



INSTITUTE  
OF DISTANCE  
EDUCATION **IDE**  
Rajiv Gandhi University



MAPOLS-504

# Comparative Political Systems

MA POLITICAL SCIENCE

3rd Semester

Rajiv Gandhi University

[www.ide.rgu.ac.in](http://www.ide.rgu.ac.in)

# COMPARATIVE POLITICAL SYSTEMS

MA [Political Science]

Third semester

MAPOLS – 504



**RAJIV GANDHI UNIVERSITY**

Arunachal Pradesh, INDIA - 791 112

<b>BOARD OF STUDIES</b>	
<b>1. Prof.PKPanigarhi</b> Department of Pol. Science Rajiv Gandhi University	Chairman
<b>2. Prof. M N Das</b> Department of Political Science Dibrugarh University Dibrugarh, Assam	Member
<b>3. Mr. N N Hina</b> Department of Pol. Science Rajiv Gandhi University	Member
<b>4. Dr.AshanRiddi</b> Director, IDE	Member Secretary

#### **Authors**

**Dr Biswaranjan Mohanty: Units(3.3, 6.2, 7.2-7.3)©Dr Biswaranjan Mohanty,**

**Vikas Publishing House: Units(1,2, 3.0-3.2, 3.4-3.10,4, 5, 6.0-6.1, 6.3-6.9, 7.0-7.1. 7.4-7.9, 8, 9,10) Revised Edition 2021.**

All rights reserved. No part of this publication which is material protected by this copyright notice may be reproduced or transmitted^ utilized or stored in any form or by any means now known or hereinafter invented, electronic, digital or mechanical, including photocopying, scanning, recording or by any information storage or retrieval system, without prior written permission from the Publisher.

"Information contained in this book has been published by Vikas Publishing House Pvt. Ltd. and has been obtained by its Authors from sources believed to be reliable and are correct to the best of their knowledge. However, IDE—Rajiv Gandhi University, the publishers and its Authors shall be in no event be liable for any errors, omissions or damages arising out of use of this information and specifically disclaim any implied warranties or merchantability or fitness for any particular use"

Vikas® is the registered trademark of Vikas® Publishing House Pvt. Ltd.

VIKAS® PUBLISHING HOUSE PVT LTD

E-28, Sector-8, Noida - 201301 (UP)

Phone: 0120-4078900 • Fax: 0120-4078999

Regd. Office: 576, Masjid Road, Jangpura, New Delhi 110 014

• Website: [www.vikaspublishing.com](http://www.vikaspublishing.com) • Email: [helpline@vikaspublishing.com](mailto:helpline@vikaspublishing.com)

# About the University

Rajiv Gandhi University (formerly Arunachal University) is a premier institution for higher education in the state of Arunachal Pradesh and has completed twenty-five years of its existence. Late Smt. Indira Gandhi, the then Prime Minister of India, laid the foundation stone of the university on 4th February, 1984 at Rono Hills, where the present campus is located.

Ever since its inception, the university has been trying to achieve excellence and fulfill the objectives as envisaged in the University Act. The university received academic recognition under Section 2(f) from the University Grants Commission on 28<sup>th</sup> March, 1985 and started functioning from 1<sup>st</sup> April, 1985. It got financial recognition under section 12-B of the UGC on 25<sup>th</sup> March, 1994. Since then Rajiv Gandhi University, (then Arunachal University) has carved a niche for itself in the educational scenario of the country following its selection as a University with potential for excellence by a high-level expert committee of the University Grants Commission from among universities in India.

The University was converted into a Central University with effect from 9<sup>th</sup> April, 2007 as per notification of the Ministry of Human Resource Development, Government of India.

The University is located atop Rono Hills on a picturesque tableland of 302 acres overlooking the river Dikrong. It is 6.5 km from the National Highway 52 and 25 km from Itanagar, the State capital. The campus is linked with the National Highway by the Dikrong bridge.

The teaching and research programmes of the University are designed with a view to play a positive role in the socio-economic and cultural development of the State. The University offers Undergraduate, Postgraduate, M.Phil and Ph.D. programmes. The Department of Education also offers the B.Ed. programme.

There are fifteen colleges affiliated to the University. The University has been extending educational facilities to students from the neighbouring states, particularly Assam. The strength of students in different departments of the University and in affiliated colleges has been steadily increasing.

The faculty members have been actively engaged in research activities with financial support from UGC and other funding agencies. Since inception, a number of proposals on research projects have been sanctioned by various funding agencies to the University. Various departments have organized numerous seminars, workshops and conferences. Many faculty members have participated in national and international conferences and seminars held within the country and abroad. Eminent scholars and distinguished personalities have visited the University and delivered lectures on various disciplines.

The academic year 2000-2001 was a year of consolidation for the University. The switch over from the annual to the semester system took off smoothly and the performance of the students registered a marked improvement. Various syllabi designed by Boards of Post-graduate Studies (BPGS) have been implemented. VSAT facility installed by the ERNET India, New Delhi under the UGC-Infonet program, provides Internet access.

In spite of infrastructural constraints, the University has been maintaining its academic excellence. The University has strictly adhered to the academic calendar, conducted the examinations and declared the results on time. The students from the University have found placements not only in State and Central Government Services, but also in various institutions, industries and organizations. Many students have emerged successful in the National Eligibility Test (NET).

Since inception, the University has made significant progress in teaching, research, innovations in curriculum development and developing infrastructure.

# SYLLABI-BOOK MAPPING TABLE

## Comparative Political Systems

Syllabi		Happing In Book
I HI 1	Understanding Comparative Political Systems - Methods of Comparison: Historical, Legal, Comparative - Importance of Studying Contemporary Political System.	<b>Unit 1:</b> Understanding Comparative Political System and Behavioural.
MI 2	Constitution and Constitutionalism - History of	<b>Unit 2:</b> Constitution and Constitutionalism
LI 3	Constitutionalism, Problems and Process of Making of constitution <b>Major Political Systems</b> - Democratic, Totalitarian and Authoritarian Systems	<b>Unit 3:</b> Major Political Systems) <b>Unit 4:</b> Government and Political Structures Judiciary
<b>Unit 4</b>	<b>Government and Political Structures</b> - Parliamentary, Presidential, Unitary and Federal	Unit 5: Federalism

# CONTENTS

## INTRODUCTION

### UNIT 1 UNDERSTANDING COMPARATIVE POLITICAL SYSTEM

#### Introduction

- Unit Objectives
- Methods of Comparison
- Historical Method
- Legal Method
- Comparative Approach
- Behaviourial Method
- Importance of Studying Comparative Politics
- Summary
- Key Terms
- Answers to 'Check Your Progress'
- Questions and Exercises
- Further Reading

### UNIT 2 CONSTITUTION AND CONSTITUTIONALISM

- Introduction
- Unit Objectives
- History of Constitutionalism
- Importance of Implementing Constitutions
- Constitutions as Symbols and Manifestos, and Legal Rules
- Constitutionalism: C. J. Friedrich
- The Making of a Constitution: Process and Problems
  - 24.1 Choices for Makers of Constitution
- Responsibilities and Duties
- Process of Constitution-Making
- Making** of the Constitution of India
- Summary
- Key Terms
- Answers to 'Check Your Progress'
- Questions and Exercises
- Further Reading

### UNIT 3 MAJOR POLITICAL SYSTEMS

- Introduction
- Unit Objectives
- Concept of Political System
- Democratic Political System
  - Direct Democracy
  - Indirect Democracy
  - Characteristics of Democracy
  - Political, Social and Economic Democracy
  - Safeguards of Democracy
  - Classical Theory of Democracy
- Totalitarian Political System
  - Features of a Totalitarian Government
  
- Authoritarian System
- Forms of Authoritarian Government
- Summary
- Key Terms
- Answers to 'Check Your Progress'
- Questions and Exercises

## Further Reading

### **UNIT 4 GOVERNMENT AND POLITICAL STRUCTURES**

Introduction

Unit Objectives

Parliamentary Government

Presidential Government

    Powers and Functions of the US President

    Comparison between the US President and the British King and Prime Minister

    Comparison of the Presidential Powers in America and Britain

    Election of the US Vice-President

    Cabinet in USA

    Composition and Powers of the American House of Representatives

    Powers and Functions of the US Senate

    Procedure in the American Congress

Unitary Form of Government

Salient Features of Unitary Government

Federal Government

Summary

Key Terms

Answers to 'Check Your Progress'

Questions and Exercises 4.10 Further Reading

### **UNIT 5 FEDERALISM**

Introduction

Unit Objectives

The US Federalism

    The Era of Marshall and Taney, and Dual Federalism

    Great Depression and Abrupt Change

Federalism in Switzerland

    Features of Switzerland's Political System

The Canadian Federal Structure

Levels of Government in Canadian Federalism

    Confederation and the Division of Powers

Comparative Federalism

Summary

**Key** Terms

Answers to 'Check Your Progress'

Questions and Exercises 9.10 Further Reading

Eligibility

# INTRODUCTION

Since ancient times, scholars, thinkers and political scientists have been studying various models of governance and politics. The study so far may not have been conclusive but it draws upon a general systemization of socio-economic and political factors at play. The focus has been the government and political process, institution and their behaviour, and political thoughts. Comparative government covers many of the same subject but from the perspective of parallel political behaviour in different countries and regions.

In the study of political science, while it is certainly important to learn about the facts pertaining to the institutions of three or more countries, it cannot be called comparative politics until it is a comparative study. What are the useful types of comparisons? The earliest and the most original form of comparative government is the study of constitutions. The base of this study is Aristotle's compilation of the constitutions and practice of 158 Greek city-states. Of these, only the *Constitution of Athens* is still existent. Although undeniably, the comparative study of different city-states consolidates a few of the generalizations in Aristotle's *Politics*. This is similar to the manner in which the comparative study of different living organisms constitutes his biological writing. However, since Aristotle, biology scaled new heights, but the comparative study of constitutions has not achieved such heights. This is partly because it is not easy to achieve the optimum balance of generality. A few research studies have compared countries all over the world. These studies provide some useful statistical generalizations. However, no academic agreement has been found on basic questions like the relationship between the economic development of a country and its level of democracy. A different way of looking at it is by considering all cases of a common phenomenon—such as revolutions, totalitarian states, or transitions to democracy. In few of the cases, this point of view is difficult to define, for instance, revolution.

**The** most popular form of comparative government is still the elaborate study of selected policies in two or more countries. Researchers are always focused on the **issues of 'too few cases' or 'too many variables'**. There may be a large number of **factors** which cause a country to become a corporatist nation and other factors which influence the rate of growth of economy. Yet, the present-day researchers are more **Sensitive to the** problems pertaining to generalization and correspondingly more **cautious in** their conclusions, than the researchers of ancient times.

**This** book - *Comparative Political Systems* - has been designed keeping in mind the self-instruction mode (SIM) format and follows a simple pattern, wherein each unit of the book begins with the **Introduction** followed by the **Unit Objectives** for the topic. The content is then presented in a simple and easy-to-understand manner, and is interspersed with **Check Your Progress** questions to reinforce the student's understanding of the topic. A list of **Questions and Exercises** is also provided at the end of each unit. The Summary, Key Terms and Activity further act as useful tools for students and are meant for effective recapitulation of the text.

This book is having five units:

**Unit 1:** Covers the various methods of comparison—Historical, legal, comparative and behavioural. It also delves into the importance of studying contemporary political system.

**Unit 2:** Examines the history of constitutionalism, problems and process of making of constitution.

**Unit 3:** Describes the major political systems namely, democratic, totalitarian and authoritarian systems.

**Unit 4:** Describes the government and political structures like parliamentary, presidential, unitary and federal.

**Unit 5:** Discusses the existence of federalism in USA, Switzerland and Canada. Unit



## UNIT OBJECTIVES

After going through this unit, you will be able to:

- Explain the historical approach to understand comparative political system
- Describe the comparative approach
- Discuss the behavioural approach to study comparative political system
- Assess the legal approach to comparative political system
- Analyse the importance of studying comparative politics

## METHODS OF COMPARISON

### Historical Method

The historical method can be distinguished from other methods in that it looks for causal explanations which are historically sensitive. Eric Wolf emphasizes that any study which seeks to understand societies and causes of human action could not merely seek technical solutions to problems stated in technical terms. The important thing was to resort to an analytic history which searched out the causes of the present in the past. Such an analytic history could not be developed out of the study of a single culture or nation, a single culture area, or even a single continent at one period in time, but from a study of contacts, interactions and 'interconnections' among human populations and cultures. The world of humankind 'constitutes a manifold, a totality of interconnected processes, and inquiries that disassemble this reality into bits and then fail to reassemble it falsify reality'.

Historical studies have concentrated on one or more cases seeking to find causal explanations of social and political phenomena in a historical perspective. Single case studies seek to produce general statements which may be applied to other cases. Theda Skocpol points out that comparative historical studies using more than one case fall broadly into two categories, 'comparative history' and 'comparative historical analysis'.

Comparative history is commonly used rather loosely to refer to any study in which two or more historical trajectories are of nation-states, institutional complexes, or civilizations are juxtaposed. Some studies which fall in this genre, like Charles, Louis and Richard Tilly's *The Rebellious Century 1810-1930*, aim at drawing up a specific historical model which can be applied across different national context. Others, such as Reinhard Bendix's *Nation Building and Citizenship* and Perry Anderson's *Lineages of the Absolutist State*, use comparisons primarily to bring out contrasts among nations or civilizations, conceived as isolated wholes. Skocpol herself subscribes to the second method i.e., comparative historical analysis, which aims primarily to 'develop, test, and refine causal, explanatory hypothesis about events or structures integral to macro-units such as nation-states. This it does by taking 'selected slices of national historical trajectories as the units of comparison', to develop causal relationship about specific phenomenon (e.g. revolutions) and draw generalizations.

There are two ways in which valid associations of potential causes can be established. These methods laid out by John Stuart Mill in his *A System of Logic* are (i) the method of agreement and (ii) the method of difference. The method of agreement involves taking up for study several cases having in common both the phenomenon as well as the set of causal factors proposed in the hypothesis.

The method of difference, which is used by Skocpol, takes up two sets of cases: (i) the positive cases, in which the phenomenon as well as the hypothesized causal relationships are present and the (ii) the negative cases, in which the phenomenon as well as the causes are absent but are otherwise similar to the first set. In her comparative analysis of the French,

Russian and Chinese Revolutions, in *States and Social Revolutions, A Comparative Analysis of France, Russia and China*, (Cambridge, 1979), Skocpol takes up the three cases as the positive cases of successful social revolution and argues that the three reveal similar causal patterns despite other dissimilarities. She also takes up a set of negative cases viz., failed Russian Revolution of 1905, and selected aspects of English, Japanese and German histories to validate the arguments regarding causal relationship in the first case.

Critics of the historical method feel that because the latter does not study a large number of cases, it does not offer the opportunity to study a specific phenomenon in a truly scientific manner. Harry Eckstein for instance argues that generalizations based on small number of cases 'may certainly be a generalization in the dictionary sense.' However, 'a generalization in the methodological sense' ought to 'cover a number of cases large enough for certain rigorous testing procedures like statistical analysis to be used.' (Harry Eckstein *Internal War: Problems and Approaches*, 1964).

## Did You Know

The ancient Greek word *demokratia* was ambiguous. It meant literally 'people-power'. But who were the people to whom the power belonged? Was it all the people - the 'masses'? Or only some of the people - the duly qualified citizens? The Greek word *demos* could mean either. There's a theory that the word *demokratia* was coined by democracy's enemies, members of the rich and aristocratic elite who did not like being outvoted by the common herd, their social and economic inferiors. If this theory is right, democracy must originally have meant something like 'mob rule' or 'dictatorship of the proletariat'.

## Legal Method

Since we are exploring the traditional approaches, we will also refer to the methods like legal and juridical. As evident, this means that we shall analyze political systems along with the institutions and legal processes that comprise it. For political scientists using this method, law and justice are not limited to being the matters of jurisprudence but the state itself is treated as in charge of an equitable and effective system of law and order. Therefore, for political scientists, organizational matters, as well as those related to jurisdiction and independence of judicial institutions, are matters of concern. State has been analyzed as a corporation or a juridical person by analytical jurists from Cicero in ancient times to Dicey in the modern period. Politics thus became a science of legal norms, independent of the science of the state as a social organism. This approach, therefore, treats state as the prime entity to craft and implement laws.

Applied to the study of national and international politics, the legal method presumes that any action which is to be taken in case of an emergency is prescribed in law. It forbids action taking in some other situations, thus fixing the limit of action permitted. Moreover, it emphasizes that where rule of law prevails, its very knowledge among the citizens can help in determining their political behavior. However, by its very nature, the legal method is very narrow.

## Comparative Approach

The comparative method, its nature and scope has its own supporters and critics. Theorists like A. N.

Eisenstadt argue that the approach has no specific method but involves focuses on cross-societal institutional or other macro aspects of societies for social analysis. On the other hand, theorists like Arend Lijphart, contend that while comparative approach is a method and not just a vague term that symbolizes or indicates towards the focus of one's research. Lijphart defines this method a basic method compared to others that are more experimental, statistics-based or rely on case studies to make generalizations. Another theorist, Harold Lasswell, argues that the comparative nature within the scientific approach cannot be avoided and thus to anyone who uses such an approach to a political phenomena, a completely independent comparative method seems redundant.

Comparative approach has also been equated to the scientific method by Gabriel Almond. Yet, there is a general agreement between different scholars that the comparative method is not a method of measurement but aimed at discovering empirical relationships between variables. The first step is to measure variables before a relationship is explored

among them. It is the latter step which is referred to as the comparative method. Theorists argue that a distinction must be made between the technique and the method and identify comparative method as abroad, general method and not a narrow, specialized technique. Keeping these arguments in mind, theorists refer to it as the comparative approach method or a method of comparison because it lacks the nature and principles of a method. Therefore, the comparative approach can also be thought of as a more basic research strategy than a strategic tool of research.

When compared with the experimental, statistical or case study methods, the comparative approach can be better understood. For instance, the experimental method is a process to understand the relationship between two variables in a controlled environment. Such experiments are rare and difficult in political science, therefore, an alternative is used by the way of statistical method. Within statistical method, the empirical data is conceptually manipulated to discover controlled relationship among variables. Control is ensured through division of the sample into many different groups, also referred to as parting correlations or cross tabulations, like differentiating on basis of age, income, gender, education etc. This is followed by finding the correlation between two selected variables in each case. This is the standard procedure followed in this method and applied to most empirical research. The two methods - experimental and statistical -use the same logic and are often referred to as the approximation of each other.

Therefore, comparative method essentially resembles the statistical method except that the number of cases it deals with is often too small to permit statistical methods. But it is necessary to understand that the comparative method is not an adequate substitute for the experimental method as in the case of natural sciences. But these weaknesses can be minimized in a number of ways. The statistical method is best to use as far as possible, except in cases where entire political systems are being compared, then the comparative method has to be used. The two can also be used in combination. In this comparative analysis it is the first stage in which macro hypotheses are carefully formulated, usually covering the structural elements of total systems, and the statistical stage is the second, in which through micro replications these are tested in as large a sample as possible. Second, too much significance must not be attached to negative findings: for example, rejecting a hypothesis on the basis of one deviant case especially when the sample is small. Rather, research should aim at probabilistic and not universal generalizations. Third, it is necessary to increase the number of cases as much as possible (Though small samples are not of much use). Comparative politics has advanced because the formulation of universally applicable theories or grand theories based on the comparison of many countries or political phenomenon within them. For example, structural functional analysis theory opened up a world of comparative research unknown before. fourth, increase the number of variables if not the number of cases; through this more realizations are possible.

Fifth, focus on comparable cases i.e. those that have a large number of comparable characteristics or variables which one treats as constants, but dissimilar as far as those variables which one wants to relate to each other. This way we study the operative either the statistical or comparative method. Here the area or regional approach is useful for

example, while comparing countries within Latin America or Scandinavia or Asia. But many scholars have pointed out that this is merely a manageable argument, which should not become an imprisonment. Another alternative is studying regions within countries, or studying them at different points of time as the problem of control is much simpler as they are within the same federal structure. Here it may be mentioned that the states within the Indian Union provide a rich laboratory for comparative

research that has not yet been undertaken. Many scholars feel that focus should be on key or contextual variables, as too many variables can create problems. This not only allows manageability but also often leads to middle range theorizing or partial comparison of political systems. This has been used successfully in anthropological studies as tribal systems are simple. Political scientists can also do this by limiting the number of variables.

The case study method is used whenever only one case is being analyzed. But it is closely connected with the comparative method, and certain types of case studies can become an inherent part of the comparative method whenever an in-depth study of a variable is needed prior to comparison with other similar ones. The scientific status of the case study method is somewhat ambiguous because science is neither generalizing nor a ground for disapproving an established generalization. But its value lies when used as a building block for making general propositions and even theory building in political science when a number of case studies on similar subjects are carried out. Case studies can be of many types, for example, a theoretical or interpretative, theory confirming or informing each useful in specific situations. Thus, the comparative and the case study method have major drawbacks. Due to the inevitable limitations of these methods, it is the challenging task of the investigator in the field of comparative politics to apply these methods in such a way as to capitalize on their inherent strengths and they can be useful instruments in scientific political inquiry. Many scholars have spent much of the post war period constantly improving the use of these methods.

### **Behavioural Method**

Behaviouralists study the behaviour of a person or groups rather than the structure, institutions, ideologies or events. The debate on the nature of behavioural political analysis and its departure from the traditional approach in terms of nature, goals and methods would enable the students of government and politics to understand in a clearer perspective, and objectively review the major paradigms, conceptual frameworks and contending approaches and models, with a view to assessing their relevance for the study of comparative government and politics at a time when the 'great debate' between the empirical and normative theories is still continuing.

Historically, the behavioural approach originated as a protest movement within political science. Behaviouralists share a strong sense of dissatisfaction with the achievements of conventional political science, especially the historical, philosophical, and descriptive-institutional approaches. Dahl (1961:766) observed that all behaviouralists share 'a mood of skepticism about the current intellectual attainment of political science, a mood of sympathy toward 'scientific' modes of investigation and analysis, a mood of optimism about the possibilities of improving the study of politics.' Apparent in the mood of behaviouralists are methodological and theoretical questions. The advent of the behavioural approach signals the absorption of scientific method into political science. It also underscores the efforts within political- science to give meaning to behaviour by relating it to some empirical theoretical context. Thus, the behavioural approach sought to improve our understanding of politics by seeking to explain the empirical aspects of political life through methods, theories, and criteria of proof that are acceptable according to the canons, conventions, and assumptions of modern empirical science (Dahl 1961: 767).

The behavioural approach emanated as a psychological concept adopted to help eliminate from scientific research all reference to subjective issues such as intentions, desires, or ideas (Easton 1967: 12). To the behaviouralists, only those observations

obtained through the use of the sense organs or mechanical equipment were to be accepted as data. The subject matter of behavioural research is the observable behaviour generated by external stimuli rather than inferences about the subjective state of mind of the person being observed. As a psychological concept, the behavioural approach is concerned with the

individual, especially the face-to-face relationship among individuals. Behaviouralists look at actors in the political system as individuals who have emotions, prejudices, and predispositions of human beings.

As such, they tend to elevate human beings to the centre of research attention. They argue that the traditionalists have been institutions, treating them as entities that stand apart from the individuals that constitute them (Easton 1953: 201-205). Behaviouralists, therefore, study the political process by looking at how it relates to the motivations, personalities, or feelings of human actors. The key idea behind the behavioural approach is the conviction that there are certain fundamental units of analysis relating to human behaviour out of which generalizations can be made, and that these generalizations might provide a common base on which the specialized science of man in society could be built (Easton 1967: 23). This has led to the search for a common unit of analysis that could easily feed into the special subject matters of each of the social science disciplines. Ideally, the units would constitute the particles out of which all social behaviour is formed and which manifest themselves through different institutions, structure and processes. The adoption of the label 'behavioural science' symbolizes the expectation that some common variable may be found, variables of a kind that will stand at the core of a theory useful for the better understanding of human behaviour in all fields.

## **IMPORTANCE OF STUDYING COMPARATIVE POLITICS**

While comparisons form an implicit part of all our reasoning and thinking, most theorists would argue that a comparative study of politics seeks to make comparisons consciously to arrive at conclusions which can be generalized i.e., held true for a number of cases. To be able to make such generalizations with a degree of confidence, it is not sufficient to just collect information about countries. The stress in comparative political analysis is on theory building and theory testing with countries acting as units or cases. A lot of emphasis is, therefore, laid, and energies spent, on developing rules and standards about how comparative research should be carried out. A comparative study ensures that all generalizations are based on the observation of more than one or observation of relationship between several phenomena. The broader the observed universe, the greater is the confidence in statements about relationships and sounder the theories.

### **Comparisons for scientific rigour**

The comparative method gives these theories scientific basis and rigour. Social scientists who emphasize scientific precision, validity and reliability, see comparisons as indispensable in social sciences because they offer the unique opportunity of control in the study of social phenomena.

### **Comparisons leading to explanations in relationships**

For a long time comparative politics appeared merely to look for similarities and/ differences, and directed this towards classifying, dichotomizing or polarizing political phenomena. Comparative political analysis is, however, not simply about identifying similarities and differences. The purpose of using comparisons, it is felt by several scholars, is going beyond identifying similarities and differences or the compare and contrast approach as it is called, to ultimately study political phenomena in a larger framework of relationships. This, it is felt, would help deepen our understanding and broaden the levels of answering and explaining political phenomena.

## **ACTIVITY**

What in your opinion is the best method to study the comparative political system?

## **SUMMARY**

In this unit, you have learnt that:

- Among the several fields or sub-disciplines, into which political science is divided, comparative politics is the only one which carries a methodological instead of a substantive label.
- The two main areas of thought are the area-specialist and that of the social scientist. This difference is further divided into those who are primarily inductive in their approach and those who prefer a more deductive approach.
- The historical method can be distinguished from other methods in that it looks for causal explanations which are historically sensitive.
- Historical studies have concentrated on one or more cases seeking to find causal explanations of social and political phenomena in a historical perspective.
- Theda Skocpol points out that comparative historical studies using more than one case fall broadly into two categories, 'comparative history' and 'comparative historical analysis.'
- Comparative history is commonly used rather loosely to refer to any study in which two or more historical trajectories are of nation-states, institutional complexes, or civilizations are juxtaposed.
- Critics of the historical method feel that because the latter does not study a large number of cases, it does not offer the opportunity to study a specific phenomenon in a truly scientific manner.
- Scholars such as A.N. Eisenstadt, argue that the term comparative method does, not properly refer to a specific method, but rather a special focus on cross-societal institutional or macro societal aspects of societies and social analysis.
- It is essential to underline that scholars do recognize that the comparative method, is a method of discovering empirical relationships among variables and not a method of measurement.
- The comparative method is best understood if briefly compared with the experimental, statistical and case study method.
- Comparative method essentially resembles the statistical method except that the number of cases it deals with is often too small to permit statistical methods.
  
- Comparative politics has advanced because of the formulation of universally applicable theories or grand theories based on the comparison of many countries or political phenomenon within them. .
- The case study method is used whenever only one case is being analyzed.
- Case studies can be of many types for example a theoretical or interpretative, theory confirming or informing each useful in specific situations.
- Behaviourlists study the behaviour of a person or groups rather than the structure, institutions, ideologies or events.
- Historically, the behavioural approach originated as a protest movement within political science.
- Apparent in the mood of behaviouralists are methodological and theoretical questions. The advent of the behavioural approach signals the absorption of scientific method into political science.
- The behavioural approach emanated as a psychological concept adopted to help, eliminate from scientific research all reference to subjective issues such as intentions, desires, or ideas.
- Behaviourialists, therefore, study the political process by looking at how it relates to the motivations, personalities, or feelings of human actors.
- In the realm of traditional approaches, we will also refer to the legal and juridical approach.
- Matters relating to the organization, jurisdiction and independence of judicial institutions, therefore, become an essential concern of a political scientist.
- Themes of law and justice are treated as not mere affairs of jurisprudence, rather political scientists look at state as the maintainer of an effective andequitable system

of law and order.

- While comparisons form an implicit part of all our reasoning and thinking, most comparatives would argue that a comparative study of politics seeks to make comparisons consciously to arrive at conclusions which can be generalized i.e., held true for a number of cases.
- A comparative study ensures that all generalizations are based on the observation of more than one or observation of relationship between several phenomena.
- The comparative method gives these theories scientific basis and rigour.
- Comparative political analysis is however, not simply about identifying similarities and differences.

## KEY TERMS

- Scientific rigour: It means strictness in judgment or conduct; rigorism.
- Behaviourism; It is a highly influential academic school of psychology that dominated psychological theory between the two world wars. It was concerned exclusively with measurable and observable data and excluded ideas, emotions, and the consideration of inner mental experience and activity in general.

## ANSWERS TO 'CHECK YOUR PROGRESS'

1. Historical studies have concentrated on one or more cases seeking to find causal explanations of social and political phenomena in a historical perspective.
2. True
3. True
4. False
5. Methodological
6. Psychological
7. True
8. False
9. True -
10. False

## QUESTIONS AND EXERCISES

### Short-Answer Questions

1. State Theda Skocpol's approach to comparative political system.
2. What is the case-study method?

### Long-Answer Questions

1. What are the various approaches and debates related to comparative political study? Give your view.
2. Critics say comparative history is commonly used rather loosely to refer to any study. Give your arguments.
3. Why do scholars not agree on the comparative method and its nature and scope?
4. Behaviourists study the behaviour of a person or groups rather than the structure, institutions, ideologies or events. Do you think this approach is correct to study political systems? Give your arguments.
5. Discuss the legal approach to do a comparative study of political systems.
6. Discuss the importance of studying comparative politics.

## FURTHER READING

Hall, Stuart H.; *Britain Against Itself: The Political Contradictions of Collectivism*, New York: 1982.

Lipset, S.; *The First New Nation*. New York, 1979.

Madywick, P.J.; *Introduction to British Politics*, Hutchinson, 1971.

Polsby, N.; *Consequences of Party Reforms*, New York, 1983.

Riddle, P.; *The Thatcher Decade*. Oxford, 1989.

Wolfinger, R.; *Who Votes?* New Haven, 1980.

# UNIT 2 CONSTITUTION AND CONSTITUTIONALISM

## Structure

Introduction

Unit Objectives

History of Constitutionalism

    Importance of Implementing Constitutions

    Constitutions as Symbols and Manifestos, and Legal Rules

Constitutionalism: C. J. Friedrich

The Making of a Constitution: Process and Problems

Choices for Makers of Constitution

Responsibilities and Duties

Process of Constitution-Making

Making of the Constitution of India

Summary

Key Terms

Answers to 'Check Your Progress'

Questions and Exercises

Further Reading

## 2.0 INTRODUCTION

The previous unit explained the comparative political systems. This unit will introduce you to the constitution and the processes of constitution making. Succinctly saying, a constitution is a book of law; it comprises a set of norms as well as principles and values that create, structure and even define the framework for the government power. It is crucial to understand the role a constitution plays in a governmental set up before one writes it. The process of writing a constitution involves much more. It also requires creating an environment where knowledge is appreciated and public participation in governance is encouraged; these are basic staples to not only ensuring a good constitution but also having the right prospects for its implementation.

## 2.1 UNIT OBJECTIVES

After going through this unit, you will be able to :

- Describe the history of constitutionalism
- Discuss the importance of constitution
- Explain the process of making a constitution
- List the problems of making a constitution

## 2.2 HISTORY OF CONSTITUTIONALISM

In the last few decades, there has been a growing concern about the constitution and the process of making of a constitution. As students are aware, the face of many political



systems has transformed in these years - colonial powers left many states independent, new states emerged, even military regimes ended. Communism failed towards the end of the century and there were growing efforts to curtail the growing civil conflicts in multiethnic states. These developments added to the significance of the constitution across the world, with many nations adopting a constitution.

As mentioned earlier, the knowledge of what role a constitution plays in the day-to-day activities of a country is crucial to the procedure of making one. This may thus vary from nation to nation. Similarly, how a constitution is conceptualized, understood and even respected in a nation may differ from the rest. Since it is the supreme book of law, the respect for a constitution depends on the country's national history and the support it seeks from law in organizing its multi-cultural society and the state. Thus, a constitution or the term constitutionalism does not always have similar reference or even influence in all countries.

Students must keep in mind the context of a country whose constitution is being read. This will reveal the primary purposes with which a constitution was set and the role it was assumed to serve. For instance, in a newly-emerged state, a constitution can play the role of nation-building. In a country which has been freed of the clutches of military or totalitarian rulers, constitution can consolidate and promote democracy; while in a nation battling inter-ethnic conflicts, it can promote cooperation. For states that reject communism, constitution can encourage liberalism and the opening up of private markets. Therefore, the ideologies of a country actually determine the orientation of the constitution as well as the processes through which it is made. National contexts and histories also impact the constitutions in other ways.

### **Importance of Implementing Constitutions**

A constitution can only find its footing in a country which upholds the rule of the law and provides a necessary structure for the same. Constitution can come into conflict with the social and political orders of those countries where authoritarianism is deep-rooted. In countries which run by charismatic politics or where a one-party or one-person phenomenon prevails, or where religion is considered paramount in watching and deciding upon the social norms, institutions, and hierarchies, the autonomy of a constitution is often at stake. Homogenous societies, where persons of common ethnicity, values and norms and even aspirations live, make changes or reforms to the constitution easier as compared to heterogeneous societies. However, constitution holds a significant meaning in the latter kind of societies.

Here is an example. In heterogeneous societies, it often happens that the state itself becomes the means through which its representatives like ministers, bureaucrats and other persons working for the government indulge in corruption. Thus, accumulating wealth, getting illegal jobs, red tape and protecting themselves from the law under the influence of the state are a common occurrence in such societies. Institutions put into place to check on such malpractices and curb corruption too fail due to the influence that such persons are able to exercise. A multi-cultural society, with different languages, religions, or modes of social organization relied less on shared and common values to regulate the society.

Instead, it often draws from the values, aspirations, rules, institutions, and procedures which are weaved into the constitution. It is important to understand that in a multicultural society, with varied people, their own interests and values take on a more important meaning and political significance than the book of law. Yet, constitution here gains utmost significance as it is able to protect the rights of all the people, and promote within them ideals of equality and social justice, while at the same time, ensuring the integrity and accountability of the government towards its people.

### **Constitutions as Symbols and Manifestos, and Legal Rules**

Over the last few decades, nations as well as citizens have adopted the principle of sovereignty as against authoritarianism and thus, a constitution is seen as a rule book on ways in which people like to be governed. Ideally, a constitution lays down the organizing principles of a state. It is a state through which a society exercises its political, administrative, and judicial powers, in turn ensuring the rule of the law, protection of the rights of its citizens and the promotion and regulation of its economy. Critics call such an understanding Utopia, as citizens for whom the constitution is laid,

have really no say in the making of the rule book. They argue that because of the popularity of the ideas of sovereignty and protection of people's fundamental rights to participate in governance, it is a compulsion to encourage them to participate in the making of the constitution.

People often make decisions which influence the constitution on the basis of their relationship with other communities. Therefore, a constitution reflects not only the relationship of the people with the state but, in multicultural societies, their relationships with other communities. Therefore, in such societies, the constitution is able to promote partnerships among people and different communities and even within the political corridors and encourage sharing of power. Thus in societies which are fragile on account of the diverse identities of its people, the constitution becomes a social contract; it not only binds individuals but also diverse communities in a state.

## 23 CONSTITUTIONALISM: C. J. FRIEDRICH

"There are two schools of constitutional theory which are contrary to each other. One is at the normative level and the other at the explanatory or causal level. In the modern societies, mostly all constitutions are designed in a way to protect a democracy. Therefore, the greatest failure of a constitution could be the failure to institutionalize a sense of democracy. However, even a constitution cannot ensure democratic systems since all such systems are expected to produce different results.

However, the failure of constitution herein is actually the failure of the democratic theory as well as practice and also of the collective human capacity to act in large groups. Therefore constitutionalism for modern nation seeks to place limits on the powers of a government. This is central to the theories of constitutionalism:

'Constitutionalism is descriptive of a complicated concept, deeply imbedded in historical experience, which subjects the officials who exercise governmental powers to the limitations of a higher law. Constitutionalism proclaims the desirability of the rule of law as opposed to rule by the arbitrary judgment or mere fiat of public officials. Throughout the literature dealing with modern public law and the foundations of statecraft the central element of the concept of constitutionalism is that in political society government officials are not free to do anything they please in any manner they choose; they are bound to observe both the limitations on power and the procedures which are set out in the supreme, constitutional law of the community. It may, therefore, be said that the touchstone of constitutionalism is the concept of limited government under a higher law'.

*Source:* Philip P. Wiener, ed., "Dictionary of the History of Ideas: Studies of Selected Pivotal Ideas", (David Fellman, "Constitutionalism"), vol 1, p. 485,491— 92(1973-74)

Makers of constitution advice against assessing its normative qualities from the contents only. It is said that the fundamental role of the constitution is to organize the politics and social life of a society in particular ways, in fact, constitutions have been regarded as 'consequentialist devices', i.e. one is required to focus on its actual consequences to judge its normative qualities. In turn, the consequences of a particular constitution depend on the nature of the society that it is to govern. Therefore, a constitution that may work well for one society might prove to be disastrous for another.

That being said, it is important to keep in mind that abstract discussions of constitutions and constitutionalism can misdirect and be futile. In understanding the theories of constitutionalism, one must look at some specific examples to ensure that a theory works in practice and is adequate for a deeper understanding of the subject. While discussing constitutionalism, exploring the context of specific countries helps us recognize that no theory is complete in itself and relies on circumstance and contexts.

The fundamental basis of all these discussions is the backdrop for a practical and calculated theory of political economy. The political economy approach towards politics and institutions stands upon economic inspirations. One may recall Thomas Hobbes here, who said: "If mere consent to living in injustice were sufficient, we would need no government at all, because there would be peace without subjection." However, his assessments can be proved incorrect for a society requires harmonization in a number of areas and also combined

actions under many circumstances where impulsive stipulation) would be improbable. Hobbes's rejection of the possibility that people can be collectively inspired by obligation towards fairness and justice is convincing. Therefore, Hobbes is considered as one of the first and early political economist.

. Modern day political philosophers also place important on intense enthusiasms for % justice or public spiritedness of the citizens as against the suppositions of political economy. For instance, philosopher Brian Barry presumes that if citizens have the right modes of J inspiration, contractualism will work. However, there are no good reasons to presume that people can be re-cultured into having influential enthusiasm towards justice more than being self-centered. Constitutional political economy appears to be bound to deal with cases where interests triumph time and again. John Rawls, for instance, assumes that once we set up a fair, management, government or management will teach future generations to be fair. According to him, institutions "must be not only just, but framed so as to encourage the virtue of justice." He also states that once fair institutions are set up, the first stipulations of self-centeredness will no longer apply and governments and its ; citizens will be obliged to sustain such institutions.

However, this theory goes against the experience and the outbreak of James Madison) and David Hume who argued that we ought to plan the foundations ourselves to testify against the exploitation by office-holders. In fact, Hume and Madison saw liberalism as; naturally stuck in the mistrust of political office-holders and not in assumption that these / leaders will by and large work towards the interest of the citizens. Madison's constitution j is thus the paramount constitutional reply to liberal mistrust. The essential argument! which serves as the basis for constitutionalism in political economy theory is that in most j cases, it is in the interest of all to safeguard the society since its conservations serves everyone. It is obvious that shared benefits can have multiple propositions in cases of I disproportionate organization and very frequently can lead to compound possible harmonization, which serves as an added benefit.

### **C. J. Friedrich on Constitutionalism**

Carl Joachim Friedrich was a political scientist and observer. He worked as a professor of science of government at Harvard from 1955-1971. He had liberal views pertaining to constitutionalism, which were that the state should have its own rules and regulations to preserve the ideals of law, rights, justice, liberty, equality and fraternity in the fundamental law of the land. These rules maybe written, unwritten, framed at a particular time or developed over a very long period of historical development, easily amendable or amendable with great difficulty.

Friedrich and a host of other western writers like Thomas Jefferson, James Madison and Harold Laski, to name a few, believed that constitutionalism was both an end and a means; that it was both value-free and value-laden and comprised of both normative and empirical dimensions. The constitution was not only an end that ought to be respected by all but also the means to an end, the end being the achievement of security and the protection of the liberty of the people.

On the whole, it desires a constitutional state having a well-acknowledged body of laws and conventions for the operation of a 'limited government'. If there is a change, it should be peaceful and orderly so that the political system is not subjected to violent : stresses and strains. There is the rule of law that ensures Liberty and equality to all; there ; is the freedom of the Press to act as the 'fourth estate'; there is a plural society which has freedom for all interests to seek the 'corridors of power'; there is a system that strives to promote international peace, security and justice.

### **Difference of Opinion**

The Marxist view of constitutionalism is contradictory to that of the liberalists. The Marxists argued that in a socialist country, constitution was not an end in itself; it was just a means to put into practice the ideology of 'scientific socialism'. They contended that constitution was a tool in the hands of the 'dictatorship of the proletariat' that sought to create a classless society which would ultimately turn into a stateless condition of life. According to the Marxists, the purpose of having a constitution was to not limit the l&ll^rs of a government but to make them so vast

and inclusive that the ideal of a workers' state was realized and a 'new kind of state' came into being. The real aim of the constitution in such a country was not to ensure liberty and equality, rights and justice imgalbutto see that the enemies of socialism were destroyed and the new system was firmly consolidated. In this way, the real significance of the constitution 'was to firmly anchor the new socialist discipline among the working people'. The Marxists believed that all power was in the hands of the communist party whose leaders laid down their programmes and implemented them according to their best judgment, without caring for the niceties of a limited government. The communist party was thus viewed as the state and its leaders as the custodians of the new socialist order.

### **Challenges and Prospects**

At present, the concept of constitutionalism is faced with broadly three challenges: rise of totalitarianism, emergence of war conditions and socio-economic distress of people across the world. Every constitutional state has to deal with these problems keeping the fundamental principles on which it is based in mind. The rise of fascism in Italy and of Nazism in Germany coupled with the advent of communism in Russia and then emergence of totalitarian systems in other countries of the world like Spain and Japan in the period after the First World War and then emergence of such systems in a very large number

of Afro-Asian and Latin-American countries after World War II, are instances that have offered a grim challenge to the illustrious concept of constitutionalism in the past. Conditions were also raised where the rulers of a state to resort to emergency measures in the face of war. The political system of a country may survive in the midst of warlike conditions, as in the cases of Britain and France, or it may collapse giving place to an authoritarian system of any sort, as in many countries of the Third World.

Lastly, there is the problem of securing the goal of social and economic justice in the country. Many a times, the administrators of a democratic country exert the influence of their power for the sake of affecting some radical schemes of social and economic justice putting the constitutional principles at jeopardy In some cases, they are opposed by legislators and judges of the country. For instance, in the United States, the New Deal Policy of President Roosevelt suffered a setback after facing invalidation under the National Recovery Act by the Supreme Court.

However, it is likely that the people of democratic countries would understand the nature of problems facing them and try to solve them within the framework of their liberal constitutions. For this, it is required that the convictions of the people in the system of democracy should be strengthened so that they are not attracted by the forces of totalitarianism.

It can be argued to conclude this sub-section that that the concept of constitutionalism should change or be modified in response to the changes in urges and aspirations and social and economic conditions of the people. This would not be possible by blindly following the views and arguments of great constitutionalists. It calls for the modification of old values and systems in the light of new hopes and requirements of the people.

## **THE MAKING OF A CONSTITUTION: PROCESS AND PROBLEMS**

A constitution is not a document of the policies of the state. It is within the framework of the constitution that the policies of a state are developed. Fundamentally, a constitution provides the structure and explains the powers of the state. After the 19<sup>th</sup> century, with enlightenment and the rise of awareness among people about their rights, some of these concerns were incorporated in a constitution. For instance, there was a growing tendency among nations to include civil rights for citizens, including citizenship and property, in the framework for policy and lawmaking criteria for the state. However, state power and the restrictions on it were not mentioned seriously. Over time, as the functions, duties and powers of the state increased, the makers of the constitutions also started to incorporate those rights that would protect the weaker sections and give them equal social and economic opportunities whether in education, health, economy or other matters of the society.

The role and the conception of the state are continuously evolving. Its understanding has gone beyond ensuring a just ruling to public welfare and policies directed towards common good, promoting and protecting the rights of the people, non-tolerance towards corruption and a sustainable environment for governance. One can see that the scope of a constitution has thus considerably increased in modern times. In fact, India was among the first countries which drafted its constitution as a means to ensure transformation of social, political, and economic relations. Inclusion of such 'human' aspects in the

constitution has its critics. They argued that the main function of a constitution was to define and detail the functions of state institutions. Further, critics believed that the 'human' aspects of the constitution were not achievable and thus it delegitimized the constitution. However, such comments are ideologically driven and should be contextually studied.

In countries where poverty indexes are high, a constitution needs to commit itself to social justice to find respect and legitimacy among the citizens. On the flip side, however, a constitution committed towards larger social ends automatically raises the expectations of people and, in case it is disregarded continuously, it loses its legitimacy. Theorists believe that every constitution that seeks to transform unequal social and economic relations of a society, is at the risk of being resisted and even misused by the privileged and those at the helm of the power who have enough power to undermine the constitution.

### **2.4-1 Choices for the Makers of Constitution**

Constitution-making is a tough job and its writers are faced with much dilemmas. There can be many issues, essentially contextual. For instance, in a multi-cultural society, the makers will have to think about the degree of salience required towards ethnic differences. They will need to reach a proper balance between national, tribal, religious, and linguistic identities. At the same time, they have to ensure a balance between principles and policies. There is a thin line that divides the guidelines of the constitution and the policies that governments have to devise keeping in mind the demands of the people and the: makers have to make sure they do not breach that line. However, in some matters, a constitution can really come to the aid of the governments in devising policies and thus they have to also decide how these should be incorporated into the constitution. Similar decisions have to be made for institutions and especially independent institutions, their timbers and role.

The makers also have to face questions like: morally, is it correct to make decision on basis of voting patterns? Should the principles on which a constitution is based be stated in it? Should it be rigid and thus fail to respond to the needs of the changing times? How can it respond to even the unanticipated problems? What should be the ideal length of a constitution, can it be too large? What are the criteria of the success of a constitution? How can they ensure its longevity? Should the longevity of the constitution even be of concern? Should they leave a constitution open or let each generation decide on its own system of governance?

Constitution making is thus not an easy job but experts have to have many brainstorming session before deciding on the final words of the constitution. Giovanni Sartori, while assessing many such issues and dilemmas that constitution-makers are thus concluded: "most recent constitutions are poor instruments of government" (Sartori 1997 : 197). His statement is clearly in contrast to those of many political scientists explore constitutionalism and who believe that a constitution must serve several functions in nation building and have the power to balance competing interests in multicultural societies. Thus, it is upon the constitution-makers to decide on both the |n and scope of the constitution.

### **Responsibilities and Duties**

It is important to keep in mind that a constitution is not just a book of law but the supreme If. This means that any law or policy that goes against the principles of the

constitution of a nation is eligible to be declared invalid and inconsistent. This should be done to ensure that the social contract and the vision of the constitution-makers are safeguarded, both symbolically and in all its substantive elements. Moreover, it should be done to ensure that the rule of the law is supreme as against personal interests. A constitution should thus bind people of all identities as well as their institutions and not serve as a guide book for government and governance.

Experts have concluded that the goals and purposes of the constitution are not easy to reach. It is a challenge to propagate the rule of the law while at the same time ensuring the government functions as per the purposes for which it has been formed and in accordance to the principles enshrined in the constitution. The challenge is paramount in societies which have other modes of power, like customs or religion which are often not concomitant to those of the constitution. Therefore, the constitution-makers have to pay special attention to ensure that rules and procedures are implemented and even enforced when they have to be.

### **Process of Constitution-Making**

The processes involved in the making of the constitution have evolved with times. At one time, it depended on the monarch to decide and grant a constitution to the people he ruled. This was followed in principle in the making of several constitutions till the late twentieth century, for instance in countries like Ethiopia, Jordan, Kuwait, Nepal, and Saudi Arabia. Constitutions were also used as tools of the colonizers and were imposed on the vanquished people for former exploitation. Examples can be drawn from many imperial systems like the MacArthur constitution in Japan after World War II, those introduced in postwar Germany or in other colonies after their independence.

It was only in the early 20<sup>th</sup> century and the years following that, that a democratic process was followed in the making of a constitution. Under these rules, the prime responsibility to draft the constitution was granted parliament or constituent assembly. But these were not followed in all countries. However, since the last quarter of the 20<sup>th</sup> century, the focus shifted to promote and encourage public participation- of individuals, organizations or communities as a while - in the process of constitution making. This can be seen in countries like Bolivia, Kenya, Papua New Guinea, Thailand, and Uganda. This shift is the result of the experience of colonialism, totalitarian governments, wars and thus an appreciation of democracy and people's democratic rights including public participation in governance. The International Covenant on Civil and Political Rights and particularly the Right of Self-Determination are the examples of these.

By seeking public participation, the process of making of a constitution, especially in the contemporary times, becomes a complex as well as a lengthy process. In earlier times, experts in the field of constitutional law or political science, under the eye of the executive, played an important role in the drafting of the constitution. In contemporary times, however, the number of participants to the constitution-making has considerably increased. This coincides with times when the number of issues that a constitution seeks to address has also gone up. Therefore, a greater attention has to be paid towards the design of the constitution as well as its process and also the principles that determine the qualitative nature of the constitution. The design of the process of constitution making is often affected by the domestic negotiations, which can protract the process in turn. In case of countries ravaged by intense internal and multi-cultural conflicts, the international community can also influence the process, as in the case of Afghanistan, Cambodia, Kenya, Kosovo, Namibia, and Zimbabwe.

That the process of the making of the constitution involves a designed process can indicate towards a high degree of rationality which is based on the understanding that different arrangements can have varied consequences. Researchers in the recent years have been trying to gauge if, for instance, the parliament or the constituent assembly should take the lead role in constitution-making; or whether ensuring transparency or confidentiality in negotiations between all parties will lead to reaching a consensus; whether the whole process should have a deadline and most importantly, the results of having high public participation in the process. The research in this area is still in a nascent stage but is being able to provide some initiations on the work on designing a constitution.

However, even if the makers had sufficient knowledge about designing the process of constitution making, it is still an extremely political process, with the interest of many groups involved, especially politicians. Many a times, active steps are taken to control the political actors who seek to influence the process. Therefore, one can safely say that the constitution-making process is not so much designed as it is negotiated.

Here is an example. At the end of the year 2000 when the Kenyan constitution was being made, there was considerable understanding on the design of the same. The process involved some key experts and also enjoyed a high degree of public participation. During the process, as the consequences of drafting a people-friendly constitution became clear, the agreement reached between different parties fell through as politicians tried to wield their influence and keep out other interest groups. By 2004, the political class took charge of the project and by 2008, it was entirely in their hands.

Besides these complications, the process has its own momentum in each context. Participation of the public leads to broadening of the reform agenda, excluded groups seek inclusion and parties seeking to spoil the movement can unexpectedly appear on the scene. This can have clear implications on the original schema of constitution making. If an interest group can suddenly decide to keep itself out of the process and, in the process, the majority groups may try to intimidate the minority. This was reflected in the constitution making process in Iraq and Somalia. Thus, an important part of the process is negotiation at different stages and levels of constitution making even though the results of such negotiations are unpredictable. That the process will survive depends on the ability to include contrasting forces and be able to constructively respond to their new demands.

Often, while designing the process of constitution-making, attention is given to what is referred to as the 'official' process: for instance on the institutions that are created to deliberate on the issues and take decisions; on the interests of groups and constituencies being represented and on the rules to be followed for decision-making, among others. However, not all of these can capture the complex nature of the activities, including lobbying and scheming, that take place outside of the formal process of constitution making. Often, organizations, either national or foreign civil society, run a sort of parallel process to the making of constitution. There is no denying the fact that the international community can play a hidden but at the same time critical role in the process. There can also be a parallel process run by different parties involved. They may negotiate and have a significant impact on the results of the constitution. Something similar happened in Japan's post-World War II constitution; the United States also had an informal at times clandestine, pressure in Afghanistan and Iraq during the making of their constitution. The official process can often miss out on including the interests of all and even leave out some groups. Nevertheless, such activities have the potential to undermine or delegitimize the key principles, objectives, and procedures of constitution making. All of this points towards the limitations of national sovereignty in safeguarding the process.

The process and the substance, both are crucial in ensuring the success of constitution-making. This is because a constitution plays a crucial role in peaceful political transitions within a state and post-conflict peace building. It also plays an important preventive role. Besides, its making is a great opportunity for the creation of a common vision of a state and therefore, its results can have significant and lasting effects on peace and stability within a country.

Even the United Nations (UN) supports the constitution-making processes and it is an important part of its rule of law. The UN, under its definition of constitution-making, includes both the process of drafting and the substance as well as amending the existing ones.

The approach of the UN relies on national ownership and its support of participatory, inclusive and transparent processes. It believes that support should be gained in the context of a specific country and should be drawn from various levels of expertise both within and outside its system to guarantee access to international and comparative best practice. Following its principles, the UN has participated in several constitution-making processes, including in countries like Afghanistan, Cambodia, Iraq, Nepal and Timor-Leste.

The UN also believes in a structured national dialogue that gives due consideration to people's views as well as those of the makers in the drafting of the constitution. It considers debate as an essential element of a participatory, inclusive and transparent process. Therefore, the UN gives assistance in different forms to the constitution-making processes, including political and strategic, legal and human rights, capacity-building and institutional development, and financial, logistical and administrative support. The UN has a Rule of Law Coordination and Resource Group, supported by its Rule of Law Unit, which provides constitutional assistance for ensuring timely and helpful expertise towards constitution making. The UN also supports constitutional approaches that both incorporate and consider supreme the standards for human rights. This includes an independent judiciary as it supports the rule of law. The UN also promotes following up on each constitution to ensure its effective implementation as well as amendments that maybe required once it is adopted. Therefore, the international body works with support of many partners to develop knowledge as well as practice on constitution-making.

### **Making of the Constitution of India**

It was on August 14, 1947, a day before the formal independence of the country, that an Assembly was convened and the proposal to form various committees was presented. These included committees such as the Committee on Fundamental Rights, the Union Powers Committee and Union Constitution Committee. On August 29, 1947, a Drafting Committee, with Dr B. R. Ambedkar as the chairman, was appointed. Six other members were part of the panel and were assisted by a constitutional advisor.

These members were Pandit Govind Ballabh Pant, Kanaiyalal Maneklal Munshi (former home minister, Bombay), Alladi Krishnaswamy Iyer (former advocate general, Madras State), N Gopalaswami Ayengar (former prime minister, J&K and also a member of the Jawaharlal Nehru Cabinet), B.L. Mitter (former advocate general), Mohammad Saadullah (former chief minister of Assam and a Muslim League

member) and D.P. Khaitan (a renowned lawyer). The constitutional advisor was Sir Benegal Narsing Rau, who also served as the first Indian Judge in the International Court of Justice from 1950-54. After his resignation, B.L. Mitter was replaced by Madhav Rao, who was the legal advisor to the Maharaja of Vadodara. Following the demise of D.P. Khaitan, T.T. Krishnamachari was included in the drafting committee.

The makers of the Indian Constitution were clearly influenced by the former colonizers - the British - and their model of parliamentary democracy. The makers also adopted a number of principles from the constitution of the United States of America like separating the powers of the three main branches of the government, establishment of a supreme court and the role and powers of the President and the Prime Minister. From Canada, the principles of a federal government i.e. a strong government at the centre and the distribution of powers between central government and the states, was adopted. The directive principles of the state were adopted from Ireland. The principle of suspension of fundamental rights in the time of emergency were taken from Germany while having a Concurrent List of shared powers and some words for the Preamble were taken from Australia.

With such influences, the panel prepared a draft constitution, which was presented to the Assembly on November 4, 1947. This was duly debated in Parliament and over 2,000 amendments were made within a period of two years. The process was completed on November 26, 1949, with the Constituent Assembly adopting the Constitution. With the signatures of 284 members, the process was declared closed. Following this, the Assembly met in public sessions for 166 days, spread over a period of 2 years, 11 months and 18 days before the Constitution was formally adopted. Two copies of the document—one in Hindi and the other in



English - were signed by the 308 members of the Assembly on January 24,1950. On January 26,1950, the Constitution of India became the supreme law of all the states and territories of the country. The original Indian Constitution is handwritten in beautiful calligraphy, and page has been decorated by artists from Shantiniketan, including Beohar Rammanohar Sinha and Nandalal Bose. It was estimated mat the expenditure on the constituent assembly was nearly Rs 1 crore. Since its adoption, the constitution has undergone many amendments.

### **The Indian Independence Act**

With its coming into force on January 26,1950, the Constitution of India repealed the Indian Independence Act. India was no longer a colony of the British and became a sovereign democratic republic. With this, November 26,1949, also came to be known as the National Law Day, to mark the adoption of the constitution.

It is important to know that the Indian Independence Act had been passed by the British Parliament on July 18,1947, leading to the division of the British India into the new states of India and Pakistan. They were dominions under the Commonwealth of Nations till they finished the drafting and implementation of their respective constitutions. For the now two separate states, the Constituent Assembly was also divided into two. Each new Assembly had sovereign powers for its dominion. This Act also ended the British right to rule over the Indian princely states and each of them were asked to decide whether to accede with either India or Pakistan or to continue as independent states in their own right.

### **ACTIVITY**

Find out the details of the constitution of US and compare the same with the constitution of India.

### **Do You Know**

The US Constitution was written in the same Pennsylvania State House where the Declaration of Independence was signed and where George Washington received his commission as Commander of the Continental Army. Now called Independence Hall, the building still stands on Independence Mall in Philadelphia, directly across the National Constitution Center.

### **SUMMARY**

In this unit, you have learnt that:

- The conception and understanding and the respect for constitutions vary. It depends considerably on the national history and the reliance and respect for law as a key mode of organizing society and state.
- The terms 'constitution' and 'constitutionalism' do not always have the same meaning or impact in all countries.
- The variety of contexts on which constitutions have been made shows that the primary

purpose a constitution serves varies.

- A state that has several communities with different languages, religions, or modes of social organization is less able to rely on common values and social institutions for the regulation of society. Instead it may have to hinge in part on the values, aspirations, rules, institutions, and procedures incorporated in the constitution.
- The constitution has come to be regarded as a contract among the people on how they would like to be governed. Fundamentally, a constitution is the basis for the organization of a state.
- Fundamentally, a constitution is the basis for the organization of the state. The state is the mechanism through which a society provides for the exercise of political, administrative, and judicial powers in order to ensure law and order, the protection of the rights of the people, and the promotion and regulation of the economy.
- There are two schools of constitutional theory which are contrary to each other. One is at the normative level and the second one is inherently explanatory or casual.
- In a socialist country, constitution is not an end in itself; it is just a means to put into practice, the ideology of 'scientific socialism.'
- A constitution does not specify policies of a state but are developed by political processes within the framework of the constitution.
- Constitution is not only law, it is the supreme law. This means that no law or policy that is inconsistent with the constitution is valid—and the social contract is safeguarded, both in its symbolic and in its substantive elements.
- The UN has been involved in a number of constitution-making processes, including in recent years in Afghanistan, Cambodia, Iraq, Nepal and Timor-Leste.
- The UN encourages constitutional approaches that directly incorporates and makes supreme international human rights standards, including an independent and impartial judiciary as a strong foundation for the rule of law. It promotes adequate follow-up to ensure implementation of the constitution or constitutional reforms once adopted.

## KEY TERMS

- **Constitutionalism:** Government in which power is distributed and limited by a system of laws that must be obeyed by the rulers.
- **Liberalism:** A political theory founded on the natural goodness of humans.
- **Consequentialist:** The view that the value of an action derives solely from the value of its consequences.
- **Contractualism:** The term can be used in a broad sense—to indicate the view that morality is based on contract or agreement.

## ANSWERS TO 'CHECK YOUR PROGRESS'

1. A constitution consists of a set of norms (rules, principles or values) creating, structuring, and possibly defining the limits of, government power or authority.
2. The variety of contexts on which constitutions have been made shows that the primary purpose a constitution serves vary—nation building, consolidation of democracy liberalism and the creation of private markets with the end of communism, peace and cooperation among communities to end internal conflicts.
3. A possible mixture of the liberal and Marxist notions, with a heavier part of the former may be said to constitute the hallmark of the concept of constitutionalism in the Third World countries.
4. C.J. Friedrich and a host of other western writers have viewed constitutionalism as both an end and a means.

5. The concept of constitutionalism is faced with three challenges rise of totalitarianism, emergence of war conditions and socio-economic distress of the people.
6. The dilemmas for constitution-makers are —What is the proper balance among national, tribal, religious, and linguistic identities? Is it morally right to design all decisions for majority voting? What is the appropriate balance between principles and details of policies?
7. Dr. B. R. Ambedkar was the chairman of the Drafting Committee of the Constitution.
8. The UN has been involved in a number of constitution-making processes, including in recent years in Afghanistan, Cambodia, Iraq, Nepal and Timor-Leste.

## QUESTIONS AND EXERCISES

### Short-Answer Questions

1. What is a constitution?
2. Define constitutionalism.
3. Write the names of any five people who were responsible for making the Indian Constitution.
4. Write a short note on the problems that the concept of constitutionalism is facing.

### Long-Answer Questions

1. How does C.J. Friednch's view constitutionalism?
2. State the importance of implementing a constitution.
3. How does a constitution help in creating a bond amongst the people of a country?
4. Elaborate the process of constitution-making and the challenges it faces.

## FURTHER READING

Hall, Stuart H.; *Britain Against Itself; The Political Contradictions of Collectivism*, New York: 1982.

Lipset, S.; *The First New Nation*. New York, 1979.

Madywick, P.J.; *Introduction to British Politics*, Hutchinson, 1971.

Polsby, N.; *Consequences of Party Reforms*, New York, 1983.

Riddle, P.; *The Thatcher Decade*. Oxford, 1989.

Wolfinger, R.; *Who Votes?* New Haven, 1980.

# UNIT 3 MAJOR POLITICAL SYSTEMS

## Structure

- Introduction
  - Unit Objectives
  - Concept of Political System
  - Democratic Political System
    - Direct Democracy
    - Indirect Democracy
    - Characteristics of Democracy
    - Political, Social and Economic Democracy
    - Safeguards of Democracy
    - Classical Theory of Democracy
  - Totalitarian Political System
    - Features of a Totalitarian Government
  - Authoritarian System
  - Forms of Authoritarian Government
  - Summary
  - Key Terms
  - Answers to 'Check Your Progress'
  - Questions and Exercises 3.10 Further
- Reading

## INTRODUCTION

In the previous unit, you studied about the history of constitutionalism and the problems and process of making of Constitution.

By 'political system' we mean a system of politics and government. Usually, it is compared to the economic system, legal system, cultural system and other types of social systems. Nonetheless, it is a very simplistic analysis of a rather complex system of categories comprising of issues such as: 'Who should handle power and authority? How should the religious issues be handled? What should be the government's influence on its people and economy?'

In this unit, you will study about the various political systems in the world namely, democratic, totalitarian and authoritarian systems of government.

## UNIT OBJECTIVES

After going through this unit, you will be able to:

- Interpret the concept of political system
- Analyse the criticism levied against the authoritarian government
- Define the concept of democracy
- Identify the characteristics of democracy
- List the merits and demerits of democracy
- Recognize the classical theory of democracy
- Analyse the emergence of totalitarian political system
- Summarize the features of totalitarian government

## CONCEPT OF POLITICAL SYSTEM

The term 'political system' consists of two words—political and system. The first word 'political' refers to the subsistence and role of state in empirical terms. The second word 'system' entails a set of parts in interdependence as well as in operation. According to G. A. Almond, a system constitutes 'the interdependence of parts and a boundary of some kind between it and its environment.' In this context, Easton says that a political system allocates values by means of its policies that are binding on the society by virtue of being authoritative.

A policy is visibly authoritative when the feeling exists that it must, or it ought to, be obeyed whether it is formal or effective. It must be accepted as binding. In the words of Almond, political system involves the feature of 'comprehensiveness' which means that when we speak of the political system, we include in it all the interactions (inputs and outputs) which affect the use or the treat of the use of physical coercion. By 'interdependence' we mean that a change in one subset of interactions produces changes in all other concerned subsets. Finally, the existence of 'boundaries' means that where other systems end, political system begins. The result is that while the word 'political' signifies and attempts to separate a certain set of interactions in a society in order to relate it to other sets, by 'system' we mean an attribution to a particular set of properties of these interactions.

We have various definitions of political system:

- A political system comprises an inclusive set of institutions, interest groups (e.g., lobby groups, political parties and trade unions), the relationships among these institutions and the political standards and rules governing their functions (constitution, election law and so on).
- A political system consists of the members of a social organization (group) who are in power.
- A political system is a theoretical concept on which the government formulates policies and makes them more organized in administration.
- A political system ensures order and sanity in the society and simultaneously enables some other institutions to have their complaints and grievances put across during the course of social existence.
- A political system essentially possesses two properties: a set of inter-reliant components and boundaries towards the environment with which it interacts. According to D. M. Wood, the term 'political system' refers to the study of state and government in the empirical dimensions and also from an interdisciplinary standpoint. Thus, political system becomes a set of inter-related variables conceived to be politically relevant and treated as if they could be separated from other variables not immediately relevant to politics. A set of concepts considered to make up a political system is advanced not to help one to understand the government and politics of a particular country but to aid in understanding the government and politics of any country of the world.

In academic discourse, there are three reasons for using the term 'political system'. First, the word 'state' does not facilitate us in understanding all political situations. As a concept, the state came into common use during the 16th and 17th centuries! Second, the concept of state is not adequate for social analysis, as this has been mainly used like a social myth in the struggle for national unity and sovereignty. Third, this concept does not have satisfactory kind of definition. In this way it's clear that a change from the study of state and government to the study of political system should be attributed to the shift in the emphasis from the formal political institutions to that of the real political processes. It has occurred due to certain developments indigenous to the discipline of political science in which writers have sought to study the state and government in relation to the role of 'extra governmental' agencies.

A definition of the term political system is provided by Almond:

'What we propose is that political system is that system of interactions to be found in all independent societies which performs the functions of integration and adaptation (both internally and *vis-a-vis* other societies) by means of the employment or threat of employment of more or less legitimate order-maintaining, or transforming system in the society. We use the term 'more or less' to modify 'legitimacy, because we do not want to exclude from our definition political systems, like the totalitarian ones, where the degree of legitimacy may be very much in doubt, revolutionary systems

where the use of legitimacy may be in process of change, non-western systems in which there may be more than one legitimate system in operation'.

Beer and Ulam describe political system as 'a structure that performs a certain function for a society'. It includes an arrangement for making decisions which have 'legitimacy', because the members of a society accept them as being in conformity with their conceptions of authority and purpose.

## DEMOCRATIC POLITICAL SYSTEM

In the terminology of political science, no word is more controversial than democracy. There is no individual who does not like it but he may raise its 'question of suitability and efficacy at particular circumstances'. The suitability of democracy is related to the question of the form of government and not to that of principle. Many scholars object to the application of democracy to particular circumstances but they are not opposed to democratic principle. Today many people ask whether the circumstances or environment will be moulded to make them suitable for democracy or democracy will be changed to mould the environment for its own development.

As to the proper meaning of the word, there is also a controversy. As (i.C. Field observes, 'In recent years, controversy has arisen about the proper meaning of the word democracy...'. In spite of differences of opinion, democracy is regarded as a useful form of government where it does not exist, men are fighting for it and where it already exists, men are striving to make it perfect. Sukarno's Indonesia called itself guided democracy and Ayub's Pakistan called itself basic democracy. The communist and socialist countries call themselves socialist democracies.

Etymologically, democracy is derived from two Greek words *demos* and *kratia*. *Demos* means people and *kratia* means power or rule. Therefore, democracy means the power or rule of the people. Here are some more definitions of democracy. C. D. Burns says, 'Few words have been more loosely and variously defined than democracy. It has literally meant all things to all men.' Laski observes, 'Democracy has a context in every sphere of life; and in each of these spheres it raises its special problems which do not admit of satisfactory or universal generalization. Hume also remarks, 'Democracy may be found both in social and political organization: and indeed it is possible to speak

of democracy in every form of social life, in religion, in industry as well as in politics.' Abraham Lincoln defines democracy as 'the government of the people, by the people and for the people.' Seeley says that 'democracy is a government in which everyone has a share.' Mac Iver defines democracy as 'not a way of governing whether by majority or otherwise, but primarily a way of determining who shall govern and broadly to what ends'.

According to Maxey, 'Democracy is a search for a way of life in which the voluntary free intelligence and activity of man can be harmonized and coordinated with the least possible coercion.' In the words of Sartori, 'Democracy denotes a political system characterized by the absence of personal power and more particularly, a system that hinges on the principle that no one can proclaim himself as a ruler, that no one can hold power irrevocably in his own name.' Ivor Brown is right when he says that 'the word has come to mean anything; or rather so much that it means nothing at all;'. UNESCO questionnaire speaks of the vagueness of democracy. Robert Dahl says that a responsible democracy can exist only if the following institutional guarantees are present:

- Freedom to form and join associations
- Freedom of expression
- Right to vote
- Right to be elected and hold public offices
- Right of political leaders to compete for support and vote
- Alternative sources of information
- Free and fair election
- Institutions for making government policies depend on votes and other expression of preferences

## **Democratic Government, State and Society**

Democracy is not merely a form of government. Some claim it to be a form of state and some regard it as a form of society. A democratic government is one which is based on the accountability of the people; a democratic state is one which is based on popular sovereignty. Democracy, in its wider meaning, is a form of society. A democratic government implies a democratic state, although a democratic state may not imply a democratic government. Example, the United States is a democratic state but does not have daily accountability to the Congress. For a democratic government, there must be a democratic state and democratic society.

Besides, democracy is an order of society and a way of life. It has political, social and economic implications. It has faith in the equality of all men and the recognition of individuality or human beings. A democratic way of life is characterized by tolerance, mutual respect and fraternity. It implies equitable distribution of wealth. If the majority government suppresses the minority opinion, it is contrary to the democratic ideal.

### **Direct Democracy**

Democracy is of two types, viz., direct democracy and indirect democracy or representative democracy

Direct democracy

Direct democracy prevailed in the city states (polis) of ancient Greece. There, the people directly participated in the affairs of the government. All citizens would gather at a particular place and decide matters relating to legislation, taxation and policy making. It was possible because of the small size of the city states. Modern states are quite big in size and population. Hence, direct democracy as was prevalent in Greek city states is not possible in any modern state. But direct democracy can be found in Switzerland. There direct democracy operates through the instruments of referendum, initiative and recall.

**Referendum:** It means 'to refer to the people'. It means that no law passed by the legislature can be effective unless it is referred to the people in a referendum and receives their approval. Similarly, constitutional amendment can be valid when it is approved by a majority of people and the majority of the Cantons in a referendum. It is a remedy against legislative commission.

**Initiative:** It is a remedy against legislative omission. If the legislature does not pass an act, people can propose legislation through initiative. That law will come into force when approved by the people in a referendum. It may bring the legislators in touch with the people, but it gives the people a power, which they cannot properly utilize.

**Landsgemeinde:** In some Cantons of Switzerland, the institution of landsgemeinde or open assembly prevails. There, like the city state of Greece, people gathered at a particular place and decide their own affairs. In this sense, it is similar to direct democracy, which prevailed in the Greek city states

**Recall:** It means withdrawing the representatives from the Assembly or legislature if they do not work for the betterment of the people. Recall is advocated in modern democracy to withdraw representatives who do not perform their duties properly.

These devices are weapons in the hands of the people to check legislators and to enable them to take part directly in the government.

Merits of direct democracy

The following are the merits of direct democracy:

- It enables the people to get experience of government and administration.
- It makes the government responsible.
- It creates a sense of responsibility and patriotism among people.
- It enhances political consciousness of people.
- It keeps voters in touch with the government.

Demerits of direct democracy

Direct democracy has the following demerits:

- It is not suitable for large states.
- It misleads the people because opportunists take advantage of it.
- All the people are not suitable to give their opinion under this system. They simply say 'yes' or 'no'.
- It cannot take secret decisions on war and emergencies.
- It requires a high sense of responsibility, which the people lack.

## **Indirect Democracy**

In almost all countries of the modern world, except Switzerland, indirect democracy prevails. Switzerland presents a blend of direct and indirect democracy. Due to the large size of the modern state, it is not possible for all people to gather at a particular place and take decisions. Hence, people elect their representatives who sit in the parliament and make laws. This is called indirect democracy.

Features of indirect democracy

Indirect democracy has the following features:

- It is a representative form of government in which people's representatives take decisions.
- Sovereignty is vested in the people.
- Government works on behalf of the people.
- People do not get a chance to participate in the affairs of the state.



## Merits of indirect democracy

Indirect democracy has the following merits:

- It is suitable for big countries only.
- Here, political demagogues play an important role. They can mobilize the voters! In their favour.
- The government runs on behalf of the people.
- Secrecy can be maintained where it is required.

## Demerits of indirect democracy

- The voters are ignorant. Hence, it is not possible to vest power in their hands,
- Direct contact between the voters and representatives cannot be established! under this system.
- After their election, the representatives seldom work for their constituencies,
- It gives rise to corruption. Political parties vitiate the atmosphere of the country
- It is very expensive. For example, the holding of an election in a country India's size entails heavy expenditure.

## Characteristics of Democracy

Democracy has certain characteristics. R. M. MacIver says that democracy is not away of governing, whether, by majority or otherwise, but primarily, a way of determining who shall govern and broadly to what ends. Democracy is not a one way traffic. It implies responsibilities both on the part of the ruler and ruled. It is based on the cooperation of both. The main characteristics of democracy are as follows:

1. **Popular sovereignty:** Democracy is based on the sovereignty of the people. That is to say people exercise supreme power in a democracy. They have the right to elect the government and the government remains responsible to them. If the government does not fulfill the wishes of the people, people have a right to overthrow it and institute a new government.
2. **Political, social and economic equality:** In a democracy, there is political, social and economic equality. As far as political equality is concerned, all rich or poor, educated or uneducated, have one vote only. In the social sphere, there shall not be any discrimination against any one on grounds of religion, race, sex, caste or place of birth. In the economic sphere, there shall not be great gulf between the rich and the poor or haves and the have nots.
3. **Majority rule:** Democracy is rule of the majority. It is the majority that governs in a democracy. No party can govern unless it has acquired majority of seats in the legislature.
4. **Respect for the opinion of the minority:** In democracy no doubt, the majority rules, but it cannot ride rough shod over the minority. The opinion of the minority should be given due consideration.
5. **Rights:** Democracy provides various kinds of rights to individuals. Example: The right to freedom of speech and expression, right to form unions or associations, religious freedom, right to free movement and educational and cultural rights are some of the rights that the people enjoy in a democracy. It upholds individual dignity.
6. **Government by adjustment and compromise:** Democracy is a government by adjustment and compromise. Different opinions are likely to arise in a democracy within the ruling party itself. Therefore, it has to function with adjustment and compromise with a variety of opinions. Therefore, it allows plurality of ideas.
7. **Value system:** It is a form of government in which people can realize their best ideals and highest qualities. Therefore, it is a system of values. Three things are important in

a democracy, efficiency, realization of best ideals and -qualities and self-rule. If democracy lacks efficiency, it will be the worst form of government.

8. **Democracy is a welfare-oriented concept:** America, which is one of the best democracies used, realized during the great Depression and afterwards fought that democracy should be used to promote the needs and welfare of all people. Most of the democratic countries today are welfare countries. They are at promoting the welfare of the people without destroying individual freedom.
9. **Rule of law :** In democracy, there is rule of law. It means the supremacy of law over that of man. It also stands for equality of law. A. V. Dicey is an exponent of the rule of law in Britain.
10. **Independence of Judiciary :** Democracy is characterized by independent judiciary with the exception of England. The judiciary acts without fear or favour, affection or ill will. It can declare a law as ultra vires, if it violates the constitution.
11. **It is opposed to coercive methods:** It is based on persuasion not coercion.
12. **Democracy is a theory of society as well as government:** A.D. Lindsay has explored this concept of democracy. The purpose of every democratic government is to serve the community. For this purpose, it has to remove disharmonies from the society and provide a congenial atmosphere for Democratic values and principles to thrive.
13. **Leadership:** Democracy provides scope for producing leaders starting from the village level to the national level. Those who have the qualities of leadership can get scope to prove their talents. For example, Jawaharlal Nehru was the chairman of the Allahabad Municipality however, he rose to the position of the prime minister. There are many such examples in which leaders have started their career from lower levels and proved to be efficient as national leaders.

Therefore, democracy is not only a form of government, but also a way of life.

### **Political, Social and Economic Democracy**

Democracy has political, social and economic dimensions.

**Political democracy:** In the political sphere, it stands for liberty, freedom of speech and expression, majority rule and tolerance of the views of the minorities.

**Social democracy:** Operates in the social sphere; it means that there shall be equality and no discrimination against any one on grounds of religion, race, sex and place of birth.

**Economic democracy:** It means that in the economic sphere, there shall be equitable distribution of wealth. There shall not be a great gulf between the rich and poor.

Merits and demerits of democracy

Democracy has both merits and demerits. In a democracy, you agree upon certain; common principles. You respect one another's point of view. Democracy provides the: framework within which the moral life of the individual is possible. Thus, democracy is; an ideal, a means and a way of life.

### **Merits of democracy**

The merits of democracy are as follows:

1. **A rational form of government:** It is based upon the premise that no man is infallible. Every man is liable to commit mistakes. As no man is infallible, democracy adopts a process of discussion and criticism in which every man is: allowed to take part. The continuous process of discussion and scrutiny acts as? a necessary corrective of abuse of power.
2. **It provides rights to the individual:** Democracy provides political, social and economic rights to the individuals. The right to vote, the right to life, the right to religion, the right to education, the right of minorities, the right to work, the right to a reasonable way of life and the right to rest and leisure are some of the rights, which democracy provides. There have been some movements for, rights, such as the American War of Independence (1776), the

French Revolution (1789) and the Russian Revolution (1917). Without these rights, life will be; meaningless.

3. **Equality:** Democracy not only provides rights but also provides equality. All are equal in the political, social and economic spheres. All enjoy equal rights/ There is no discrimination on the grounds of religion, race, sex, caste and place of birth.
4. **Democracy is an efficient and responsible form of government:** The method of free election at certain intervals and the method of popular control at every stage of administration, either through criticism inside the legislature or outside through public opinion, make it extremely efficient and responsible.
5. **Democracy promotes the welfare of the people:** It is clear from its definition that democracy is the government of the people. It also provides security to the individuals. Welfare is the yardstick of the security of the government.
6. **It is government by the majority:** In democracy, the majority rules. In other forms of government, it is one man or a few who form the government. Hence, in democracy, majority opinion counts.
7. **Tolerance:** Though the majority rules, the opinion of the minority is tolerated. There are different shades of opinion in the society. Every shade of opinion is given due consideration.
8. **Checks in democracy:** Maciver justifies democracy because it is less dependent on the psychology of power. There are many checks on democracy. Hence, it cannot create a consciousness of superiority in the governing class.
9. **Liberty:** Mills classic defence of democracy is based on the argument that the rights of the individual are secured in democracy because he is able to stand up for them. Democracy offers every individual the liberty to vindicate his privileges.
10. **Character-building:** Democracy has an ennobling influence on the character of the people. It is an active school for character building. Bryce says that manhood of the individual is dignified by his political enfranchisement and he is raised to a higher level by the sense of duty, which it shows upon him.

### **Demerits of democracy**

Democracy has the following demerits or weaknesses:

1. **Since the time of Plato and Aristotle democracy has been criticized:** Plato criticized democracy because it put his master Socrates to death. Aristotle regarded it as a preventive form of government. It is the government of average men and women. The average men, in the words of Maxey, are sheep-minded, ape-minded and wolf-minded.
2. **It is said that democracy is based on numbers:** It counts the heads but not the contents in the heads. So, it is based on quantity instead of quality.
3. **Cult of incompetence:** The French writer Fagot describes democracy as the cult of incompetence. Bryce says that it is government by the incompetent. It is the ignorant and inefficient men who come to power. Such men are unintelligent, uninformed, prejudiced, emotional and resentful of the superiority of others. They are the most numerous in society.
4. **Tyranny of the majority:** The majority may impose their will on the minority. The minority view is either suppressed or ignored. The majority in the legislature walk like a colossus. Hence, it may ignore the view of the minority.
5. **Expensive:** Democracy is very expensive. There are frequent elections in democracy. Besides, much money is spent on propaganda and mobilizing public opinion. There is wastage not only of money, but also of time and opportunity. It is the most extravagant and indifferent system.
6. **Democracy is an unscientific dogma:** The psychological study of democracy is based on the study of mass psychology. As Graham Wallas says, 'Politics is only in a slight degree the product of unconscious reason.' In a democracy, where masses are supposed to take part in a government, the operation of crowd psychology and, hence, the play of the irrational are much in evidence.

7. **It is characterized by indecision and instability:** In the words of Maxey, democratic government is 'prone to indecision, feebleness, instability.' Government changes so often that administrative stability is seldom possible. Discussion also results in delay.
8. **Corruption:** Corruption is another demerit of democracy. It is said that power corrupts and absolute power, corrupts absolutely. When power remains in the hands of the people, it leads to corruption. Votes are bought and sold.
9. **Unsuitable for emergency:** It cannot take quick action. Hence, it is unsuitable for emergencies like flood, famine, cyclone, war, etc.
10. The present system of democracy, based on geographical representation, is faulty. A representative cannot represent the varied interests of the individuals. So G. D. H. Cole advocates functional representation.
11. Lord Bryce sums up the weaknesses of democracy as follows:
  - (i) The power of money to prevent administration and legislation.
  - (ii) The tendency to make politics a gainful profession.
  - (iii) Extravagance in administration.
  - (iv) The abuse of the doctrine of equality and failure to appreciate the value of administrative skill.
  - (v) The undue power of party organization,
  - (vi) The tendency of legislators and political officials to play for votes in the passing of laws and in tolerating breaches of order.
12. Faguet attacks democracy and says that it is a biological misfit or a biological monstrosity. Democracy is not in line with the process of evolution. He argues that the higher we descend the scale of evolution, the greater is the tendency towards centralization.

### **Safeguards of Democracy**

Certain conditions are necessary for democracy to be successful. Aristotle pointed out to the economic basis of politics. Politics cannot succeed unless people are economically sound and there is no great gulf between the rich and poor. Sometimes, it tends towards dictatorship. Hence, it is necessary to discuss at length the safeguards of democracy, which are as follows:

1. **Faith in democracy:** This is the most important condition for the success of democracy. People must have faith in democracy and should be read to be governed democratically. Then they can develop qualities like majority rule, tolerance, responsibility, independent voting power, etc.
2. **Universal education:** Universal education is another condition for the success of democracy. Without education, people cannot distinguish the right from: wrong. Therefore, J.S. Mill said that 'Universal education should precede universal franchise.'
3. **Removal of poverty:** Removal of poverty is another safeguard of democracy.: If half of the population remains below the poverty line, they cannot take any: interest in the democratic process. Their time will be spent in earning two square meals a day. Instead of exercising their conscience, they will vote for money.
4. **Spirit of law-abidingness:** In a democracy, people should develop a spirit of law abidingness. It enhances discipline and builds the national character. It established and maintained political morality. In its absence, there will be anarchy and corruption.
5. **Rule of law:** Rule of law is another safeguard of democracy. It means supremacy of law as opposed to supremacy of rulers. There should be equality before law and equal-protection of law. Then only democracy can be real.
6. **Bi-party system:** Bi-party system is the best safeguard of democracy. In England and America, democracy has been successful because of bi-party system. In a bi-party system, one or the other party must secure a majority. The party that does not secure a majority sits in the opposition. In Britain, the opposition is known as his majesty's opposition and the leader of the opposition is the shadow prime minister. There is also a shadow

cabinet. It is the opposition corresponding to every minister in the government.

7. **Independent media:** The media, like the press, radio, TV. etc., should be independent and impartial. They should report news and views independently. They should not indulge in yellow or sensational journalism. If the media is free and impartial the government will function with caution.
8. **Strong opposition:** The opposition should be strong. What is necessary in a parliamentary democracy is that the opposition should be equally strong. It should not oppose for the sake of opposition but offer constructive criticism.
9. **Patriotism:** People should have loyalty towards their nation. They should be willing to sacrifice themselves for their country.
10. **Agreement on fundamentals:** People should have faith in the basic and fundamental principles of democracy. They should have some common programmes for the development of the country. Whichever party comes to power it should strive to implement these principles. There should be change of government through constitutional means.
11. **Wise constitution:** The constitution should ensure social, economic and political justice to the people. It will build a strong foundation for democracy. If the aim of the constitution is to create merely a police state, democracy cannot survive for long. For example, Pakistan's constitution led to the overthrow of democracy because of weak constitution.
12. **Eternal vigilance:** It is said that eternal vigilance is the price of liberty. It can also be equally applied to democracy. There may be enemies from outside the state. People should be vigilant against them. There may be danger of antisocial elements from within the state. People should keep a watchful eye on them.
13. **Decentralization of power:** It is another safeguard of democracy. It gives power to the people at the grassroot level. If the above safeguards are observed, democracy can work successfully in a country.

## Classical Theory of Democracy

Democracy is a very old form of government and so its theory dates back to the days of the Greeks who identified it with 'people's power' (Pericles), or a system in which 'rulers are accountable to the people for what they do therein' (Herodotus). Such a view saw its reaffirmation in modern times when Abraham Lincoln in his Gettysberg oration of 1863 called it 'a government of the people, by the people, and for the people.' Great

**liberals like John Locke and Edmund Burke developed the same theory of democracy in the direction of a 'limited government' bound by the laws of the land. Later on, the utilitarians like Bentham and John Stuart Mill justified the case of democratic government in the name of their formula of the 'greatest good of the greatest number' and Mill gives the same tone to the force of his moral or ethical argument. This trend continued in the present century and saw its powerful reiteration at the hands of Dickey, Bryce and Laski. Apart from this, the idealistic argument of democracy prevailed side by side that had its brilliant manifestation at the hands of Rousseau, Green and Lindsay. All such affirmations constitute, what is now called, the classical theory of democracy.**

**The classical theory of democracy as espoused by the liberals and the idealists of the modern age has the following salient features:**

1. **Power is vested in the people and its exercise is given to them or to their chosen representatives accountable to them for their acts of commission and omission. All decisions must be based on the consent of the people, whether express or majority. Thus, it stands on the premise that 'people are always right' (in theory), or the decision of the majority is always correct' (in practice). We may take note of the fact that, though a great idealist, Rousseau also went to the extent of laying down that, for all practical purposes, the general will should be taken as the will of the majority. So James Bryce defined democracy as 'a government in which the will of the majority of qualified citizens rules, taking the qualified citizen to constitute the great bulk of the inhabitants, say, roughly, at least three-fourth so that the**

**physical force of the citizens coincides (broadly speaking) with their voting power.'**

**2. The people have certain natural and inalienable rights, which the government cannot abrogate or diminish. The doctrine of 'natural rights', as it came to be known, emerged as the most powerful instrument at the hands of the democrats who struggled for the rights of the people against arbitrary power of the kings. Notably in England in the mid-17th century, the 'independents', the 'levellers' and other protagonists of the 'Commoner's set forth the ground of their resistance to the autocratic claims of the Crown, the established Church, and the entrenched hereditary nobility. During the days of the Puritan Revolution pamphlet issued by the Levellers, inter alia, said. 'We, the people, derive from Adam and right reason certain natural rights of liberty, property, freedom of conscience, and equality in political privileges.' Reacting against the arbitrary powers of thinking, John Milton asserted that 'all men are naturally born free' and from this principle he derived 'the liberty and right of freeborn men to be governed as seems them best.' Most powerful was the argument of John Locke coined to justify the Glorious revolution of 1688-89 that to understand political power right, we must begin with the recognition of natural and original freedom of all men to order their actions and dispose of their possessions as they think fit, within the bound of the laws of nature, without asking leave or depending upon the will of any other man.**

**3. The doctrine of 'natural rights' lost its significance with the growth of the idea of positive liberalism that sought to reinterpret the relationship between individual liberty and state activity. Thus, Bentham offered his principle of utility that sought to give a new interpretation to the justification of democracy. The doctrine of natural rights was rejected rather replaced with the happiness of man measured in terms of material pleasures. He gave the formula of 'one person, one vote.' It implied that although all persons are naturally the**

same in intelligence, energy, thrift, inventiveness and prescience, yet all normal men—just as they have equal rights to life, freedom and access to the courts of law—have equal rights to a voice in government because they have equal stakes in the justice and efficiency of governmental action.' This argument implies that since political government has no other end than the well-being of the individual men and women that make up society and since each individual's well-being ought to count for as much as that of any other individual, a society is properly organized politically to the extent that its constitution and policy tend to promote the interests, conserve the rights and extend the capacities and opportunities for happiness of the greatest number of individuals in the community. Democratic government satisfies these requirements, since it is least likely to subordinate welfare of the majority of the community to that of any part. Democracy means 'government by those who have the greatest concern and the greatest awareness of the interest and rights of the people generally. The natural self-interest of human being is the best security against political action that is oppressive or tolerant of oppression.'

**4. If Benthamite utilitarianism displaced the line of 'natural rights', a revisionist of the utilitarian creed like Mill replaced the materialistic content of Bentham by the force of his ethical argument in favour of democracy. The argument of Bentham was based on the self-interest of the individual that ought to be harmonized with the interest of the society in the framework of the greatest good of the greatest number.' The defenders of Bentham called it enlightenment of benevolent hedonism; But Mill defended the case of democracy as the best form of government on moral grounds. As he says:**

'The most important point of excellence which any form of government can possess is to promote the virtue and intelligence of the people themselves. The first question in respect to any political institution is how far they tend to foster in the members of the community the various qualities... moral, intellectual and active.

Highlighting this point of difference between the views of Bentham and Mill, it is well commented; 'Bentham's principle of utility in a society of wolves would exact wolfishness; in a society of saints it would exalt saintliness. Mill was determined that saintliness should be the criterion of utility in any society whatsoever.'

**4. The classical theory of democracy has a peculiar dimension when we examine the view of**

the idealists like Rousseau and Green. To Rousseau, democracy alone ensures prevalence of the 'general will.' In every community, there is a section of really selfless and enlightened people who think in terms of public interest and it is the inherent force of their selfless argument that ultimately prevails in any matter under discussion before a body of people. Through the process of cancellation good would set aside the bad; all contradictions would be resolved and in the end only 'dominant good' would emerge. This good, which would be what was left at the will would emerge. This good, which would be what was left at the will becomes integrated, would be in effect the same as the 'general will'. Influenced by the idealistic interpretations of Rousseau, Green says that 'will, not force, is the basis of the state'. As he observes

"The sovereign should be regarded not as any abstraction as the wielder of coercive force, but in connection with the complex of institutions of political society. If it is to command habitual obedience and obedience will scarcely be habitual unless it is loyal and forced.'

5. Most importantly, from a practical point of view, there are no substitutes in a democracy for excellence. While each kind of governmental system has its own merits and demerits, the merits of a democratic system far outweigh its demerits. It is thus substitute of less form of government. However, if one analyzes, the demerits of democracy appear few in number than other 'non-democratic' or anti-democratic systems. It is argued by the liberal democrats in present times that there is no form of governmental system that can revolutionize or perfect human nature because all such systems have some characteristic defects. However, even while forwarding these arguments, the liberals have adopted the view of democracy as propagated in the West, This is based on the principles of universal adult franchise, free and fair periodic polls, a multi-party system, independence of press and judiciary, basic rights to the people, freedom of dissent, tolerance of opposition. Bryce asks that if "democracy has not brought all the blessings that were expected, it has in some countries destroyed, in other materially diminished, many of the cruelties and terrors, injustices and oppressions of former times." Even though it has its critics and theorists offer grave indictments against the system, its supports have always reacted with the same counter-question, "what alternative do you have?"

It is from the certain ideas of rights of man that the classical or traditional doctrine of democracy emerges in part. This is a view that believes that a government is formed to keep the rights of the man and it must conform to them. It further believes that all men have the right to participate equally in political power because they have the right to be free from enslavement or to appeal equally to judicial tribunals for protection of their lives and property against assaults, trespass or encroachment of any kind. It is part of the democratic methods which refer to those institutional arrangements where political decision are arrived at through election of individuals who are expected to carry out common good. They are elected by the people and are their representatives. Common good is part of all political policies; such policies are formulated on the needs of the people, these are simple to define and can be seen by a layman through rational judgment. Therefore, in a democratic setup, it is believed that each citizen is conscious of the goal of common good, can discern what is good and what is bad and participates actively and responsibly in furthering this good and fighting the bad. People are therefore active players and thus control their public affairs.

The classical theory of democracy has been criticized on many counts. First, it is thoroughly normative. It is flooded with high ideals and bombastic propositions like 'general will', 'people's rule', 'people's power', 'common good', and the like that cannot be subjected to an empirical verification. All these terms are quite elusive. Second, it attaches no importance to the role of numerous interest groups and organization that play their part in the struggle for power, or which compete among themselves and that all constitute the stuff of a democratic-system in practice. The utilitarian talk about 'greatest happiness of the greatest number' without taking into consideration the powerful role of groups, functions and elites that ever strive to protect and promote their specific interests. Third, the socialists and the Marxists have their own version of democracy that stretches the system of political democracy to social and economic spheres. To the Marxists, it is all like a defence of the discredited bourgeois system.

Yet the classical theory, of democracy has its own salient merits, which are thus summed up by Schumpeter:

1. Though the classical doctrine of collective action may not be supported by the results of an empirical analysis, it is powerfully supported by its association with religious beliefs. The very meaning of a term like 'equality' may be in doubt, there is hardly any rational warrant for exalting it into a postulate, as long as we move in the sphere of empirical analysis. Christianity harbours a strong equalitarian element. Any celebrated word like 'equality' or 'freedom' may become a flag, a symbol of all a man holds dear, of everything that he loves about his nation whether rationally contingent to it or not.
2. There is no one version of democracy. Different nations identify with the forms and phrases of classical democracy with the episodes and developments that are significant part of their history. Their citizens identify with such events and approve of them; even the opposition to such a regime uses the same forms and phrases never mind what its social roots and meanings may be. Under difficult historical circumstances, the advent or adoption of democracy meant freedom and self-respect and the democratic creed meant a gospel of reason and betterment. However, even these advantages soon found themselves enmeshed between democratic principles and practice and the affair with it soon hit rough patches. Yet, its merits mean the affair continues.
3. One should remember that with a sufficient degree of approximation, there will emerge patterns wherein the classical doctrine will fit facts. This will provide an effective framework to make and implement decisions. It is true to small countries like Switzerland and also large and industrialized society of the United States. It has been held true in many small and primitive societies which actually served as examples for political scientists to develop the theory of classical liberalism. It can be the case with those societies also which are not primitive; however, they should have lesser degree of differentiation and should not harbor serious internal conflicts.
4. Of course, the politicians appreciate a phraseology that flatters the masses and offers an excellent opportunity not only for evading responsibility but also for crushing opponents in the name of the people.

The intrinsic merits of the democratic system cannot be defined. At the same time,, some other points should be taken into account that have been stressed by the empirical theorists like role of numerous groups, factions, elites, leadership, etc., so as to present a theory of democracy approximating the world of reality. However, before passing over to the study of empirical theory of democracy, this point must be stressed with any amount of force that the new interpretation is a revision, not a rejection, of the classical theory of democracy. The spirit of liberalism informs both. As political scientist, C.B. Macpherson, the author of *The Life and Times of Liberal Democracy* says:

What the addition of democracy to the liberal state did was simply to provide constitutional hannels for popular pressure to which governments would have had to yield in about the same measures anyway, merely to maintain public order and avoid revolution. By admitting the mass of people into the competitive party system, the liberal state did not abandon its fundamental nature; it simply opened the competitive political system to all the individuals who had been created by the competitive market society. The liberal state fulfilled its own logic. In so doing, it neither destroyed nor weakened itself; it strengthened both itself and the market society. It liberalized democracy, while democratizing liberalism.

## TOTALITARIAN POLITICAL SYSTEM

It was after the First World War that the totalitarian form of government gained prominence. The Weimar republic in Germany is one form of democratic government that countries tried to set up after the war. A democratic government gave its citizens the right to participate in politics, to vote and even form political parties. However, this kind of freedom to the citizens attracted much negative reactions from different leaders and eventually led to the collapse of governments, even the Weimar Republic. This meant that the democratic governments were replaced by the totalitarian form of government.



## Pros and Cons

A totalitarian political system compromises with the freedom of the people to quite an extent even though a single political party in this system can bring in stability in any turbulent country. Propaganda is also much prevalent under such systems as the communication and media industry is under the control of the government. Naturally, citizens under such a system are more patriotic compared to those in other countries since they only get to hear pro-government material. Since such a system is 'totalitarian', the government aspires to have 'total\* control over the people. In contrast to people under democratic systems, those in totalitarian control have no right to speak against the government, form political parties, have any other say in governance or even the right to choose their religion. Thus, there is a complete control over people's minds as only one **political** party rules the country. In Germany, for instance, between 1933 and 1945, Nazis ruled the country completely and all other political parties were banned except the German Nationalist Party led by the Nazis. This meant that the party remained in power all those years and the citizens had no right to vote and were forced to follow the whims and fancies of the government. Few\* other examples of totalitarian political systems were Russia which was a communist state and Germany and Italy which were Fascist states.

### Impact of totalitarianism on society

In totalitarian countries, scientists have no freedom to invent since technology and sciences are under the complete control of the government. For instance, Jewish inventions in Nazi-ruled Germany were restricted. Scientists had no freedom to carry out research of their own interest which they could in a democratic system. Significantly, the totalitarian state had the complete freedom to use the inventions of the scientists in anyway they **liked**.

#### 3.4.1 Features of a Totalitarian Government

The characteristics of totalitarian systems are said to be in contrast with the authoritarianism and dictatorship systems. Political scientists have defined many such differences. Firstly, it is contended that under such a system, only one political party is existent in a country and all others are either under the control of the state or are eliminated. All companies and organizations also belong to the state. Since communication and other such technologies are also under the state, the ideologies of the government get solidified. The government thus makes the people hear whatever it wants them to hear. Thirdly, such a government has complete control over the weapons of all kinds. This helps the government prevent any revolutions in the country. By keeping the weapons

under control, the rulers make sure no revolt takes place. Fourthly, the state also has a total control over the economy. Since the state controls all companies, it has free access to any resources it needs for its own projects which are always not in the interest of the people. In turn, the citizens become even more dependent on the state for jobs and any complaints against the state only serves to leave them jobless. Another significant feature of such a state is that it uses terror to rule over the people.

For instance, the Nazi Germany had the Sturmabteilung (S A) and Schutzstaffel (SS) to inculcate fear in the minds of the people. All threats to their rule, in form of individual, groups or organizations, are effectively eliminated. Even members of the ruling party are at risk and any dissent is followed by police enquiry or even execution. One example is the ruthless 'Night of the Long Knives' as part of which even the members who were loyal to the Nazis were killed if they were perceived as threat or if the state believed they could go against it.

## AUTHORITARIAN SYSTEM

The state takes control of many aspects of the citizens' lives under the authoritarian form of government which had led political scientists to define it as a system which erodes people's civil liberties and freedom. However, the degrees of authoritarianism vary and even democratic and liberal states can display some features of authoritarianism. One such area can be national security. Mostly, the authoritarian form of government is not democratic as it governs the people

without their consent. Political scientists also establish a link between authoritarianism and collectivism as under both such systems, group goals and conformities dominate over the right of individuals. Another group of political scientists which supports collectivism also tends to criticize collectivization and term it the opposite of authoritarianism.

### **Forms of Authoritarian Government**

There are various forms of authoritarian government and they can be broadly categorized as follows:

- Monarchies: Depending upon the monarch, a monarchy can be authoritarian.
- Communism: As per the theory propounded by Lenin: "Communist states must always be authoritarian when on the path to 'socialism', because of the special repressive force needed to attain their goals." A stateless society is the final aspiration of the communists and found supporters in theorists like Karl Marx. Government who rule as part of such systems never term it as a 'communist' but call themselves 'socialist'. All authoritarian governments which are ruled by self-proclaimed communists will mostly be described by Non-communists and anti-communists with the Communist label.
- Dictatorships are mostly authoritarian.
- Authoritarian characteristics can be found in democratic states too.
- Fascist states are always authoritarian.
- Despotism is another name of authoritarianism.
- Those countries which are under military autocracies are almost always authoritarian.
  - Theocracies are also authoritarian. In Consensus decision-making, an exception is found the Quaker Consensus: 'Decision-making arrived at by finding a 'spiritual consensus', rather than voting, was developed by the Religious Society of Friends (Quakers) early in the 17th century and is in use to the present day.'
  - Authoritarian states hand over extensive control to law enforcement agencies. Where such a responsibility to law enforcement agencies is found in the extreme, *it* leads to what is called a police state. Rule of law may or may not exist in authoritarian governments.

### **Authoritarianism and the Economy**

Before 1997, it was widely believed that authoritarian governments were likely to have stronger economies and out-perform democracies. The myth was shattered with the Asian financial crisis. This was the time when political theorists in the East and Southeast Asia strongly believed that authoritarian states were more likely to be economically successful than their democratic counterparts. The examples were given in the form of the states of South Korea, Singapore, Malaysia, and Taiwan. These states were strictly authoritarian and were witnessing bumper economic growth. However, despite the fall brought about by the Asian Financial Crisis, the idea that authoritarianism promotes economic development remains very popular, especially in developing countries. For instance, the Communist Party of China which rules over the world's fastest growing economy, uses this argument to continue its authoritarian rule in the country. At the same time, however, there are many examples of other nations where authoritarian rule failed to promote economic growth. One such good historical example is Spain in post-war Europe. Some of the recent examples of nations which have failed economically despite authoritarian regimes are Myanmar and Zimbabwe. It is difficult to establish a link between political authoritarianism and economic growth yet political thinkers in anarchist

and anti-authoritarian traditions have used 'economy' as one of the characteristic features of analysis of authoritarianism. The common ground between business corporations and the state have often been cited as examples. This is because both the institutions are hierarchical and collective entities and have clear markings in terms of authority and command. -

### **Criticism**

Authoritarian systems have many critics and most of them are supporters of democracy:

- As compared to poor dictatorships, poor liberal democracies have better education, longer life

expectancy- lower infant mortality, access to drinking water and offer better healthcare. This is because liberal democracies are in the knowledge of maximizing their usage of available resources and not because they have the higher levels of foreign assistance or that they spend a larger percentage of GDP on health and education.

- Democratic peace theory has found supporters in numerous studies which have used different kinds of data, definitions, and statistical analyses. As per the original finding, liberal democracies had never initiated war with one another. Recent research has even extended this theory and found that democracies have few Militarized Interstate Disputes. This means there were less than 1000 battle deaths with one another. Democracies have few civil wars and those MIDs that have occurred between democracies have caused fewer deaths.
- Despite an initial decline, most democratic nations that were earlier Communist nations achieved greatest gains in life expectancy.
- Prominent economist Amartya Sen has argued that no functioning democracy has ever suffered a largescale famine. He even included democracies which were never prosperous historically, like India which suffered a great famine in 1943 and many more before this in the 19<sup>th</sup> century even when it was under the **British** Rule. Some critics ascribed the Bengal famine of 1943 to the effects of the World Warr.
- Liberal democracies are associated with several strong and significant health indicators like life expectancy and infant and maternal mortality than they have with GDP, per capita income or income inequality or the size of the public sector.
- Research has shown that liberal democratic nations have less instances of democide or murder by government. They also have less genocide and politicide incidents.
- It is in non-democracies that mostly the refugee crises occurs. It was in autocracies that in the last twenty years, the first 87 cases of refugee crises and flows occurred.
- The highest average self-reported happiness in a nation has been reported from liberal democracies.
- The level of corruption in a state is strongly determined by the existence of political institutions in it. This argument is supported by the World Bank research. Where countries have democracy, parliamentary systems, political stability and freedom of the press, the instances of corruption are lesser. Accountability and transparency is ensured through the freedom of information laws. For instance, the Right to Information Act in India "has already engendered mass movements in the country that is bringing the lethargic, often corrupt bureaucracy to its knees and changing power equations completely".
- With the exception of East Asia, in the last 45 years even poor liberal democracies have had good economic growth, at an average of 50 per cent more speed than non-democracies. For instance, poor democracies such as the Baltic countries, Botswana, Costa Rica, Ghana, and Senegal have registered more swift economic growth than non-democracies such as Angola, Syria, Uzbekistan and Zimbabwe.
- Nations with intermediate political freedom have had more instances of terrorism, as found by research. Democratic nations have much less terrorism and are more equipped to deal with it. Only five of the 80 worst worst financial catastrophes occurred in democracies in the last four decades. It has also been found that poor democracies are half likely as compared to non-democracies to experience a 10 per cent decline in GDP per capita over the course of one year.

One finds that authoritarian powers are unlimited in their scope. It can be all embracing. As compared to authoritarian systems, power is distributed in plurality among different groups in a democracy. Moreover, democracies provide space for professional associations, trade unions, business organizations and religious institutions like churches, mosques and political parties to exist and function normally. Such institutions protect political freedom by keeping each others' working in check. In contrast, authoritarian states are a kind of fusion of the state and society; they form a social system wherein it is the politics that deeply influences the entire range of human associations and activities. Therefore, an authoritarian state can use any kind of power methods to keep its interests and meet its ends. It can put people in exile, in labour or prison camps or execute them altogether without any restraint.

One finds no plurality in authoritarian systems. As mentioned above, only one political party exists in such systems and it plays a significant role in strengthening the powers of its top leaders. It is also the only party that provides a platform for training for future leaders and administrators. The state, on the other hand, uses its influence to create an army of volunteers who watch over the population and in turn report to the state any activities of dissent. Therefore, under such societies, power rests in the hands of the few, leading to centralization of power. The government also takes over communication and technological set ups in authoritarian states; means of communication like television, radio, cinema and publication of books and magazines are all under the watch of the state. Naturally, there are no protests when the media is stifled. The government strategically filters out every opposition that can create uncomfortable position for itself or challenge its power.

Authoritarian systems give no freedoms or rights to its people; the citizens thus have no freedom of speech, press, and religion. Even minority rights are not protected by the government, which is usually led by the majority community. The political leaders usually belong to one small group, like aristocratic families or are comprised of top military officials. Such regimes are said to be existent in countries like China, Myanmar, Cuba and Iran. Political power is vested in one ruler or a small group of leaders in an authoritarian political system. Such a government may hold elections and establish regular contact with their citizens but it is a watershed. In practice, citizens have no right to choose their leader or decide how they may be ruled. Free choice is not given to the subjects by their leaders. It is this group of leaders or a leader which decides what people can have or cannot have. Citizens, on the other hand, must obey their masters and not participate or not criticize political decisions. Rulers of authoritarian governments can be kings, military leaders, emperors, a small group of aristocrats, dictators, and even presidents or prime ministers. What type of government a system has is not indicated by the leader's title.

In conclusion, it can be said that the principle of authoritarianism is based on blind submission to authority as compared with the individual freedom of thought and action enshrined in democracies. As a system of governance, authoritarianism refers to such political system where power is concentrated in the hands of one leader or a small group of elites who have not been mandated by the constitution of the said state to rule over the people. Power is often exercised arbitrarily under authoritarianism, and no regard is given to the established bodies of law. Such governments cannot be replaced by citizens through elections or free choice between various political parties because there are none. Under authoritarianism, there is hardly any freedom to create diverse political parties or provide alternative political groupings to people. There are many characteristics to authoritarian governments and no nation can fall entirely into either category. As political scientists, one should be careful to not categorize a nation in any category in the moment during which they are being examined. Each political system changes over time, whether democratic and authoritarian. This has made the global mosaic of political systems uncertain and complex.

## ACTIVITY

Find out if there is any country which has a totalitarian political system. Write a short note on its current political situation.

## DID YOU KNOW

Hitler had four siblings who died in childhood.

## SUMMARY

In this unit, you have learnt that:

- The term 'political system' consists of two words—political and system. The first word 'political' refers to subsistence and role of the state in empirical terms. The second word 'system' entails a set of parts in interdependence as well as in operation.
- There are various degrees of authoritarianism; even very democratic and liberal states will show authoritarianism to some extent, for example in areas of national security.

- There are many critics of authoritarianism, most of which at the same time support democracy.
- In government, authoritarianism denotes any political system that concentrates power in the hands of a leader or small elite that is not constitutionally responsible to the body of people.
- Democracy means the power or rule of the people.
- Democracy is of two types, viz., direct, democracy and indirect democracy or representative democracy.
- Democracy has certain characteristics. R. M. MacIver says that democracy is not a way of governing, whether, by majority or otherwise, but primarily, a way of determining who shall govern and broadly to what ends.
- Democracy is a very old form of government and so its theory dates back to the days of the Greeks who identified it with 'people's power' (Pericles), or a system in which 'rulers are accountable to the people for what they do therein' (Herodotus).
- Certain conditions are necessary for democracy to be successful. Aristotle pointed out to the economic basis of politics. Politics cannot succeed unless people are « economically sound and there is no great gulf between the rich and poor.
- Totalitarianism is a form of government which came into prominence after the First World War. After the war, countries tried to set up democratic governments such as the Weimar republic.
- Unlike democratic rule, under totalitarianism, people have no right to speak, to form political parties, or even choose their religion.
- Totalitarianism has a huge impact on technology and science. Scientists in a totalitarian country have restrictions as to. what to invent.

### • 3.7 KEY TERMS

- **Authoritarian:** In an authoritarian form of government, people are subject to statepower in many facets of their lives.
- **Direct democracy:** In direct democracy, people directly participated in the affairs of the government.
- **Rule of law:** It means the supremacy of law as against that of man. It also stands for equality of law.
- **Recall:** It means withdrawing the representatives from the Assembly or legislature if they do not work for the betterment of the people.
- **Political democracy:** In the political sphere, it stands for liberty, freedom of speech and expression, majority rule and tolerance of the views of the minorities.
- **Totalitarianism:** This form of political system wants to have 'total' control over their people. Totalitarianism restricts people from thinking.

### ANSWERS TO 'CHECK YOUR PROGRESS'

1. (a) government (b) political and system
2. (a) True (b) **True**
3. (a) authority (b) freedom
4. **(a) True (b) False**
5. (a) sovereignty (b) Direct
6. (a) True (b) False
7. (a) First World War (b) Totalitarianism
8. **(a) True (b) False**

### QUESTIONS AND EXERCISES

## Short-Answer Questions

1. Define authoritarian form of government.
2. State one merit and one demerit of direct democracy.
3. State one merit and one demerit of indirect democracy.
4. Define the elitist view of democracy.
5. Briefly discuss the pluralist view of democracy.
6. What is the participatory theory of democracy?
7. What are the features of a totalitarian form of government?

## Long-Answer Questions

1. Critically analyse the authoritarian form of government.
2. What are the features of democratic government, democratic state and democratic society?
3. Explain in detail the meaning of normative concepts.
4. What are the characteristics of liberal democracy?
5. Discuss the concepts of social, political and economic democracies.
6. Discuss the relevance of the classical theory of democracy in the present context.
7. Explain the theories of democracy—elitist, pluralist and participatory democracies.

## FURTHER READING

Hall, Stuart H.; *Britain Against Itself: The Political Contradictions of Collectivism*, New York: 1982.

Lipset, S.; *The First New Nation* New York, 1979.

Madywick, P. J.; *Introduction to British Politics*, Hutchinson, 1971.

Polsby, N.; *Consequences of Party Reforms*, New York, 1983.

Riddle, P.; *The Thatcher Decade*. Oxford, 1989.

Wolfinger, R.; *Who Votes?* New Haven, 1980.

# UNIT 4 GOVERNMENT AND POLITICAL STRUCTURES

## Structure

Introduction

Unit Objectives

Parliamentary Government

Presidential Government

    Powers and Functions of the US President

    Comparison between the US President and the British King and Prime Minister

    Comparison of the Presidential Powers in America and Britain

    Election of the US Vice-President

    Cabinet in USA

    Composition and Powers of the American House of Representatives

    Powers and Functions of the US Senate

    Procedure in the American Congress

Unitary Form of Government

Salient Features of Unitary Government

Federal Government

Summary

Key Terms

Answers to 'Check Your Progress'

## INTRODUCTION

In the previous unit, you studied about the major political systems namely, democratic, totalitarian and authoritarian systems.

**The** government and the political systems in the world basically takes either of the two forms parliamentary or presidential Furthermore, the political structure could be unitary or federal. For instance, India has adopted the parliamentary system of government. The president in India is only a symbolic head as the president has no function to discharge authority.

On the other hand, the American president is the real head of the executive who is elected by the people for a fixed term. Parliamentary system in the UK is the oldest system of democratic government in modern times. Parliament in the UK is the most powerful political institution. The British Parliament consists of two Houses—the House of Lords (Upper House) and the House of Commons (Lower House); the former being essentially hereditary and the latter being the representative of the people.

The president of the United States of America is one of the greatest political offices of the world. The president is the chief executive head of the state as well as the head of the administration.

In this unit, you will study about the parliamentary and presidential, and the unitary and federal forms of government.

## UNIT OBJECTIVES

After going through this unit, you will be able to:

- Explain the parliamentary and presidential forms of government
- State the powers and functions of the US president
- Compare the power of the US president and the British prime minister
- Compare the functioning of the American cabinet and the British cabinet
- List the powers and functions of the US Senate
- Describe the unitary and federal forms of government

## PARLIAMENTARY GOVERNMENT

In a parliamentary form of government, the tenure of office of the virtual executive is dependent on the will of the legislature; in a presidential form of government the tenure of office of the executive is independent of the will of the legislature (Leacock). Thus, in the presidential form, of which the model is the United States, the President is the real head of the executive who is elected by the people for a fixed term. The president is independent of the legislature as regards his tenure and is not responsible to the legislature for his/her acts. He, of course, acts with the advice of ministers, but they are appointed by him as his counsellors and are responsible to him and not to the legislature for his/her acts. Under the parliamentary system represented by England, on the other hand, the head of the executive (the crown) is a mere titular head, and the virtual executive power is wielded by the cabinet, a body formed of the members of the legislature, which is responsible to the Lower House of the Legislature for its office and actions.

Being a republic, India could not have a hereditary monarch. So, an elected president is at the head of the executive power in India. The tenure of his office is for a fixed term of years as of the American president. He also resembles the American president in as much as he is removable by the legislature under the special quasi-judicial procedure of impeachment. But, on the other hand, he is more akin to the English king than the American president in so far as he has no 'functions' to discharge, on his own authority. All the powers and 'functions' [Article 74 (1)]

that are vested by the constitution in the president are to be exercised on the advice of the ministers responsible to the legislature as in England. While the so-called cabinet of the American president is responsible to himself and not to the Congress, the council of ministers of the Indian president is responsible to the Parliament,

The reason why the framers of the constitution discarded the American model after providing for the election of the president of the republic by an electoral college formed of members of the legislatures, not only of the Union but also of the states, has thus been explained. In combining stability with responsibility, they gave more importance to the latter and preferred the system of 'daily assessment of responsibility' to the theory of 'periodic assessment' upon which the American system is founded. Under the American system, conflicts are bound to occur between the executive, the legislature and the judiciary. On the other hand, according to many modern American writers, the absence of coordination between the legislature and the executive is a source of weakness of the American political system.

What was wanted in India on her attaining freedom from one and a half century of bondage is a smooth form of government which would be conducive to the manifold development of the country without the least friction. To this end, the cabinet or parliamentary system of government was considered to be more suitable than the presidential.

A more debatable question that has been raised is whether the constitution obliges the president to act only on the advice of the council of ministers, on every matter. The controversy, on this question, was raised by a speech delivered by the President Dr. Rajendra Prasad at a ceremony of the Indian Law Institute (28 November 1960) where he urged for a study of the relationship between the president and the council of ministers. He observed that, 'there is no provision in the constitution which in so many words lay down that the president shall be bound to act in accordance with the advice of his council of ministers.'

The above observation came in contrast with the words of Dr Rajendra Prasad himself with which he, as the president of the Constituent Assembly, summed up the relevant provision of the Draft Constitution:

'Although there is no specific provision in the Constitution itself making it binding on the President to accept the advice of his ministers, it is hoped that the convention under which in England the King always acted on the advice of his ministers would be established in this country also and the president would become a constitutional president in all matters.'

Politicians and scholars, naturally, took sides on this issue, advancing different provisions of the constitution to demonstrate that the 'president under our constitution is not a figure-head' (Munshi) or that he was a mere constitutional head similar to the English Crown.

## PRESIDENTIAL GOVERNMENT

The president of the United States of America is decidedly the most powerful elected executive in the world. The constitution had declared that, 'the executive power shall be vested in a president of the United States of America.' The framers of the constitution intended to make the president constitutional ruler. But, in due course of time, the office has gathered around itself such a plenitude of powers that the American president has become 'the greatest ruler of the world'. He has vast powers. According to Munro, he exercises 'the largest amount of authority ever wielded by any man in a democracy.' It is difficult to believe that the modern presidency was deliberately created by the founding fathers in their form. They did not want to do anything that would directly or indirectly lead to concentration.. rather than separation of powers. Their main decision was to have a single executive head a part of honour and leadership rather than that of 'commanding authority'. But the modern presidency is the product of practical political experience. Three powers of the president have been supplemented not only by amendments including twenty-second amendment, twenty-third amendment and twenty-fifth amendment; but also by customs, usages, judicial interpretations and enlargement of authority by various president's themselves.



## Process of Elections

The presidency of the United States of America is one of the greatest political offices of the world. He is the chief executive head of the state as well as the head of the administration. The makers of the constitution were very much agitated over the nature of the executive. In their anxiety to establish a free, yet limited government they devised a system of government which came to be known as the presidential system; their original contribution to constitutional law. All executive authority is, therefore, vested in the president

The constitution provides that a candidate for the office of the president must be:

- (i) A natural born citizen of US A
- (ii) Not less than thirty-five years in age
- (iii) A resident of the United States for at least fourteen years

The president is elected for four years. Originally the constitution was silent about presidential re-election. US President George Washington, refused a third term on the ground that this would make the United States too much of a monarchical rule. So, a convention grew that a president should not seek election for the third time. The convention was followed till 1940, when Roosevelt offered himself for the third term election and he succeeded. He was elected even for the fourth time.

In 1951, the US constitution was amended. According to this amendment of the constitution, the tenure of the office of the president was fixed for two terms. Thus, **Franklin D. Roosevelt** continues to remain the only president to be elected for more than twice in American history.

Further the constitution provides that in case a vice-president assures the presidency consequent upon death, resignation, etc., of the president, he will be allowed to seek only one election provided that he has held the office for more than two years of a term to which some other person was elected. If someone has held office to which someone else had been elected, for less than two years, he can be elected for two mil terms by his own right.

The constitution provides for removal of the president earlier than the completion of his term of four years. He may be removed by impeachment. He can be impeached for treason, bribery or other high crimes. The impeachment proceedings against a president may be initiated by the House of Representatives only. The charges are framed by representatives by a simple majority. The charges thus prepared are submitted to the senate, and a copy of the chargesheet is sent to the president. Now the senate sits as a court and the chief-justice of the Supreme Court presides over its sittings. The president may either appear personally or engage councils for his defence. After the arguments of both the sides are over, the senate may decide by two-third majority to impeach the president.

## Election of the President

One of the most difficult problems faced by the framers at Philadelphia was that of choosing the president. Having decided that the head of the state must be elected, the problem before them was to decide how he would be elected. Ultimately, it was decided that the president would be indirectly elected by the people. But the growth of political parties and political practices has set up the method of presidential election. First we shall see the constitutional provisions and then examine how the election is actually held.

The plan of election as provided in the constitution is rather simple. The president is elected by an electoral college consisting of the representatives of the states. The people of each state elect presidential electors (members of electoral college) equal to the number of representative the state has in Congress. No member of the Congress is allowed to be a presidential elector. The presidential electors meet in each state on fixed dates and vote for the president. All the votes are sealed and sent to the capital of US A. The president of the senate counts the votes in the presence of members of both the Houses of Congress. The candidate who secures majority of the electoral votes cast for the president is declared elected. If no candidate receives a clear majority of the electoral for the president, the members of the House of Representatives choose a president from among the three candidates who have received the highest number of electoral votes and the new president assumes office on the 20

January.

## **Election in Practice**

According to the constitution, the American president is elected indirectly; but in practice his election has become direct. Although the language of the constitution of presidential election remains unchanged, whether that be the party system or the means of communication and transportation, all make his election direct. The developments have reduced the importance of the electoral college. The following are various stages of his election

**(i) National convention:** The first step in the election of the president is taken by the political parties who proceed to nominate their candidates early in the year in which the election is due to take place. Both the major political parties convene a 'national convention'. The convention may be held sometime in June or July. Delegates to the national convention are chosen according to certain rules framed by the parties. About a thousand delegates take part in the Convention, and all of them are leading and active party workers in their states. The convention selects the presidential nominee and issues a manifesto which in the US is known as the 'platform'.

**(ii) The campaign:** The campaign generally begins in the month of July and continues till the Election Day in November. The parties have their campaign managers and a very effective machinery to conduct the nationwide propaganda. The presidential candidate visits all the states and addresses as many meetings as he can, deliver a number of nationally televised speeches. His supporters use various media of mass contact.

**(iii) Election of the electoral college:** The election of the members of the Electoral \* College is held in November. Technically voters go to polls to elect members of the Electoral College; but as we have seen above, this in practice means direct vote for a particular candidate. Due to the rise of party system, the electors are to vote for their party nominee for the presidential office.

They do not have a free hand in the choice of the president. They are rubber stamps. As it is known before hand for which candidate each elector will vote, the result of the presidential election is known when the results of the election of the presidential electors are announced.

Thus, the election of the president has become direct. It is no longer indirect. The American voters personally participate in the election of the president. Now the president election in the month of December merely becomes a formality. Thus theoretically, the president is elected indirectly, but in practice he is elected directly.

## **Powers and Functions of the US President**

The US president is not only the head of the state but also the head of the administration. The constitution clearly lays down that all executive authority belongs to him. The constitution enumerates the powers of the president. In fact, they are much beyond those contained in the constitution. Many factors are responsible for the growth of the presidential powers and today many view the extent of these powers as a dangerous trend. In addition, lot of powers enumerated in the constitution, the president has acquired a list of authority by statutes.

'Congress has lifted the president to a status again to that of constitutional dictator'. The decisions of the Supreme Court usages have also considerably strengthened the position of presidency. The powers of the president may be studied under the following heads:

### **1. Executive powers**

The executive powers of the American president include the following:

(i) He is the chief executive and it is his duty to see that the laws and treaties are enforced throughout the country.

(if) He has the power to make all important appointments but all such appointments are to be approved by the senate. As a matter of usage, the senate does not interfere in the appointments of the secretaries, ambassadors and other diplomats. Appointment of

the judges of the Supreme Court is scrutinized thoroughly by the senate. In the appointment of federal officers in various state of USA, the convention 'senatorial courtesy' has come into existence. The constitution says that the federal are to be made by the president and approved by the senate. The president has the power to remove any person appointed by him. The senate has no share in the removal of officers appointed with its own consent. Thus, the president has almost unrestricted power for removing the federal officers.

- (iii) The president has control of foreign relations which he conducts with the assistance of the secretary of state. He appoints all ambassadors, consultants and other diplomatic representatives in foreign countries, with the approval of the senate. Besides he may send 'special', 'secret' or 'personal' agents, without the senatorial approval, who take orders directly from him. The president receives all foreign ambassadors and other diplomatic agents accredited to the United States. He can if circumstances require, send them home and even break of relation with a certain country. He negotiates treaties with foreign powers. But such treaties must be rectified by a two-third majority of the senate. The senate can block a treaty that president has negotiated but it cannot make treaty or force the president to make one. Though his treaty making power is subject to rectification by the senate, he is free to enter into 'executive agreements' without the consent of the senate.
- (iv) He has the sole power to recognize or refuse to recognize new states. In fact, he is the chief spokesman of the US in international affairs and is directly for the foreign policy of his country and its results.
- (v) The president is the commander-in-chief of all the three forces. He is responsible for the defence of the country. He appoints officers of the army, navy and air force with the consent of the senate and anybody's approval, during a war. He cannot, however, declare war. This power has been entrusted to the Congress but as supreme commander of the defence war. He is regulator of foreign relations and can handle the situation in such a way as to make war; the president may also govern the conquered territory. He can appoint officers there, make laws and ordinances.

## 2. Legislative powers

The US Constitution is based on the theory of separation of powers. The executive and legislative organs of the government are made independent of each other. So in strict language, Congress legislates and the president executives.

But, in practice president has become a very important legislator. His legislative powers are as follows:

- (i) The president is required by the constitution to send messages to Congress giving it information regarding the state of the Union. It is a duty rather than the power of **the** president. The time, place and manner of sending the message to the Congress depend upon the discretion of the president. Formerly, the president used to deliver his messages permanently to the Congress, the Senate and the House of Representatives meeting in a joint session for the purpose. Later on, the practice was given up and messages were sent to be read to the Congress on his behalf. A custom has been developed which requires that the president must send a comprehensive message to the Congress at the beginning of every session. This is a regular feature. Besides these regular messages, the president may send many more special messages every year. Sometimes, these messages contain concrete proposals- for legislation. Today, the 'message' is not merely an address to the Congress; it is used as an address to the people of the country and to the world at large. In recent years, the drafts prepared by the president are introduced by some members of the Congress belonging to the president's party, in their own name. The messages exercise very great influence on the legislation by the Congress, particularly when a majority of the legislature is composed of the party to which the president belongs.
- (ii) In the USA, the president is not authorized to summon or prorogue the Congress or to dissolve the House of Representatives. However, the president can call special sessions of both Houses of the Congress, or any one of them, on extraordinary \* occasions. These extra

sessions are convened, the agenda is also fixed by the president and the Congress does not transact any other business during that session only of the senate. Thus, very often the president is introduced by some members of the Congress belonging to the senate. This maybe done to secure rectification of an urgent treaty.

Again the president may insist upon disposal of certain business before adjournment of a regular session of the Congress, by threatening to convene an extraordinary session soon after the regular session prorogues. Thus, normally the president has no power of convening the sessions of Congress, but to deal with extraordinary situation, he has got this power also.

- (iii) The president can also issue certain executive orders having the force of law. **This is** known as the 'ordinance power' of the president. Some of the ordinances are issued in pursuance of authority conferred upon him by the Congress; others are issued to fill, the details of laws passed by the Congress. The number of such executive orders very large. As-a result of this, the president has been able to increase his legislative influence tremendously
- (iv) In recent times, the presidents of America have used the device of taking the Congressional leaders into confidence by holding personal conferences with them. By this that president is able to secure their support for his legislative measures.
- (v) If president's party is in majority in the Congress, then he does not face much difficulty in getting certain laws of his choice passed.
- (vi) President can appeal to people at large. It means, the president can win public opinion for his policies and measures. He tries to win public opinion through speeches on the radio, television, weekly press conferences that in practice the election of President is direct; therefore, it is easier for the president to gather opinion on his side. When Congress knows that the public is with the president, it has to pass the laws wanted by him.
- (vii) We have seen the president's position in law making which is equally important and his influence is exercised by him through his veto power. Veto power means the authority of the president to refuse his signature on a bill or resolution passed by the Congress. All bills passed by the Congress are presented to the president for his assent. The president may refuse to sign a bill and send it back to the House in which it originated within ten days of the receipt of the bill. While returning a bill, that the president has voted, he is required to assign reasons for his disapproval the Congress can override a veto bypassing the bill again. The only condition is that the Bill must be passed by a two-third majority in each House of the Congress. So the Veto of the president is only a suspensive one. But sometimes, it becomes difficult to secure a two-third majority in each House. In that case, the suspensive veto becomes an absolute one.

If a bill is sent to the president and he neither signs the bill nor returns it back to the Congress, the bill becomes the law within 10 days even without his signature. The only condition is that Congress must be in session. If the Congress adjourns in the meantime, the bill is automatically killed. This is called 'Pocket Veto' of the president. This means that the president can simply ignore a bill (pocket a bill and forget about it), if it is passed by the Congress on a date less than 10 days before it adjourns. Many bills passed towards the close of the session of the Congress are killed in this way. The pocket veto is absolute and cannot be overridden by the Congress. Thus, the president can recommend persuading the Congress to pass legislation which he approves and can prevent too hasty or inadvisable legislation by using the weapon of veto. But it has been said 'he can persuade or guide, but rarely threaten'.

### 3. Financial powers

In theory, it, is the Congress which controls the public purse in practice, the budget is prepared under the guidance and supervision of the president. Of course, Congress is at liberty to change the budget proposals, but it seldom makes any changes.

### 4. Judicial powers

The president has the power to grant pardon and reprieve to all offenders against federal laws, except those who have impeached or those who have offended against the state. He also appoints (with the consent of the senate) judges of the Supreme Court which is the highest practical organ in the US.

### **Leader of the party**

The makers of the US constitution had rejected the parliamentary system of government because it could not function without parties and political parties according to them were not the need of the time. It means they were against the political parties. However, today organized political parties, and the president is the leader of his party. The moment a party selects its presidential candidate, he becomes its national leader and if he succeeds in the election then he becomes the president, he also becomes the leader of his party for the next four years. He as leader of the party has a decisive voice in the selection of party candidates for numerous elective offices. He can exert great influence in decisions such as the distribution of party funds. As chief campaigner of his party> he may be more enthusiastic in support of some of the candidates, and less in case of others. It is all the important to note that the role of the president as party leader is entirely extra-constitutional.

### **Position**

The powers of the presidency in practice have varied from time-to-time with the men occupying the office and the circumstances under which they came to occupy it. Whenever there has been an emergency or crisis or whenever, foreign affairs have overshadowed domestic affairs, one finds strong presidents coming to power and completely dominating the Congress which recedes and becomes a body for the purpose of voting supplies as and when demanded by the president, but in times of tranquility, when domestic affairs have been to the force, we find presidents of weaker timber in saddle, lacking personal force magnetism and initiative, the Congress which recedes and becomes powerful and exercises the chief choice of policy. At any given moment, therefore, the circumstances in existence and the personality of the president, each acting and reacting upon the other, have been responsible for establishing the powers of the presidency.

We can say that the president enjoys enormous powers. He combines in himself the office of the head of state and of the head of the government and this makes the office of the American president the most powerful political office in the world and his decision can sway the destinies of the world. In the range of his powers, in the immensity of his influence and in his special situation as at once the great head of a great state and his own prime minister, his position is unique. All this does not mean that he is a dictator. The American presidency is a constitutional office. Its powers are huge, but they have to be exercised within constitutional office. Its powers are huge, but they have to be exercised within constitutional limits.

### **Comparison between the US President and the British King and Prime Minister**

The American presidency is considered the most powerful executive office in the world. E.S. Griffith has described it as the 'most dramatic of all the institution of the American Government.'

According to Munro, the American president exercises the largest amount of authority ever wielded by any man in a democracy!' Due to his increasing powers and importance he has become 'the focus of federal authority and the symbol of national unity.' Prof. Laski has very correctly said, that the American president is both more or less than a King; he is also both more or less than a prime minister. In a sense, he is a king, whois his own prime minister.

The US president is both head of the state and head of the government. Both the queen of Great Britain and the president of the US are heads of state and mighty figures in their respective countries. Both have supreme command of defence forces in their hands.

Being heads of the state, they receive foreign chief executives. They receive diplomats accredited to them and appoint foreign ambassadors for foreign countries. This similarity is superficial The British king is the constitutional head of the state and as such he has practically no hand in the administration of the country. The **British** <sup>1</sup>king reigns but does not govern, while

the American president governs but does not reign. The British sovereign being nothing more than a constitutional or titular head of the state, and government, the ceremonial functions are merely the decorative penumbra of office and forms a very small part of this work.

### **American president is more than a British king**

The US president has vast powers. Article II of the constitution reads, 'The executive power shall be vested in the president of the United States of America.' He is the head of the state and government and runs the whole administration but the British monarch is only the head of the state and not of the government. In all his official functions, he acts on the advice of his ministers. It means the king has to do what ministers tell him to do. He is held, no doubt, in great esteem and still exercises in Bagehot's wordings the right 'to be informed, to encourage and to warn the ministers.\*

#### **| Position of the US president in relation to the cabinet**

The position of the US president is superior to the British king in relation to his cabinet. In USA, there is a cabinet; but its members are not equal to the president, they are not his colleagues.

In fact, ministers are his subordinates. He is their boss. They are nominees of the president and they work during his pleasure. He is not bound to act according to their advice or even to consult them. On the other hand, the British king is bound to act according to the advice of his ministers, who form *de facto* executive. There was a time when ministers used to advise and king used to decide but now the case is just the reverse. He has no hand in the selection of his ministers. Nor can he dismiss them. He can advise them but cannot override the decisions of the cabinet. The king is outside the cabinet and cannot participate in its proceedings. It is the prime minister who leads the cabinet.

#### **Executive powers**

The US president exercises vast executive powers. He has the power of appointing a large number of officers with the consent of the senate but he enjoys absolute power in the removal of the officers. But the British king has to exercise all his executive powers with the advice and consent of his ministers.

#### **Legislative powers**

The US president has an important role to play in the field of legislation. He can send messages to either house or both, in extraordinary session. He has suspensory and pocket veto powers. On the other hand, the British king has no legislative powers.

**In reality, it is** the cabinet which exercises his power to summon, prorogue and adjourn the legislature. His speech is prepared by the cabinet. As a convention, his absolute veto power has not been used since the time of Queen Anne.

#### **Judicial powers**

The US president exercises judicial powers given to him by the constitution. He has an important role to play in the appointment of judges. While the British king exercises his judicial powers on the advice of his ministries.

#### **Foreign affairs**

The US president plays a leading role in the formation of his country's foreign policy by virtue of his being the commander-in-chief and the chief manager of his country's relations.

### **American president is also less than the British king**

It is also true that the president is less than the king in certain respects.

#### **1. Appointments**

The American president is elected directly by the people. He is eligible for re-election for only one extra term. The British king, on the other hand, is a hereditary monarch born and brought up in the royal family.

## 2. Term of office

The American president is elected for a term of four years. He is eligible for re-election for only one extra term. As a president, he can remain in office for 10 years at the most. On the other hand, once the British king or queen becomes a monarch, he or she remains on the throne for the rest of his/her life.

## 3. Party relations

The British monarch has no party affiliation and renders significant impartial advice to his ministers. He can view problems from a national angle, much above the narrow partisan viewpoint. He gains experience, while acting as an umpire in the game of politics being played by leaders of the ruling party and the opposition party. As for the American president, he is elected on party lines. He does not reign, though he has been called 'the crowned king for four years.' He occupies the White House for a short duration and after his term of tenure, he becomes an ordinary citizen. The monarch is head of the church as he is regarded as the 'Defender of Faith' and commands respect of all the subjects, but it is not so in the case of the President.

## 4. Impeachment

Lastly, the president of America can be impeached by the Congress on the ground of 'Violation of the Constitution' and can be removed even before the expiry of his term. But the British monarch is immune from such sort of impeachment.

From the above points of comparison it can be concluded that there is truth in Laski's saying that 'the president of America is both more or less than the British king.' He rules but does not reign and the American president combines in his person the office of the king and prime minister. But on the whole, he enjoys vast and real powers than the British king.

### **Comparison of Presidential Powers in America and Britain**

It is worthwhile comparing the office of the president of USA with that of the prime minister of the UK. There are significant and marked differences between the two. Both the offices occupy top most position in the government structure of their respective countries, following large democracies. It is rather difficult to point out as to whose position is superior to the other one. Both are the choice of the people. They are the representatives of the people, and are popularly elected but in an indirect way. Both the offices wield enormous power in peace time as well as in time of war. The relative strength of the two most powerful executive officers in the world depends upon the form of government prevailing in their respective countries.

If the president of the United States is the 'uncrowned king', he is at the same time his own prime minister. He is the head of the state as well as of the government. Administration is carried out not only in his name, but by him, and under his direct supervision by his subordinate officers. But he is not a dictator as certain limitations are imposed upon him. He combines in him the offices of the head of the state as well as head of the government. On the other hand, the British prime minister is only head of the government. He is a *de facto* executive. It is he, who carries on the administration, in reality, but in the name of the president, who is a *de jure* executive. Dr. Jennings, while talking about the Atlantic Charter, once said, 'the president pledged the United States, while the war cabinet, not the prime minister, pledged the United Kingdom.'

### **Appointment**

Strictly speaking, the American president is indirectly elected by an electoral college, but in reality, his election has almost become direct in actual practice due to strict party discipline. The British prime minister is appointed by the king. Normally, he has no choice as he 'has to call the leader of the majority party in the House of Commons'.

### **Term**

In the parliamentary government of Great Britain, the prime minister and other ministers are collectively responsible to the House of Commons. They continue in office as long as they

enjoy the confidence of the House. They have no fixed term of office. The House of Commons can dismiss them of any moment, if they lose confidence 'of the House, that is, if they lose their majority in it.' On the other hand, in the presidential form of government in the USA, the president enjoys a fixed tenure of four years. He stands outside the Congress. He is neither a member of either house of Congress nor is he responsible to it. Of course, he can be impeached by the Congress on ground of 'Violation of constitution', and can be thus removed. This has happened, so far, only once in the American history in the dismissal of President Johnson.

The president is then in a position to pursue his policies persistently and with firmness, while the prime minister has to submit the political pressures in the parliament. Therefore, administration in England lacks promptness and firmness.

### **Administrative Powers**

Apparently, the American president is more powerful than the British prime minister. He is the *de jure* as well as *de facto* head of the executive. He is commander-in-chief of the armed forces. He conducts foreign relations on behalf of the country. He concludes treaties and makes high appointments though, of course, with the consent of the senate. He wields a vast patronage.

The British prime minister and his cabinet colleagues work under constant responsibility to the parliament. They have to answer a volley of questions regarding their omission and commissions. But the British prime minister with a strong and reliable majority behind him in the House of Commons, can do almost everything that the American president can. He can conclude treaties and offer patronage without seeking the approval of the parliament

### **Their relation to their respective cabinets**

The relationship of the president of America with his cabinet is markedly different from that of the prime minister of England with his cabinet colleagues. The president is the master or boss of his cabinet and completely dominates its members. They are his subordinates or servants. They are his nominees and hold office during his pleasure. It is **purely** a body of advisors to the president known as his 'kitchen cabinet', 'family cabinet' They have been rightly described by President Grant as 'Lieutenants to the President'.

In the words of Laski, 'It is not a council of colleagues with whom he has to work and upon whose approval he depends.' President Roosevelt turned to his personal friends more than to his cabinet for advice. On the other hand, the prime minister's relations with members of the cabinet are more or less like a chairman of the Board of Directors of a government enterprise. They are his trusted colleagues, not his subordinate. They are public men and have the support of the people. The British prime minister is the recognized leader of his cabinet, but he is neither its master nor a boss but only a captain of his team. The phrase, 'first among equals', does less than justice to his position of supremacy but it does indicate that he has to carry his colleagues with him; he cannot drive them out. He runs a great risk, if he provokes the antagonism of any of his eminent and powerful ministers.

### **In relation to Legislation**

The American president is often spoken as the chief legislator, in the United States but, in fact, he has no direct legislative power. Thus, he cannot get legislation of his choice enacted by the legislature. Though, of course he can apply brake in the enactment of a law by exercising his veto power. But that is only his limited power. He can only request the Congress to make a law but cannot force or compel it. Prof. Laski has said, 'he can argue, buy, persuade, cajole, but he is always outside the Congress and subject to a will he cannot dominate.' He is neither a member of the Congress nor has any intimate relation with it

Hence neither he nor his ministers can participate in the proceedings of the legislature. He can only pressurize the legislature through his power of sending messages and convening special sessions. He can issue ordinance and executive orders.

On the other hand, the prime minister is a member of the legislature along with his colleagues. They are rather important members of the parliament and participate actively in its proceedings, prime minister enjoys vast legislative powers. He prepares the ordinary bills and



monthly bills with the help of his cabinet and being a leader of the majority in the house, can easily get those enacted. The king cannot exercise his veto power over such law as according to convention this power has become obsolete. Hence, no bill can become an Act without his consent. But the president can issue ordinance and executive orders; the prime ministers cannot do so.

The US president is the Supreme commander of the American armed forces and can order general mobilization. But this power is enjoyed by the king in England and not by the prime minister.

The prime minister wields enormous powers which the American-President does not. As far as the American president is concerned, he is a constitutional dictator during emergencies; obviously the powers of the president and the Prime Minister are greater and less than those of the other at different Points. Much depends on the personality of the occupant of the office.

From the above discussion it can be summed up that the American president is both more or less than a king; he is also more or less than a Prime Minister. Brogan has also rightly stated that the American president combines in his person the choice of the king and the prime minister.

### **Election of the US Vice-President**

The framers of the constitution have provided for a vice-president of the limited states. Many of the delegates at the Philadelphia convention, which framed the American Constitution, expressed the view that the office was unnecessary. One of the delegates said that the vice-president might aptly be called 'His superfluous Highness'. Ultimately the office of the vice-president was created with qualifications similar to those laid down for President.

He must be a natural born citizen of America. He must have attained the age of 35 years and must have been a resident of the United States for at least 14 years. The original constitution did not provide for separate election to the office of vice-president. The presidential candidate obtaining the second highest vote electors were declared as elected vice-president. This arrangement was changed by the 12th Amendment to the Constitution, which provided for, separate nominations for the offices and separate ballot papers. The candidate for vice-presidency, who polls an absolute majority of the votes of 'Presidential electors', is elected vice-president. If no candidate receives an absolute majority, the senate makes the choice between the two obtaining the largest number of votes. The vice-president of the US receives a salary of 62,500 dollars per year. -

The constitution assigns two functions to 'the vice-president, one potential and the other actual. Vice-president is the presiding officer of the senate. He is not a member of the Upper House, but presides over it. He has no vote except in case of a tie, when he can exercise a casting vote. As the presiding officer of the Senate, vice-president performs normal duties of a chairman. Roosevelt, when he presided over the Senate referred to it as 'an office unique in its functions of rather in its lack of functions.'

### **Succession to the Presidency**

The potential function of the vice-president is to fill the office of the president 'in case of the removal of the president from office, or his death or inability to discharge the powers and duties of the said office'. Thus, the vice-president does not get or officiate as the president for a short period. But the moment the office of the president falls vacant, the duties of the chief executive shall devolve upon the vice-president'. He assumes the presidency and remains in office till the next election of the president. The Constitution has authorized the Congress to decide by law, who will succeed, in case of death, resignation, removal or disability both of the president and vice-president.

The office of the vice-president has developed along a line different from that expected from the constitutional makers of the US. According to Munro, the founding fathers intended the office to be 'a dignified one and a sort of preparatory school for the chief executive position'. Actually, the vice-president has been 'forgotten men in American history'.

The vice-president of the United States is generally regarded as an object of pity. In this connection Prof. Laski says, 'the vice-president has been little more than a faint wrath on the American Political horizon.' Much, however, depends upon the personal relationship between

the President and his number two. Mr. Johnson was sent out by President Kennedy as his envoy to renew contacts with foreign governments. **Nixon** was also sent to various foreign countries as special envoy of the president to iron out differences with those governments or to improve relations with them. However, the fact remains that most presidents have not availed themselves of the limited assistance the vice-president may render.

### **Cabinet in USA**

The president's cabinet is not known to the law of the country. It has grown by conventions during the last 200 years. The founding fathers did not regard it as an essential institution.

Many of the 'constitution makers assumed that the senate-a small body of 26 members at the time of its creation would act as the president's advisory council. The first president, George Washington actually tried to treat the senate as such. But the experiment was so discouraging that it was never repeated. Naturally, therefore, the American president developed the practice of turning for advice to the heads of the executive departments. In this connection, the constitution provides that the president may require the opinion in writing of the principal officers in each of the executive department. 'The meetings of the heads of executive department soon come to be called cabinet meetings. Thus, the cabinet has arisen as a matter of convenience and usage. According to William Howard Taft: 'The cabinet is a mere creation of the President's will. It is an extra statutory and extra constitutional body. It exists only by custom. If the President desired to dispense with it, he could do so'. Though unknown to law yet it has become an integral part of the institutional framework of the United States.

**Composition:** The size of the cabinet has undergone a steady growth. George Washington's cabinet included only four heads of the existing departments. The cabinet's strength has increased to twelve with the creation of more departments. Besides, President may include others also. Some presidents invite the vice-president to the meetings of the cabinet. Frequently, the heads of certain administrative commissions, bureaus and agencies are also included in the cabinet meetings. The actual size of the cabinet, therefore, depends upon the number of person the president decides.

**Manner of selection:** The members of the cabinet are heads of executive departments and are appointed by the President with the approval of the Senate. Constitutionally, the consent of the senate is necessary but in practice, the Senate confirms the names recommended by the President as a matter of course. Though the President is free in the choice of his ministers, he has to give representation keeping in mind the geographical considerations, powerful economic interest and religious groups in the country. He has to pay 'election debts' by including a few of these persons who helped in securing nomination and election to the like. He also has to appease the various sections of his party by including their representations in the cabinet. Tradition dictates that every President selects a 'well balanced' cabinet, a group of men whose talents backgrounds and affiliations reflect the diversity of American Society.

**States of the cabinet:** The US Cabinet is purely an advisory body. It is a body of President's advisors and 'not council of colleagues' with whom he has to work and upon whose approval he depends. The members of the cabinet are his nominees and they hold office during his pleasure. President Roosevelt consulted his personal friends more than his cabinet members. President Jackson and his confidential advisors are known as 'Kitchen Cabinet' or 'Place guards'.

In the words of Brogan, the President is 'ruler of the heads of departments'. The President may or may not act on the advice of his cabinet. Indeed, he 'may or may not seek their advice. The President controls not only the agenda but also the decision reached. If there is voting at

all, the President is not bound to abide by the majority view.

The only vote that matters is that of the President. In fact when the President consults the cabinet, he does so more with a view to collecting the opinions of its members to clarify his own mind than to reaching a collective decision. In short, the members of his cabinet are his subordinates or mere advisors while the President is their boss. The Cabinet is what the president wants it to be. It is by no means unusual for a cabinet minister to get his first information of an important policy decision, taken by the president through the newspapers.

Thus, the cabinet has no independent existence, power or prestige.

### **Comparison between the American and the British Cabinet**

Both America and Britain have cabinets in their respective countries, but they fundamentally differ from each other. The American cabinet can be said to resemble the British cabinet in one thing only. Both have arisen from custom or usage. While in all other respects the American Cabinet stands in sharp contrast to its American counterpart. The chief differences between the two are as follows:

- (i) **Difference regarding constitutional status:** The contrast is because of the different constitutional systems in which the two cabinets function. The British Parliamentary government is based on the close relationship between the executive and the legislative branches of government. So, all the members of the British Cabinet are members of the Parliament. They are prominent leaders of the party. They present legislative measures to the Parliament, participate in debates and are entitled to vote.

On the other hand, the American constitutional system is presidential, which is based upon the principle of separation of powers. So, the members of the cabinet cannot be the members of the Congress like the president himself. They may 'appear before Congressional committees, but they cannot move legislative measures or speak on the floor of either House of Congress.'

- (ii) **Membership of legislature:** In the presidential system like USA, in case a member of either House of Congress joins the presidential cabinet, he must resign his seat in the House.

Whereas in Britain, if a member of the cabinet is chosen from outside the parliament, he must seek membership of the parliament within a period of six months; otherwise, it will not be possible for him to continue as minister.

- (Hi) **Political homogeneity:** The British cabinet is characterized by political homogeneity, all its members being normally drawn from the same party. The American cabinet may be composed of politically heterogeneous elements. Presidents frequently ignore party considerations informing their cabinet.

- (iv) **Ministerial responsibility:** The British cabinet holds office so long as it enjoys the confidence of the House of Commons, which is the Lower House of the British Parliament,

But in USA, the ministers act according to the wishes of the president and they are responsible to him alone.

- (v) **Collective responsibility:** The British cabinet always functions on the principle of collective responsibility. Its members are individually as well collectively responsible to the parliament. But this is not the case with USA. As Laski says 'The American cabinet is not a body with the collective responsibility of the British cabinet. It is a collection of departmental beads that carry out the orders of the president. They are responsible to

him'. They can remain in office during the pleasure of the president.

- (vi) **Official status:** Membership of the British cabinet is a high office which one gets as reward for successful parliamentary career. It may be the stepping stone to prime ministership. Whereas, in America, many of the persons appointed to the cabinet have little or no Congressional experience. It is not even, necessarily towards the presidency. According to Laski, it is 'an interlude in a career, it is not itself a career'.
- (vii) **Position of their heads:** Members of the American cabinet stand on a completely different footing in their relations with the president from that of the members of the British cabinet in their relations with the prime minister. The prime minister is the leader of his cabinet team. His position with his colleagues is that of a primus-inter-pares or first among equals. He is by no means their boss or master. He hazards his head when he dispenses with a powerful colleague. In other words, he cannot disregard a powerful colleague without endangering his own position.

On the other hand, the members of the American cabinet are not the colleagues of the president. They are his subordinates. The president is the complete master of his cabinet, which, in fact, is his own shadow. Members of the cabinet are his subordinates, at best advisors and at worst his office boys. According to Laski 'the real fact is that an American Cabinet officer is more akin to the permanent secretary of government departments in England, than he is to be a British cabinet minister.

Keeping in view the composition, position and the relationship of American cabinet with that of president, Laski describes that 'the cabinet of USA is one of the least successful of American federal institutions'. Being completely over-shadowed by the President and being excluded from Congress, the cabinet officer has no independent forum and no independent sphere of influence. An influential member of the Senate is in a better position to influence public policy because he has a sphere of influence in which he is his own master. Prof. Laski, rightly contends that 'the American Cabinet hardly corresponds to the classic idea of a cabinet to which representative government in Europe have accustomed us.'

## **The Congress**

The legislative branch of the American federal government is known as the Congress. Congress consists of two Houses—the House of Representatives and the Senate. The organization of the Congress on the bicameral pattern was the result of a compromise between the claims of more populous states who wanted representation, in the new legislature, and the smaller states that were keen on equal representation to ensure equality of status in the new set-up. In accordance with the formula devised, aspirations of bigger and smallest states were fulfilled. Each state irrespective of its population, sends two members to the senate and representation of the States in the House is in proportion to their population.

Each state, however, has at least one member in the House of Representatives. The founding fathers had intended the Senate to act as an advisory council to the President, but their intention, however, did not materialize.

### **Composition and Powers of the American House of Representatives**

The House of Representatives is the Lower House of the American Congress and represents the whole nation. The House was initially known as the popular branch of government, as this was the only branch of federal government which was directly elected by the people. •

At present, the total strength of the House is 435. Every state is given representation in the House on the basis of population. According to a law of 1929, seats are to be reapportioned among the states after each decennial census. Each state, irrespective of its population, is given at least one seat. Since the membership of the House is linked with the population of the states, the number of its members from each state is not fixed by the constitution. The number of representatives from different states is determined by the Congress. Generally one representative

represents about 350,000 people.

The qualifications requisite for a person to be a representative are that, he shall be a citizen of the United States:

- : (i) He must be 25 years of age.
- (ii) He should have lived in the United States, (as a citizen) for at least seven years;
- (iii) He should be a citizen of the state from which he is seeking elections and;
- (iv) He should not hold any office under the authority of the United States.

Although he is usually a resident of the district in the state which he represents, it is not mandatory under the law. Members of the House of Representatives are elected for two years. The House cannot be dissolved earlier than two years. Its tenure cannot be extended beyond two years period. The idea of two-year term is to keep the members closely in touch with the people. Members of the House of Representatives are elected by the single-member constituencies. The constituency is known as the electoral district. Each representative gets an annual salary of \$3,000 besides many other allowances and facilities. It has been rightly said that the House of Representatives is the most expensive law-making institution of the world.

The House has full control over its method of procedure. It publishes a journal of its proceedings. It meets for every annual session on the first Monday in December and elects its own speaker and another officer. Speaker is a party man and while discharging his function as a Speaker, he favours members of his own party. The House is elected in November but the members occupy their seats on 3rd January following the actual date from which the life of every house is counted.

### **Powers and functions**

The House of Representatives can be discussed under the following heads:

- (i) **Legislative powers:** To legislate is the primary duty of the House of Representatives.

The house has coordinate rights with the senate in ordinary legislation. Ordinary bills can originate in the House also. Differences between the two chambers over a bill are referred to a conference committee made up of selected members from the House and the Senate. If it fails to arrive at an agreement, the bill is killed.

- (ii) **Financial powers:** The House of Representatives have the sole right to introduce money Bills. Money Bills cannot originate in the senate. But the senate has the authority to amend a money bill in any way it likes. Thus, in this field also both the chambers are equally powerful.
- (iii) **Executive powers:** The American executive is of the presidential type. So the executive is not responsible to the House of Representatives. The House can, however, control indirectly the executive by its control over public money. Moreover, it shares with the Senate the power to declare war.
- (iv) **Judicial powers:** The Congress has been given the important judicial power of impeachment. The president, vice-president, judges of the federal courts and other high public official cannot be removed except through impeachment. The House of Representatives has the exclusive right to initiate impeachment, proceedings by preparing charges against the official concerned.
- (v) **Miscellaneous powers**
  - (a) The House of Representatives has the sole right to elect the President of USA from

among first three candidates if none of them is able to secure an absolute majority of votes in the Presidential election.

- (b) The House of Representatives shares with the Senate the power to propose amendments to the constitution.

**(vi) Position:** A student of comparative governments will feel a little bewildered when trying to understand the powers and practical working of the House of Representatives. In all, the democratic countries of the world, the lower chambers enjoy greater power than the upper ones. But in America, the House of Representatives is less influential and powerful than the Senate, though the intention of the constitution makers was to make it more powerful than the upper chamber. The House of Representatives is much less respected and powerful than the House of Commons of England which controls the government itself. The reasons for its weakness can be summed up as:

- (a) \* House of Representatives is elected for a period of two years. Therefore, the members of the House are always worried about their re-election. The result is that they cannot discharge their duties seriously.
- (b) The constitution has conferred certain executive powers on the Senate and the House of Representatives have been deprived of those powers. So the men of ability and experience try to become members of the Senate.
- (c) The small membership of the Senate makes its discussion more effectively and vigorous than those of the House of Representatives.
- (d) House has placed restrictions on its discussions. The result is that the members do not have opportunity of taking part in detailed discussions and debates.
- (e) The Senate is also a directly elected chamber. This fact has enhanced the importance of the Senate at the cost of the House of Representatives.

## Speaker

The speaker is the presiding officer of the House of Representatives. He is elected by the members from among themselves. He is elected on party basis and remains a party man throughout. His election is always contested. He is elected for the duration of the House of Representatives. When the next election for the House takes place he must seek election from his district. Even if he is re-elected to the House, his re-election as the speaker depends upon the party position. If his party is again in, he is sure to be elected as the speaker.

The framers of the US Constitution did not define his powers. They left it to develop its own traditions. The earlier speakers had little to do except keeping order and signing the bills passed by the House. He gradually assumed the importance and role entirely different from that of the British speaker. He acts as the party leader and uses the power of his office to promote the ends of his party. His position and powers were at one time next only to the president's and he called the dictator of the lower chamber. It was he who decided the composition of the various committees which really govern the House. He was himself normally the chairman of the most important of those committees, namely, the Committee on Rules. Being essentially a party man he can neither be impartial nor judicious and he has a right to vote and participate in discussion. Under the rules now the speaker is not allowed to vote except in case of a tie or when the voting is by secret ballot. Today speaker's powers have been curtailed to a large extent.

He still decides all points of order which arise in the House but no longer wields the

controlling power of appointing members to the House committees. Perhaps the most important power of the speaker today is to allow members to take the floor. When two or more members rise to speak he may see anyone of them and recognize him. He has to maintain proper decorum and order in the House. As has been said, 'He has to protect the House itself. In the line of succession to the presidency, in case of death of the president in office, he comes next only after the vice-president.

The dignity and prestige of the chair in the US has depended on the incumbent himself and the circumstances in his party, in the Congress and in the country. Great speakers like Reed, Cannon and Longworth built up the authority and prestige of the **House** to an amazing degree, lesser occupants were content to play the humble role of a mere presiding officer. In the end we can say, the speaker is not a dictator now; but still is a partisan, powerful and influential presiding officer of the House of Representatives.

### **Comparison between the British Speaker and the American Speaker**

The framers of the US Constitution adopted the designation of their presiding officer of the House of Representatives from Britain. In Britain, the presiding officer of the House of Commons is known as the 'Speaker'. Apart from the similarity in name, both the speakers are elected by the House from amongst its members. There is some similarity in the functions of both the speakers. Like his counterpart in England, the American speaker presides over the meetings of the House, maintains order, decides disputes, points and 'recognizes' members on the floor of the House when they stand to speak.

But the similarity between the two ends here. They play different roles. There is a marked difference between the two. In this connection, the following points may be noted:

- (i) The American speaker is strictly a party man and he safe-guards the interest of his party jealously. He shows every favour to his party and supports party measures.

He retains partisan character and acts as the leader of his party. On the other hand, the speaker of the British House of Commons resigns from his party immediately after his election as speaker and assumes non-partisan character. On his appointment as speaker, he has to lay aside his political affiliations and party connections. He must become a non-party man and in all his functions acts most impartially. The speaker of the British House of Commons must accept with his office a sentence of exile from politics.

- (ii) As the American speaker continues to remain an active member of his party, this office is keenly contested in every new House of Representatives. He can be re-elected only when he is returned by his constituency and the same party is able to control the House. In this way his election is always contested, it is never unanimous. When the next election for the House takes place, he must seek election from his district. On the other hand, the British speaker, because of his neutrality in politics is always re-elected even if a different party comes into power. It is very common in the House of Commons to find a Conservative serving as speaker under a Labour government and vice versa. He is even returned unopposed by his constituency.

Thus, there is practice of once a speaker always a speaker. The American speaker is always a prominent member of his party and after his election becomes its leader. Although the speaker is formally elected by the House, in practice he is chosen by the census of the majority party. On the other hand the British speaker is a back-bencher. He is formally selected by the prime minister in consultation with the leaders of the opposition parties.

- (iii) The American speaker exercises a right to vote in case of tie or when the vote is taken by ballot or when his vote is needed to make up the two-third majority. He must exercise this right in favour of his party.

On the other hand, the British Speaker votes only in case of a tie, and he gives his casting vote in accordance with well established tradition and not according to his own political convictions. He casts vote in such a way as to maintain the status quo.

- (iv) The Speaker of the British House of Commons enjoys, under the Parliamentary Act of 1911, the power to decide whether a particular bill is a money bill or not. On the other hand, power is exercised by the American Speaker.

- (v) The American speaker once appointed the House of Committees and nominated their chairman. The committees control the legislative business of the House. So the speaker was able to dominate legislation. In 1911, this power was taken away from him. But even now, he has a powerful position in the House of Representatives.

On the other hand, in England, the legislative leadership is in the hands of the cabinet. No bill can be passed without the support of the cabinet.

In the end we can say that the American speaker is a prominent party leader and tries to influence the course of legislative business.

Unlike his American counterpart, the British speaker is a non-party man. He refrains from any display of personal sympathies or partisan leanings. He never publicly discusses or voices an opinion on party issues. He is famous throughout the world for his political neutrality.

## **Powers and Functions of the US Senate**

The US Federal Legislature is, the Congress which is bicameral. Senate is its Upper or Second Chamber. It was created to protect the interests of small states and to check the radical tendency of the Lower House, the House of Representatives. Thus, the senate is indispensable and the most important branch of the American Government. 'The Senate was looked upon by the framers of the constitution as the backbone of the whole federal system'. They wanted to give the Senate a dominating share in the government of the United States. In this connection Munro says: 'It was by no mere slip of the pen that the article of the Constitution establishing a Congress of two chambers, gives the Senate priority of mention. The men who framed this document-most of them-looked upon the Senate as the backbone of the whole federal system.' As Washington said: 'The Senate is the saucer in which the boiling tea of the House is cooled.' 'The Senate of the United States has long excited the admiration and the wonder of foreign observer', Brogan in 'American System,' and added, '... what conservatives in other lands have deemed of is here achieved. Presidents come and go, every two years a House of Representatives vanishes into the dark backward of time but the Senate remains. It is the only branch of American government that never dies'.

The Senate has one hundred members, each state being represented by two members. Article V of the constitution safeguards this principle of equality between the federating units by providing that no state shall be deprived of its equal suffrage in the senate without its consent. It means irrespective of their population strength all the states are equally represented in the Senate.

The constitution had originally provided for indirect election of the Senate's. They were



chosen by' the legislatures of the state concerned. This practice was followed up to 1913. This system now has been changed. The seventeenth amendment has provided for direct elections of the senators by the same voters who vote in the election of the House of Representatives. Thus now senate has become as much a popular chamber as the House of Representatives. The senate is a permanent body. It is never dissolved. The term or office of a senator is six years, one-third of the senators returning every two years. In case of a casual vacancy the governor of a state may appoint a senator till a regular member is duly elected. To be eligible to be a member of the senate:

- (i) He must be a citizen of the United States;
- (ii) He must have resided in the country for at least nine years;
- (iii) He must not be less than thirty years of age; and
- (iv) He must be an inhabitant of the State he wishes to represent

Salary and allowances of the Senators, fixed by the Congress, are practically the same as far as the representatives. They are allowed the same privileges and immunities as the representatives do. Like the Lower House again the quorums of the Senate is the majority of the total membership. The Senate like the House of Representatives is the sole judge of the qualifications of its members.

The vice-president of the United States is the ex-office presiding officer of the senate. He is not a member of the senate and has no vote except in case of a tie. This casting vote has proved decisive on some occasions. In his absence the senate elects a President pro tempore and being a member of the senate he votes on all issues. Sessions of both the Houses of Congress commence simultaneously and are adjourned at the same time.

## **Powers and Functions**

The American Senate is **now** the most powerful second chamber in the world. In all other democratic states the powers of second chambers have waned. But the authority of the US Senate has waxed. In the words of Munro: 'The fathers of the constitution intended it to be a body which would give the states as states, a dominating share in the government of the nation. They had on mind something that would be more than a second chamber or a co-equal branch of the Congress. To that end they gave the Senate some very important special powers such as the approval of treaties, the confirmation of Presidential appointments and the trying of impeachments-powers in which the House of Representatives was given no share'. Its powers and functions can be discussed under the following heads: .

### **Legislative Powers**

In the legislative field, it **is a** co-ordinate chamber of the Congress and shares the function of law making with the **House** of Representatives. There is one exception to this equality. 'All measures for the raising of revenue must originate in the House of Representatives'. Similarly, usage requires that all appropriation bill, must originate in the House of Representatives. This limitation has proved to be of little importance. The Senate can virtually initiate new financial proposals under the guise of amendments. The Senate can therefore, originate financial legislation in fact if not in form. If the two chambers do not agree on a Bill the disputed points are placed before the conference committee made up of selected members from both chambers of the senate and the House of Representatives. The conference committee tries to arrive at a compromise, if it fails to do so the bill is regarded as rejected. Thus, no bill can become law without the concurrent of the Senate.

The position of the senate in the legislative sphere is much better than that of any other second chamber in democratic countries. The House of Lords is **now** a shadow of its former self. It is now only a delaying chamber. The Indian Rajya Sabha has very little control over financial matters. It is now only the American senate which stands on a level with the ' House of Representatives in legislation and finance.

### **Executive Powers**

The US constitution allows the senate to perform the following executive functions:

- (i) The investigating powers of the senate deserve not merely mention but attention. The senate has a right to demand information about any administrative matter. It establishes administrative committee for this purpose. The senate committee may sit **at** Washington or it may go about the country hearing testimony. These committees have the power to summon witness, compel the production of papers, and take evidence on oath, and in general exercise the authority of a court. They do their job very thoroughly and expose the weakness of the administration. Recent investigations have covered crimes, un-American activities and juvenile delinquency.
- (ii) As the US constitution embodies the theory of checks and balances, and as the President has been given powers in respect of the appointment of federal officers, it was felt desirable that the legislature should exercise some control over the executive department in this matter. **Also** it was felt that the States ought to **have** some control over federal appointments. Thus, it was provided that the president's power regarding federal appointments should be shared by the senate as representing both the legislature and the states.

The power of ratifying the president's nominees for federal posts is conferred by **the constitution** on the Senate. In this sphere one convention—Senatorial Courtesy—plays a very important role. It means that if the President nominates a local officer with the approval of the senators from the state concerned then the **senate will** by convention approve the nomination. These senators must, of course belong to the same political party as the President otherwise the rule does not apply. The approval of the senate is however not necessary when the President removes some officers.

- (iii) Likewise the constitution makers deemed it imprudent that the President should **have** absolute control over foreign affairs. The President was therefore given **the** power 'with the advice of the senate to make treaties, provided two-thirds of the senators present concur.' Thus the treaties concluded by the President do not become effective without the approval of the Senate.' There is a long record of treaties killed by the Senate. A wise President always keeps himself in touch with the leaders of the Senate, especially with the Committee on Foreign **Relations**.

- (iv) Moreover, the Senate shares with the House of Representatives the power to declare war:

### **Judicial Powers**

In case of impeachment the Senate sits as the chief court of justice. Impeachments are preferred by the House of representatives and the trial take place in the Senate. The President, the vice-president and all civil officers can be impeached before the Senate. A two third majority of the Senate is required for conviction.

### **Miscellaneous Functions**

- (i) If in the election of the vice-president of the USA, no candidate secures a clear majority of electoral votes, the Senators voting as individuals elect one from the first two candidates.
- (ii) As far as amendments to the constitution are concerned, Senate has coordinate powers with the House of Representatives in the matter of proposing amendments.
- (iii) The Senate has coordinate power with the House of Representatives in the matter : of

admitting new States to the Union.

### **The Position and Prestige of the Senate**

It is difficult to form a just estimate of the Senate. Both lavish praise and censure have been heaped upon it due to over emphasis on one aspect or the other. It is a complex, many-sided body not capable of being described by facile generalization, yet hardly one can deny that the Senate is probably the most powerful second chamber in the world and is certainly the dominating partner in the US Congress.

It is a well-known fact that most leading figures in public life in USA are to be found in the Senate and not in the House of representatives. He comes into business with a greater variety of public business. He has confidential relations with the President and greater contact with federal outlets as all federal appointments are subject to his approval. He is normally in close touch with foreign affairs as a wise President takes the Senate in his confidence **on this matters**. The senate is also regarded as the guardian of State rights and every Senator is a champion of his State.

### **Senate in the most powerful Second Chamber in the World**

The Senate is decidedly an indispensable institution in the political system of the United States. A comparative Study of the Senate and the Upper House in other parliaments of the world, show that Senate is the most powerful second chamber in the world.

The British House of Lord was once a very powerful chamber, but today it is the shadow of its former self. Now it is only a second but a secondary chamber. Probably it is the weakest chamber in the world. In Russia, the two Houses of Supreme Soviet are equally powerful. The Upper House, the Soviet of Nationalities is in no respect superior or more powerful than the Lower House—the Soviet of the Union. Likewise in India, Rajya Sabha is weaker than the Lok Sabha.

This comparative study shows that in some countries the two Houses are equally powerful and in some other countries the Upper House is weaker than the Lower House. But Senate is the only upper chamber in the world which, in comparison to its lower chamber is more powerful. It is due mainly to the following factors:

- (i) Senate is a very small body. Its total strength is only 100, whereas the strength of the House of Representatives is 435. The small size of the Senate makes possible effective discussions. To quote Prof Laski: 'Discussion in the House of Representatives is formal and static; discussion in the Senate are living and dynamic'
- (ii) The constitution itself has given vast powers to the Senate. The Senate not only enjoys co-equal power with the House of Representatives,, it also enjoys important executive and judicial powers which the House does not enjoy. Treaties and all important appointments made by the President must be submitted to the Senate for its approval. The Senate has also the power of trying impeachments. Such powers are, normally, not enjoyed by the Second Chamber of any democratic country of the world.
- (iii) Senate is a permanent chamber. After every two years one-third of its members retire and are re-elected. In this way, the life of one Senator is six years. **The** House of Representatives is elected only for two years. Therefore, the members of the House are always worried about their re-election. They cannot, therefore take much interest in their work. On the other hand, the long term of the Senators \* enables them to learn thoroughly their legislative work.
- (iv) We know that the Senate is directly elected. This direct election has added greatly to their power and prestige. The Senate can speak for the nation with the same authority as the House of Representatives.
- (v) There is almost a complete absence of restrictions on the debates of the Senate. So senators get ample time to express their views.
- (vi) Seasoned politicians and legislators try to secure seats in the Senate because' its membership is associated with vast powers. Most members, of the House of

Representatives like to become Senators. When they manage to enter the senate, their places in the House are filled by comparatively junior politicians. As a result of this, the Senate contains a large number of experienced politicians well versed in the art of law-making.

The fathers of the US Constitution thought that the House of Representatives would be more powerful and influential than the Senate. They created the Senate to act only as a check upon the radical tendencies of the popular chamber. 'In its origin, it was a product of distrust of democracy. But now it can certainly be a brake on democracy'.

### **Procedure in the American Congress**

The principal function of the Congress is to make laws. We know that the American Constitution is based on the principle of separation of powers. It means the government does not take part in the legislative process. The government can introduce the bills in the Congress. So that in America, there is no difference between the government's bills and the private member's bills. All bills are private member's bills. However, there is a difference between public bills and private bills. Public bills are those bills which concern the entire country or an unascertained people and the private bills are of special character and they apply only to particular persons, places or corporations. Further a distinction can be made between money bills and non-money bills. Money bills for raising revenue, are required to be introduced only in the House of Representatives.

Both the Houses of American Congress are equally powerful in the field of legislation. The ordinary or non-money bill can be introduced in either House of the Congress. Once a 'bill is introduced in the Congress it remains alive throughout the duration of the existing Congress, unless it is disposed of earlier. All the bills depending, in either House, at the time of dissolution of the House lapse, and the succeeding Congress can consider them only if they are introduced afresh.

Bills are introduced by the members of the Congress, but they are not always the authors of these bills. Many bills originate in the office of the president, executive departments and administrative agencies. These bills are introduced in the Congress by the Congressmen belonging to the president's party. We have also seen somewhere else that the president may initiate bill through one of his messages to the Congress.

The legislative procedure in the American Congress is in some respect the same as that followed in Britain. Every bill is introduced and is given the usual three readings. Here let us assume that an ordinary bill is introduced first in the House of Representative.

Introduction of a bill is a simple affair. A member of House of Representatives may write his name on the bill and drop it in the box known as the 'hopper' lying on the clerk's table. Thus, the bill has been introduced without any permission sought to introduce it and without any speech having been made. This completes the first reading of the bill.

Then the title of the bill is printed in the *Journal of the House*, and simultaneously it is sent to one of the standing committees which studies it clause by clause. In most of the cases there is no difficulty in deciding the committee to which a bill is to be sent. The US committees have clear cut jurisdiction and the title of the bill itself may indicate which committee will receive it. Very often many bills may be introduced by different members on the same matter. The committee may decide to consider only one of them and reject the rest. Thus a very large number of bills are killed every year by the committees because there are many bills on the same matter.

If the committee likes, it can ask executive official and other interested persons to appear before it to express their views. The committee hears all those who wish to be heard for or against the measure. Paid lawyers may appear before the committees to argue for or against a proposal. Pressure groups exert influence through their agents. The committee may (a) report the bill in its original form; or (b) it may suggest amendments; or (c) it may re-draft the bill; or (d) it may not report at all and thus 'Pigeonhole' and kill it.

Many bills are killed in this way. It may be mentioned here that the House has the power to compel the committee to give its report on Bill. But this power is rarely exercised. It is, therefore, true that the committees have virtual power of life or death over every bill. A bill, which is favourably reported by one of the standing committees of the House of Representatives, is sent to the clerk of the House. The clerk places the bill depending on its nature upon one of the three lists, known as the 'Calendars'.

The stage when a bill is called up from the calendar and taken up for consideration by the House is called second reading. At this stage; it is discussed in detail by the whole House.

The bill is read line by line, amendments are moved, discussed and disposed of and members get an opportunity to express their views on the bills as a whole or a part thereof. After the debate and adoption of amendments, if any, moved by the members the House is called upon to vote the measure. If majority of the members vote in favour of the bill, it is then ready for the third reading.

The third reading is formal like the first reading. It merely means reading the title of the bill, and ordinarily no debate takes place. But sometimes in case of a controversial bill a few members may demand that it may be read in full. In that case the bill may be discussed, again new amendments may be proposed. After the discussion a vote is taken on the bill. If the vote is favourable after the third reading, the bill is signed by the speaker and sent to the Senate for its consideration. .

In the Senate, the bill meets almost the same treatment. If the senate passes the bill without any change, then it is sent to the president for his assent. In case the Senate has made some changes, the measure is sent back to the House of Representatives for reconsideration.

The House may accept the changes suggested by the Senate, and transmit the bill to the President. In case the Senate does not agree with the changes suggested by the Senate, the bill is referred to the conference committee. If the conference committee fails to resolve the differences, the bill is killed.

When a bill is passed by both chambers it is sent to the President who may either give his assent to it or veto it by returning the same within a period often days. If each House passes the bill again by a two-third majority it becomes law even without the approval of the President. If the Congress remains in session and the President takes no action for 10 days, it becomes law. He may however 'Pocket Veto' a bill if the Congress is adjourned within 10 days.

#### *Difference of Procedure in England and USA*

- (i) In England, there is a difference between public bills and private member bills. There is little difference in the process of becoming law. But in the US there is no difference between these two types of bills. There all the bills are private member bills.
- (ii) In England, most of the bills are introduced, defended and guided by ministers. The bill can reach at the final stage without the support of the minister. In America, there is separation of powers and bills are introduced by private members and the 'legislative leadership is in the hands of the chairman of appropriate committees. Bills are even named after the chairman of the committees.

- (iii) In England, the committee stage follows the second reading i.e., a bill is referred to a committee when the general principles underlying the bill have been discussed and approved by the House. In this way, the House decides beforehand whether it wants a law on a particular subject or not. In the USA committee stage precedes the second reading, i.e., before the House has approved the principle, of the bill and has decided whether or not it wants a law on a particular topic. The result of this is that sometimes the House rejects a bill on the ground which are not acceptable. In this way the whole work of a committee is undone.
- (iv) The American second chamber i.e. the Senate possesses greater powers than . the House of Lords to amend reject bills. The British House of Lords cannot touch a money bill sent up by the House of Commons. It can delay an ordinary bill at the most for one year under the provisions of the parliamentary Act of 1949. But in America, no bill or either money bill or ordinary bill can become law without the consent of the Senate..
- (v) In England, the committees are not much powerful. Neither they can reject a bill nor can they bring such amendments in the bill which amount to amend the principles of the bill. On the other hand, in America the committees are very much powerful. Committees decide the fate of the bill, they can even reject a bill altogether.
- (vi) In Britain, the king does not send a bill back if once it is passed by Parliament. In United States the President can veto a bill, but Presidential veto can be overridden if Congress passes the bill again by a two-third majority of each House. The suspense veto of the President can sometimes become an absolute 'veto'

## UNITARY FORM OF GOVERNMENT

As the name suggests, a unitary form of government is a single unit state where the central government is supreme. All the power rests with the central government and any divisions in governance, for instance, in the form of administrative or sub-national units, have only those powers that the central government gives them. While democratic systems have become popular over the world, a number of states still have a unitary system of government among several other archetypes that are found in different countries. Some, of the examples of a unitary form of government are dictatorships, monarchies and parliamentary governments. Some countries that follow the unitary system of government are France, Italy, Japan and the United Kingdom.

Since the power is vested in the Centre, a unitary system of government is based on the principles of centralization of power. Within such a system, a fair amount of hegemony is found between different regions in a same country. Thus, local governments follow instructions of the Centre and have only those powers which are delegated by the central government.

Yet, there are no fixed rules to this system and not all countries use the same principles of centralization and decentralization of powers. One of the major advantages of such a system is the fact that the government at the centre can make quick decision since it has all the powers of rule-making. A significant disadvantage is that there are no ways to keep a check on the activities of the central government. Moreover, most unitary governments have large bureaucracies where the members are not appointed on the basis of popular voting.

The opposite of unitary government will be a federal government where governance powers are not centralized or where central government is a weak one. Political powers are actively decentralized and individual states have more sovereignty compared to those in a unitary state. Principally, a federal government holds some middle ground between the unitary and the federal system because powers are distributed between the central and local governments. The political system of the United States of America is an example of a federal system. One needs to also explore the nature of the state when the analysis of the form of government is being made. For instance, not every state will encourage social and political integration and some will monopolize force in their hands, thus encouraging one form of governance compared to the other.

Nonetheless, monopolization of power is also a central idea to a unitary government. Popularly in such a system, local governments will exist but they will not be independent of the central government. They are subordinate to the central government in all respects and often act as mere agents of such a government. Thus, the whole state is governed with full might of the central government. Such a system is useful in those states which do not have strong nationalities, are at risk of outside forces or are very small states.

#### **4.4.1 Salient Features of Unitary Government**

As stated above, a unitary system of government widely differs from one that is federal in its organization. Federal governments, by their very nature, constitutionally divide powers between the centre and the state. No such power division occurs in a unitary system even though the central government, by its own accord, delegate some superficial powers to various states. Moreover, in a federal system, the constitution is supreme and determines the powers between the centre and the states. Both exist as equal before a federal constitution. In contrast, centre is supreme authority in a unitary government. States function independent of the centre in a federal system whereas in the unitary system, states are subordinate to the centre. In short, Unitarianism can be referred to as: "The concentration of the strength of the state in the hands of one visible sovereign power, be that power parliament or czar." Federalism, on the other hand, is distribution of force. As has been cited: "The sovereign in a federal state is not like the English parliament an ever wakeful legislator, but like a monarch who slumbers and sleeps. And a monarch who slumbers for years is like a monarch who does not exist."

A unitary government can have an unwritten yet flexible constitution but federal government cannot go about its daily chores unless it has in its possession a written constitution. Judiciary also plays a very important role in a federal government and also decides on disputes that may crop up among the central and state governments or between other units. These are some of the key differences between federal and state governments. This brings us to the characteristics and features of unitary form of government;

- **Centralization of power:** The centre is the reservoir of all powers in unitary system. There exist no province or provincial governments in such a system and the central government has the constitutional powers to legislate, execute and adjudicate with full might. There is no other institution with this kind of state to share the powers of the central government. Thus, it rules with no external pressure and runs the state and administration free of any checks and balances. Their power is absolute. What powers are to be centralized and decentralized are also decided by the central government. Local governments exist but it is the centre which decides what powers will be given to them. Even these are carried out with central control or supervision.

- **Single and simple government:** The unitary system of government is a simple system. There exist no provincial assemblies, executives or upper chambers in the Centre. One exception to this is Britain. Yet, most unitary systems are defined by single central government where the popular voting is held for unicameral legislature. It is the central legislature that legislates and executes. The expenses of such a system are minor and a unified command is adopted in running the state. Democratic systems can be expensive; upper chambers demand finances and weak states cannot afford them. Thus, unitary system is simple and understandable. Its structures and powers also understood easily by the citizens.
- **Uniformity of laws:** Laws in unitary system are uniform laws unlike the ones in the federal state. This is one crucial characteristic of a unitary government. Laws are made and executed by the central government for the entire state. They are enforced without any distinction being made for any state. In contrast, in a federal system, the nature of a law can vary from state to state. But in the unitary system, the laws are made uniform on the principles of justice and nature of human beings. In a federation however, laws of similar nature can have sharp contrasts, thus complicating their understanding.
- **No distribution of powers:** As stated, within a federation powers are distributed among the federal and the state. In contrast, in the unitary system, **no such** distribution of powers is made. All powers rest with the centre. One of the advantages of this lack of distribution of power is that the government does not have to bother about delegating powers and instead concentrate on more welfare issues and development of the state and citizens.
- **Flexible Constitutions:** Flexibility is what defines the constitutions of unitary states. It is within federal systems that a rigid constitution is required so as to clearly define and maintain the relationship between the centre and the state. One of the advantages of a flexible constitution is that it can be altered as be the needs of the state amid the continuously changing circumstances. As said, a constitution is a document which is necessary to run a state according to the changing orientations. A flexible constitution ensures that the desires and changing demands of people are included in it accordingly and from time to time. It **is** crucial to the idea of progressiveness. Thus, constitutions in unitary systems are evolutionary and are strong to respond to contingency situations.
- **Despotism attributes a Unitary State:** A unitary state can turn totalitarian or despotic when its rulers do not follow rules or move away from the path of patriotism. Since powers are with the Centre and there is no check on the activities of the government, there are higher chances of misuse. Such a government can become absolute and abuse its powers mainly due to the absence of an internal check system.
- **Responsibility:** In contrast to a federation, a unitary system is more responsible. Certain defined institutions have fixed responsibility and this is a significant characteristic of a unitary system. The central government **is** responsible for legislation, executive for implementation and judiciary for adjudication. Thus, it is these institutions that are responsible for their activities and therefore they try to operate within the law of the land.
- **Local government institutions:** Usually in a unitary form of government, the powers lie in the hands of urban bureaucracy. Such a government has also been found to be limited in the city areas and have no influence in remote towns and

villages. Therefore, to maintain its influence in rural areas, the central governments manipulate their affairs through municipalities and other such local institutions. In one way or other, local governments also become important and effective in unitary systems. Such examples are found in states like China and Great Britain where local governments are very powerful. The central government maintains its influence through local governments and also gives them financial support to run their daily affairs. In fact, local representatives are elected for these institutions on the guidelines of the central



government.

### ***Advantages of Unitary Form of Government***

Some advantages of unitary system include:

- . (i) Throughout the state, uniform policies, laws, political, enforcement, administration system is maintained.
- (ii) There are fewer issues of contention between national and local governments and less duplication of services.

**(iii)**Unitary systems have greater unity and stability. ***Disadvantages***

### ***of Unitary Form of Government***

Disadvantages of such a form of government include:

- (i) Local concerns are usually not the prerogative of the central government.
- (if) Thus, the centre is often at a lax in responding to local problems.
- (iii) In case the centre gets involved in local problems, it can easily miss out on the needs of a large section of other people.

## **FEDERAL GOVERNMENT**

A federal government is the national government of a federation. It is defined by different structures of power; in a federal government, there may exist various departments or levels of government which are delegated to them by its member states. However, the .structures of federal governments differ. Going by a broad definition of basic federalism, it comprises at least two or more levels of government within a given territory. All of them govern through some common institutions and their powers often overlap and are even shared between them. All this is defined in the constitution of the said state.

-Therefore, simply put, a federal government is one wherein the powers are delegated between the centre and many other local governments. An authority which is superior to both the central and the state governments can divide these powers on geographical basis, and it cannot be altered by either of the government levels by themselves. Thus a federation, also called a federal state, is characterized by self-governing states which are in turn united by a central government. At the same time, both the tiers of government rule on the basis of their own laws, officials and other such institutions. Within a federal state, the federal departments can be the various government ministries and such agencies where ministers of the government are assigned. **For** instance, in the US, the national government has some powers which are different from those of other 50 states which are part of the country. This division of powers has been elaborated in the constitution of the US.

Thus, a federal government works at the level of a sovereign state. At this level, the government is concerned with maintaining national security and exercising international diplomacy, including the right to sign binding treaties. Therefore, as per the guidelines of the constitution, the federal government has the power to make laws for the entire country and not the state governments. For instance, the US Constitution initially was did not empower the federal government to exercise undue powers over the states but with time, certain amendments were introduced to give it some substantial authority over states. The states that are part of a federation have, in some sense, sovereignty because certain powers are reserved for them

that cannot be exercised by the central government. But this does not mean that a federation is a loose alliance of independent states. Most likely, the states that are part of a federation have no powers to make, for instance, foreign policy; thus, under international law they have no independent status. It is the constitutional structure in the federation that is referred to as federalism. This is in contrast to the unitary government. With *16 Lander*, Germany is an example of a federation while its neighbor Austria was a former unitary state that later became a **federation**. **France**, in contrast, has always had a unitary system of government. As mentioned earlier, federation set-ups are different in different countries. For instance, the *German Lander* have some independent powers which they have started to exercise on the European level.

While this is not the case with all federations, such a system is usually multicultural and multi-ethnic and covers a large area of territory. An example is India. Due to large geographical differences, agreements are drawn initially when a federation is being made. This reduces the chances of conflict, differences between the disparate territories, and gives a common binding to all. The Forum of Federations is an international council for federal countries which is based in Ottawa, Ontario. This council brings together different federal countries and gives them a platform to share their practices. At present, it includes nine countries as partner governments.

Where states have **more** autonomy than others, such federations, are called asymmetric. Malaysia is an example of one such federation wherein states of Sarawak and Sabah joined the federation on their own terms and conditions. Thus, a federation often appears after states reach an agreement about it. There can be many factors that could bring in states together. For instance, they might want to solve mutual problems, provide for mutual defense or to create a nation state for an ethnicity spread over several states. The former happened in the case of the United States and Switzerland and the latter with Germany. Just like the fact that the history of different countries may vary, similarly their federal system can also differ on several counts. One unique system is that of Australia's where it came into being after citizens of different states voted in the affirmative to a referendum to adopt the Australian Constitution. Brazil has experienced with both federal and unitary system in the past. **Till** date, some of the states in Brazil maintain the borders they had during Portuguese colonization. Its newest state, Tocantins, was created mainly for administrative reasons in the 1988 Constitution.

### **History of Federalism**

In the New World order, several colonies and dominions joined as autonomous provinces but later transformed into federal, states after independence (see Spanish American wars of independence for reference). The United States of America is the oldest federation and has served as a role model for many federations that followed. While some federations in the New World order failed, even the former Federal Republic of Central America split into several independent states 20 years after it was formed. States like Argentina and Mexico have in fact shifted from being federal, confederal,

and unitary systems before finally settling with being federalists. Germany is another example of the same shifting since its foundation in 1815. After its monarchy fell, Brazil became a federation and **it was** after the Federal War that Venezuela followed suit. Many ancient chiefdoms and kingdoms can be described as federations or confederations, **like** the 4th century BC League of Corinth, Noricum in Central Europe, and the Iroquois in pre-Columbian North America. An early example of formal non-unitary statehood is found in the Old Swiss Confederacy. Many colonies of the British that became independent after the Second World War also adopted federalism; these include Nigeria, Pakistan, India and Malaysia.

• Many states can be federalists yet unitary. For instance, the Soviet Union, which was formed in 1922, was formally a federation of Soviet Republics or autonomous republics of the Soviet Union and other federal subjects but in practice remained highly centralized under the government of the Soviet Union. Therefore, the Russian Federation has inherited its present system. Australia and Canada are independent federations, yet Commonwealth realms. In present times, many federations have been made to handle internal ethnic conflict; examples are Bosnia and Herzegovina, and Iraq since 2005.

### ***Advantages of Federal Form of Government***

Some advantages of a federal form of government are:

- (i) **There** is a larger federal unity though local governments may handle their **own** problems.
- (ii) The government at the Centre is more committed towards national and international issues.
- (iii) It is a participatory system and there are more opportunities to make decisions. For instance, what goes into school curriculums and ways in which highways and other projects are to be carried out, can be decided through participation of local populace.
- (iv) Local government/officials are more responsive towards people who elect them.

### ***Disadvantages of Federal Form of Government***

Disadvantages of federal form of government include:

- (i) Since laws are different in different states, people living in one country can be treated differently. This can happen not only in spending that each state makes of welfare programmes but even in legal systems, where different punishment can be meted out in similar offences or right laws are differentially enforced.
- (ii) Duplication of services.
- (iii) States can pass laws that counter national policy and this can influence international **relations**.
- (iv) Conflict can arise over power/national supremacy vs. state's rights.

## **ACTIVITY**

1. Find out about the Call Attention Motion practised in the Indian Parliament with reference to a couple of incidences.
2. Research on the Internet and write a short note on Indian government structure (unitary or federal).

## **DID YOU KNOW**

The library of the Indian Parliament is the second largest in India.

## **4,6 SUMMARY**

In this unit, you have learnt that:

- In a Parliamentary form of government, the tenure of office of the virtual executive is dependent on the will of the Legislature; in a Presidential government the tenure of office of the executive is independent of the will of the Legislature (Leacock).
  - Being a Republic, India could not have a hereditary monarch. So, an elected President is at the head of the executive power in India.
  - The presidency of the United States of America is one of the greatest political **offices** of the world. He is the chief executive head of the state as well as the head of the administration.
  - The US President is not only the Head of **the** State but also the head of the administration. The Constitution clearly lays down that all executive authority belongs to him.
  - Prof. Laski opines that the American President is also more or less than the British Prime Minister. It is worthwhile comparing the office of the President of **the** USA with that of the Prime Minister of the UK.
  - The President's cabinet is not known to the law of the country. It has grown by conventions during the last 200 years. The founding fathers did not regard it as an essential institution.
  - If a bill is sent to the President and he neither signs the bill nor returns it back to **the** Congress, the bill becomes the law within 10 days even without his signature. The only condition is that Congress must be in session. If the Congress adjourns in the meantime, the bill is automatically killed. This is called 'Pocket Veto<sup>5</sup> of the President. This means that the president can simply ignore a bill (pocket a bill and forget about it), if it is passed by the Congress on a date less than 10 days before it adjourns.
  - The major drawback to the unitary system is that there are little or no checks and balances of power. In addition, unitary governments typically employ large bureaucracies which do not appoint members on the grounds of voting.
  - A unitary government may have unwritten but flexible constitution, but a federal government cannot work successfully unless it possesses a written constitution, In a federal government, generally the judiciary plays **a vital part in** administration. It decides the disputes that may crop up between the central and provincial governments or between one unit and the other.
  - Unitary form of government is very simple system. With the exception of Britain, there are neither provincial assemblies and executives nor the upper chambers at the Centre. There is a single Central Government at the Centre. There is unicameral legislature popularly elected. Central legislature is to legislate, executive to execute and judiciary to adjudicate without any share.
- 
- **The** federal, government is the mutual or national government of a federation. A federal government may have different powers at various levels authorized or delegated to it by its member states. The structures of federal governments differ. Based on a broad definition of a basic federalism, there are two or more levels of government that exist within an established territory and govern through common institutions with overlapping or shared powers as prescribed by a constitution.

## KEY TERMS

- **Congress in USA:** The legislative branch of the federal government; consists of two Houses—the House of Representatives and the Senate.
- **Federal government:** One in which the powers of government are divided between a central government and several local governments.
- **Ordinance power:** The US president can issue certain executive orders having the force of law.
- **Parliamentary form of government:** The tenure of office of the virtual executive is dependent on the will of the legislature.
- **Platform:** The US National Convention selects presidential nominee and issues the so-called manifesto.
- **Presidential form of government:** The president is the head of the states.
- **Unitary government:** A state governed as one single unit in which the central government is supreme and any administrative divisions (sub-national units) exercise only powers that their Central government chooses to delegate.

## ANSWERS TO 'CHECK YOUR PROGRESS'

1. (a) Elected (b) Indian
2. (a) False (b) True
3. (a) Second (b) Superior
4. **(a) True (b) True**
5. A unitary government may be defined as one in which the powers are concentrated in the hands of a Central Government. There may be local governments, but they are not free from the control of the Central Government. They derive their power from the Central Government and as such are subordinate to the same in all respects. They are the mere agents of the Central Government. The best examples of the unitary government are that of Great Britain and France.
6. The governmental or constitutional structure found in a federation is known as 'federalism'. It can be considered the opposite of another system, the unitary **state**. Germany with sixteen *Länder* is an example of a federation, whereas neighbouring Austria and its *Bundesländer* was a unitary state with administrative divisions that became federated, and neighbouring France by contrast has always been unitary.

## QUESTIONS AND EXERCISES

### Short-Answer Questions

1. **List** the powers and functions of the President of USA.
2. What is the procedure of election of the President of USA?
3. Write a short note on the status of the Cabinet in USA.

4. What is the difference of procedure in England and USA?
5. What are the basic characteristics of a unitary form of government?
6. What are the advantages and disadvantages of federal form of government?

### Long-Answer Questions

1. Compare the parliamentary and presidential form of government.
2. Draw a comparison between the American and British Cabinet.
3. Describe the powers and functions of the US Senate.
4. Differentiate between unitary and federal forms of government in detail. .5. Give a detailed account on the functioning of a unitary government.

## FURTHER READING

Hall, Stuart H.; *Britain Against Itself; The Political Contradictions of Collectivism*, New York: 1982.

Lipset, S.; *The First New Afortow*. New York, 1979.

Madywick, P. J.; *Introduction to British Politics*, Hutchinson, 1971.

Polsby, N.; *Consequences of Party Reforms*, New York, 1983..

Riddle, P.; *The Thatcher Decade*. Oxford, **1989**.

Wolfinger, R.; *Who Votes?* New Haven, 1980.

## UNIT 5 FEDERALISM

### Structure

- Introduction
- Unit Objectives
- The US Federalism
- The Era of Marshall and Taney, and Dual Federalism
- Great Depression and Abrupt Change
- Federalism in Switzerland
- Features of Switzerland's Political System
- The Canadian Federal Structure
- Levels of Government in Canadian Federalism
- Confederation and the Division of Powers
- 5,5 Comparative Federalism
- Summary
- Key Terms
- Answers to 'Check Your Progress'
- Questions and Exercises 9.10 Further Reading

## INTRODUCTION

The previous unit explained in detail the party systems in the United States, Japan and Switzerland. This unit deals with federalism.

Federalism can be referred to as a political order which integrates individual states or

governments in an overarching political system even while allowing them to maintain their individual fundamental political uniqueness. Simply, federalism can be understood as a system of governance where power is divided between the central (or national/federal) government and the different state governments. Such a kind of federal system requires formulation of basic policies, which in turn are implemented through negotiation (in any form that a situation may call for), so that all members under the said system become partners in the making and execution of the decisions.

The principles on which federal systems are based emphasize on factors like bargaining and, through bargaining and negotiation, reach a level of coordination among several centres of power. To protect individual and local freedom, federal principles also underline and highlight the merits of dispersed power centres.

However, it should be kept in mind that not all federal system work in a similar manner and can differ on various counts. This is despite the fact that few characteristics and principles are common to system truly federal in nature. Therefore in this unit, a comparative study of federal systems in the US, Switzerland and Canada has been drawn.

## UNIT OBJECTIVES

After going through this unit, you will be able to:

- Explain the federal structure in the US
- Describe the federal system in Switzerland
  
- Discuss the Canadian federal structure
- Evaluate the political systems of the three countries

## THE US FEDERALISM

The United States of America is a federal constitutional republic where powers reserved for the national government are shared by the President, the Congress and the judiciary. Additionally, the federal government shares its sovereignty with the state governments. The President heads the Executive Branch and is not under the control of the legislature. The power of this legislature is divided into two chambers - the Senate and the House of Representatives.

The Judicial Branch is comprised of the Supreme Court and lower federal courts; it is from here that the judicial powers are exercised. Their functions also pertain to interpretation of the Constitution, federal laws and regulations. Disputes between the executive and the legislature are also resolved by them. The layout of the federal government is detailed in the US Constitution.

Though other parties also exist, the history of the US politics is the history of two political parties — the Democratic and the Republican—since the time of the American Civil War. The political system of the country can be differentiated with that of other developed democracies on various counts, such as:

- Separation of power between the Legislature and Executive
- Enormous power to the Upper House of the Legislature
- Wider scope of power with the Supreme Court
- Domination of the political ground by two parties

There are a few developed democracies across the world where a third political party makes such negligible political influence. The United States is one of them. The American

Constitution has created a federal entity. And this is one of the dominant features of the government system of the US. This does not mean that the states can be ignored. In fact, the state governments cater to people in significant ways. Citizens are divided as subjects to a variety of units of the local government such as the counties, municipalities and special districts, all of which are the units of the local government. We know by now that the history and character of the nature of governance of a country is reflected in the multiplicity of its jurisdictions.

Uniquely, in the US, the federal government originated from the coming together of different states. The states that presently comprise the United States of America were originally established as separate colonies with own, independent governments. Thereafter, the said colonies created local government units for the smooth conduct of their various functions. Over time, new states were admitted and were managed on the principles of the existing ones as the country expanded.

Interestingly, while the word 'federalism' is never mentioned in the Constitution of the US, it is its most innovative principles of governance. The Constitution of the US divided powers between the federal and the state governments. This is because, in the US, different states struggled to come under an umbrella and form a central government. The struggle is apparent in the Constitution and debates around the role of national versus state government are common. John Marshall, the longest serving chief justice of the US Supreme Court, once famously observed that this tension between the national

and the state "is perpetually arising and will probably continue to arise as long as our system shall exist".

The debate around federalism started in the 1770s, with the introduction of the Articles of Confederation. Discontent marked this Article and a political movement started to scrap it since it constrained the powers of the federal government. For instance, the Article gave power to the Congress to sign treaties at its whims or even declare war. In practice, however, this would not have been possible since such decisions also required a unanimous vote. Despite being contradictory to the principles of federalism, this Article paved the way for the beginning of the US federalism. By 18<sup>th</sup> century, the United States of America became the first modern national federation in the world.

Thus, as mentioned above, a federal system or federalism can be referred to as primarily a government where political power as well as governance responsibilities are divided or shared between the central and state units. Together, they are called federation. The US' political system can be understood keeping this in mind. Put simply, it can be understood as a dynamic and evolving relationship between the states and the central government of the country.

Going back to the 18<sup>th</sup> century and the development of federalism, the movement against the Articles of Confederation found strength in the Shays' Rebellion of 1786-1787. The Shays' Rebellion was an armed movement of Yeoman farmers in Western Massachusetts, who led the uprising against the federal government which had put the economy in danger after the costly American Revolution. The then federal government had failed poorly in raising an army to crush the rebellion, forcing the Massachusetts government to do so on its own.

A defining moment came in the form of The Federalist Papers, which comprised 85 anonymous essays defending the new Constitution. These were published from the New York City to persuade citizens to vote for ratification. Authored by Alexander Hamilton and James Madison, with contributions by John Jay, the articles explored the advantages of the new Constitution and provided a detailed analysis of the various Articles of the Constitution using political



theories. Till date, The Federalist Papers are considered the most significant documents of the American political science.

In the essay titled *Federalist No 46*, Madison had argued that the states and national government "are, in fact, but different agents and trustees of the people, constituted with different powers". Hamilton, in *Federalist No 28*, had asserted that both the state and the national government would benefit the people, since "if their [the peoples'] rights are invaded by either, they can make use of the other as the instrument of redress". It was evident that both Hamilton and Madison, despite in favour of federalism, had different views on its work in practice. Along with 'federalists' including Washington, Adams, and Marshall, Hamilton wanted to put in place regressive national powers at the cost of those of the state. On the other hand, Madison, along with other advocates of states' rights like Thomas Jefferson, sought to empower the states.

However, the movement for federalism was reverberating in other states too by this time. In 1787, fifty-five delegates deliberated on bicameral legislature (United States Congress), balanced representation of small and large states (Great Compromise), and checks and balances, at a Constitutional convention in Philadelphia. In a memorandum to the delegates before the convention, James Madison argued that a strong central government was required since "one could hardly expect the state legislatures to take enlightened views on national affairs". In a historic development that followed, the delegates at the convention dropped their original objectives and began framing a new

constitution. It was released for the public following the conclusion of the convention and by then, the Federalist movement was the central objective to ratify the constitution.

The draft of the constitution was backed by none other than George Washington. This, along with the skillful crafting of its proponents, the constitution was finally ratified by all states. Under the Articles of Confederation, dates for fresh election were set. The outgoing Congress also set March 4, 1789, as the date for new government to take over the reins of the country. In 1789, the Congress put 12 Articles of the constitution under amendment. Of these, 10 Articles, drafted by James Madison, were passed on December 15, 1791, and are famously known as the Bill of Rights. In the final amendment, the guidelines for federalism in the US were laid down.

Interestingly, those against the new constitution were termed as 'anti-federalists'. Their opposition was influenced by local issues than material; they interests mainly laid in support of plantation and farm owners than commerce or finance. They believed that these interests could be saved by stronger state government. The criticism of the anti-federalist was focused on the absence of the Bill of Rights, which Federalists later promised to introduce.

### **The early days**

As stated already, the federal system in the United States is a dynamic concept and has evolved ever since it found shape in the constitution. For this Unit, it would be impossible to provide in detail all factors of its political and constitutional legacy. Thus, the landmark events that led to its development and evolution since the 18<sup>th</sup> century are mentioned briefly below. As should be clear by now, it was the Articles of Confederation which lent the first spark amid states against the federal government. The focus was on limiting the powers of the federal government. By the 1790s, huge discount marked the discourse on federal government, especially after its failure to contain the farmers' rebellion in Massachusetts. After the Philadelphia conference, came the constitution in support of federalism and by 1791, federalism became a reality.

## **The Era of Marshall and Taney, and Dual Federalism**

It was the then chief justice John Marshall who played the key role in deciding the sharing of power between the federal and the state government in the early 18<sup>th</sup> century. His role was important because by that time, there was no clear understanding of federalism. Hence, it came upon the Supreme Court to decide on the issues of both power and decision-making between the two entities. A few cases helped in specifically widening the scope of the power of the federal government. Marshall was succeeded by Roger B Taney, who passed many verdicts that favoured equally the federal and state governments. These judgments sowed the seeds of dual federalism in the country.

Dual federalism provides for the federal government to act within its boundaries, i.e. within powers given to it and not go beyond them. The rest of the powers were allotted to the state governments. However, the sixteenth and the seventeenth amendment gave unprecedented powers to the federal government. Despite these contentions, dual federalism was practiced for at least a century following the judgments of Marshall and Taney. Later, however, the demarcation between the states became sharper and local governments also started playing an important role in governance. This forced another division of power. Thus, the federal government was allotted responsibilities of subjects like national defense, foreign policy, copyrights and currency patents. The state governments, on the other hand, were to deal with issues pertaining to civil service laws, property law, labour and union laws. Furthermore, the local governments were demarcated issues related to assessable improvements and basic public services. This caused a major shift in federalism in the US.

Students can read through the Articles of Confederation and the framing of the US Constitution, along with debates around the two issues, for an in-depth understanding of federalism in the US.

## **Great Depression and Abrupt Change**

By the late 19<sup>th</sup> and early 20<sup>th</sup> century, the US economy underwent major overhaul. As a result of the Great Depression in 1929, the federal government once again came to assume major responsibility of the government. President Franklin Roosevelt introduced the New Deal policies, catching the pulse of the citizens who increasingly wanted the federal government to cooperate with other levels of government before implementing policies that had potential to make national impact. This was referred to as Cooperative Federalism wherein funds of federal government were distributed as grants in aid or categorical grants. The government was thus better able to control the usage of money. This was called devolution evolution. In fact, all later presidents till the time Bill Clinton came to power, used this method with the objective of restoring the lost autonomy and power to the states which the New Deal policies had led to.

The late 20<sup>th</sup> and the 21<sup>st</sup> centuries gave way to what is known as new federalism, in the US. This refers to the shift of power to the states from the centre and this movement was led by President Ronald Reagan (1981 -1989). Under this, the federal government determined the foreign policy and had the exclusive power to make treaties, declare war, and control imports and exports. It also has the only authority to print the national currency. Other governance responsibilities are, however, shared between the federal and the state governments, including matters related to taxation, business regulation, environmental protection and civil rights. The states clearly enjoy more powers than before - they have independent legislative, executive and judicial branches and have the power to pass, enforce, and interpret laws but within the realm of the Constitution.

We can see that federalism has evolved significantly since it was first introduced. Students will also know by now the two kinds of federalism that define US political theory—dual federalism and cooperative federalism. The first refers to a system where the state governments enjoy unprecedented powers and the federal government has only those powers which are given to it by the Constitution. That is, the federal government could only exercise those powers which were mentioned for it in the constitution. In cooperative federalism, the national, state, and local governments work together for the welfare of the people as the national government was

considered supreme over the states.

Most developed nations across the world are experiencing struggles over the sharing of power between the central and the state governments. One can now see that in the US, the federal system is one where the central and state governments exercise powers within their own boundaries. Other countries with such systems include Canada and Germany. This can be contrasted with the unitary systems of government where national governments hold all power in comparison to the state or local governments. The example of such a system is France.

Notwithstanding the kind of federalism being practiced, the US Constitution lays down specific powers for the state and the federal governments. These are:

- Delegated powers - Delegated powers are specifically referred within the realm of the federal government. These pertain to the regulation of interstate and international trade, coinage and currency, war, maintenance of armed forces, postal system, enforcement of copyrights and power to enter into treaties.
- Reserved powers - As the name suggests, under this not all powers are delegated to the federal government but are also reserved or saved for the state governments. These powers include the authority to establish schools, establish local governments and police powers.
- Implied powers - These are those powers which are not clearly mentioned in the constitution but are understood to be necessary or allowed. The 'necessary and proper clause' of the constitution states that Congress has the power "to make all laws which shall be necessary and proper for executing the foregoing powers".
- Concurrent powers - The word concurrent is suggestive of "two things at the same time". Thus, these are those powers that both the federal and state governments share simultaneously. For instance, the power to tax, maintain courts and the ability to construct and maintain roads.

The US Constitution recognized the sovereignty of the state while at the same time promoting national powers in certain important spheres, in fact, the US Constitution has mentioned some key spheres of power for the states but at the same time sites many potential powers for the national government. These are also known as implied powers and are cited in, for instance, under Article I, Section 8 which empowers the Congress to implement laws "necessary and proper". They also designate the president as the 'commander in chief of the country This power has empowered presidents, including Abraham Lincoln, Franklin Roosevelt, and George Bush, to exercise powers in times of national emergencies.

Powers have also been granted to the Supreme Court. For instance, the apex court holds the power of judicial review, wherein it can reject those acts of the legislature and the executive, as well as those of the state, which it considers unconstitutional. Such powers of the judiciary were augmented during the hearing of the case of Marbury vs. Madison in 1802, when the then chief justice John Marshall had spoken in favour of the court's powers. The specific powers given to the national and state governments are called delegated powers. However, Article VI mentions that powers of the national government are 'the supreme law of the land' and the states must obey them.

The above review of federalism in the US reveals that the division of power between the national and the state governments are not distinct and, in practice, are in constant contradiction with the other. Students will also be able to understand now that federalism is continuously evolving in the US and throughout the American history, has been associated with several different terms. We shall mention them once again below:

- Dual federalism: Also called 'layer cake federalism' refers to the obvious demarcation of powers between the national and state governments, as well as sovereignty in equal spheres. This federalism was dominant between the 1790s to 1930.
- Cooperative federalism: Also known as 'marble cake federalism', it is a phase where the national and state governments share their functions and collaborate on major national priorities. This relationship predominated between 1930 and 1960.

- Creative federalism: Also known as 'picket fence federalism' and was in practice during 1960 to 1980. It referred to increased cooperation and cross cutting regulations between the national and the state governments.
- New federalism: Also called- 'on your own federalism,' it is characterized by empowering states as compared to the national governments and deregulation. It is in practice till date.

Many other concepts help in describing the complicated US federalism. For instance, judicial federalism refers to the tug of war between the national and state governments over constitutional powers. However, since the apex court holds the power of judicial review, only it can interpret answers to various questions, including federalism. In some cases, like the 1819 case of *McCulloch v. Maryland*, the Supreme Court had expanded the powers of the Congress. However, in a 1997 case of *Printz vs. United States*, the court held that the national government could not force its directives on the state as these were against the principles of dual fundamentalism. Another concept is that of fiscal federalism wherein the national government can offer money to the states in the form of grants to promote national welfare activities such as public welfare, environmental standards, and educational improvements. Until 1911, such grants were only granted for agricultural research and education.

## DID YOU KNOW

The New Deal was introduced by the US president F. D. Roosevelt after the US stock market or the Wall Street crashed. This period is known as the Great Depression. In Roosevelt's first 100 days as the President, many Acts were introduced which formed the basis of the New Deal. The New Deal covered many issues, from the social, economic and financial. The first Roosevelt took was to declare a four-day bank holiday to stop people from withdrawing their money from inconsistent banks. On March 9, 1929, the Congress put a stamp on Roosevelt's Emergency Banking Act, which reorganized banks and closed the ones that were insolvent. Roosevelt later compelled upon the citizens to put their savings in banks and by the end of March 1929 re-opened three quarters of banks that had been closed.

## E Pluribus Unum

\* ^ E Pluribus Unum appears on the coins of the United States. The phrase refers to 'out of many states, one nation'. In 1779 when the 13 states that form the United States of America gained independence, they had many difference and could not agree on many issues. The states that are known as united now were besieged in their historical, geographical, economical and political issues, hi fact, they also varied in their population. Therefore, each of them wanted to have the power to decide its internal matters, make its own policies and even have their own currencies. However, they had to give up on many of these demands to stand united and survive the other world powers.

Thus, they agreed to practice the Articles of Confederation, which is the first constitution of the United States. This decision created bonhomie between the states; the existing legislature was given minimum powers. The central government then was a weak entity; it had the power to

declare war as well as negotiate peace but could not raise taxes required for either decision, It was the time when each state had one vote in the Congress's decision and even changes to the Articles required a unanimous consent.

After the war in 1783, the states came to blows once again; it was the time when the 'united' states were at the risk of breaking apart. The states could not reach a consent on major decisions, like modes of payment to the soldiers. Many of these soldiers returned home after serving their country to debts and taxes. The Shays' Rebellion mentioned above was another such issue of discontent. In fact, the states did not even have the prerogative to obey a peace treaty that the country had signed with the Great Britain. This led George Washington to observe in 1786: "If you tell the Legislatures they have violated the treaty of peace and invaded the prerogatives of the confederacy they will laugh at your face. What a triumph for the advocates of despotism to find that we are incapable of governing ourselves". It was only after the Philadelphia convention that the states decided to amend the Articles of Confederation and consider a new form of government, where powers were to be shared between the states and the centre. However, like George Washington said, even this Constitution was not perfect, and was, in the words of its Preamble, the next step in 'a more perfect union'. This is a union which stands dynamic in nature till now.

### **Advantages and Disadvantages of Federalism**

The pros and cons of federalism have been the subject of debate since the creation of the American republic. We discuss them briefly:

#### **The Advantages:**

- Promotes state loyalties: It is said that with federalism and more authority to the states, Americans feel close to their home states.
- Encourages democracy: Under federalism, one state can experiment with policies and other states, as well as the federal government, can learn from its successes and failures.
- Promotes pragmatism: It becomes easier to run countries the size of the US if power is shared between states. In turn, as can be understood, the local persons in power are more aware of their state's demands and problems and thus know better what policies will help address them.
- Gives hope for political stability: By keeping the national government from issues of contention, federalism allowed the US government in the earlier days to achieve and maintain stability.
- Separation of powers prevents despotism: Federalism, by its very nature, has it that the state governments function independently even if one person or party takes control of the branches of the federal government. Therefore, federalism ensures liberty.
- Promotes pluralism: Federal systems allow citizens to connect with their leaders and even give them opportunities to be involved in the issues of governance.

#### **Federalism's Disadvantages:**

- No national policy: The United States has no one policy on many issues. Instead, it has fifty-one policies, which often leads to confusion.
- Lack of accountability: The overlap of boundaries among national and state governments and sharing of powers makes it difficult to hold one authority responsible for failures to make concrete policies.

# FEDERALISM IN SWITZERLAND

Switzerland has a unique political system and even the world's most stable. It offers maximum participation to the citizens in matters of governance through decentralization of power and frequent referendums. This is called direct democracy. However, as good as it may sound, the direct democracy was a result of many political struggles over many centuries than being traditionally inherited. These struggles include the violence 1798 revolution, followed by decades of rioting which led to the violent overthrow of the government. The final culmination was in the form of a civil war in 1847.

## **The Swiss federal state**

Following the civil war, Switzerland became a federal state. The power is shared between the central state which is known as Confederation; the states, which comprise 26 cantons and the 2,495 communes. All these three have been given legislative powers as well as the power to implement laws (i.e. executive powers). On the other hand, even the Confederation and the cantons have judiciary powers in order to ensure that laws are duly enforced.

## **Powers**

As against the case of the US, the Confederation's authority in Switzerland is not dynamic but restricted to powers clearly mentioned in the Constitution. Other welfare activities, like matters related to education, health and protection of citizens, have to be dealt with by the cantons. Thus, the cantons have been given considerable autonomy in the Constitution. The communes, on the other hand, deal with those tasks which are given to them by the Confederation or the canton of which they are the part. However, communes can also make laws in case the law of the canton does not deal with matters of their concern.

## **Sound Features of Switzerland's Political System**

The students should be aware of these distinctive features of the country:

- Switzerland comprises Confederation of 26 member states of the federation or the cantons. The cantons have autonomy given to them by the Constitution.
- The country has governments, parliaments and courts at the three levels—federal, cantonal and communal. Instead of parliaments, citizens meet in small villages.
- Local courts are also common to several communities.
- Since it is a direct democracy, the country ensures participation of ordinary citizens in two important ways:
  - (i) All citizens have the right to propose changes to the constitution if they can gather support of 1,00,000 out of about 3,500,000 voters and smaller numbers on the level of cantons and communes.

(if) This is followed by the parliament discussing the proposal. It has the power to set up an alternative parliamentary proposal. Whether the citizens accept the original initiative, the alternate parliamentary proposal or to leave the constitution unchanged depends on their decision through a referendum.

## Common features shared with other democratic political systems

Democracies work democratically; the powers are separated between the legislative, the executive and the judiciary. Also, numerous political parties compete with each other to solve the country's problems. Students should know that in any democracy, a federal system is not mandatory as is found in countries like the USA, Germany and Austria. Therefore, while the political system of Switzerland maybe unique, it comprises many normal features of a democracy.

### 5.3.1 Highlights of Switzerland's Political System

Parliamentarians meet several times during the year during annual sessions. Interestingly, however, the parliamentarians are also required to practice an ordinary profession and not remain a full-time political person. This ensures that they stay close to their people and understand their day-to-day problems better.

As mentioned above, the most interesting factor of Switzerland's political system is direct democracy, i.e. the trust and responsibility granted to ordinary citizens in matters of governance. This does not refer only to democratic systems like federalism and referendums being put into place but also them being used more frequently. Not only is this encouraged by the Constitution but is also practiced enthusiastically by the citizens. Even the critics believe that referendums keep the parliament, government, economy and society growing. However, there are many pros and cons to them, as we shall see below:

- It is said that referendums help opposition parties cooperate with each other and learn to accept each others' point of view. This may not be true in practice as the country deals with many non-mandatory referendums every year.
- Majority coalitions gain from referendums: It is said that sharing power encourages compromise. But it is also true that being excluded from power promotes unnecessary referendums.
- Referendums promote stability: As mentioned earlier, referendums have the power to keep a government stabilized. In face of despotism, it is the electorate who has the power to keep a government from passing extreme laws.
- 26 codes mark Switzerland's procedural law. Such a unique federalism has led many to poke fun at Switzerland's system, terming it as 'Kantonligeist', or little canton mentality. But federalism is sacred to the country and the cantons do not allow anything to limit their freedom.
- The federalism practices in Switzerland is opposite of a centralized state. One should remember that federalism comes from the Latin 'foedus', which is loosely referred to mean the state, alliance or treaty. There is no one definition of federalism. It is applied differently in different contexts. In Switzerland, it is practiced as an alternative to the centralized state. France, Italy and Sweden are examples of centralized states.
- The experience of civil war has meant that federalism gained much importance in the political system of Switzerland. As a rule of politics, federalism is the dominant principle enshrined in the Swiss constitution. Article 3 of the Constitution states that "the cantons are sovereign in so far as their sovereignty is not limited by the federal constitution; they shall exercise all rights which are not transferred to the confederation". It is interesting to note that federalism is not specially mentioned

in the constitution. Federalism is a result of many conflicts of the Swiss political past before the state was founded in 1848.

- Shaky foundations: Federalism has no fixed meaning, as mentioned earlier. Some of its basic principles remain common to all democracies. However, in practice, it may differ state

from state. In Switzerland, the governance responsibilities are divided into confederation and the cantons but this division regularly comes up for debates. Federalism itself is an issue of contention in the Swiss political circles. Historian Christian Sonderegger, in the publication series *Aktuelle Schweiz*, alleged that since the new Swiss constitution was adopted in 1874, a "creeping loss of cantonal sovereignty" has been felt. It was argued that the cantons and their autonomy were under threat and they were at the risk of becoming only the administrative organs of the state. There was a proposal to unite the cantons of Geneva and Vaud, which was rejected. However, mergers are taking place and what impact it may have on the federal state remains to be seen.

## THE CANADIAN FEDERAL STRUCTURE

The principle of federalism is central to the political system of Canada. Under this, the Canadian federal system is essentially divided into two constitutionally autonomous levels of government: the federal or central government, and the provincial governments. This basic division of power helps in maintaining public finances and deciding upon public policy. Discussed below is the basic framework and operation of Canadian federalism:

### **Levels of Government in Canadian Federalism**

As mentioned above, the Canadian system is divided into the central and the provincial governments. It is further divided into two more forms of government—territorial and local. However, these are not recognized constitutionally, in the section below, we elaborate on each level of government and discuss its status within the Canadian federal framework.

#### **• Federal level of government**

The first level of the government which the Canadian constitution mandates is the federal or the national government. It is this government which both enacts and implements laws for the entire country. The federal government has been empowered to do so by the Constitution. In fact, the federal government can enact and exercise powers independent of the provincial level of government. The headquarters of the federal government are based in Ottawa, the nation's capital, where the Parliament is situated. It is the premier institution of the federal government and comprises of the monarchy and two legislative chambers, the House of Commons and the Senate. The monarchy is represented by his or her federal representative in the form of a governor general.

Despite being known as the head of the state, the role of the monarchy is primarily ceremonial in the day-to-day governance of Canada and its government. The majority of the powers are held with the head of the government and his executive council, who are officially known as the Prime Minister and his/her Cabinet members. Powers are also enshrined to the elected legislative chamber, i.e. the House of Commons. There is also a second federal legislature which is known as the Senate. It is an appointed body and has fewer powers as compared to the elected House of Commons.

The judiciary is another key federal institution in Canada. It is represented by the Supreme Court of Canada, which is the highest court in the country. However, the judges are appointed by the federal government. There are several sub judiciaries including the Federal Court of Appeal, the Federal Court, the Tax Court of Canada, the Court Martial Appeal Court, and the Courts



Martial. As the name suggests, the latter two are military courts where matters pertaining to the militia are decided. It is pertinent here to mention another federal institution. In Canada, it is called as the national public service, this comprises all departments of the federal government and other such agencies which are responsible not only for helping the federal government but also implementing those policies which are under its jurisdiction.

### **Provincial level of government**

The second level of government in the federal Canada is comprised of provincial governments. The provincial government is recognized by the Constitution. Since Canada has 10 provinces, all have their own government. These provinces are: British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec, Newfoundland and Labrador, Nova Scotia, New Brunswick, and Prince Edward Island.

The provincial governments have been empowered by the constitution to enact and implement laws within their own territory. They have, in fact, certain powers which are constitutionally recognized. The provincial governments can exercise these powers independent of the federal government and of other provincial governments. The monarchy, or the lieutenant-governor, who is the monarch's provincial representative, is the provincial head of the state. Like at the federal level, the role of the monarch is also ceremonial here. Each of these provincial governments has their own legislative assembly located in the capital of the province. This is the real seat of power. The provincial heads of the government operate from here, as do their executive councils (premiers and their cabinets), and the provincial elected legislature.

The constitution also provides for a provincial-level court system i.e. courts that are based in the provinces, where the appeal and trials are carried out. These courts have fewer powers as compared to the Supreme Court of Canada; thus the Supreme Court can overrule the decisions of these courts. These courts hear local criminal, constitutional, civil, family, traffic, and bylaw cases. Each province also has its own provincial public service, which are comprised of government departments and agencies which help their respective provincial government to form and implement policies within their jurisdiction.

### **Territorial Governments**

Canada also has what are called territorial governments for its three territories — the Yukon, the Northwest Territories, and Nunavut. Each has their own government. Like provincial governments, the territorial governments regional governments which have the power to enact laws and implement them for their own drawn territorial area. However, unlike provinces, the territorial governments are not constitutionally recognized and do not enjoy their own their own autonomous powers and jurisdiction. They all fall under the legislative jurisdiction of the federal government; it is the federal government thus which creates the territories and decides how they shall work.

But in practice, the territories have many privileges that are enjoyed by provinces. For instance, territories have their own legislative assemblies which can make and implement laws. The head of a territory is a Territorial Commissioner who has a role somewhat similar to that of the provincial Lieutenant-Governor. Just like the federal and the provincial governments, the real power in a territory is in the hands of a territorial head and his executive council. This is comprised of the Premier and his/her Cabinet. These powers are shared with the elected legislative assembly. Territories also have a public service and court system, though they might have to share the same with a province.

Unlike provinces, the status of territories is somewhat inferior under Canadian federalism as they are not recognized by the Constitution. Therefore, territories have no say in matters related to constitutional amendments which pertain to separation of powers between the federal and provincial levels of government. Nonetheless, territorial governments are often included in the matters of inter-government and other decisionmaking processes.

### **Local governments**

The last and final type of governance in Canada is of the local government. As in India, this local

government comprises municipal, county/parish, and semi-regional councils, boards, and agencies. However, unlike the provinces, the local governments are not constitutionally recognized. They fall under the jurisdiction of their own provinces and territories, who in turn create governments for them. As can be ascertained, the local governments are mostly dominated by their respective provincial or territorial government members. Provincial or territorial governments have a huge say in the working of the local governments, for instance in matters related to the laws a local government may pass, money to be spent, and implementation of long-term development strategies. Local governments also do not make much of a difference in matters related to intergovernmental relations and decision-making.

### **Confederation and the Division of Powers**

The foundation for federalism in Canada was first laid at the time of the introduction of the 1867 British North America Act. This Act was renamed as the Constitution Act, 1867 in 1982. It was this law that provided the framework for federal and provincial levels of government and defined their powers.

Section 92 of this Act also laid out powers for the 16 provinces of the country. These included the legislative powers like control over departments such as hospitals, asylums, charities, municipal institutions, prisons, and property and civil rights, among others. The provinces were also granted the power of jurisdiction over their areas in this Section. This meant that the provinces were independent to constitutionally legislate control over their areas, without any interference of the federal government.

Furthermore, Section 93 of the Act granted the provinces complete control over education. That is, the provincial governments are allowed to structure and manage their own education systems.

Besides granting the provinces sole jurisdiction, Section 95 of the Act also gave the provinces concurrent powers in the areas of agriculture and immigration. Concurrent here refers to the constitutionally granted joint power of the federal and provincial governments to legislate in these areas in the cases of agriculture and immigration. These are thus the shared areas where both the levels of the government can act.

However, the provinces have only been granted limited powers in the matters of finance and taxation/The Section 92 of the Act states that the provinces will only have power in areas pertaining to 'direct taxation' which allow them to raise money for provincial purposes only. What comprises 'direct taxation' under this Act has been an issue of

much contention and has come under the review of the Canadian judiciary numerous times. At present, 'direct taxation' is levied on income and corporate tax, a sales tax on the exchange of goods and services. Revenues are also raised through licensing and other fees.

It is in the Section 91 of this Act that the federal powers are mentioned. It is further divided into two parts. The first comprises the Peace Order and Good Government clause, commonly known as the 'POGG clause'. According to this, those powers that are not given to the provinces in Section 92 are the matter of the federal government. Therefore, in such matters, only the federal government and not the provincial can constitutionally legislate. Section 91 also provides a detailed account, in the form of 29 examples, of the federal powers. These include the regulation of trade and commerce, postal service, census and statistics, the military, navigation and shipping, sea coast and inland fisheries, and the criminal law, among others. The Section 132 of this Act also empowers the federal government to implement international treaties.

In the matters of finance, the federal government has been given wider taxing powers as compared to the provincial governments. Section 91 of the Act gives the federal government

the power to raise revenues through any mode of taxation. This can include forms of direct taxation, such as income or corporate taxes, as well as indirect taxation, such as duties and fees.

Since this is the first level of government, this Act also provides the federal government with special powers to control provinces. Among this is the power of reservation which allows the Lieutenant Governor of a province, who is a federal appointee, to reserve provincial legislation for the consideration of the federal government. The federal government has the power to either accept or reject the legislation. In fact, it has been mentioned that even if the Lieutenant Governor gives his/her assent to the legislation, the federal government can still reject it through its power of disallowance. The federal government also has the power to declare any local work in a province, which it contends is in the general interest of the country, under its control. These powers were widely used by the federal governments of Canada until recent years. At present, they have been overtaken by an unwritten convention of the Constitution, clearly against the Constitution Act 1867, that these federal controls will not be exercised.

### **Constitutional Amendments and Division of Powers**

Since the early times, the Constitution has been amended many times to decide on the division of powers between the federal and the provincial governments. Most of these amendments pertained to the control of the federal and provincial government over social benefits. However, these amendments resulted only in providing the federal government with expansive powers. For instance in 1941, the federal government was given the exclusive power over unemployment insurance under Section 91 of the Act. This was against the previous judgments of the courts which had held that such an insurance was a subject matter of the provinces. Similarly, old-age pension was the subject of only the provincial governments under Section 92 of the Act. In 1951, however, it was made a concurrent subject, i.e. both the levels of the government were permitted to make laws and implement them as far as this area was concerned.

An important area pertaining to changes in the constitution was the process of constitutional amendments itself. It was in the year 1949 that the Parliament was allowed to amend the Constitution but only in those areas which were purely on the matters of federal concern. It was the British Parliament which held this power earlier. This amendment came into practice only in 1982 when all the governments adopted the new Constitutional Amending Formulas. These Formulas were important in matters related to federalism as they spoke of the rights of each government, whether federal or provincial, at the time of amendment to the Constitution. It stipulated that any change in the constitution which impacted one or more provinces had to have the consent of those provinces.

Besides adding the amending formulas, the areas of natural resources and regional disparities were also impacted by the reforms of 1982. The reforms increased the powers of the province over the management of their natural resources despite the fact that the federal government maintained its stronghold over the area. The Section 36 of the amended Constitution Act 1982 also included a commitment by both the federal and the provincial governments to cut economic disparities and unequal access to public services among people in different regions in the country. The federal government was given the additional responsibility of ensuring that the provincial governments have enough revenues to provide efficient public services. This was done by making equalization payments.

## **COMPARATIVE FEDERALISM**

As the students will understand by now, federalism has different meanings under different political systems despite some of its essential principles remaining the same. For instance, in Europe, the term federalists is used to refer to those people who want a federal system of government with powers being divided at the regional, national and supranational levels. European federalists argue in the favour of such federalism continuing throughout the European Union. European federalism found its grounding in the post-war Europe, the Winston Churchill's speech in Zurich in 1946 being one of its major initiators.

In the United States, on the other hand, federalism was originally identified with the belief in having a stronger government at the centre. During the time of the drafting of the US Constitution, a debate raged between the federalist and anti-federalists, who wanted a strong central government and stronger state governments respectively. As you can note, this is in contrast to the modern usage of the term federalism in both the United States and Europe. One can see a distinction since the term federalism is located in the middle of a confederacy and a unitary state. As mentioned earlier, the present US Constitution was a reaction to the Articles of Confederation, which brought the states together but gave them a very weak central government. Thus the American political history is laced with struggles in the favour of federalism and keeping the states together, with a Strong central government. On the other hand, federalism refers to opposition to sovereign movements in Canada.

But federalism is not always about the divisions between two or three levels of government. It can also have more than two internal divisions, as in the case of countries like Belgium or Bosnia and Herzegovina. Therefore, students should be able to differentiate between two types of federalism in general: on the one hand, the strong federal state with few powers assigned to local governments and on the other, the national government which maybe a federal state for reference but a confederation in practice. Europe, therefore, has a wider history of unitary states. Thus we can say that European federalism argues for a weaker central government. In the present America, debates are raging on following the European model of federalism and contain the powers of the federal government, especially the judiciary, especially since its powers and influence have increased over the years.

## ACTIVITY

After studying the federal structures of the US, Switzerland and Canada, give your view on whether India could take any cue from these countries to function more democratically.

## SUMMARY

In this unit, you have learnt that:

- Federalism is a system of government in which power is divided between a national (federal) government and various state governments.
- A federal constitutional republic, United States is the country in which powers reserved the national government are shared by the US president, the congress and the judiciary.
- The power of the legislature is divided between the two chambers of congress— the Senate and the House of Representatives.
- Political system of the US is different from most of the developed democracies. Very few of the world's developed democracies are there where third parties have the least political influence.
- In the United States, the Constitution gives certain powers to the federal government, and other powers to the state governments.
- Federalism was the most influential political movement arising out of discontent with the Articles of Confederation, which focused on limiting the authority of the federal

government.

- In 1787, fifty-five delegates met at a Constitutional convention in Philadelphia and generated ideas of a bicameral legislature (United States Congress), balanced representation of small and large states (Great Compromise), and checks and balances.
- The federal system in United States is constantly undergoing change and evolution since the time it was introduced in the constitution.
- The Articles of Confederation were responsible for that first spark of discontent among the states against the federal government.
- In the period of early 18th century, Chief Justice John Marshall had a major role to play for defining the power allotted for the federal government and the state governments.
- Dramatically enough, as a result of the Great Depression, the balance of power shifted to the federal government back again because of the downfall of US economy.
- The federal government determines the foreign policy, with exclusive power to make treaties, declare war, and control imports and exports.
- Federalism in the United States has evolved quite a bit since it was first implemented in 1787.

- Fiscal federalism involves the offer of money from the national government to the states in the form of grants to promote national ends such as public welfare, environmental standards, and educational improvements.
- Switzerland has been a federal state since 1848. Authority is shared between the Confederation (central state), the 26 cantons (federal states) and the 2,495 communes (status as of January 2012).
- In Europe, 'Federalist' is sometimes used to describe those who favour a common federal government, with distributed power at the regional\* national and supranational levels.
- The Confederation's authority is restricted to the powers clearly conferred on it by the Federal Constitution.
- All democratic political systems share the separation of powers (independence of government/administration, parliament (legislation) and courts of justice).
- Central to the organization of government in Canada is the principle of federalism.
- In Canada, the federal or national government is responsible for enacting and implementing laws for the whole country.
- Another key federal institution in Canada is the federal judiciary. This includes the Supreme Court of Canada, which is appointed by the federal government and is the highest court in the country.
- The final type of government in Canada is the local government, which includes municipal, county/parish, and semi-regional councils, boards and agencies.
- The fundamentals of Canadian federalism were first provided at the time of Confederation via the 1867 British North America Act (which, in 1982, was renamed the Constitution Act, 1867).

- In Canada, federalism typically implies opposition to sovereigntist movements (most commonly Quebec separatism).
- Federalism may encompass as few as two or three internal divisions, as is the case in Belgium or Bosnia and Herzegovina.

## KEYTERMS

- **Articles of Confederation:** It was an agreement among the 13 founding states "that established the United States of America as a confederation of sovereign states and served as its first constitution.
- **Shays' Rebellion:** It was an armed uprising of yeomen that took place in central and western Massachusetts in 1786 and 1787.
- **US Bill of Rights:** The Bill of Rights is the collective name for the first ten amendments to the United States Constitution.
- **Dual federalism:** It is a political arrangement in which power is divided between national and state governments in clearly defined terms, with state governments exercising those powers accorded to them without interference from the national government.
- **New Deal:** In the mid-1930s, Franklin D. Roosevelt launched a series of economic programmes designed to combat the effects of the Great Depression.

## ANSWERS TO 'CHECK YOUR PROGRESS'

1. True
2. Federalism or the federal system is a style of functioning of the government where the political power and the power of governance are shared between the political units and a central governing authority.
3. Shays' Rebellion took place from 1786 to 1787.
4. Those opposed to the new US Constitution were known as the 'anti-federalists'.
5. The two types of federalism are dual federalism, in which the federal and the state governments are co-equals, and cooperative federalism, under which the national, state, and local governments interact cooperatively and collectively to solve common problems.
6. False
7. Canton
8. True
9. The term federalism comes from the Latin 'foedus', which can be variously translated as state, alliance or treaty.
10. The Canadian federalism has two constitutionally recognized levels of government—federal and provincial. The country also has two further forms of government, territorial and local, which are not constitutionally recognized.
11. False
12. Canada has ten provinces, which are British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec, Newfoundland and Labrador, Nova Scotia, New Brunswick, and

- Prince Edward Island.
13. False
  14. False
  15. European federalism originated in post-war Europe. One of the more important initiatives was Winston Churchill's speech in Zurich in 1946.
  16. Federalism

## QUESTIONS AND EXERCISES

### Short-Answer Questions

1. Write a short note on Constitutional Convention of Philadelphia.
2. Briefly explain dual federalism.
3. What are the basic features of the Swiss political system?
4. Briefly discuss the provincial level of government in Canada.

### Long-Answer Questions

1. How did the US federal system of government shape up over the years? Also explain the distribution of power among the legislature, judiciary and the executive.
  
  
  
  
  
  
  
  
  
  
2. Under the US federal system, what powers are enjoyed by the central and state governments? Discuss.
3. How have US political thinkers influenced the federal political system?
4. Discuss the advantages and disadvantages of US federalism.
5. Do you think the Swiss federal structure is the best political system? Give reasons for your answer.
6. Discuss the jurisdictional powers of the federal and provincial levels of government in Canada as stated under the Confederation.

## FURTHER READING

Hall, Stuart H.; *Britain Against Itself: The Political Contradictions of Collectivism*, New York: 1982.

Lipset, S.; *The First New Nation*. New York, 1979.

Madywick, P.J.; *Introduction to British Politics*, Hutchinson, 1971.

Polsby, N; *Consequences of Party Reforms*, New York, 1983.

Riddle, P.; *The Thatcher Decade*. Oxford, 1989.

Wolfinger, R.; *Who Votes?* New Haven, 1980.







INSTITUTE  
OF DISTANCE  
EDUCATION **IDE**  
Rajiv Gandhi University

## **Institute of Distance Education**

### **Rajiv Gandhi University**

*A Central University*

Rono Hills, Arunachal Pradesh

Contact us:



+91-98638 68890



Ide Rgu



Ide Rgu



helpdesk.ide@rgu.ac.in



**INSTITUTE  
OF DISTANCE  
EDUCATION** **IDE**  
Rajiv Gandhi University

# **Institute of Distance Education Rajiv Gandhi University**

A Central University

Rono Hills, Arunachal Pradesh

## **Contact us:**

 +91-98638 68890

 Ide Rgu

 Ide Rgu

 helpdesk.ide@rgu.ac.in