

# Chapter 6

## Political Institutions I: Major Institutional Structures



# 1. THE LEGISLATURE

*In almost all countries a legislature organ is a part of political structure.*


**A list of legislative organs in various countries:**

- **House of Commons and House of Lords (United Kingdom)**
  - **Senate and House of Representatives (USA, Switzerland)**
  - **Senate and the House of Deputies (Chile, Mexico, and Venezuela)**
  - **Bundestag and Bundesrat (Germany)**
  - **Legislative Assembly (Costa Rica)**
  - **National People's Congress (China)**
  - **State Duma and Council of the Federation (Russia)**
  - **Milli Mejlis (Azerbaijan)**
  - **National Assembly (Egypt, Nigeria and Tanzania)**
  - **Lok Sabha and the Rajya Sabha (India)**
  - **Knesset (Israel)**
  - **House of Representatives and the House of Councillors (Japan)**
  - **Chamber of Deputies and Senate (Belgium)**
  - **Supreme People's Assembly (North Korea)**
  - **Supreme Council (Uzbekistan)**
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The roots of the above words:

- French word PARLER (Talk) >> **Parliament**
- Latin words LEGIS (law) and LATIO (bringing or proposing) >> **Legislature**
- English word ASSEMBLE (get together, meet) >> **Assembly**

The monarch, king or queen especially in middle ages created early legislatures to obtain advice, and to allow some relevant groups to be represented in the political structure of the country. Many legislatures have also been responsible for a second major function (enacting public policies).



- When assemblies emerged in Europe in the Middle Ages they were the representatives of various estates such as clergy, the nobility, and the towns.
- Some of the earliest legislatures, such as the Roman Senate (c. 500 B.C.E-A.D 100) had great power to **discuss** and **enact** laws.



# Roles of the Legislature

## *(Parliament-Legislative organ-Assembly)*

Although a particular legislature especially in a non-democratic country might not have important powers, most legislatures are supposed to exercise particular functions which can be grouped into three categories:

- 1. Enactment of legislation (Law-Making)
- 2. Representation of the citizenry
- 3. Oversight of the executive (the cabinet, council of ministers)

**We must know that it is difficult to generalize about actual functions of the legislatures in all contemporary political systems. In other words for particular reason the functions, powers and responsibilities of the legislative organs may differ from country to country. This is because:**



- a) the functions listed above are often quite different from those specified in the states` normative rules such as those in the constitutions;
- b) the functions of the legislative organs vary considerably from state to state;
- c) they vary through time within a state;
- d) even in one time period, the role of the legislative organ can vary by issue and by the personalities of those involved.



# Enactment of legislation

- Many legislative organs have legislative power to make laws. There is a constitutional provision that a majority vote of the members of the legislature is required to authorize the passage of any law which is called legislative enactment.
- The power to enact laws that enables the government to collect revenue and to authorize its expenditure (the power of the purse) has been a central responsibility of the legislative majority.





# Representation of the citizenry

The second major role of the legislative organ is to represent the opinions and interests of the people. In many countries the members of the legislative organs are elected by eligible voters.

For this reason the legislative organ is expected to reflect and serve/protect the interests of those voters.



*There are at least four different conceptions of the 'interests' that a legislator might attempt to represent:*

- a. The legislator may try to represent the group that is most dominant in the legislator's constituency. This group may be a **social class**, **religious group**, or **ethnic** group.
- b. The legislator may try to represent the political party to which he/she owes loyalty,
- c. The legislator may try to represent the country and its people as a whole ...; or
- d. The legislator's own conscience (principles), which provides moral and intellectual judgment about appropriate political behavior.

Is it possible for a legislator to represent all four at the same time?



# Oversight of the executive

The third major role of legislative organs refers to their interactions with the **executive branch** of the state. In general the legislative organ in some countries is responsible to oversee/supervise/control.

This is the case in some political systems where the legislature has substantial capacity to influence the activities of the executive.



# The legislature might have the constitutional right to:

- choose the president.
- control executive performance. The legislature can question and investigate if the government (cabinet) has acted properly in its implementation of public policies.
- to force the prime minister or any member of the cabinet to resign through a **vote of no-confidence**.



- select the prime minister and members of the cabinet.
- authorize major policy decisions by the government (in Turkey, for example, a government decision toward allowing foreign troops to locate within Turkish national borders requires the approval by the Grand National Assembly)

Most legislatures also have formal investigatory powers on a case-by-case basis. The investigation of president Bill Clinton by the Congress in the late 1990`s (because of sexual harassment) is a dramatic example of such power

# ***Structural Arrangements*** ***(Number of houses/chambers)***


- 1. Unicameral Legislature*** (the legislative organ consists of one-*chamber/house*)
- 2. Bicameral Legislature*** (the legislative organ consists of two-*chambers/houses*)



The expected advantages of a **unicameral system** are that political responsibility is clearly located in one body and that risks of duplication or stalemate between parallel legislative bodies are eliminated.

Nearly four-fifths of the countries with a strong central government have unicameral legislatures.

Among the states with unicameral legislatures are Algeria, Turkey, Bulgaria, China, Costa Rica, Denmark, Finland, Greece, Hungary, Israel, Kenya, New Zealand, South Korea, Sweden, and Tanzania.



**Bicameral legislatures** are usually found in federations (states that share powers between central and regional authorities). These federal states include Australia, Canada, Germany, India, Mexico, the U.S., and Venezuela.

However, 22% of the unitary states, including France, Great Britain, Italy, and Japan we find bi-cameral legislatures.





# What is the justification for a second chamber? (Why bicameralism?)

The first argument is that two houses ensure more careful deliberation on issues and laws.

Second, the two houses can be based on two different and desirable principles of representation. In about two-fifths of the bicameral legislatures (e.g. Germany and the United States), one house represents the regional authorities and the other house more directly represents the numerical and geographic distribution of citizens.


Some upper houses also represent functional groups in the society, as in the Republic of Ireland, where members are appointed as representatives of such groups as agriculture, labor, industry, culture, and public services.



- Third, in a few bicameral systems, some members are selected on more individualistic criteria, as in the British House of Lords and the Canadian Senate (where all members are appointed for life).
- The number of members tends to vary with some houses having fewer than ten members and others having thousands of members.



# Size of Legislatures

- The largest one is the National People's Congress in China→ 2978 members.
  - In general there is a positive correlation between the number of legislators and a country's population. However, among the more populous countries, there is no obvious principle for determining the optimal numbers of legislators.
  - In the U.S. House of Representatives, 435 members are elected (one member per 554,000 people).
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- The United Kingdom, with less than one-third the U.S. population, has 650 elected members in its House of Commons, a ratio of one member per 87,000 citizens.
- Many observers claim that in the twentieth century there has been a general decline in the power of legislatures, relative to executives and bureaucracies. Is it possible to say that the power of the legislature declined, and if so, why?

# The Decline of Legislatures

Actually, it is very difficult to provide a definitive answer to these questions about relative power using the techniques of cross-national empirical analysis.

An empirical test of the relative decline of legislative power is especially difficult. It requires measurement and comparison of the power, not only of the legislature, but also of the executive and the bureaucracy, at several points in time and across several different states.

Since no studies have provided a meticulous analysis of this, we might begin with a modest question:



# Is there evidence that contemporary legislatures demonstrate significant political weakness?

It could be argued that legislatures are becoming less powerful.

In some states the legislature is essentially a **rubber stamp** for the actions of a powerful state executive.

In most countries legislatures do not provide a coherent structure within which power can be concentrated and exercised effectively.

-- Many legislatures have relatively slow and cumbersome procedures for the lawmaking function.

- This complexity is more evident in bicameral systems since there is often disagreement between the two chambers.
- Most legislatures react to policy initiatives from the executive more than they create policy.
- The legislatures almost never have the level of support services that are available to the executive.
- They do not have enough financial resource and facilities.
- Their staff sizes, and even the legislator's are significantly lower than those of top members of the executive and administrative structures



Similarly, the technical expertise and knowledge resources available to legislatures are far less than those for the executive and administrative structures.

Some analysts have argued that a third, more social-psychological weakness of legislatures exists.

The claim is that most citizens desire clear, dynamic, and singular political leadership, but legislatures are typically composed of many people who, for most citizens, are either indistinguishable or offer too many different identities.





## 2. EXECUTIVES

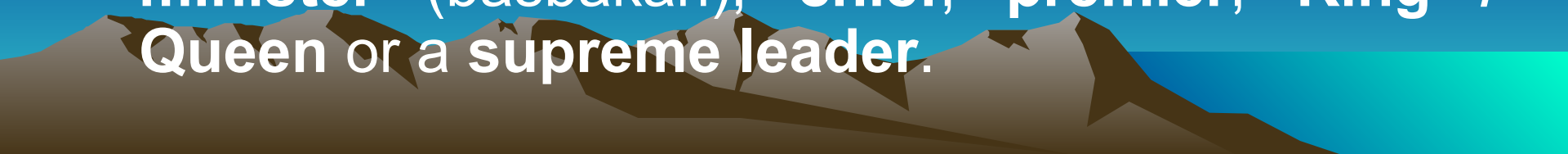
The executive refers to a leader or leaders who are responsible for formulating and especially for implementing public policy.

**Executive** the Latin word *ex sequi* (to follow out or to carry out).

Thus, the particular role of the executive is to carry out the political system's policies.

At the top of the executive structure there is a political actor who can be called the **Chief Executive**.

The chief executive may be a **president, prime minister** (basbakan), **chief, premier, King / Queen** or a **supreme leader**.



- The chief executive may include two or more individuals.
- In France for example the chief executive includes the president and prime minister.
- In a military regime the chief executive is a military junta.



# Roles of Executives

## 1. Leadership roles:

\* to lead people (influence/control/show the '*correct*' way)

The Chief Executive takes initiatives in formulating, articulating and implementing goals for the political system.

The C. Executive can obtain people support for these goals and develop strategies for their accomplishment.

The most important capacity to lead mobilization of people '**policy formation**' is concentrated in the hands of chief executive (not in other actors of the executive such as ministers)



## **2. Symbolic and ceremonial roles**

“unifying symbol of the entire society” and become the ‘mother/father’ of the people. This role is very obvious when the leader has a strong image like Fidel Castro, Qaddafi and Saddam Hussein.

## **3. Supervision of the administration**

Most systems include an ‘executive cabinet’ where each member is responsible for some major area of administration.



## 4. Supervision of the military and foreign affairs

In some cases, the top executive is the commander in chief of the entire military system of the state, including personnel and other resources (aircraft, nuclear weapons, military intelligence, and so on)".

The C. Executive is responsible to set policy and supervise the military and to use state's military capacity to maintain security of society.

The C. executive is also responsible for relations with other states (foreign affairs).



# STRUCTURAL ARRANGEMENTS

## Dual Executive:


The **head of state** performs the more ceremonial aspects of top leadership.

The **head of government** performs political aspects of the executive role.

Constitutional monarchies are obvious examples of political systems with dual executives. (In **Britain Queen as symbolic unifying actor and the Prime Minister representing political roles**). The monarch has little or no power to make authoritative value allocation.

In some countries a religious leader can function like a head of state, as in Iran. But in Iran the religious leader has important power and influence over aspects of political life.

Fused Executive: A single actor performs both the ceremonial roles associated with the head of state and real political powers associated with the head of the government.



## “The executive”

While the chief executive refers to the one individual or small group at the apex of the executive structure, the executive is a broader term including all the people and organizational machinery that are below the chief executive.

In its broader sense the executive includes upper and middle level decision makers in all the departments that are in the chief executive's chain of command.





The actors in executive structure are supposed to follow the directives of the chief executive. But the chief executive's power over the rest of the executive is rarely absolute. Among the reasons why the chief executive's directives might not be carried out are these:

1. Units within the executive might be too disorganized to act effectively.
2. The executive might lack the resources to carry out policies
3. Some units may compete with each other and do not coordinate their actions to meet the chief executive's policies.
4. Units might misunderstand or resist or challenge the chief executive.



### 3. THE ADMINISTRATION

The administration consists of the thousands or even millions of public employees who perform daily business of interpreting and implementing the policies enacted by the state.

These employees are divided into organizational units called by such names as departments, ministries, agencies, or bureaus.

The state's military and police forces are the most important component of the administration.



# Bureaucracy as One Form of Administration

In most discussions, administration and bureaucracy are synonymous concepts; but it is necessary and might be helpful to distinguish between them.

*Administration* is the general term used to describe the machinery and the processes through which rules and policies are applied and implemented.

*Bureaucracy* is a particular structure and style through which the administration can operate. Bureaucratic structures and style have received their definitive description from Max Weber.



## According to Weber:

- (1) There are impersonal official obligations for bureaucrats to apply specific rules.
- (2) Bureaucracy is based on a hierarchical structure.
- (3) Each office has a clearly defined sphere of competence.
- (4) Bureaucrats are selected (not appointed) and this selection is based on technical qualifications.
- (5) Bureaucratic service is non-partisan (it cannot be used for personal purposes).
- (6) There is a system of promotion.

In some contemporary political systems we find unpredictable and personal treatment by administrators. The treatment you receive can depend on the attitude of the administrator or on your social status.



# Administrative Functions and Power

The scale of activity of a state's administrative structure depends on that political system's definition of *res publica* (public domain). As the political system penetrates a larger sphere of the society and economy, there is a corresponding need for a more extensive administrative structure.

The administrative system tends to be larger, in relation to the society as the political system becomes more totalitarian.




Given the very substantial variations in the definition of *res publica*, there are at least five broad functions that are performed, more or less extensively, by the administrative structures in contemporary political systems.

1. Information management. Administrators are responsible for the collection, storage, and analysis of huge amounts of information about the individuals and processes in the society.

This information provides a crucial database (for measuring the nature and impact of public policies, and for informing many ongoing decisions and actions related to the allocation of public values).

2. Provision of knowledge. Many administrators develop real expertise within their specialized areas. This knowledge has important utility for making appropriate decisions and actions by the political system to deal with public problems.



3.Provision of public goods and services. Administrators must constantly interpret and apply public policies that provide public goods and services to individuals and groups.

4.Regulation and enforcement of public policies. Interpreting and implementing public policies for example monitoring collusion (planning something illegally) among corporations, enforcing traffic laws, protecting the civil rights of ethnic minorities.

5.Extraction of resources. Collecting revenues from citizens and business, producing goods and services by operating state-owned companies.



It is argued that in the complex, extensive, and knowledge-based political systems of the late 20th Century, the power of the bureaucracy is supreme.

Although the administrators are, in theory, “servants” of their political masters and clients (people), it might be that in reality these roles are reversed. Bureaucrats have such unmatched knowledge and experience in their specialized domains that generalist politicians rarely have sufficient expertise to question the bureaucrats’ information, recommendation, or actions.





## 4. THE JUDICIARY

- State of nature (a situation where there is no authority and no limitation on individual freedoms)
- **Might makes right**
- Social contract (a situation where the individuals give up some of their freedoms to create an authority responsible for solving actual disputes in society)



Every society holds that those who violate its rules and laws must be sanctioned. But there are some important ambiguities (uncertainties), for example:

- What does the rule mean?
- Has a rule been violated?
- Who are the 'guilty' actors?
- How serious is the offense?
- What sanctions [punishments] are appropriate?

These kinds of uncertainties are resolved by adjudication. To do this many states have established judicial structures whose primary role is adjudication.



# Aspects of Adjudication

## 1. Civil law:

The adjudication function attempts to interpret and apply the relevant rules or laws to a given situation. When the issue involves civil law the main objective of adjudication is to settle the dispute. Examples of such rules include divorce, contracts, and personal liability litigation (judicial proceeding).

## 2. Criminal law:

When an individual or group behaves in a manner interpreted as an offense against the social order, adjudication can be an important mechanism of social control. Much of this is the area of criminal law. Examples of criminal offenses are murder, substance abuse, theft, bribery, extortion, and environmental pollution.



### 3. Constitutional/administrative law or statutory law:

In some instances, adjudication can center in arbitration regarding the behavior of the political system itself. For example questions about the legitimate domain of action by a governmental actor in relations with other governmental units or private actors, fundamental constitutional questions about the distribution of power between state's organs.



# Judicial Structures

Judicial structure refers to the system of courts and personnel that determine whether the rules of society have been transgressed (broken) and, if so whether sanctions ought to be imposed on the violator.

Most political systems do have a hierarchical system of judicial structures with appeal processes possible from the lower-level to higher-level courts.

Most judicial systems also have subsystems that are responsible for different aspects of adjudication. For example, the French judicial structure separates the criminal and civil law system from a second system that deals with administrative law. In Great Britain, one major judicial system is responsible for criminal law and a second handles (responsible for) civil law.



# Is it possible to talk about independent judiciary?

The legal system and the set of judicial structures in every political system are political. Because adjudication entails crucial decisions about the allocation of values. Thus, the only sense in which it is reasonable to speak of an independent judiciary is in assessing the extent to which judges can take decisions that conflict with the demands of other powerful individuals and groups particularly the executive, legislative, and administrative structures.



While there is no systematic research to clarify the independence of judicial structures, they usually support and rarely challenge the power and authority of the top leadership groups in their society.

However, there are some political systems where the judiciary is relatively independent. By exercising the power of judicial review, judicial structures can reinterpret or even revoke (cancel) the policy decisions of the other political structures.

In some states there is a very strong system of judicial review. These are Canada, Colombia, Germany, India, Israel, Italy, Mexico, Norway, Switzerland, and the United States.

