	1946	Surinam	1975
Bangladesh	1972	Jordan	1946	Surinam	1987
Barbados	1966	Jordan	1952	Swaziland	1968
Belize	1981	Kenya	1963	Swaziland	2005
Botswana	1966	Kuwait	1962	Sweden	1974
Bulgaria	1947	Laos	1947	Syria	1950
Bulgaria	1971	Laos	1991	Taiwan	1947
Cambodia	1993	Latvia	1922	Tanzania	1961
Central African Rep.	1976	Lebanon	1926	Thailand	1932
China	1982	Lesotho	1966	Thailand	1949
Cuba	1976	Lesotho	1983	Thailand	1968
Czech Republic	1993	Lesotho	1993	Thailand	1974
Czechoslovakia	1920	Libya	1951	Thailand	1976
Czechoslovakia	1948	Liechtenstein	1921	Thailand	1978
Czechoslovakia	1960	Lithuania	1922	Thailand	1997
Denmark	1953	Malawi	1964	Trinidad & Tobago	1962
Dominica	1978	Malta	1964	Trinidad & Tobago	1976
Egypt	1923	Marshall Islands	1979	Turkey	1961
Estonia	1992	Morocco	1962	Turkey	1982
Fiji	1990	Morocco	1970	Tuvalu	1978
Fiji	1997	Morocco	1972	Tuvalu	1986
France	1875	Nauru	1968	Uganda	1962
France	1946	Nepal	1959	Uganda	1967
Gambia	1970	Nepal	1990	Vietnam, Dem. Rep.	1960
German Federal Rep.	1949	Nigeria	1960	Vietnam, Dem. Rep.	1992
Ghana	1957	Nigeria	1963	Yugoslavia	1953
Ghana	1969	Papua New Guinea	1975	Yugoslavia	1963
Greece	1952	Poland	1921	Yugoslavia	1974
Greece	1968	Poland	1935	Yugoslavia	2003
Greece	1975	Poland	1947		

Semi-Presidential Constitutions

Algeria	1963	Madagascar	1992
Angola	1975	Madagascar	1998
Armenia	1995	Mali	1992
Belarus	1994	Mauritania	1978
Bosnia-Herzegovina	1995	Mauritania	1991
Bulgaria	1991	Mauritius	1968
Burkina Faso	1991	Moldova	1994
Burundi	1992	Mongolia	1992
Burundi	2004	Montenegro	1992
Cambodia	1972	Mozambique	1990
Cape Verde	1980	Niger	1992
Central African Rep.	1981	Niger	1999
Central African Rep.	1994	Peru	1979
Central African Rep.	2004	Peru	1993
Chad	1996	Poland	1992
Comoros	1978	Poland	1997
Comoros	1996	Portugal	1976
Congo	1992	Romania	1991
Congo, Dem. Rep.	2005	Russia	1993
Croatia	1991	Rwanda	1962
Cuba	1940	Rwanda	1978
East Timor	2002	Rwanda	2003
Egypt	1971	Sao Tome & Principe	1975
Estonia	1937	Senegal	2001
Finland	1919	Serbia	2006
Finland	1999	Singapore	1959
France	1958	Slovakia	1992
Gabon	1991	Slovenia	1991
Gambia	1996	Spain	1931
Germany	1919	Sri Lanka	1978
Haiti	1983	Syria	1973
Haiti	1987	Tanzania	1985
Ireland	1937	Togo	1963
Kazakhstan	1995	Togo	1992
Kiribati	1979	Tunisia	1959
Kyrgyz Republic	1993	Ukraine	1996
Lithuania	1928	Yemen (Arab Rep.)	1991
Lithuania	1992	Yugoslavia	1992
Macedonia	1991	Zimbabwe	1979
Madagascar	1975		

Appendix II
Ancillary Executive-Legislative Variables

CCP: Comparative Constitutional Project
http://www.comparativeconstitutionsproject.org/

1. Executive decree powers
Coded 1 if the executive (head of state and/or head of government) has decree powers.

> Stata code:
> recode hosdec 1=1 else=0
> recode hogdec 1=1 else=0
> replace hogdec=hosdec if execnum==2
> gen decree=0
> replace decree=1 if hosdec==1 | hogdec==1
>
> where :
>
> hosdec: Does the head of state have decree power? 1 if yes; 2 if no; 97 if unable to determine; 98 if not specified; 99 if not applicable (from CCP).
>
> hogdec: Does the head of government have decree power? 1 if yes; 2 if no; 97 if unable to determine; 98 if not specified; 99 if not applicable (from CCP).
>
> execnum: How many executives are specified in the constitution? 1 if Non; 2 if one; 3 if two; 96 if other; 97 if unable to determine; 98 if not specified (from CCP).

2. Executive emergency powers
Coded 1 if the executive (head of state and/or head of government) has emergency powers, 0 otherwise.

> Stata code:
> gen emergency=0
> recode emergency 0=1 if em==1
>
> where:
>
> em: Does the constitution have provisions for calling a state of emergency? 1 if yes; 2 if no; 96 if other; 97 if unable to determine (from CCP)

3. Legislative initiative of the executive
Coded 1 if the executive (head of state and/or head of government) can initiate ordinary legislation, 0 otherwise.

Stata code:
gen initiate=0
gen hosinit=0
gen hoginit=0
replace hosinit=1 if leg_in_1==1
replace hoginit=1 if leg_in_2==1 | leg_in_3==1
replace hoginit=hosinit if execnum==2
replace initiate=1 if hosinit==1 | hoginit==1

where:

leg_in_1: constitution specifies that the head of state can initiate general legislation (from CCP).

leg_in_2: constitution specifies that head of government can initiate general legislation (from CCP).

leg_in_3: constitution specifies that the government/cabinet can initiate general legislation (from CCP).

4. Legislative oversight of the executive
Coded 1 if the legislature can investigate the executive ((head of state and/or head of government) or the executive (head of state and/or head of government) must report to the legislature at regular intervals, 0 otherwise.

Stata code:
gen oversight=0
replace oversight=1 if (intexec>0 & intexec<4) | invexe==1

where:

intexec: Does the legislature have the power to interpellate members of the executive branch, or similarly, is the executive responsible for reporting its activities to the legislature on a regular basis? 1 if legislature can call executive to report as it sees fit; 2 if executive must report to legislature at regular intervals; 3 if both; 4 if neither; 90 if left explicitly to non-constitutional law; 97 if unable to determine; 99 if not applicable (from CCP).

invexec: Does the legislature have the power to investigate the activities of the executive branch? 1 if yes; 2 if no; 96 if other; 97 if unable to determine; 98 if not specified; 99 if not applicable (from CCP).

5. Executive veto power
Coded 1 if the executive (head of state and/or head of government) can veto legislation, 0 otherwise.

Stata code:
gen veto=0
gen hosveto=0
gen hogveto=0
replace hosveto=1 if legapp==1 | legapp==4
replace hogveto=1 if legapp>1 & legapp<5
replace hogveto=hosveto if execnum==2
replace veto=1 if hosveto==1 | hogveto==1

where:

legapp: Who has the power to approve/reject legislation once it has been passed by the legislature (not including reviews for constitutionality)? 1 if head of state; 2 if head of government; 3 if both head of state and head of government; 4 if the government/cabinet; 5 if legislation does not require approval; 90 if left explicitly to non-constitutional law; 96 if other; 97 if unable to determine; 98 if not specified; 99 if not applicable (from CCP).

6. Executive power to appoint cabinet
Coded 1 if the executive (head of state and/or head of government) can unilaterally appoint the cabinet, 0 otherwise.

Stata code:
gen cabapp=0
gen hoscab=0
gen hogcab=0
replace hoscab=1 if cabappt_1==1
replace hogcab=1 if cabappt_2==1
replace hogcab=hoscab if execnum==2
replace cabapp=1 if hoscab==1 | hogcab==1

where

cabappt: Who nominates/appoints the cabinet/ministers? 1 if head of state; 2 if head of government; 3 if first (or only) chamber of the legislature; 4 if second chamber of the legislature; 5 if both chambers of the legislature are required; 90 if left explicitly to non-constitutional law; 96 if other; 97 if unable to determine; 98 if not specified; 99 if not applicable (from CCP).

7. Executive can dissolve assembly
Coded 1 if the executive (head of state and/or head of government) can dissolve the assembly, 0 otherwise.

Stata code:
gen hosldiss=0

```
gen hogldiss=0
replace hosldiss=1 if legdiss==1 | legdiss==3
replace hogldiss=1 if legdiss==2 | legdiss==3 | legdiss==4
replace hogldiss=hosldiss if execnum==2
gen dissolve=0
replace dissolve=1 if hosldiss==1 | hogldiss==1
```

where:

legdiss: Who, if anybody, can dismiss the legislature? 1 if head of state; 2 if head of government; 3 if either head of state or head of government; 4 if government /cabinet; 5 if the legislature itself; 90 if left explicitly to non-constitutional law; 96 if other; 97 if unable to determine; 98 if not specified; 99 if not applicable (from CCP).

Appendix III
Codebook

The paper employs three different data files:
1. **ceg_bjps_replication_tscs.dta**
   The unit of observation is the country-year and it contains information about constitutional attributes in place in country *n* in year *t*. This file is used only for the construction of figure 1.
2. **ceg_bjps_replication_401.dta**
   The units of analysis are the 401 constitutions that were classified as belonging to one of the three forms of government: parliamentary, presidential, semi-presidential. This table is used to generate the ancillary provisions for executive-legislative relations we use in the paper. It is also used to generate table 2 and to compute the similarity measure.
3. **ceg_bjps_replication_similarity.dta**
   The unit of analysis is the constitutional dyad (80,200 observations). It contains the similarity measures that serve the basis for tables 3, 4 and 5. It also contains the control variables used in tables 4 and 5.

ceg_bjps_replication_tscs_dta

> **cowcode**: Correlates of War country code.
>
> **country**: Country name.
>
> **year**: calendar year.
>
> **regime**: classification of constitutions as parliamentary, presidential or semi-presidential, according to procedures described in appendix I.

ceg_bjps_replication_401.dta

> **cowcode**: Correlates of War country code.
>
> **country**: Country name.
>
> **year**: calendar year.
>
> **region_ccp**
>
> **system_num**
>
> **assconf**: coded 1 if the constitutions states that the government requires assembly confidence in order to exist, 0 otherwise.

execlelc: coded as 1 if popular direct election; 2 if popular indirect election; 3 if indirect election by legislature; 4 if indirect election by a body that includes members of non-legislative organizations or of sub-national legislatures; 5 if not elected

whoishead: coded as 1 if president; 2 if governor-general (representing a monarch); 3 if monarch; 4 if other

execnum: How many executives are specified in the constitution? 1 if Non; 2 if one; 3 if two; 96 if other; 97 if unable to determine; 98 if not specified (from CCP).

hosdec: Does the head of state have decree power? 1 if yes; 2 if no; 97 if unable to determine; 98 if not specified; 99 if not applicable (from CCP).

hogdec: Does the head of government have decree power? 1 if yes; 2 if no; 97 if unable to determine; 98 if not specified; 99 if not applicable (from CCP).

cabappt_1: Head of state appoints cabinet (from CCP).

cabappt_2: Head of government appoints cabinet (from CCP).

em: Does the constitution have provisions for calling a state of emergency? 1 if yes; 2 if no; 96 if other; 97 if unable to determine (from CCP)

execnum: How many executives are specified in the constitution? 1 if Non; 2 if one; 3 if two; 96 if other; 97 if unable to determine; 98 if not specified (from CCP).

legdiss: Who, if anybody, can dismiss the legislature? 1 if head of state; 2 if head of government; 3 if either head of state or head of government; 4 if government /cabinet; 5 if the legislature itself; 90 if left explicitly to non-constitutional law; 96 if other; 97 if unable to determine; 98 if not specified; 99 if not applicable (from CCP).

intexec: Does the legislature have the power to interpellate members of the executive branch, or similarly, is the executive responsible for reporting its activities to the legislature on a regular basis? 1 if legislature can call executive to report as it sees fit; 2 if executive must report to legislature at regular intervals; 3 if both; 4 if neither; 90 if left explicitly to non-constitutional law; 97 if unable to determine; 99 if not applicable (from CCP).

invexec: Does the legislature have the power to investigate the activities of the executive branch? 1 if yes; 2 if no; 96 if other; 97 if unable to determine; 98 if not specified; 99 if not applicable (from CCP).

leg_in_1: constitution specifies that the head of state can initiate general legislation (from CCP).

leg_in_2: constitution specifies that head of government can initiate general legislation (from CCP).

leg_in_3: constitution specifies that the government/cabinet can initiate general legislation (from CCP).

legapp: Who has the power to approve/reject legislation once it has been passed by the legislature (not including reviews for constitutionality)? 1 if head of state; 2 if head of government; 3 if both head of state and head of government; 4 if the government/cabinet; 5 if legislation does not require approval; 90 if left explicitly to non-constitutional law; 96 if other; 97 if unable to determine; 98 if not specified; 99 if not applicable (from CCP).

hinst: Classification of democracies as presidential, parliamentary and semi-presidential (from Cheibub 2007).

dpi_system: (from Beck et al. 2001)

gol_inst

gtm_parl

no_ce

regime: Classification of constitutions as presidential, parliamentary and semi-presidential (see Appendix I for coding rules).

ceg_bjps_replication_similarity.dta

cowcodea: Correlates of War country code for constitution "a."

cowcodeb: Correlates of War country code for constitution "b."

samecoun: Coded 1 if both constitutions were written in the same country, 0 otherwise.

yeara: Year when constitution "a" was written.

yearb: Year when constitution "b" was written.
yeardiff: Difference between yeara and yearb.

simhog: Degree of similarity between two constitutions.

simmono: Degree of similarity between two constitutions.

simsplit: Degree of similarity between two constitutions.

simnodiss: Degree of similarity between two constitutions.

simextra: Degree of similarity between two constitutions.

region_ccpa: Region of the world where constitution "a" was written.

region_ccpb : Region of the world where constitution "b" was written.

samereg: Coded 1 if both constitutions were written in countries belonging to the same region of the world, 0 otherwise.

regimea: Regime type (as defined in appendix I) of constitution "a."

regimeb: Regime type (as defined in appendix I) of constitution "b."

samesysr: Coded 1 if both constitutions have the same regime type (as defined in appendix I), 0 otherwise.

bothpres_r: Coded 1 if both constitutions were presidential (as defined in appendix I), 0 otherwise.

bothparl_r: Coded 1 if both constitutions were parliamentary (as defined in appendix I), 0 otherwise.

bothsemi_r: Coded 1 if both constitutions were semi-presidential (as defined in appendix I), 0 otherwise.

presparl_r: Coded 1 if one constitution was presidential and the other parliamentary (as defined in appendix I), 0 otherwise.

pressemi_r: Coded 1 if one constitution was presidential and the other semi-presidential (as defined in appendix I), 0 otherwise.

parlsemi_r: Coded 1 if one constitution was parliamentary and the other semi-presidential (as defined in appendix I), 0 otherwise.

hinsta: Regime type (as defined by **hinst**) of constitution "a."

hinstb: Regime type (as defined by **hinst**) of constitution "b."

samesysh: Coded 1 if both constitutions have the same regime type (as defined by **hinst**).

bothpres_h: Coded 1 if both constitutions were presidential (as defined by **hinst**), 0 otherwise.

bothparl_h: Coded 1 if both constitutions were parliamentary (as defined by **hinst**), 0 otherwise.

bothsemi_h: Coded 1 if both constitutions were semi-presidential (as defined by **hinst**), 0 otherwise.

presparl_h: Coded 1 if one constitution was presidential and the other parliamentary (as defined by **hinst**), 0 otherwise.

pressemi_h: Coded 1 if one constitution was presidential and the other semi-presidential (as defined by **hinst**), 0 otherwise.

parlsemi_h: Coded 1 if one constitution was parliamentary and the other semi-presidential (as defined by **hinst**), 0 otherwise.