

FORMS OF GOVERNMENT

In political science, especially in the field of comparative politics, we classify and categorize diverse forms of political institutions, political systems, constitutions, parties, and various other elements of politics by using different classificatory parameters. The intention is primarily to find or search for 'ideal' type of what is being classified but also to acquire a comprehensive and holistic understanding about it. In the previous block we have discussed about different types of political regimes. Similarly, 'government' is another important institution of the State and politics which political scientists have tried to classify from time to time. Aristotle made the first recorded attempt to classify various forms of governments based on the number of rulers- one, few or many. Later, Jean Bodin in the sixteenth century and Montesquieu in the eighteenth century outlined some of the finest classificatory models about different types of constitutions and governments around the world. Likewise, Rousseau, Kant, Mosca and various other thinkers have made several classifications in the study of politics.

The two units in this block will introduce you to some of the most widely prevalent forms and systems of government. The objective is to make you aware of their fundamental characteristics. The units will also highlight the theoretical and practical distinctions between them by examining their institutional, functional and organizational structures and mechanisms. **Unit 5** will deal with the Parliamentary and Presidential forms of government that are distinguished by the separation of power between different organs of the government; whereas, in **Unit 6** we will examine the division of administrative power in Federal and Unitary system of governments.

UNIT 5 PARLIAMENTARY AND PRESIDENTIAL SYSTEMS*

Parliamentary and
Presidential Systems

Structure

- 5.0 Objectives
- 5.1 Introduction
- 5.2 Meaning and Features of Parliamentary System
 - 5.2.1 Two Executive Heads
 - 5.2.2 Fusion of the Executive and Legislature
 - 5.2.3 Collective Responsibility
 - 5.2.4 Leadership of the Head of Government
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- 5.3 Formation of Government in Parliamentary Systems
- 5.4 Meaning and Features of Presidential System
 - 5.4.1 Single Head
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 - 5.4.5 Fixed Terms of Offices
- 5.5 Advantages and Disadvantages of Parliamentary and Presidential Systems
 - 5.5.1 Advantages and Disadvantages of Parliamentary Systems
 - 5.5.2 Advantages and Disadvantages of Presidential Systems
- 5.6 Let Us Sum Up
- 5.7 References
- 5.8 Answers to Check Your Progress Exercises

5.0 OBJECTIVES

Parliamentary and presidential systems are the two different forms of democracy. This unit does a comparative study of these two systems. After going through this unit, you should be able to:

- explain the meanings of parliamentary and presidential systems;
- discuss the salient features of parliamentary and presidential systems;

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- identify the strengths and weaknesses of these two forms of government; and
- compare the parliamentary and presidential forms of government.

5.1 INTRODUCTION

The relationship between the legislature and executive has been a key debate in political science. One of the main variables in explaining the relationship between the two institutions is the difference between parliamentary and presidential systems. Though the parliamentary and presidential categories cannot comprehensively explain different political outcomes between states, they contribute in explaining the key differences between political systems. Both the parliamentary and presidential systems have their distinctive features and respective strengths and weaknesses. In comparing parliamentary and presidential systems, this unit seeks to address the following questions related to these systems. How is the legislature and executive elected or selected? What is the relationship between the legislature and executive? What is the position of head of state and head of government? Which system is more democratic? Which system provides effective policy-making and more political stability? How are the governments formed in these systems? What is the relationship between these two systems and the contexts in which they operate?

5.2 MEANING AND FEATURES OF PARLIAMENTARY SYSTEM

The parliamentary system refers to that form of government in which the executive and legislative branches of government are fused. In it, the executive is drawn from the legislature, remains responsible and accountable to it and may be dismissed by it. J. W. Garner (1952) insists that parliamentary form of government “is that system in which the real executive- the cabinet or ministry- is immediately and legally responsible to the legislature or one branch of it (usually the more popular chamber) for its political policies and acts...., while the titular or nominal executive- the chief of state- occupies a position of irresponsibility”. This form of government originated in Britain and has been adopted by number of countries such as India, Japan, Germany, Italy, Sweden, Canada, New Zealand, Israel, Australia etc.

The parliamentary system has its distinctive features that distinguish it from a presidential system. Its key features are: (i) two executive heads (ii) fusion of the executive and legislature (iii) collective responsibility (iv) leadership of the head of government and (v) absence of fixed terms. These features are discussed below.

5.2.1 Two Executive Heads

In parliamentary systems, there are two executive heads: head of state and head of government. The head of the state is a symbolic or figurehead representative of the state. His or her role is primarily non-political, formal, symbolic and ceremonial, with real power lying with the head of government. The head of a

state can be either hereditary or elective. In the United Kingdom, Spain, Belgium, Denmark, Netherlands and Japan, the head of the state is constitutional monarch meaning that this position in these states passes by hereditary succession. On the other hand, in other states, such as India, Germany, Italy, Austria, Ireland and Israel, there is elected head of the state known as President (non-executive President). The head of state enjoys and performs a wide range of ceremonial powers and functions, such as appointing head of government and other ministers and officials, giving assent to legislation and treaties, representing his or her state in world affairs, awarding honours, and receiving ambassadors, high commissioners, heads of states and so on. Owing to ceremonial nature of these powers and functions, the head of state is a mere non-partisan figurehead. The head of government, on the other hand, is the political leader of government who serves as a real executive in a state. It is the head of the government that exercises decision-making and political responsibilities. The head of state is known as Prime Minister in India, Britain, Australia, Japan and most of the countries, as Chancellor in Germany and Austria, and as Minister-President in Netherlands.

5.2.2 Fusion of the Executive and Legislature

In parliamentary systems, there is no clear-cut separation of powers between the legislative and executive branches of government. On the contrary, there is a fusion of powers, that is, merger of the authority of the two organs of government. The fusion of legislature and executive exists in parliamentary systems mainly in four forms. Firstly, executive (the cabinet or council of ministers including the Prime Minister) is drawn from the legislature and remains accountable to it. A new government (the Prime Minister and his or her Cabinet) is formed only after it secures a *vote of confidence* from the legislature. The vote of confidence refers to a vote by a majority of the members of legislature expressing their support for the new Prime Minister and his or her cabinet. The executive cannot pass its legislative proposals without the support of the majority of the members of legislature. Moreover, the members of executive, particularly cabinet ministers, are responsible to the legislature. They are answerable to the members of legislature about the activities of their respective departments. Secondly, members of executive are also the members of legislature. Thirdly, legislature can remove the government from power before the completion of its term by passing a *vote of no confidence*, a vote by a majority of the legislature indicating its lack of confidence in the Prime Minister. Fourthly, the Prime Minister can dissolve legislature before the expiry of its term and call for new elections.

5.2.3 Collective Responsibility

The principle of collective responsibility is another important feature of parliamentary systems. This principle denotes that Council of Ministers as whole must support all government decisions publicly as well as in the legislature. It means that the Council of Ministers are equally responsible for all acts of the government, and therefore no member of the Council of Ministers may castigate actions of the government after a collective policy decision has been taken. Decisions made in the Cabinet are considered as collective decisions which have

to be supported by all members. A member of the Council of Ministers who cannot support government decisions in the legislature or in the public is expected to resign from the Council of Ministers. This principle ensures unity and encourages balance and moderation within the Council of Ministers, the two essential conditions for the survival and efficiency and efficacy of Cabinet. This principle becomes critical when there is a coalition government the Cabinet members of which belong to different political parties. Moreover, the principle of collective responsibility contributes in arriving at a conclusion about what legislative proposals are to be formally introduced in legislature and thereby enabling the government to get these proposals passed with ease as the members of cabinet are themselves members of legislature and senior leaders of the majority party. However, critics argue that principle of collective responsibility is basically a means of achieving the goal of disciplined party rather than encouraging balance and moderation.

5.2.4 Leadership of the Head of Government

In parliamentary systems, the real power on a day-to-day basis resides with the Prime Ministers or Chancellors. As the leader of the Council of Ministers, the legislature and the majority party, the Prime Minister exercises a wide range of powers, making him or her the most powerful actor in the political system. It is on the advice of the Prime Minister that the titular head of the state appoints ministers and other important officials of the central government, allocates and reshuffles portfolios among the ministers, dismisses the minister, summons and prorogues the sessions of legislature, and dissolves the legislature (particularly the popular or lower house). Thus, it is the head of government who enjoys real power and governs in practice, not the head of state who simply acts as the titular head. According to Douglas Verney (1966), "As chief executive, chief legislator and chief administrator, the Prime Minister is potentially a very powerful individual. Everything depends on the use which he chooses to make of his position, and the success with which he delegates some of his responsibilities" (p. 57). However, all Prime Ministers are not equally powerful in all situations. The Prime Minister, for example, enjoys relatively more power in a situation where the government is formed by a single-majority party of which he or she is the leader than in a situation where there is coalition government. The main determinants of Prime-ministerial power are: legislative strength of his or her party, degree of unity within the party, his or her ability to appoint or remove the ministers and exercise authority in relation to Council of Ministers, his or her ability to deal with policy-making process and exercise authority in legislature, his or her image at international level, and his or her accessibility to the media. Rod Hague, Martin Harrop and John McCormick have identified three types of parliamentary government for evaluating the position of head of government in parliamentary systems: *cabinet government*, *Prime ministerial government*, and *ministerial government*. In cabinet government, the Council of Ministers enjoys extensive decision-making authority. Decisions are taken in cabinet meetings and Prime Minister mainly takes the chair in these meetings. This type of parliamentary government exists in Finland. In Prime ministerial government, the Prime Minister is the most powerful actor who deals directly with individual ministers. Its best example is Germany where the accountability of the ministers

to the legislature exists through the office of Chancellor, who is appointed by the lower house of Germany's legislature known as Bundestag, that is, ministers are answerable to Chancellor for the activities of their respective departments, while the Chancellor answers to legislature. In ministerial government, the ministers enjoy autonomy in their respective departments of which they are heads and thereby do not function entirely under the control of Prime Minister or cabinet. This form of parliamentary government is found in countries where there is multi-party coalition government the ministers of which are in reality appointed by the parties, as coalition partners themselves. In such a situation, the position of Prime Minister, as a leader of coalition government, is weak in that the ministers remain more loyal to their parties than to the ruling Prime Minister or the cabinet.

5.2.5 Absence of Fixed Terms

In parliamentary systems, there is absence of fixed terms of office. The legislature (generally the lower house) can remove the government before the completion of its term via a vote of no confidence and the Prime Minister can dissolve legislature (generally the lower house) before the expiry of its term and call for new elections in order to take advantage of an electoral opportunity for his or her party. This feature is mainly found in the countries characterized by either coalition governments or single-party minority governments than in the countries where single-party majority governments are frequently found.

5.3 FORMATION OF GOVERNMENT IN PARLIAMENTARY SYSTEMS

In parliamentary systems, executive or government consisting of Prime Minister and Council of Ministers or cabinet is not elected separately, but rather is formed on the basis of legislative elections. In most parliamentary states, elections for legislature are held after every four or five years. In India, for example, elections for the Lok Sabha (India's lower house) seats are held after five years, while in Germany the term for *Bundestag* is four years. After the legislative election, the newly elected representatives form a legislature as well become busy in forming the government (organizing the executive). If a single political party wins majority of legislative seats on its own, then the formation of government is straightforward. The head of state invites the leader of that majority party (a party that holds a majority of the seats in legislature) to serve as Prime Minister and form a government. The Prime Minister then constitutes his Council of Ministers or cabinet and allocates portfolios to his ministers who are appointed by head of state on his or her advice. The ministers, including the Prime Minister, must be the members of legislature.

If no single party gains a majority of legislative seats on its own, there are two alternatives for the formation of government in parliamentary states; the head of state in both situations can use his or her discretion in appointing the Prime Minister. First, the head of state may recommend to the leader of party with most legislative seats to form a *coalition government*, a government in which two or more parties pool their legislative seats to secure together a legislative majority. The parties constituting the coalition jointly determine the head of government

and cabinet positions. Second, the head of state may recommend to the leader of party with most legislative seats to form the *minority government*, the government which is formed by the single party without a clear majority of legislative seats. Sweden, Norway and Canada have the tradition of forming single-party minority governments.

In parliamentary forms of government, the Prime Minister and his Council of ministers (government) are thus taken from the legislature. The government remains in power as long as it enjoys the support of legislature. If an incumbent government loses its majority in the legislature (generally in lower house), then it is removed via a vote of no confidence before the expiration of its term and elections are held to form a new government. In general, the coalition governments and single-party minority governments tend to be short-lived as the vote of no confidence is far more likely in these governments. Some parliamentary states, such as Germany, Hungary, Israel and Spain, use a different form of the confidence vote known as the *constructive vote of no confidence* under which the legislature is required to first select a new government before the removal of the incumbent government.

Check Your Progress Exercise 1

Note: i) Use the space given below for your answer.

ii) Check your answer with the model answer given at the end of this unit.

1) What is parliamentary form of government? Explain some of its key features.

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2) What is collective responsibility?

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5.4 MEANING AND FEATURES OF PRESIDENTIAL SYSTEM

The presidential system is a form of government in which the executive and legislative branches of government are separate and there is mutual independence between the two. In this system, the executive and legislature are elected separately and have independent powers. According to J. W. Garner (1952), presidential form of government “is that system in which the executive (including both the head of the state and his ministers) is constitutionally independent of the legislature in respect to the duration of his or their tenure and irresponsible to it for his or their political policies”. The best example of this system is the United

States where it emerged and has been adopted by almost all the states of continental Americas such as Argentina, Brazil, Mexico, Chile, Colombia, etc. It also exists in African countries such as Ghana, Kenya, Zimbabwe, etc. and in some Asian countries as well such as Indonesia, Maldives, Philippines, etc.

The presidential system has its distinctive features that distinguish it from a parliamentary system. Its key features are: (i) single head (ii) separation of powers (iii) President and cabinet members (iv) law-making authority, and (v) fixed terms of offices. Let us examine these features in some detail.

5.4.1 Single Head

In presidential systems, a single elected person, known as President, wears what Andrew Heywood called 'two hats', both the head of state and the head of government. The President directs the government and exercises the political responsibilities as well as performs the ceremonial duties. However, the President is far weaker than Prime Minister in a parliamentary system and has less control over the legislature and its members than Prime Minister has in a parliamentary state. This is primarily because of the doctrine of separation of powers.

5.4.2 Separation of Powers

The defining feature of presidential forms of government is the principle of *separation of powers*. There is a clear division of powers and responsibilities among the three branches of government- legislature, executive and judiciary. The separation of powers between legislature and executive exists in presidential systems mainly in following forms. First, the executive (President and his cabinet) is not drawn from the legislature. Instead both the President and legislature are elected separately in their own elections. Second, the President is directly accountable and responsible to the electorate, not to the legislature as he or she is elected by the people, either directly or through an electoral college. Third, the legislature cannot remove the President before the expiry of his or her term. It can do so only in the exceptional circumstances through a process of impeachment. Fourth, President cannot dissolve the legislature before the expiry of its term. Fifth, the members of executive including the President cannot be the members of legislature and vice-versa. A member of the legislature cannot join the executive branch and executive members cannot sit in the legislature and take part in the legislative process.

5.4.3 President and Cabinet Members

In the presidential system, the President has complete freedom in the appointment of cabinet members and formation of government though they cannot be drawn from the legislature. The cabinet members appointed by President serve as his or her policy advisers rather than policy makers and are individually accountable only to the President, not to the people or legislature. Since the President is politically responsible to the people, he or she has absolute authority to hire and fire his or her cabinet members who share no decision-making powers with him or her. In this respect, there is unipersonal executive responsibility in presidential form of government and cabinet is a far less important decision-making body.

5.4.4 Law-making Authority

In presidential system, the executive has far less law-making authority than executive in a parliamentary system. The American President, for example, can veto a legislation passed by the Congress (legislature of USA), but the latter can override a veto with a two-thirds majority vote. Similarly, the President can sign treaties but such treaties are subject to approval of the Senate (upper house). Because of mutual independence of executive and legislative branches in terms of their selection, tenure and membership, the legislature is far more independent law-making body than legislature in a parliamentary system.

5.4.5 Fixed Terms of Offices

Another distinguishing feature of presidential systems is the presence of fixed terms. Both the President and legislature have fixed terms of office meaning that neither can usually remove the other before the expiry of given term. The President is elected separately for a fixed term, which varies from four to six years in different presidential states. The President's term is not dependent on the legislative support as in a parliamentary system. This means that the legislature cannot usually remove the President before the expiry of his or her term except in the exceptional circumstances through a process of impeachment which needs extraordinary measures. Similarly, the President cannot dissolve the legislature and remove its members who enjoy their own democratic mandates.

Check Your Progress Exercise 2

Note: i) Use the space given below for your answer.
ii) Check your answer with the model answer given at the end of this unit.

1) Explain presidential system and highlight its major features.

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2) Explain the principle of separation of powers.

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5.5 ADVANTAGES AND DISADVANTAGES OF PARLIAMENTARY AND PRESIDENTIAL SYSTEM

The debate regarding the respective advantages and disadvantages of parliamentary and presidential systems has a long history in political science. It saw resurgence and has become central to scholarship in comparative politics since the early 1990s. The debate in 1990s was initiated by Juan J. Linz (1990) in

his thought-provoking article *The Perils of Presidentialism* in which he argued that parliamentary systems deliver more democratic stability than presidential systems which he characterized as inherently unstable systems. Linz's criticism of the presidential system has generated considerable debate among political scientists. Donald L. Horowitz (1990) insists that the degree of democratic stability is not associated with parliamentary or presidential systems, but rather depends on what form of electoral system a particular country uses (plurality, majority or proportional representation system). Matthew Shugart and J. Carey (1992) argue that presidential systems offer more accountability and transparency than parliamentary systems and former are not inherently unstable. Jose Antonio Cheibub (2007) has added a new aspect to the debate by maintaining that presidential systems are not inherently dangerous; rather it is the social, cultural and historical contexts in which they operate that cause democratic instability. Cheibub went on to argue that 'presidential institutions have been adopted in countries where any form of democracy is likely to perish'.

5.5.1 Advantages and Disadvantages of Parliamentary Systems

The supporters of parliamentary system argue that this system is far better than presidential system because of the following advantages that it produces. Firstly, because of fusion of powers, members of legislature are more cooperative in relation to executive branch than is legislature in a presidential system. Secondly, the government is more responsible and accountable in that ministers are individually responsible to legislature about the activities of their respective departments and an incumbent government, particularly a coalition one, can remain in office only as long as it enjoys the support of legislature. Thirdly, because the members of executive are themselves the members of legislature, there is a strong government and effective policymaking in the sense that the legislative proposals that an incumbent government introduces in legislature are easily passed into law by latter. This particularly happens in a parliamentary system with a single majority party government than in a parliamentary system with a coalition government where policy-making is contingent on more compromises. Fourthly, parliamentary systems tend to be more representative than presidential systems in the sense that legislatures in parliamentary states using proportional representation forms of electoral system for electing their legislatures are highly representative bodies and the coalition governments formed in these states represent the multiplicity of interests and opinions. Refer to Unit 9 of this course for information of different forms of electoral systems. Fifthly, the parliamentary systems are more flexible in the sense that they impel the elected representatives, who have different political views, to negotiate compromises in order to form the government. Sixthly, given the significance of disciplined parties in parliamentary systems, they are more conducive to forming and maintaining parties. Lastly, the absence of fixed term of executive offers an opportunity to voters to remove incompetent and unpopular representatives at any time.

The critics however argue that parliamentary systems are not, overall, better than the presidential systems because they suffer from a number of problems. Firstly, parliamentary systems tend to create the problem of executive domination. This

usually happens in single-party majority based parliamentary governments where executive enjoys so much control over legislature that the latter serves as a mere talking shop. Secondly, parliamentary systems are associated with weak government and political instability. This usually exists in parliamentary states where because of proportional representation forms of electoral system either single-party minority governments or coalition governments are formed. Thirdly, parliamentary systems are far less efficient than presidential systems in the sense that the voters do not know in advance (prior to casting a vote) what the composition of new government will be which depends on the final electoral results and the subsequent negotiations for forming a coalition government. Fourthly, in a situation where no party wins a majority of legislative seats, the preferred policies of the voters may not be actualized as the parties holding different political positions have to compromise their positions in order to form a government. Lastly, the Prime Minister can call earlier elections at any time in the interests of his or her party.

5.5.2 Advantages and Disadvantages of Presidential Systems

Like parliamentary system, presidential system has its own strengths and weaknesses. For advocates, presidential systems are preferable to parliamentary systems because of the following advantages that they carry. Firstly, the separation of powers between legislative and executive branches prevents the problem of executive domination, establishes limited government and thereby protects individual rights and liberties. Secondly, unlike the parliamentary system under which each party is likely to represent only its sympathizers, President in presidential system, as a single nationally elected official, tends to represent an entire country and thereby acts as a symbol of national unity. Thirdly, because of fixed terms, the presidential systems provide greater continuity in the executive and ensure far more political stability than parliamentary systems. Fourthly, presidential systems are far more efficient than parliamentary systems in the sense that voters are likely to have information in advance about who will lead the new government. For example, in the 2016 United States presidential election, voters knew that either Donald Trump or Hillary Clinton would become the 45th president of the United States. Fifthly, presidential systems provide voters more opportunities to influence and shape the policy-making process in that they are represented by two separately and independently elected institutions- legislature and executive. Finally, because of independence of legislature, the individual elected members of the legislature in presidential system tend to have more influence on policy-making than in a parliamentary system.

The presidential systems are not free from weaknesses either. Critics of presidential system point out a number of potential disadvantages. Firstly, because of separation of powers, the presidential systems are likely to cause a deadlock between legislature and executive in the sense that these two institutions on the basis of their equal public legitimacy (dual legitimacy as Linz calls) tend to clash over policy causing a threat to effective policy-making and effective implementation of policy programmes. Secondly, several political scientists (Linz, Alfred Stepan and Cindy Skach) argue that there is far less

democratic stability in presidential states with deep political cleavages and multiple parties than in parliamentary states in the sense that dual legitimacy prevents the executive and legislature to arrive at democratic resolution of conflict. Thirdly, presidential systems are highly rigid in that both the executive and legislature have fixed terms of offices. As Bagehot insisted that ‘everything is rigid, specified, dated’. The President cannot be usually removed from office before the expiry of his or her term even if he or she is incompetent to meet any serious problem causing political crisis. Fourthly, the President on the basis of his or her supposedly national mandate tends to be averse to any form of power sharing and compromise. In this respect, the presidential system is problematic in highly divided societies. Fifthly, accountability in presidential systems becomes blurred in that both legislative and executive branches claim credit for policy successes and offload the blame for policy failures. Finally, because of unipersonal executive responsibility, the presidential systems suffer from the problem of weak cabinet causing far less deliberation than occurs under parliamentary systems.

Check Your Progress Exercise 3

Note: i) Use the space given below for your answer.

ii) Check your answer with the model answer given at the end of this unit.

- 1) Give two main advantages and disadvantages of (a) parliamentary system and (b) presidential system.

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- 2) What is the defining difference between parliamentary and presidential systems?

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5.6 LET US SUM UP

On the basis of relationship between the legislature and executive, two important models of democratic government are identified: parliamentary system and presidential system. The former is more common globally, while the latter historically has dominated in the Americas. Both the systems have their distinctive features and strengths and weaknesses that distinguish one system from another. Both are conducive to democratic government. The functioning, performance and consequences of both these systems are contingent on historical,

social, economic and political contexts in which they operate. As such, parliamentary and presidential systems are simply different, neither system is better overall. Further, a hybrid system known as semi-presidential system is found in many countries, such as France, Croatia, Lithuania, Poland, Ukraine and Russia. This system containing the features of both presidential and parliamentary systems aims at, theoretically, mitigating the weaknesses of either parliamentary or presidential systems and realizing the best of both worlds.

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5.8 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress Exercise 1

- 1) The parliamentary system refers to that form of government in which the executive and legislative branches of government are fused where the power of the executive is drawn from the legislature. Though the executive and legislature functions on the basis of collective responsibility, the former is always accountable to the later.
- 2) This principle denotes that Council of Ministers as whole must support all government decisions publicly as well as in the legislature. It ensures unity and encourages balance and moderation within the Council of Ministers.

Check Your Progress Exercise 2

- 1) The presidential system refers to that form of government in which the executive and legislative branches of government are separate but there is

mutual independence between the two. In this system, the elected president serves as the head of both the state and the government. The system is based on separation of powers with unipersonal executive responsibility.

- 2) This principle represents a clear division of powers and responsibilities among the three branches of government- legislature, executive and judiciary. It is the defining feature of presidential system.

Check Your Progress Exercise 3

- 1) (a) The two advantages are more responsible and accountable government, and more effective policy-making. The disadvantages are the problem of executive domination, and weak government and political instability.
(b) The advantages are limited government and greater continuity in the executive. The deadlock between legislature and executive, and too rigidity in fixed terms of offices are the key disadvantages.
- 2) The parliamentary system is based on fusion of powers, while separation of powers is the hallmark of the presidential system.



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UNIT 6 FEDERAL AND UNITARY SYSTEMS*

Structure

- 6.0 Objectives
- 6.1 Introduction
- 6.2 Understanding Federal System
 - 6.2.1 Evolution of Federal Systems
- 6.3 Federalism: Essential Features
 - 6.3.1 Division of Power
 - 6.3.2 Written Constitution
 - 6.3.3 Judicial Review
- 6.4 Changing Nature of Federalism
- 6.5 Understanding Unitary System
 - 6.5.1 Unitary Systems: Basic Features
- 6.6 Difference between Federal and Unitary Systems
 - 6.6.1 Source of Power
 - 6.6.2 Nature of Power
 - 6.6.3 Territorial Demarcation
 - 6.6.4 Decentralisation v/s Non-Centralisation
 - 6.6.5 Functional Autonomy
- 6.7 Let Us Sum Up
- 6.8 References
- 6.9 Answers to Check Your Progress Exercises

6.0 OBJECTIVES

Governments can be classified as federal or unitary systems on the basis of division of powers between the central, regional and local authorities. This unit brings out the basic features of federal and unitary political systems. After going through this unit, you should be able to:

- Identify the basic elements of federal and unitary system
 - distinguish between federal and unitary system
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- explain the changing nature of federal and unitary system

6.1 INTRODUCTION

The early modern states that emerged in Europe were absolute monarchies. They were predominantly hierarchic or organic states with power vested in the hands of the monarch. But as their economies underwent change culminating in the industrial revolution, political ideas about how people should be governed too underwent a change. The American and French revolutions in the latter half of the 18th century gave a blow to monarchy and brought about republican and democratic forms of government. Even in countries where democratic ideas had not gained popularity, the rulers realized that the power can't be managed entirely by a central authority and that there was a need for decentralisation. The two major political systems which emerged on the basis of distribution of power between different political units of a state were unitary and federal systems. With the changing nature of the state and the economy in the post-War years, the boundaries between the unitary and federal have become blurred. Today, most political systems contain some features which are unitary and others which are federal. So, what we have to see is whether a government is basically unitary or basically federal. In this unit, we will deal with the evolution of these two forms of government and their core features.

6.2 UNDERSTANDING FEDERAL SYSTEM

The basic concept underlying a federal form of government is that it recognises the individual entities of the states and brings them benefits in the area of defence, foreign policy, commerce, communications etc, by binding them together into a single federal polity.

6.2.1 Evolution of Federal Systems

The first federal form of government came into being in the United States of America in the late 18th century. When the thirteen colonies became free from British colonial control in the War of American Independence (1775-83), they first established a confederation. As this confederation proved inadequate to meet the needs of the situation, the representatives of states met together in a convention in 1789 and drafted a federal constitution. The states created a structure of government at the centre and conferred on it certain specified powers, retaining the residual powers with themselves. This constitution has become a model for over a score of federal polities that came into being in the subsequent years.

The American states, even while uniting to establish a federal government, took care to hedge the powers of the central or federal government in order to protect their interests. For instance, the Senate, a part of the federal legislature, gave equal representation to the states. They also ensured that the constitution itself could not be amended without the consent of three fourths of the states. For a time, it was held that the states and the federal government held dual sovereignty.

This matter reached a point of crisis when some of the states in the south attempted to assert their sovereignty and seceded on the question of slavery. The Civil War that followed decided once for all that the United States was an 'indestructible union of indestructible states'.

Although the US federation has undergone a change through formal amendments, judicial interpretations and political processes, it became a prototype, a model of federal polity for many to emulate. The first country to follow the US example was Canada which adopted a federal system in 1867. The British colonies in Australia too adopted a federal polity when it attained dominion status in 1901. In Europe, the Swiss cantons had already organised themselves into a federation. Soon after the Bolshevik revolution, Soviet Union and Yugoslavia adopted a federal constitution. Following decolonisation, several newly independent countries in Asia and Africa saw federalism as a mechanism for accommodating diversities. India, Pakistan, Malaysia, Nigeria and Cameroon adopted federal system for this purpose. In Latin America too, large state like Argentina, Brazil and Mexico have become federations.

Unlike in America, where independent states agreed to come together to set up a federal polity, in India, it was a case of devolution of power from the union or centre to the states or provinces. The Government of India Act, 1935 attempted to establish a federation including the Princely states. However, because of the lukewarm response of the Princely states and the onset of the Second World War, federal aspects were implemented only partially. It was only after independence in 1947 that the Constituent Assembly, taking into account the country's cultural and ethnic diversity, adopted the federal model. The princely states were integrated and states were reorganised on linguistic and ethnic basis in the subsequently.

From the above description of the evolution of federal systems, it is clear that there are various kinds of federal arrangement based on different degrees of power distribution or sharing. First kind of federal system is when the state's share the sovereignty and deliberately come together to form a federation. In such cases, the regional government enjoys considerable amount of autonomy and independence from the central authority. A good example of this type of federal system is that of the USA. Second form is when the characteristics of a particular political system are federal in nature, but with strong centralization tendencies. For instance, in India, which is not formed on the basis of a pre-agreed arrangement and where despite the division of power between the centre and the states, the centre holds the major power, even of altering the states geographical area without their consent. Thirdly, there are 'decentralized unions', which though being primarily unitary, have various sub-national units which are given considerable amount of autonomy to manage their affairs so their identity doesn't get threatened. For instance, Scotland in United Kingdom has autonomy to handle a wide range of matters including legal system and local administration.

From the above it is clear that the federal form of government has been adopted when there is a large geographical area or when there are particular regions having concentration of different social groups. In some cases, both the reasons act side by side. For instance, though India opted to be union of state due to its large geographical expanse, later it recognised the need for reorganising states on linguistic and ethnic basis thus providing for the accommodation of the diversity.

In a large geographical area, federal system helps in better administration and governance. And when a federal system is adopted to address the political cleavage, it provides firm basis for holding the diversity together by providing them a degree of autonomy to govern their own affairs. For instance, in 1993, Belgium adopted a federal system to prevent its three different linguistic regions from falling apart.

6.3 FEDERALISM: ESSENTIAL FEATURES

Whether a federal system comes into being as a result of independent political units coming together (as in America) or as a result of unitary states constitutionally devolving powers to the states (as in India), all federal forms of government have some common features. Let us examine these common features.

6.3.1 Division of Power

Although the manner and degree of division of power varies across the systems, the core feature of a federation is the division of power between the federal and the state governments. This can be achieved by specifying the subjects on which the federal or central government has exclusive jurisdiction and the keeping the residuary powers with the states (as in the United States). Another way this is done is by specifying the subjects allotted to both the centre and states and giving subjects not mentioned in the list to the centre. In India, Canada and Belgium for instance, the residuary powers are given to the centre. The Indian constitution, besides specifying the subjects under centre and states, also provides for a concurrent list over which both the centre and the states have jurisdiction.

6.3.2 Written Constitution

Since the division of powers between the centre and states is in the nature of a compact, it is necessary to be given a written form. Constitutions of a federal set up specify the areas over which the centre and states have jurisdiction. This means that both the centre and the states derive their powers from the constitution. The constitution is supreme in a federal set up. Every power, - executive, legislative or judicial-whether it belongs to the centre or the states is subordinate to, and is controlled by the constitution. Neither the centre nor the states can make a law violating the provisions of the constitution. Given the centrality of the constitution, most federations have provisions which make it difficult to alter the constitution unilaterally, either by the centre or the states. Because of the difficult procedures prescribed for the amendment of the constitution, especially its federal provisions, federal constitutions are regarded as rigid constitutions.

6.3.3 Judicial Review

The legal supremacy of the constitution, which is an essential feature of a federal system, makes it necessary that there is a body above both the federal government and the state governments to decide whether they are operating within the powers given to them. This function of interpreting the Constitution is

usually given to the Supreme Court. It is the Supreme Court which decides the legal disputes arising between the centre and states or between two or more states. It can declare any act or law unconstitutional and void if it goes against the constitution and its spirit. In some cases, this function can be entrusted to an independent body. For a long time, this function relating to the Canadian constitution was performed by the Privy Council in England. The power of the Supreme Courts to decide the constitutional validity of laws is called the power of judicial review.

6.4 CHANGING NATURE OF FEDERALISM

As mentioned earlier, there is no fixed meaning of federalism and its meaning keep on evolving with the changing times. The earliest understanding of federalism as put by Johannes Althusius, the German thinker in the early 17th century is that every human association is formed by a pact and that pact forms the fundamental basis for living together, which then further leads to the formation of federal union. Thus, his ideas brought federalism into forefront as important notion for organizing society and polity.

Later with the formation of the American federation, the notion of *dual federalism* took shape. In dual federation, the two levels of government are seen as 'sovereign' in their respective spheres and thus both are considered to be equal. This arrangement lasted for over a century, but with constant tension between the two governments. While the role of federal government was seen to be limited by the states, the federal government strove for creating a larger political or national community. It was only in the 1930s and 1940s, when the American federal government began to regulate the economy that dual federalism faded, making way for *cooperative federalism*. In this arrangement, governments at both the levels came to be seen as complementary and working in harmony based on the principles of 'internal give and take'. In cooperative federalism, the main focus has been on maintaining the integrity of the union and promoting the welfare of citizens by finding joint solutions. But in its actual working in America, Australia and Canada shows, this notion of cooperative federalism, in the name of achieving welfare of the citizens, led to centralisation of powers, effectively reducing the autonomy and authority of the state governments.

In the recent times, several federal studies scholars have advanced the notion of interdependent federalism in which the two governments would neither be fully independent as is the feature of dual federalism nor would be subordinate to other, as is the case in the cooperative federalism. Elazar stresses that federalism as an institutional arrangement is based on the principles of 'self-rule plus shared rule'. Self-rule is permitted exclusively in the matters of local importance, and shared rule is exercised through interactive partnership between two levels of government to take decisions on matters of common interests. This takes out federalism from a mere structural category to a process 'by which a number of separate political communities enter into an arrangement for working out solutions, adopting joint policies, and making joint decisions on joint problems' (CJ Friedrich 1968).

In India too, the federal process has been in the direction of centralisation. This is largely attributable to the growing responsibilities of the modern state. The Indian state was expected to play interventionist role in socio-economic development as well as to wield a highly segmented society into an integrated national and political entity. Given the enormity of these tasks, it is not surprising that the union or central government has come to assume the position of leadership or primacy. A major factor shaping federal politics in India has been the very development strategy by the state. The development policies adopted by Independent India have succeeded in increasing the production base of the economy and improving the quality of life, but have failed to ensure a balanced and equitable development of different sections and regions of the country. This has led to tensions between different regions and ethnic communities, occasionally straining the federal balance (secessionist movement in Tamil Nadu in the 1960s and Punjab in the 1980s). Other factors, such as the role of the party system in shaping federal arrangement in India have been discussed in the BPSC 132. Here, you should note that despite the centralising trends, the process has never reached the extreme stage of transforming itself into a unitary state. Instead, we find a trend towards cooperative federalism. Self-restraint and building of consensus on the part of the centre has been matched by negotiations and bargaining on the part of the states.

Confederation

A confederation is a loose alliance of states. It may or may not have a central organisation. Where it has one, it is dependent on the constituent units and does not deal directly with the people. The central organ in a confederation has limited instrumentalities of its own and acts through the states. The States in a confederation retain their sovereignty and can withdraw from it any time. Thus, there is a greater emphasis on the independence of the constituent units than can be found in a federation. The United States was a Confederation of States until 1789 and thereafter a federation.

6.5 UNDERSTANDING UNITARY SYSTEM

Unitary systems are much older than federal systems. As said earlier, the emergence of modern unitary system could be traced to the collapse of the feudalism and the rise of absolute monarchies in Europe. It is in the context of the emergence of the king and his ministers as the centre of political power that monistic theories of sovereignty were put forward by thinkers like Thomas Hobbes and Jean Bodin. The central government claimed political supremacy. Since the 19th century, the ideology of nationalism which sought integration of diverse regions or people under one command has further strengthened this tendency. As nations came to be organised on the basis of common language, sometimes in combination with religion, England, France, Italy, Holland and other European states emerged as nation-states. All these nation-states had unitary form of government, though the extent of centralisation of power varied among them.

6.5.1 Unitary Systems: Basic Features

This is a political system where the powers (legislative, executive and judicial) are vested in a centralized authority (whether a republican authority or monarch), which may or may not devolve power at lower level; and which may or may not provide for local (or regional or provincial or sub national) autonomy.

In simpler terms, in a unitary form of government, all powers are vested in a central authority. At the central level, there may be a separation of power between the three organs of the government, but there is no division of power between the centre and the geographical sub-units. This doesn't imply that the sub-units may not have any powers. The central government can 'devolve' certain power to the lower levels if it finds it difficult to administer the entire state by itself. The power thus devolved to the sub-units at the local or regional level is not permanent. It can be revoked by the centre at any time without even having to provide any justification. This is because the sub-units do not derive their powers from the constitution but from the legislative enactments of the central legislature.

Since sovereign power is undivided, a unitary systems constitution is not a rigid constitution. The power to amend the constitution is vested with the central authority (sometimes with the people). In the United Kingdom, a unitary state, there is no written constitution. Further, the Parliament which is sovereign, has unlimited powers to make laws. If there are any limits on the legislature powers, these are only for preserving individual freedoms rather than local autonomy.

Daniel J Elazar has identified two models of unitary systems- the hierarchic and organic models. The hierarchical model is represented by a pyramid, in which the top level represents the central authority having the power to make major and most of the decisions. The lower levels just have devolved or decentralized powers for the efficient administration and organization of power. France is an example of hierarchical unitary system. The organic model of unitary system, on the other hand, represented as a relationship between the core and periphery. All the authority is concentrated in the central core and the role of periphery is dependent on the core. Core represents "the iron law of oligarchy", where the power is with central authority which might depending on the situation devolve some amount of power to the peripheries, and it might appear that the peripheries have significant power but in reality the source of power and authority is with the core only. The classic example for this core periphery form of unitary system is Britain. Here, Scotland (periphery) has autonomous power to regulated large number of issues but that power has been delegated by the UK parliament (core). It is now clear that in a unitary form of government the power flows either from the top to the bottom or from core to the periphery and not the other way round.

Check your Progress 1

Note: i) Use the space given below for your answer.

ii) Check your answer with that given at the end of the unit

1) What are core features of a federal system?

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2) Nature of federalism has kept on evolving. Comment.

3) What is a unitary system? Give examples.

6.6 DIFFERENCE BETWEEN FEDERAL AND UNITARY SYSTEMS

As we have seen in the previous sections there are lots of variations between federal and unitary system; in some cases either the federal system tries to acquire some element of unitary system or vice a versa. Therefore, when we look at the empirical implementation of these two systems there are lots of similarities visible, but despite these convergences there are some differences which can be highlighted and used to differentiate the two. Following are few points which highlight the differences:

6.6.1 Source of Power

In the case of a federal system, the constituent units have well defined power of their own, which is not delegated to them by the central government but is inherent to them. And the source of the power for the constituent unit of a federation is the constitution and not the federal government. On the other hand, in the unitary system the main authority of power is the central government, which devolves the power to the lower units. So, in the case of unitary system, the source of power for the lower units is the central authority rather than the constitution.

6.6.2 Nature of Power

In federal system, the power is inherent in the constituent units and thus is of a permanent nature and can't be altered or taken away by the federal government on its whims and fancies. Thus, in a federal system there is power sharing rather than just devolution of power. The power to the constituent units is guaranteed by the constitution and can be only altered within the constitutional framework with their prior consent. Whereas in a unitary form of government the power which is devolved or decentralized is not of permanent nature and can be retrieved by the central authority as and when they wish without any consent of the lower units. Further, there is a hierarchical relation between the central and lower units which

is subordinate to the former. Thus, the power of the constituent unit in federal system is permanent and temporary in the unitary system.

6.6.3 Territorial Demarcation

In the case of a federal system when the units are divided or when various units come together it is mainly for the purpose of accommodating the diversity and providing scope for pluralism. While on the other hand when a territory is demarcated into smaller units in a unitary system, then the main objective is effective administration of the territory. Although this is not a concrete parameter for distinguishing between the two but the former tends to be associated with the normative dimension of accommodating the diversity which is missing in the unitary system.

6.6.4 Decentralization v/s Non-Centralization

Generally, when we look at a political arrangement in which the lower level of administrative units have effective power in their hand, we tend to confuse that with the federal system. But it has to be made clear that there is a difference between purposive decentralization of power and non-centralization of power. Purposive decentralization of power happens when higher authorities' delegates or devolve certain power to the lower levels in an otherwise a unitary system. For instance, in Spain, the central government has devolved power to the 17 autonomous communities or in UK, where Scotland, Northern Ireland and Wales have autonomous power but those powers have been delegated to them by the UK parliament. The powers delegated are not of a permanent nature and can be recentralized at any time. This implies that the sub-units are dependent on the central government. Thus, purposive decentralization of power is associated with unitary system. And on the other hand, non-centralization is related with federal system. When we talk about non-centralization, there the power is not merely devolved rather it is diffused among various constituent units. This means that there is no single centre of power and the governments at both the level enjoy relative autonomy and independence in their working. The sub-units are thus self-sustaining centres of power. Therefore, the powers of the state government can't be taken away unilaterally by the federal government and as there is no particular one centre, recentralization can't happen. The classic example of non-centralization is USA.

6.6.5 Functional Autonomy

In a federal system, the constituent units have greater degree of functional autonomy and have substantive functional powers. The constituent units embody the ideas of 'self-rule' and 'power-sharing'. On the other hand, when the power is decentralized in a unitary system, the regional administration enjoys a limited functional autonomy. As when the power is devolved to the lower level it leads to 'off-loading' of some of the functions for the purpose of administrative convenience rather than providing for substantive autonomy in decision making.

Check your Progress 2

Note: i) Use the space given below for your answer.

ii) Check your answer with that given at the end of the unit

1) Compare and contrast federal and unitary system.

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2) Differentiate between decentralization of power and non-centralization of power.

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6.7 LET US SUM UP

In this unit we have seen that a federation is a form of government in which the powers are divided between the federal or central government and the state governments. The US was the first country to adopt a federal form of government in the late 18th century. Since then a number of countries have adopted this form of government. This has been done primarily to accommodate diversity and achieve administrative efficiency.

A federation can be successful if there is a balance between the desire for national unity and the demands on regional autonomy. A democratic government with its values of toleration and consensus is congenial to a federation. Elazar pointed out that ‘despite the advantages of federalism, it is by no means suitable for all peoples or polities In order to succeed, there must be a will to federate, sufficient goodwill to make federal arrangements work, and a political culture able to bear those arrangements with the combination of moderation, willingness to negotiate and compromise, and a spirit of comity needed to make shared-rule relationships work’.

A unitary system is on the other hand is characterised by concentration of political powers in the central government, a sovereign legislature and a strong spirit of national unity.

In recent years, there has been a trend towards centralisation of power in a federation. This has been largely due to the compulsions of achieving rapid development and security. In developing countries, the pressures of diversity on the one hand and the centralisation tendencies on the other continue to strained the federal balance.

6.8 REFERENCES

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6.9 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check your Progress1

- 1) The answer should include the following points -division of powers, written constitution, an independent judiciary.
- 2) Start with how Althusius understood federalism (based on society) then explain dual federalism (as two equal sovereign governments), cooperative federalism (two levels of government working together) and finally interdependent federalism (balance between too much autonomous sphere and too much centralizing tendencies).
- 3) Key themes to be covered: centralized authority, devolved powers, limited autonomy, hierarchic and organic models.

Check your Progress2

- 1) Source of power (constitution v/s central government); Nature of power (permanent v/s temporary); territorial demarcation (normative v/s administrative purpose); power (non-centralized v/s decentralized); functional autonomy (substantial v/s limited autonomy).
- 2) Explain how the nature of power and source of power result in the difference between purposive decentralization and non-centralization. Cite the example of Spain or UK and USA to make the distinction clear.