

Lecture notes for

WEEK 6

Government - its types & branches

- **Also:**
- **Check and balances**
- **Cabinets**
- **Legislatures and
Courts**

Government:

- **government**

- the root is from old Greek - refers to "steering" / "guiding" and control
- the study of government & its institutions lies at the heart of Political Science...
- ***Attention:*** in English, the term “*government*” is often used with different meanings*(*see below*)

Government:

- generally, we speak of **three branches of government***:
- **executive** branch
- **legislative** branch
- **judicial** branch

Government:

- *branches of government - definitions:*
- **1. executive** (*executive branch*)
- = the branch of government responsible for the day-to-day management of the state affairs
- have powers to implement policies & enforce laws (the latter, for instance, with help of the police)
- consists of departments /ministries + agencies of government; in presidential systems also of the president

Government:

- **2. legislature** (*legislative branch*) =
- representative assembly responsible for making laws for a country
 - A legislature may have different structures + fulfils many functions; *see also* ***parliament***

Government:

- **3. judiciary** (*judicial branch*) =
- a branch responsible for the interpretation of the law & its application
 - it has the power to resolve legal conflicts that arise between citizens, or between citizens & governments, or between levels of government

Judiciary & courts:

- *Some important characteristics of the judiciary:*
 - judicial impartiality (=neutrality)
 - judicial independence (courts do not obey the executive!)



Judiciary & courts:

- Courts may also play the **political role:**
- in many countries, higher courts have the authority to overturn decision of other branches of government when they consider them unconstitutional
- this role especially belongs to **constitutional courts**
- In Kazakhstan, such a court is called **Constitutional Council**

Constitutional Council in the RKZ (optional):




- **Constitutional Council of the RKZ**

- Has a special position in the political system of KZ. Its powers are defined in the **art. 72** of the Constitution
- *It decides in the case of dispute:*
- elections of the President; elections of the Parliament deputies; referendum;
- *It examines:* a) whether laws passed by Parliament and signed by the President comply with the Constitution; b) whether ratified international treaties comply with it
- *It provides with* official interpretation of the Constitution

Government:

- In a functioning democratic system there should be:
- 1. **separation of powers** between these 3 branches* -
i.e. each branch had its own area in which makes decisions
- *and*
- 2. **checks and balances**
 - which gives each branch powers that enable it to prevent the other branches from taking some bad actions
- both principles are different yet closely linked

Separation of powers and “checks and balances”:

Separation of Powers	Legislature	Executive	Judiciary
Establishes each branch of government and defines the powers of each	<p>The Legislature can make laws.</p> 	<p>The Executive can enforce laws.</p> 	<p>The Judiciary can interpret laws.</p> 
Checks and Balances	<ul style="list-style-type: none">• Confirm executive appointments (Senate)• Override executive veto• Impeach executive and judicial officials	<ul style="list-style-type: none">• Veto legislation• Recommend legislation• Grant pardons	<ul style="list-style-type: none">• Review legislative acts• Review executive acts• Issue injunctions

Government – separation of powers:

- *Note:*
- *an example of separation of powers:*
- President or Prime Minister cannot order a court what to do & cannot interfere with its work!

Parliament:

- *The key institution of the legislative branch is:*
- **Legislature** (*also: Parliament*)
- = representative assembly with the power to adopt laws; legislatures are known by many names, the most common being ***”parliament”***
 - in different countries different names: Congress, Diet (Japan), or National Assembly (BG), Knesset, Duma, Cortes (Spain)...
 - Terms to understand: deputy (=member of the parliament); bill (a draft of law considered by the parl.)

Parliament:

- legislatures are mostly **bi-cameral**
 - i.e. consist of a “lower” and “upper” house (often called Senate, House of Lords in U.K.)
 - “upper houses” usually have “reviewing and advisory” role; in federations they may represent regions /provinces, etc.
- sometimes **unicameral** (e.g. in Sweden)

Parliament (U.K.):



Parliament (Bundestag, GER):



Parliament – functions (remember at least four):

Law-making	Check on the executive (example: the “Question Period”)
Representation (= to represent people!)	Debate / suggest or initiate policies
Discussion / approval of the Budget	Ratification of international treaties

The Parliament in KZ – Majilis (optional):

- *Exclusive powers of Lower Chamber of Parliament of Kazakhstan (Majilis):*
- Consideration of laws
- Discussion of the national budget, setting up state taxes and duties
- Ratification and revoking of international treaties of KZ
- Passing the vote of no confidence to the Government
- Bringing an accusation against the President for high treason

Executive - Cabinet:

- **The Cabinet** – *what is it? **)
- its members are usually chosen by the Prime Minister, from selected members of the legislature, and approved by the legislature (& formally by the head of the state)
 - in some countries, e.g. Netherlands, ministers have to give up their parl. seats
- cabinet is usually headed by a **Prime Minister** (PM), by the **Chancellor** in Germany

Executive - Cabinet:

- **Cabinet - functions**

- *responsible for **policies** in particular areas (agriculture, environment, transportation, etc.), including:*
 - planning policies and
 - implementing policies
- *also:*
 - organizing public services
 - building the infrastructure(s)
 - collecting taxes (usually through a special agency)

Current Cabinet in KZ:

- **Cabinet /government of KZ** (*see the KZ government website*):
- Ministers and ministries
 - As everywhere, ministers are in charge of government offices (ministries), which are responsible for specific policy areas
- remember at least 2 different ministries in KZ
- *How many of them are headed by women?*

Cabinet (optional):

- **cabinet** / **government formation** – 2 basic types:
- **single-party** cabinet (e.g. in the U.K.)
- **coalition** cabinet – any combination of parties to reach majority in parl.
 - coalitions = often “the marriage of convenience”, often inherent instability

Heads of State:

- **heads of states** – different types of them:
- functions of a **hereditary monarch** (mostly symbolic *but compare the Swedish vs. Spanish kings*)
- **elected heads of state** – in non-presidential systems mostly only slightly more political role than monarchs (e.g. the German president); in presidential systems, presidents are chief executives
 - As a rule, popularly elected presidents usually have more power than parliament-elected

Government – forms & types:

Types of “government”:

- **parliamentary system**
- the PM = the dominant figure, usually a party leader & his /her majority party control both legislative & executive branches (party discipline is important in this system)*
- **vs. presidential system**
 - for instance, in the U.S. President is the “chief executive” **

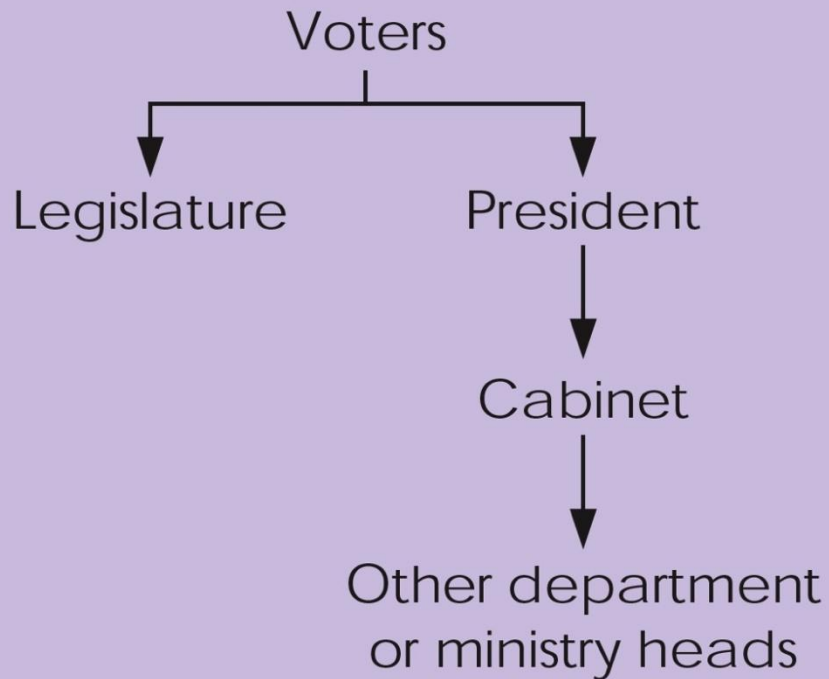
Seminar: Government – forms & types:

- ***semi-presidential system*** (a “hybrid” system)
- executive power is shared by both the president + the PM (e.g. France, also Finland, Poland, Lithuania)

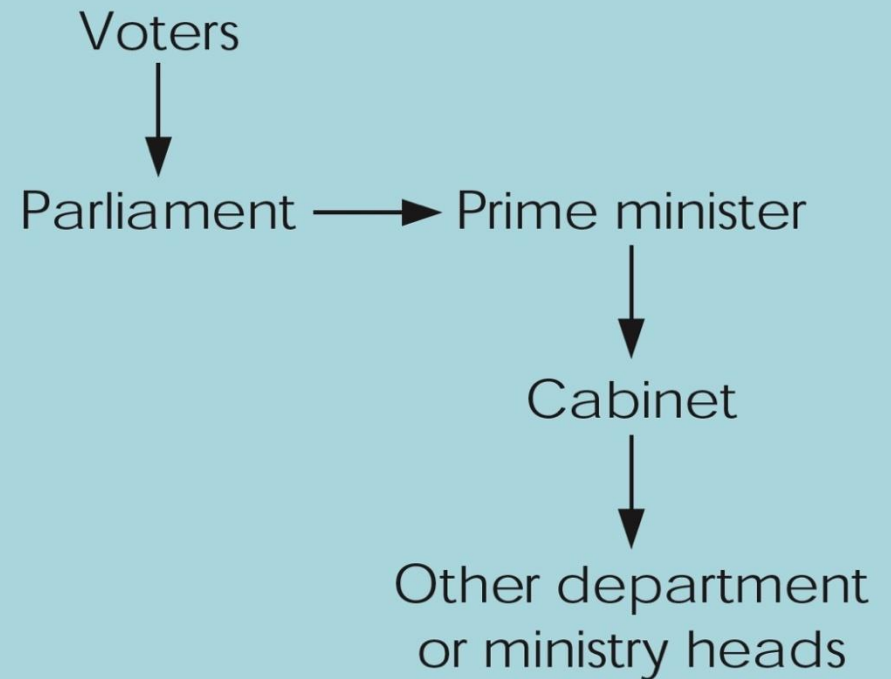
Seminar: parliamentary vs. presidential systems:

- Comparison of **parliamentary** and **presidential** forms of government:
- in parliamentary systems: separate head of state & head of the executive
- in presidential system, one official fulfills both functions of chief executive and a head of state
- in pres. system, different elections for president and for parliament
 - interesting: to compare whether political executive are members of the legislature (in the parliamentary systems they sometimes are...)

Presidential system



Parliamentary system



Presidential Systems

- **Direct Election of the Chief Executive**
 - Electoral college
- **Fixed Terms for the Executive and Legislature**
- **Separation of Powers and Checks & Balances**
 - Impeachment
- **Sole Executive (the Head of State and Head of Government is the same person)**
- **The Potential for Divided Government**

Presidential system vs Parliamentary

- In presidential system:

System of checks and balances

Parliament can impeach the president

President can veto legislative decisions and laws

- In Parliamentary form

System of checks and balances

Prime Minister can dissolve the parliament

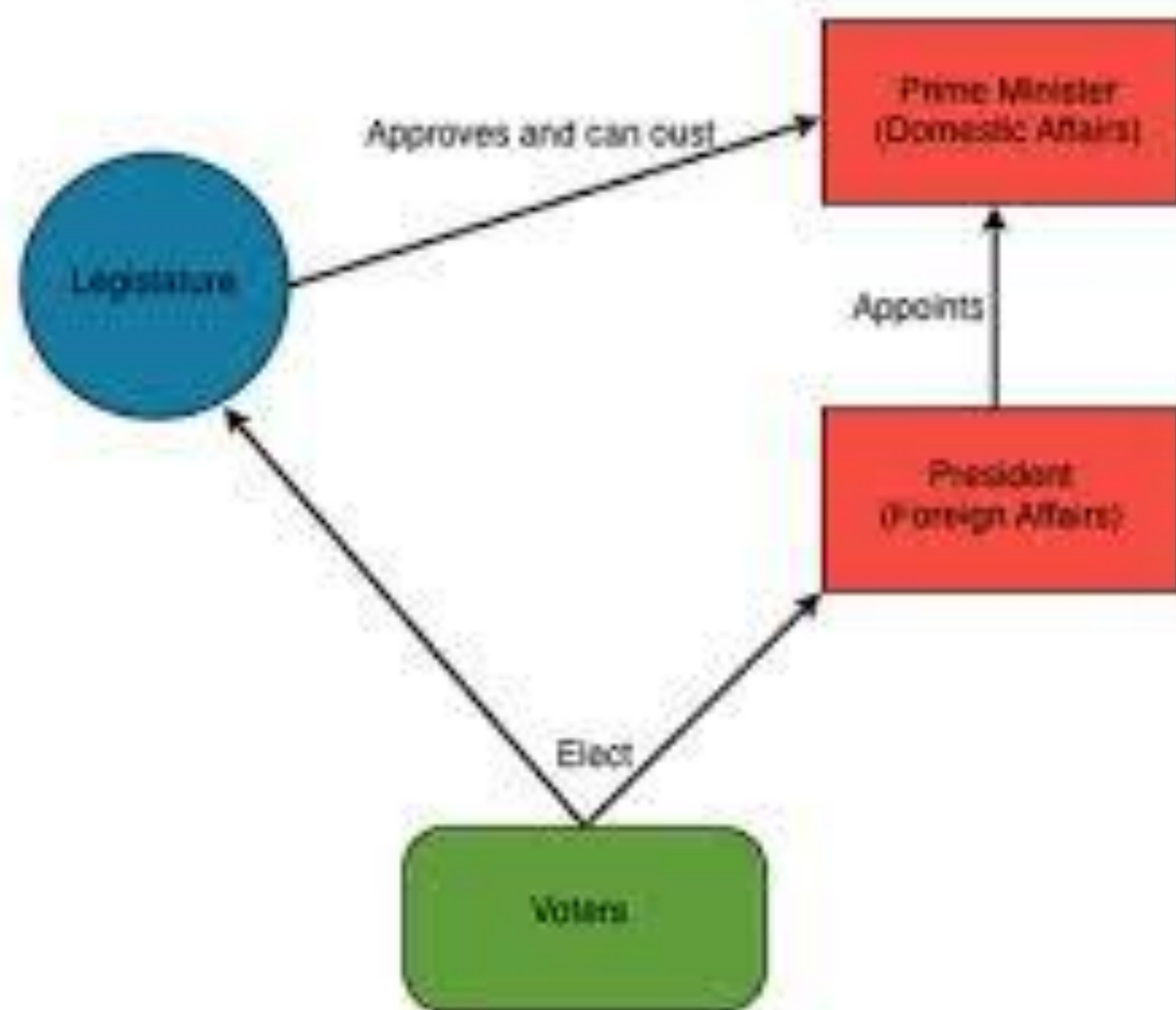
Parliament can express vote of no confidence

Presidential vs. parliamentary systems

- **Legislative-Executive Terms and Removal from Office:**
- Parliamentary – the chief executive's term of office is directly linked with that of the legislature
- Presidential – the terms are not linked (in some countries, additional checks – not allowed to serve more than one or two terms)

Presidential vs. parliamentary systems

- **Hybrid** – executive power is shared between a separately elected President and Prime Minister.
(can be semi-Presidential and semi-Parliamentary...)



Semi-presidentialism

- To quote Elgie (1999: 14), “constitutionally strong presidents are sometimes politically weak and constitutionally weak presidents are sometimes politically strong

Semi-presidentialism

- According to Elgie (1999: 13) “semi-presidential regime may be defined as the situation where a popularly elected fixed-term president exists alongside a prime minister and cabinet who are responsible to parliament”
- This has become widely acknowledged as the standard definition of semi-presidentialism, utilized by basically all recent studies (Schleiter and Morgan-Jones 2009: 875)

Semipresidential Systems

■ Advantages of Semipresidential Systems

- Providing cover for the president
- The ability to remove unpopular prime ministers with the stability of fixed terms
- Additional checks and balances

■ Disadvantages of Semipresidential Systems

- Confusion about accountability
- Confusion and inefficiency in the legislative process

Semi-presidentialism

- “executive power to preside over cabinet meetings and to direct national policy, is shared between these two executives.
- Problematically, such power sharing precludes a clear division or clear separation of powers, often leading to constitutional ambiguity.
- As a consequence, in times of disagreement between the president and the prime minister, it is often not quite clear from the constitution which executive has final decision authority.” (Skach 2007: 96-97)

Countries with semi-presidential system

- Algeria (1989), Armenia (1995), Austria (1945), Azerbaijan (1995)
- Belarus (1996), Bulgaria (1991), Burkina Faso (1991)
- Cameroon (1991), Cape Verde (1990), Chad (1996), Croatia (1991), Czech Republic (2012)
- Dem. Rep. Congo (2006)
- Egypt (2013)
- Finland (1919), France (1962)
- Gabon (1991), Georgia (2004)
- Haiti (1987)
- Iceland (1944), Ireland (1937)
- Kazakhstan (1993), Kyrgyzstan (1993)
- Lithuania (1992)

Semi-presidential system

- Perhaps not very surprisingly, this literature indicates that the likelihood of conflict between the president and the government (or the PM) increases when they represent different parties
- In France such occurrences are referred to as **cohabitation**, whereas elsewhere it is about divided government (Fiorina 1996), defined in semi-presidential regimes by Elgie (2001b: 12) as situations where "a party (or parties) opposed to the president has (have) a majority in the key house, leading to the appointment of a prime minister who is also opposed to the president.

Semi-presidential system

- During the period of divided government from 1997 to 2002 disputes between President Jacques Chirac and centre-left PM Lionel Jospin delayed major pieces of legislation, particularly in the area of judicial Reform.
- These conflicts facilitated the constitutional amendment of 2002, which shortened the presidential term from seven to five years in the hope that it would reduce the likelihood of cohabitation whilst keeping intact all of the president's powers (Skach 2005: 113-117)

Think and Discuss

The debates over the merits and limitations of presidential and parliamentary systems are presented in the context of developing countries with relatively new democracies. Some scholars have raised similar questions about countries like the United States. How different would Turkish politics be if Turkey had a presidential system instead of a parliamentary one?

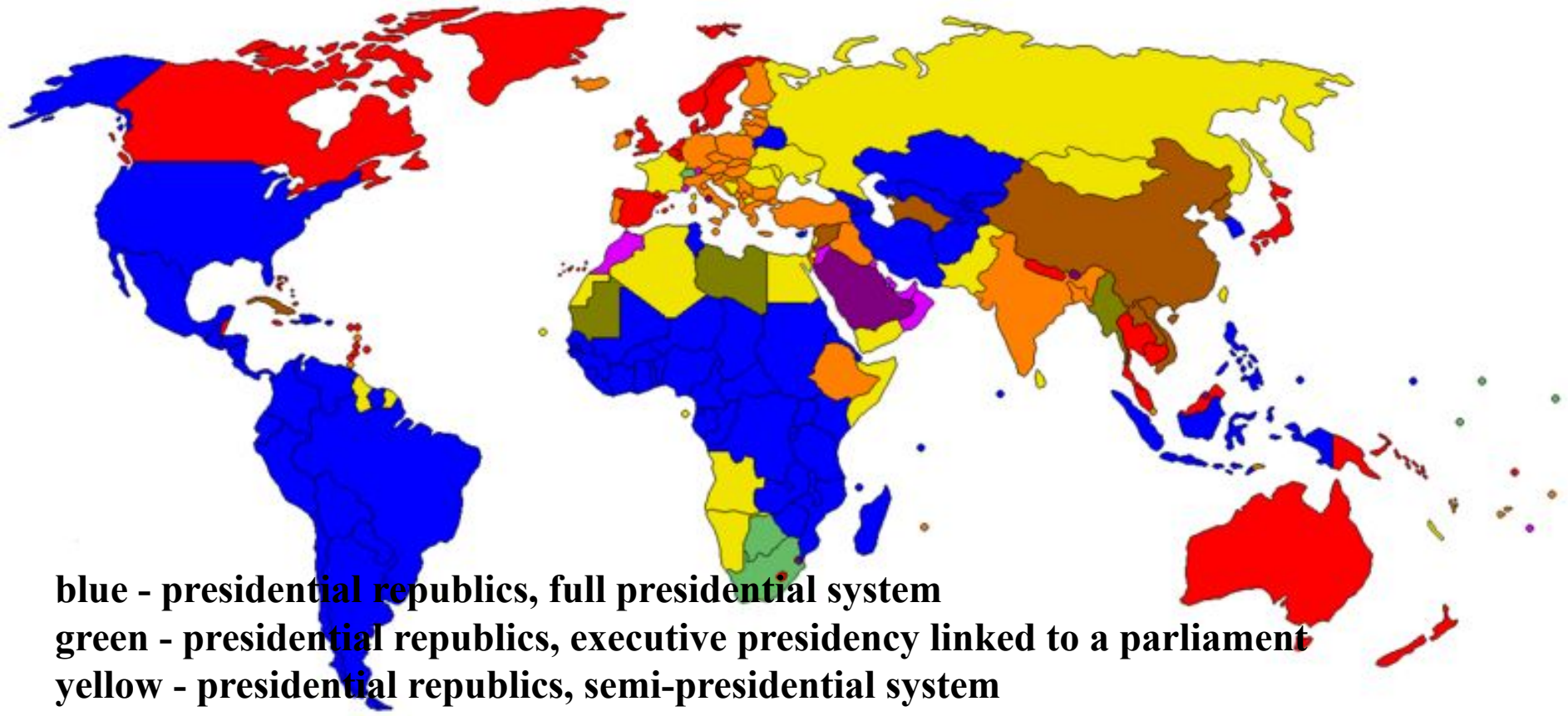
Seminar: “Government” types - review:

- *We already know some basic classifications of governments / political systems, depending on:*
- I the territorial distribution of power between different levels of government (unitary vs. federal state)
- II the relationship between the executive and the legislature (a parliamentary vs. presidential systems)
- III whether a monarch is a head of state or somebody else (monarchy vs. republic)
- IV the extent of coercion/consent; limits placed on the legitimate authority of government
 - a scale from liberal /democratic governments to totalitarian governments

Seminar: Government forms - review:

- *Do not forget that...*
- **constitutional monarchy** =
- a rather modern form of government (vs. absolutist monarchy); *a single person, a monarch usually in a hereditary succession, reigns under the law*
 - a monarch reigns not rules; it is not exclusive with democratic & parliamentary systems
- vs. **republic** – republics usually have presidents, with much or less power

Observe the diversity of forms of government worldwide (optional):



blue - presidential republics, full presidential system

green - presidential republics, executive presidency linked to a parliament

yellow - presidential republics, semi-presidential system

orange -parliamentary republics

red - parliamentary constitutional monarchies (the monarch does not exercise power)

**magenta - constitutional monarchies in which the monarch personally exercises power
(often alongside a weak parliament)**

purple - absolute monarchies

brown - republics whose constitutions grant only a single party the right to govern

olive - military dictatorships