

COMPARATIVE POLITICS

BA [Political Science]

Third Year

Paper III



RAJIV GANDHI UNIVERSITY

Arunachal Pradesh, INDIA - 791 112

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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 28th March, 1985 and started functioning from 1st April, 1985. It got financial recognition under section 12-B of the UGC on 25th 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 9th 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-A 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, Post-graduate, 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 Politics

Syllabi	Mapping in Book
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UNIT 2 Approaches to the study of Comparative Politics (Historical, Institutional- Legal, Behavioural and Marxist)	Unit 2: Approaches to the Study of Comparative Politics (Pages 23-51)
UNIT 3: Types of Government: Parliamentary, Unitary, Presidential and Federal Government.	Unit 3: Types of Government (Pages 53-88)
UNIT 4: Method of representation: Direct, Indirect, Proportional, Functional.	Unit 4: Methods of Representation (Pages 89-109)
UNIT 5: Political Party and Pressure Groups: Definition and classification.	Unit 5: Political Party and Pressure Groups (Pages 111-136)
UNIT 6: Judicial System (USA, UK and China)	Unit 6: Judicial System (Pages 137-161)
UNIT 7: Party System (USA and China)	Unit 7: Party System (Pages 163-188)
UNIT 8: Executives (USA, UK and China)	Unit 8: Executive (Pages 189-218)
UNIT 9: Legislature: the process of rule making in the USA, UK and China	Unit 9: Legislature (Pages 219-241)
UNIT 10: Electoral Process: Election of the chief executives of USA, UK and China.	Unit 10: Electoral Process (Pages 243-258)

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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 politics 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 Politics*, has been designed keeping in mind the self-instructional 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 and Key Terms further act as useful tools for students and are meant for effective recapitulation of the text.

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UNIT 1 COMPARATIVE POLITICS: AN OVERVIEW

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1.0 INTRODUCTION

Comparative politics is a field of political science characterized by an empirical approach based on the comparative method. The study of comparative politics depends on conscious comparisons in the field of political experience, behaviour and processes.

The study of governments is a significant part of the study of politics. The comparative study of government and politics is an essential requirement for the field of political science. The nature of comparative politics seeks to analyse and compare different political systems that work under different societies.

One of the most important challenges in political science was to develop a broadly applicable theory of the political system. This theory was developed by David Easton. The outputs of a political system are authoritative decisions and actions of the political authorities for the distribution and division of values. This unit will introduce you to comparative politics and its nature and significance.

1.1 UNIT OBJECTIVES

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

- Define comparative politics
- Discuss the nature and scope of comparative politics
- Assess the importance of studying comparative politics
- Analyse the various approaches to comparative politics

1.2 COMPARATIVE POLITICS: AN INTRODUCTION

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Like any other form of evolutionary process, comparative government evolved into its present form over a period of time. When you study the evolution of comparative governments, you study how political systems and procedures vary across countries and across time periods. The actual evidence of undertaking such a study came to prominence in the 1950s, but its roots are even older. Aristotle can be called the 'ancestral father' of the study of comparative politics, since the methods that he used in assigning politics among the sciences and problems and questions that he raised are still prevalent in current political studies.

A comparative study of the diversity of lives among people of different nations is sometimes surprising. Consider the differences in the lives of the people staying in the US and Somalia. Somalia is one of the poorest nations in the world, which is located in the Horn of Africa with an area of around 6,37,657 square kilometres and a population of around 93,60,000 people. Its official languages are Somali and Arabic. Inhabited since the Paleolithic times, it is a country of pyramidal structures, tombs and ruined cities which hint at an ancient sophisticated civilization. The current circumstances, however, are far from the realms of sophistication. Most countries have raised themselves from the ashes and remerged after World War II. However, the case of Somalia has not been that good. The communist rule and the Somali Civil War, that followed, were causes of destruction of the nation. These factors disrupted the whole system in many ways and plunged the nation into great adversity. The new coalition government tried to reform the country with the help of the United Nations and other developed countries, yet the condition is far from normal.

The United States of America, on the other hand, is one of the superpowers of the world. With an area of 98,26,675 km and an estimated population of about 31,07,15,000, this country has no official language at the federal level. English is the national language. Following the American revolutionary war, the country gained its independence on 4 July 1776. The after-effects of World War I plunged the nation into a state of great depression. But the country sustained and emerged as a superpower after World War II. It became the first country in the world to possess nuclear weapons. Over the years, the nation and its citizens have progressed by leaps and bounds.

Hence, for a clear output, the study of comparative politics must depend upon conscious comparisons in the study of political experience, institutions, behaviour and the processes of the different systems of different governments.

Need for the study of comparative governments

It is now generally felt that a pragmatic evaluation of the government and politics or political system of one's own country is made possible by recognizing the governmental processes of other countries or their political systems. A comparative study of governments not only streamlines the progress of objective and rational judgement about political systems, but at the same time disperses the dangerously ambiguous form of ethnocentrism, that one's own country is superior to any other.

The study of governments is a significant part of the study of politics. The structure and behaviour of government makes an exciting and challenging area of concern for the students of political science. Modern governments are rising more and more as essential instrumentalities of versatile development, particularly in the developing nations of Asia,

Africa and Latin America. They also act as active forces in the formation of economic, social and environmental conditions.

The world's political systems include a vast variety of institutions, processes and interactions and no two governments, past or present, have been the same. In other words, governments have varied in complexity. Instances can be multiplied at random to confirm the rather simplistic view that different societies require different kinds of government to realize their particular needs.

Modern courses in the field of political science, thus, almost consistently include surveys of the governmental and political systems. Examples of these are the processes of Great Britain, France, Germany Italy and the US. Russia, Scandinavia, Switzerland, Latin America, Near Eastern, Middle-Eastern, Far-Eastern and other Asian and African countries are also occasional additions to this category. The decline of some former great powers and emergence of new nations have affected the processes of inclusion and exclusion.

A comparative analysis of political structures and processes, both within and across political systems, is for that reason an essential requirement for the students of political science. If comparative government and politics are broad in range (as they have actually been to include all political systems and reach forces and motives below the surface of governmental institutions) they can encompass nearly the whole of political science. Hence, practically, comparative government is not only the most important subsystem of the discipline of political science, but it is also very nuclear.

The comparative study of government and politics has preoccupied a large number of fine methodical theorists and philosophers. It is well known that Aristotle, in his time, compared and contrasted various political systems and developed an explanatory theory regarding their generation. In a way, Aristotle was certainly the first scholar of comparative government and considered the study of comparative government as the oldest and most significant to attract the attention of mankind. Since then, comparative government has been a flourishing subject.

For centuries after Aristotle, scholars have engaged themselves in the comparative investigation of foreign cultures, with varying degrees of complexity. With the increase in the tension and rivalry between democratic and undemocratic political systems, the impact of the so-called 'Third World' during the Cold War era, the growing importance of informal politics, the utility of synthesis of data and the nature and range of comparison underwent a transformation. The decreasing emphasis of the traditional approach logically concluded in the so-called 'behavioural revolution'. In the 1950s and 1960s, the study of comparative government was drastically transformed despite consequent reactions against the behavioural tidal wave. It had scaled new heights of precision, firmness and theoretical order. It had also acquired an altogether new style of analysis, which was not known till then. Improvement in concepts and methods, impulses coming from interdisciplinary emphasis on area studies and the growing significance of the politics of developing areas, all combined to bring about an unadulterated 'revolution' in the study of this subject.

1.2.1 Popular Definitions of Comparative Politics

According to M. G. Smith, 'Comparative politics is the study of the forms of political organizations, their properties, correlations, variations and modes of change.'

According to Roy C. Macridis and Robert Ward, 'Government is not the sole concern of students of comparative politics.' Comparative politics, no doubt, has to be

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concerned with the government structure but at the same time it has to take note of the following:

- Society, historical heritage and geographic and resource endowed
- Its social and economic organizations
- Its ideologies and value systems
- Its political style
- Its parties, interests, and leadership structure

According to M. Curtis, 'Comparative politics is concerned with significant regularities, similarities and differences in the working of political institutions and political behaviour.'

According to E. A. Freeman, 'Comparative politics is comparative analysis of the various forms of government and diverse political institutions.'

All these definitions provide a basis for the study of comparative governments in its contemporary term. It involves a comparative study of the institutional and mechanistic arrangements along with the empirical and scientific analysis of non-institutionalized and non-political determinants of political behaviour.

1.2.2 Nature of Comparative Governments

The nature of comparative politics seeks to analyse and compare different political systems that work under different societies. Therefore, it takes into account all the three associations of politics which are as follows:

1. Political activity
2. Political process
3. Political power

Political activity deals with the activities involved in the resolution of conflict or in the struggle for power. The basis of conflict resolution is the authoritative allocation of values; hence, it involves an analysis of the process by which the authoritative values are made and implemented. In this sense, politics stands for political power. It involves the study of all government as well as non-state agencies, through which the political process is made operational. The political process depends upon the signals and information which it receives from non-state agencies. It further transforms these signals and information into authoritative values. Politics, hence, involves the study of power and power relations in society since it is a struggle for power and a process of conflict resolution through the use of legitimate power.

The study of contemporary comparative politics is characterized by the following features:

- **Analytical research:** Great stress is laid on analytical research when it comes to the study of contemporary comparative politics, as it is no longer confined to descriptive studies. Empirical analytic research, thus, works on providing a clearer view of the actual activities of the governments along with their structures and functions.
- **Objective study of political science:** This deals with the empirical study of the various processes of political study in different environments. Since political science is a social science, it takes into account only those values whose validity can be demonstrated scientifically.

- **Study of infrastructures:** Comparative politics also analyses the actual nature of individual, groups, structures, systems and subsystems, in relation to the environment in which the behaviour manifests. The study of the dynamics of politics and its actual operation in the environment is regarded as an essential component of comparative politics.
- **Study of developing and developed societies:** Earlier, comparative politics was only confined to the study of the political systems of developed societies. However, it has evolved in contemporary times and it stresses on the study of political systems of developing nations as well. In fact, modern political scientists like David Easton and Sidney Verba, besides many others, are of the opinion that emphasis should be given to the study of politics of developing nations.

These added features of contemporary politics make us see comparative politics from a different point of view. It has completely rejected all old norms and parochial nature of traditional comparative politics. Now, it is a more realistic study of politics which is capable of explaining and comparing the phenomenon of politics all around the world.

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1.3 NATURE, SCOPE AND APPROACHES TO COMPARATIVE POLITICS

Although the terms ‘comparative politics’ and ‘comparative government’ are usually used loosely and interchangeably, there still lies a point of difference between the two.

While comparative government deals with an extensive study of different political systems with special emphasis on their institutions and functions, comparative politics has a much broader scope. It covers all that which comes under the study of the latter, along with the study of non-state politics. Hence, comparative politics covers a much wider area in the study of politics.

1.3.1 Major Approaches

But whatever the approach or the origin of its ideas, we can say that political science as a discipline is concerned with the problems of ends; the goals of good society; the means of governing in such a manner as to realize the good society, the activities of the ruled (the public), especially political actions personified in voting, public opinion and attitude formation; and the underlying connections between society and government. Its key concern is with power—how it is shared through participation and representation and how it is affected by growth and change.

—David E. Apter

Source: Apter, *Introduction to Political Analysis* (New Delhi: Prentice-Hall of India, 1978), p.17.

The study of comparative politics is so interesting because of the different approaches, methods and techniques used in the realization of ‘political reality’. A number of significant writers hold contrary viewpoints and adopt different strategies. The results, however, seem to be interrelated or synonymous. With the passage of time, some approaches have become stringent and have had to give way to new and contemporary methods.

With a view of highlighting the meanings of different themes used in the sphere of contemporary political analysis, David Apter defines some of them in the following manner:

Check Your Progress

1. State the need for the study of comparative governments.
2. Fill in the blanks.
 - (i) The nature of comparative politics seeks to analyse and compare different _____ that work under different societies.
 - (ii) A _____ study of governments streamlines the progress of objective and rational judgement about political systems.

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- **Paradigm:** It is a framework of ideas that establishes a general context of analysis. Fundamentally, paradigms combine a mixture of philosophical assumptions and criteria of valid knowledge. The resulting combinations are sharply distinguished from each other.
- **Theory:** It is a generalized statement summarizing the real or supposed actions of a set of variables, whether dependent, or independent, or intervening. Parameters represent the conditions within which independent variables operate. A macro or micro theory may deal with large or small groups or units. Moreover, it may be abstract, or formal or notational, or concrete.
- **Method:** It is a way of organizing a theory for application to data. Thus, methods are known by the names of conceptual schemes. They may be of many types like comparative, configurational, historical, simulative and experimental.
- **Technique:** It links method to the relevant data. It represents various modes of observation and ways of recording empirical information. As such, techniques vary in appropriateness, sampling, public-opinion testing, interviewing, regression analysis, factoring, scaling and testing.
- **Model:** It is a simplified way of describing relationships. It can be constructed from a paradigm, a theory, a method or a technique. It may be typological, descriptive, formal, mechanical, organismic, biological, etc.
- **Strategy:** It is a peculiar way of applying one or more combinations of the above type to a research problem. It is required that quality and integrity should be combined in a strategy. A good strategy fits a problem, theory, methods and techniques together in a systematic and coherent way.
- **Research design:** It converts strategy into an operational plan for field work or an experiment. It is a prospectus or an outline from which research is carried forward. It is a final stage in professional research preparation.

The traditional approach

The traditional approach to the study of comparative governments emerged as a response to historicism of the 19th century. It stressed the historical examination of Western political institutions from the earliest to the modern times. The traditionalists, either theoretically philosophized about democracy and other subjects, or made a formal and legal study of governmental institutions. The analysis was basically configurative and each system was treated as a unique entity. The approach was heavily descriptive rather than problem-solving, explanatory, or analytic in its method, and its description was incomplete and limited to forms of government and of foreign political systems.

Roy Macridis, author of *Modern Political Regimes*, has very systematically and clearly summarized major features of the traditional approach. He briefly points out that the approach has been essentially non-comparative, descriptive, parochial, static and monographic. Similarly, Almond and Powell have identified three major premises that have dominated the criticism of the approach to comparative government feature of the pre-World War II period. These premises are as follows:

- Its parochialism
- Its configurative analysis
- Its formalism

Harry Eckstein also points out the influence of abstract theory, formal legal studies and configuration studies that characterize the reaction against historicism in political studies.

First, as Macridis points out, the traditional approach addressed itself mainly to Western political systems. The stress was on single-culture configuration, i.e., the representative democracies of the Western world and the study was limited to Britain and the Commonwealth countries, the US, France, Germany, Italy and Russia. Undemocratic Western systems and political systems of Asia, Africa and Latin America were studied by a handful of adventurist researchers. Cross-cultural studies were almost entirely unidentified. The study was limited not only in range, but also in depth; only the isolated aspects of governmental process within the specific countries were analysed. The study was more often monographic and comparative.

Second, the comparative study of politics was extremely formal in its approach towards political institutions. The study was focused on governmental institutions and their legal models, rules and regulations, or political ideas and ideologies, rather than on performance, interaction and behaviour. It pays no attention to the influence of informal factors on decision-making and also the non-political determinants of political behaviour. Only formal institutional organs like parliaments, chief executives, civil services, etc., were applicable for institutional and structural–functional comparison. The realities of political action and behaviour within institutional structures were not given any serious thought. The traditional study in this respect was greatly unrealistic.

Third, the traditional study, as mentioned earlier, was mainly descriptive rather than analytical, explanatory or problem-solving in its method. The emphasis was on pure description in terms of a large number of facts. There was little attempt to develop a general theory by verification of hypothesis and compilation of significant data. It has been very aptly pointed out that the empirical deficiency of traditional analysis was the adjoining drive for behaviourism. This is what Robert Dahl called ‘empirical theory’ in contemporary studies.

The mood of discontent with subjectivism and formalism of the traditional approach to the study of government and politics was led by the logic of the situation to the process of reconstruction of the discipline. A number of factors worked to bring about a radical change first in the outlook of the US and then other countries.

According to some authors, three factors—changes in philosophy, changes in the social sciences and technological innovations in research—may not completely account for the behavioural innovation in political science, but provide sufficient explanation for the growth and prosperity of the movement. According to Peter Merkl, author of *Making of a Stormtrooper*, the most momentous single factor for the current transformation of the study of comparative politics was the rising importance of the politics of developing areas. With the great rush of former colonies to independence and nationhood, and with their increasing importance in world politics, these countries of Asia, Africa, the Middle East and Latin America simply could no longer be unseen.

Almond and Powell mentioned some developments being chiefly responsible for the new situation. These are as follows:

- The national emergence of a multitude of nations with a baffling variety of cultures
- Social institutions and political traits
- The loss of dominance of the nations of the Atlantic community

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- The changing balance of power
- The emergence of communism as a power factor in the process of restructuring national
- International political systems

The revolution in comparative politics

All these factors led to dynamic efforts in innovation and to an effort to create a new rational order. The result was, as Sidney Verba so aptly comments, 'A revolution in comparative politics'. Verba has adequately summed up the principles behind the 'revolution': 'Look beyond description to more theoretically relevant problems; look beyond the formal institutions of government to political process and political functions; and look beyond the countries of Western Europe to the new nations of Asia, Africa and Latin America.' In the language of Almond and Powell, the efforts at innovation were motivated by the search for more comprehensive scope, the search for realism, the search for precision and the search for theoretical order.

Nature and directions of the transformation

It is not really needed at this stage to concern ourselves with the specifics of the behavioural phenomena. A more apt thought will be the general nature of the transformation brought about by behavioural influence in the field of government and politics and the central features of this approach within the purview of our study. It must be noted that the behavioural approach has now been generally accepted and incorporated into the discipline.

Under the influence of the behavioural reform, the institutional mode of analysis has been restored by the process mode. Behaviourists study the behaviour of people and groups rather than the structure, institutions, ideologies or events. It is now largely agreed that the process mode avoids the static quality of structural analysis. It has a dynamic dimension that is particularly valuable in accurately capturing the mercurial quality of political life. Secondly, the state was no more regarded as the central organizing concept, and attention was now paid to the empirical investigation of relations among human beings. Smaller, more manageable units like individuals and groups and their interaction became the centre of study. In the third place, one of the directions of practical innovation had been the redefining of institutions as systems of related individual behaviour or systems of social action. For example, instead of studying the American Supreme Court or the American Congress as isolated institutions, behaviourists enquire about the behaviour patterns of the justices of the Supreme Court and of the members of the Congress.

In the fourth place, in terms of the methods, one finds a diverse tendency toward the building of complicated models, the use of quantitative techniques of statistical measurements and management of computers in speeding up the management of large amounts of quantitative data and in stimulating administrative or military processes of decision-making.

Lastly, as Sydney Verba has examined, some of the fruits of revolution have been a rich body of theoretical literature, a proliferation of frameworks, paradigms and theories, and elaborate system models, which are important as part of the intellectual equipment of the students of political systems. Some of these paradigms and frameworks have often been so abstract as to suggest no clear focus on problem, but nobody can question the utility of these models in accounting for the observed regularities of political behaviour and for providing a solid foundation for its further study.

1.3.2 New Approaches to the Study of Government and Politics

The discussion about the nature of behavioural political analysis and its departure from the traditional approach would enable the students to understand the major paradigms, such as:

- Nature
- Goals and methods
- Conceptual frameworks
- Contending approaches and models

The main aim of this study will be to assess their significance for the study of comparative government and politics at a time when a debate between the empirical and normative theories is still continuing.

General Systems Theory

The most well-known among these are a number of systematic approaches, which stem from the general systems theory. The systems theory had its origins in natural sciences, but on the whole, the theory originated in movements aimed at amalgamation of science and scientific analysis. The advocates of the theory wanted to find a unifying element, which would offer a broader perspective for creative analysis. In the period after World War II, this resolved itself around the concept of systems, which Von Bertalanffy, the German biologist, defined as a set of 'elements standing in interaction'. This concept is based on the idea that objects or elements within a group are in some way related to one another and in turn, interact with one another on the basis of certain identifiable processes.

The term 'system' is useful for organizing one's knowledge about many social objects. The use of the 'systems' approach to politics allows one to see the subject in a way that 'each part of the political canvas does not stand alone but is related to other parts'. The operation of the one part cannot be fully understood without referring to the way in which the whole system operates.

David Easton, one of the first political scientists to propose the utility of systems analysis for the study of politics, defines a political system as that 'behaviour or set of interactions through which authoritative allocations (or binding decisions) are made and implemented for society'. A system is marked by separation and integration. The chief function of a political system is making authoritative decisions that allot advantages and disadvantages for an entire society. At the core of this concept lies decision-making, which is the essence of the political system. The proponents of the systems theory identify three primary constituents of every political system, namely the political community, the regime and the political authorities. The political community comprises all those persons bound together by a political division of labour. The regime makes up the constitutional legal structures, political processes, institutional norms, as well as basic values. The political authorities are those individuals who exercise power as agents of the state for any given time. For example, we may regard the Indian people as one such political community.

The administration consists of Indian constitutional foundations, basic values of the politico-economic system, political parties, periodic elections and other institutions that are allied with the Indian system of government. The ruling elite in New Delhi consists of major political authorities. The general systems theory provides a broad structure for the examination of politics. It provides the theoretical equipment for both,

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looking at political phenomenon on a macro-level and the setting in which micro-analysis can be carried out. It keeps us conscious of the broad implications of political acts and institutions and of the relation between events. It provides a large-scale map of the political world, a new pattern for the discipline.

In the general systems structure, there are certain fundamental concepts that may be divided into three categories. Some concepts are primarily explanatory, as for example, those distinguishing between open and closed systems, organismic and non-organismic systems, such hierarchical levels as subsystems, orders of interaction and scale effects, such organizational aspects as integration, differentiation, interdependence and centralization and also such terms as boundaries, inputs and outputs dealing with interaction of systems with their environments. Some concepts focus on factors that control and maintain systems. In this connection, the concepts of stability, equilibrium and homeostasis are introduced. Lastly, there are concepts that focus on dynamics or change, both disruptive and non-disruptive. Here, the notions of adaptation, learning and growth, disruption, dissolution and breakdown, systemic crisis, stress and strain, overload or decay, are introduced and utilized.

The general systems theory appears to be striking from the point of view of empirical research. It gives us an excellent opportunity for fusing micro analytical studies with macro analytical ones. The notions developed by this theory opens up new questions and creates new dimensions for investigating political processes. Time and again, this theory facilitates the communication of insights and ways of looking at things from other disciplines. It provides excellent channels for maximizing the flow of interchanges with disciplines that are far removed from political science in substantive terms. It contains a number of extremely clear and accurate ways of formulating concepts that can be reduced to operational forms. It may be regarded as one of the more motivated attempts to construct a theoretical framework from within political science.

The general systems theory has been criticized for failing to sufficiently provide for concepts such as political power and influence or to handle mass behavioural aspects such as voting. It is of limited utility in studies of political policy-making. Critics also refer to the problems of empirical operation, when applied to social sciences. It is also pointed out that the entire approach is ingrained in conservatism and reaction. No fully developed attempt has yet been made to apply the theory of political analysis.

Offshoots of the Systems Theory

The behaviourists adapted the essential framework and terminology of the general systems theory; it was adopted to fit the needs of political science and then continued to develop new techniques of political analysis. One of the most important challenges in political science, to develop a broadly applicable theory of the political system, was made by David Easton. His 'input-output' model stressed the behaviour of the political system, vis-à-vis its environment, in terms of analysing inputs (demands and support) and outputs (authoritative allocation of values or policy decisions and actions).

Another significant systematic approach is structural functionalism, which is one of the most widely known offshoots or derivatives of systems analysis and a matter of considerable controversy. One important school of systematic theory stresses models of decision-making by entire political systems or parts thereof. Another kind of systems theory uses the communications theory and models of communication systems. It is used to conceptualize the process of political integration among the several countries or ethnic communities that make a new system.

1.3.3 Input–Output Analysis

David Easton has developed an original and unique systemic approach for purposes of political analysis, which was not borrowed from other social sciences. In 1965, his book, *A System Analysis of Political Life*, engaged the interest of social scientists for providing an explanation of political phenomena in a new way. Easton has criticized the structural–functional approach, mainly on the grounds that it does not provide the concepts to deal sufficiently with all kinds of systems. Its main concept of function cannot be taken as a basis of a theory and it cannot be experimentally applied because it lacks precision.

The empirical theory that Easton has pronounced is called the ‘general theory of politics’. It is general for two particular reasons. First, he rejects the idea of constructing different kinds of theories to deal with national politics and international politics. He is keen on building a ‘unified theory of politics’ for explaining the behaviour of national and international political systems and also for comparing them. Second, he states that the primary task of political science is to analyse the general problems that are common to all political systems, i.e., analysis of the conditions under which a political system survives as a system over a long period. Further, Easton rejects the type of political analysis which is concerned with power–relations between elements of a political system. He is of the opinion that the benefits provided by political and governmental processes cannot be decided by the amount of power an individual power–holder exercises.

Easton’s fundamental concept is that of a political system as one of the subsystems of a society, which then operates within an environment. Easton describes the political system as ‘that system of interactions in any society through which binding or authoritative allocations are made and implemented’. A political system has certain features. First, it is a system because it has a regularly frequent pattern of relationships among actors, i.e., the individuals and institutions involved; second, it is the system for a particular society because it is universally accepted and unquestioningly authoritative; third, it is political because it is concerned with the satisfaction of those needs of society that are beyond the scope of non–governmental capabilities. Input–output analysis takes for granted that every political system is open and adaptive. Another prominent feature of the political system is the nature of exchanges and transactions between the political system and its environment. It brings into the limelight various concepts concerning systematic boundaries and boundary conditions. It emphasizes the fact that the political system works in processing and converting a variety of inputs into outputs. The inputs include demands and support. Demands are statements of authoritative allocation that should or should not be made by those responsible and authorized for doing so. Support consists of actions, statements or attitudes that are favourable to a person, group, institution, goal or idea. Demands may be generated by the environment or may originate within the political system itself. Demands pass through conversion or weeding out procedure to reach the output stage. Only a small number of demands, in the long run, reach the output stage, leaving the rest to be eliminated in the conversion process. If the demands call for authoritative action, there is a problem of overloading. Overloading may take place due to too many demands (volume stress) or due to the qualitative elements in the nature of the demands (content stress).

Support makes both selection and processing of demands possible. Easton makes an imperative distinction between overt and covert support. An overt support is any open and direct action that an interest group would take to advance its demands. Covert support means simply an attitude or a sentiment that is not hostile or even unfavourable. Both kinds of support flow concurrently and both are vital for functioning of the political

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community, the regime and the government. It is for the authorities to process inputs from environments into outputs.

The outputs of a political system are authoritative decisions and actions of the political authorities for the distribution and division of values. According to Oran Young, these decisions and actions play a crucial role in generating specific support for a political system because of the existence of the feedback loops that complete the cycle of a political system and makes it dynamic. This is the process through which information about the performance of a system is communicated in a way to affect the subsequent behaviour of the system.

Easton's formulation pivots on two core variables, namely, a strong underlying concern for systematic persistence, sources of stress and process of regulating stress and a sequence of concepts that Easton calls 'summary variables'. The central point in the input-output analysis is concerned with the developments that may drive the essential variables of a political system beyond critical ranges, coupled with various regulatory responses to these developments. The bulk of the approach deals with the sequence of concepts.

According to this analysis, the stability of a political system, i.e., its ability to retain the basic qualities despite the impact of disturbing factors or developments, depends on the existence of structural mechanisms like political parties, pressure groups, news media and legislatures. These articulate and regulate the flow of demands; cultural mechanisms like customs, mores, etc., which establish criteria for the suitability of demands. Procedural mechanisms convert general demands into specific issues for political processing and channels of communication that effectively transmit the demands to the centre of decision-making. You have also seen that the stability of a system is further augmented by sustained and extensive support to the three main components of all political systems, namely the political community, the regime and the political authorities.

It should be remembered that a political system is not just a set of processes that converts inputs and outputs as a routine matter. It is a complex cyclical operation, with dynamism of its own. It has a programmed goal towards which it tries to move, though at every stage it may have to face problems of stress and maintenance and go through regulatory processes. Input-output analysis is certainly an outstanding technique for comparative analysis since it focuses on an overview of all political systems and has an inclusive set of concepts and categories that facilitate comparison. Oran Young has described this analysis as 'undoubtedly the most inclusive systemic approach that has so far been constructed specifically for political analysis by a political scientist'.

According to Eugene Meehan, a famous lawyer, Easton has produced one of the few comprehensive attempts to lay the foundation for systems analysis in political science and to provide a 'general' functional theory of politics. An even stronger feature of input-output analysis is its dynamic approach to the problem of pattern maintenance. It also deals with its awareness of the importance of the problems of stress, disturbance, regulation and planned reorientation of system goals. Easton claims that his method is definitely oriented towards exploring change as well as stability. There is a continuous exchange going on between the political system and its environment and the system is constantly engaged in a conversion process by producing outputs and altering the environment. The analysis suffers from some weaknesses. First, its basic presupposition that concerns system-persistence is the most important and inclusive subjects for political analysis may not always be acceptable. Second, such a focus may be productive, but does not result in a general theory of politics. Third, it is for the most part limited in scope

in terms of the interaction among different political systems. Fourth, its focus on the politically active and relevant members of society tends to give it an elitist orientation. Fifth, in its emphasis on functional rather than revolutionary processes of change, the approach is believed to be oriented towards status quo and this is not an entirely reasonable criticism. Finally, the input–output analysis is the cause of some confusion for its practitioners.

1.3.4 Structural–Functional Analysis

The structural–functional analysis is one of the primary system-derivatives in political science and a major framework for political research. As a result of the works of anthropologists of the early 20th century, particularly that of Malinowski and Radcliffe-Brown, structural functionalism emerged a political science through sociology. It has been adopted as a field of comparative politics by Gabriel Almond. This mode of analysis is primarily concerned with the phenomena of system-maintenance and regulation. The basic theoretical proposition is that in all social systems, certain basic functions have to be performed. The central question is: ‘What structures fulfil what basic functions and what conditions govern any given system?’

According to this approach, a political system is composed of several structures that are ‘patterns of action and resultant institutions.’ These institutions and patterns of action have certain functions that are defined as ‘objective consequences for the system’. A function is a regularly recurring pattern of action and behaviour that is carried on for preservation and advancement of the system. Dysfunction is the opposite of function, which means an action detrimental to the existence and growth of the system. In the words of Robert Merton, ‘Functions are those observed consequences which lessen the adaptation or adjustment of a system.’ A certain level of dysfunction is unavoidable in the operation of any pattern of action. From time to time, it is possible to identify actions or decisions that are functional for the political system, as a whole, or for some of its components.

Merton has advanced an additional distinction between manifest and latent functions. Manifest functions refer to those patterns of action, whose outcomes are intended and recognized by the participants. In latent functions, consequences are neither intended nor recognized and understood initially. The concept of structure is vital in structural–functional analysis. Structures refer to those arrangements within the system which perform the function. Merton has developed the idea that a given function can be fulfilled by many diverse structural arrangements. Likewise, any given structural arrangement may perform functions that might have different kinds of outcomes for the structure. Almond and Powell refer to the same phenomenon when they observe in a highly distinguished system, such as that of the United States. Political functions may be performed by a large number of highly specialized structures and those political structures, in turn, have a propensity to be multifunctional.

The advocates of the structural–functional analysis draw attention to certain ‘conditions of survival’, or certain functions that are vital for the maintenance and preservation of fundamental characteristics of a political system so that it stays recognizable over a length of time. Marion Levy, Jr., for example, has tried to identify the functional requisites of any social system on a theoretical basis and has compiled a list of required functions. Following the lead of Talcott Parsons, sociologists attempted to identify four such functions, namely goal-attainment, adaptation, integration and pattern-maintenance. Gabriel Almond, in applying this analysis to political science, developed a

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list of political functional requisites and divided them into four input and three output functions. The four input functions are as follows:

1. Political socialization and recruitment
2. Interest-articulation
3. Interest-aggregation
4. Political communication

The three output functions are as follows:

1. Rule-making
2. Rule-application
3. Rule-adjudication

The input functions that are performed by non-governmental subsystems, by society and the general environment, are looked upon as highly important. The output functions are performed by traditional governmental agencies like the legislature, the executive, the judiciary and the bureaucracy.

Almond's classic statement of structural-functional analysis is found in the introduction to *The Politics of the Developing Areas* that has been edited by Almond and Coleman. He is inspired by the desire to develop a more universal and clear analytical vocabulary for the study of non-Western states, especially of the politics of the 'third world' countries. He defines politics as the integrative and adaptive functions of a society, based on more or less legitimate physical coercion. He defines the political system as 'that system of interactions to be found in all independent societies which perform the functions of integration and adaptation (both internally and vis-à-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.'

Almond stresses the interdependence between political and other societal systems and suggests several common properties of all political systems. According to him, there are political structures that perform the same functions in all systems; that all political structures are multifunctional; that each political culture is a mixture of the 'traditional' and the 'modern'. Systems adapt to their environment when political structures do not behave dysfunctional. Almond's functional categories have already been mentioned, Almond is aware of the common criticism pointed against his model that it is stability-oriented and conservative. In his later works, he clarifies that his concept of 'political system' is one of 'interdependence' but not one of 'harmony'. He also admits that his framework 'did not permit us to explore development patterns, to explain how political systems change and why they change'. It might, on the other hand, be observed that Almond, in his formulation, is primarily concerned with the capabilities of the system and the problem of system-maintenance.

The structural-functional approach has been very widely adopted in the field of comparative government and politics because it claims to provide standard categories for markedly different political systems. Its heuristic value, its influence on the development of comparative politics in several different ways and the success of the model for comparative political research must be admitted.

Criticism has nevertheless been made of its value orientations, its tautological premises, and its vague and non-operational conceptual units. Neither its conceptual framework, nor the ranges of derivable propositions for research are as definite as one would like. What Almond has produced is, at best, as Meehan points out, 'a classificatory

scheme, or perhaps a model, a very imperfect and loose model that can be used to order political data and perhaps standardize observations of political phenomena’.

Meehan also thinks that the functional categories he suggests are far too broad to be of much use. Almond has not produced a theory, of course, nor even as well-articulated classification scheme. The taxonomy is incomplete and unambiguous. Oran Young has criticized its tendency to force divergence phenomena into a systematic framework of, ‘fallacy of functional teleology’, the fallacy deductive functionalism and the postulate of universal functionalism. When applied to Third World countries, the functional framework cannot analyse the empirical reality that exists in these societies. The complex political realities of these societies cannot be effectively explained with the help of the assumptions on which the theoretical scheme of the functionalists is based.

One great limitation of this analysis, as we have already seen, is that it is basically a static system. Its stress on the way things are, and can lead to an inclusive assumption of stability and incapacity to deal with the challenge of change, particularly of a swift or violent character. It has a strong favouritism towards status quo and its research tends to support the existing order of things. Hence, great caution needs to be exercised in applying these analytical tools, if drawbacks are to be evaded.

1.3.5 Decision-Making Theories

Decision-making in certain respects is the least successful of all new approaches to the study of government and politics. Politics is a process of allocating values through the making of decisions. Process refers to the sum of techniques, methods, procedures and strategies by which a given decision is made. A political system is a mechanism for decision-making. The efficiency of a political system can be measured in terms of its ability to make decisions that are widely accepted. The interplay between social configuration, ideology and governmental organs constitute the dynamics of politics, the making of decisions.

1.3.6 Marxist Methodology for the Study of Comparative Government and Politics

In spite of claims by some political scientists that the field of comparative politics has experienced swift progression, no effort has been made towards the construction of sophisticated empirical models. There is no doubt that the sub-discipline is still seeking the right methodological direction and theoretical orientation. Systems analysis and structural-functionalism, along with other approaches, have been found to have fallen short of satisfactory methodological orientations and requirements. The primary questions are: To what extent does Marxism provide a scientific methodology? Can we use it in the field of comparative politics?

Roughly speaking, the whole doctrine of Marxism is based on dialectical and historical materialism. Based on the three laws of dialectics—the law of transformation of quality into quantity and vice versa, the law of negation, and the law of the union of opposites—Marx identifies the following general pattern of social phenomena: their interdependence, their movement and development, positive interconnection between opposite forces and intrinsic disagreements within the social process. To him, ‘the mode of production in material life determines the general character of social, political and intellectual processes of life. It is not the consciousness of men that determines their existence; it is their social existence that determines their consciousness.’

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Marx never defines the term 'class' except in the third volume of capital where he says, 'The owners merely of labor power, owners of capital and land-owners, whose respective sources of income are wages, profit and ground rent, in other words, wage labourers, capitalist and landowners, constitute the three big classes of modern society based upon the capitalist mode of production.'

Still, 'class' makes up the base of his discussion—individuals are dealt with only to the extent that 'they are personifications of economic categories, embodiments of particular class relations and class interests'. Even though no one agreed with Marxist's model of politics, you can identify, very reasonably, a few methodological themes: search for social bias in social 'facts'; efforts at being rigorously scientific without pretending to be value-free; explanations of human activity, partly in terms of affirmed purposes and conscious interactions and partly in terms of a given moment in historic time; emphasis on the necessary determinacy of economic elements in the social structure with recognition of reciprocal interaction of the political, social and cultural elements; search for contradictions as a key constituent in social dynamics; use of the concept of 'class' as vital in social development; recognition of technology as an important variable; and finally, recognition of a careful distinction between possibility, causes and symptoms of capitalist crisis. This theory not only reveals the dependence of social realization and the entire social structure, but also observes the totality of social relationships, structures and institutions. It is done by probing existing productive forces of society and resultant productive relations and the ideological superstructure that is built on them.

Now, let us observe how you can apply the Marxist theory in the field of comparative politics. First, one can make inquiries into the nature of property relations in different political systems. In this attempt, though, one should remember that property relations do not simply mean relation between the 'haves' and the 'have nots'. Then again, one should also keep in mind the difference between 'possession' and 'ownership'. It is, in effect, the latter on which the focus is more. Second, to what extent does the social division of labour distinguish different political systems? Although Marx speaks of different types of divisions of labour, he gives emphasis to the division of labour as leading to exchange, communication and introduction of techniques, practices and consequently, ideas. Yet again, division of labour may be found in a family, in a village and so on, but our main focus should be on the division of labour in society. Third, in order to compare different levels of political development in various countries, you ask this question: What is the stage of economic activity in a particular society? According to Marx, there are different types of state–society relationships, which are based on the diverse stages of development in different societies. In a feudal society, regardless of the feudal lord being both the owner of the means of production and of the political authority in his sphere of influence, his exploitativeness over the peasants remains 'veiled by religious and political illusions', but this is no longer true in a capitalist society where the 'state and society become abstracted from one another'. Thus, through the comparison of different stages of economic development of various political systems, both the nature of political authority as well as the extent of 'freedom' that is enjoyed by the people can be made. Fourth, the nature of the political system and its direction can best be explained only when you place it against the background of its past development. Neither the systems theory, nor the structural–functional theory lays any stress on the historical procedures. The Marxian approach is undoubtedly better than them in this respect. Fifth, you have already argued that in both systems, the structural functionalist theorists have transferred their social values and institutions into a theoretical framework which they have claimed to be universal. As a result that political reality in the Third World

remains either unclear or vague. But, on the basis of Marxian analysis, you can argue that common factors in the world are settled on by the world's economic order. In comparing Third World countries, one should start from the existing world economic order and the production relations in the societies that are being compared. Finally, by using what Warner describes in Marx's method as 'the method of specification by comparison', you can understand the conditions for the appearance of a particular historical configuration or to emphasize the features of that configuration.

Therefore, to summarize, the Marxist framework is far better adapted to analyse different systems in terms of historical development of various social structures and their interrelationships, and particularly to tackle the problems of instability and change. Marxist analysis provides a general framework within which one can search for historic process laws about particular structures that are applicable to limited and concrete situations. But one should remember that 'completeness of method, however, does not necessarily mean that one can find in Marx, everything in every specific context. Instead, these can come to light only through long, patient research, conducted on the basis of the Marxist method, which brings out the global, historical sense of a social evolution.' Again, all philosophers are the product of their own times and Marx was no exception. There were certain 20th century developments, which Marx could not visualize in his 19th century background. This did not mean that he had been disproved or was ignorant. He himself said, 'Like all other laws, it is modified in its actual working by numerous conditions.'

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1.4 SUMMARY

- Comparative politics is a field of political science characterized by an empirical approach based on the comparative method. The study of comparative politics depends on conscious comparisons in the field of political experience, behaviour and processes.
- One of the most important challenges in political science was to develop a broadly applicable theory of the political system. This theory was developed by David Easton. The outputs of a political system are authoritative decisions and actions of the political authorities for the distribution and division of values.
- For a clear output, the study of comparative politics depends on conscious comparisons in the study of political experience, institutions and behaviour.
- The study of governments is a significant part of the study of politics. The structure and behaviour of government makes an exciting and challenging area of concern for the students of political science.
- The nature of comparative politics seeks to analyse and compare different political systems that work under different societies. It takes into account the following associations of politics:
 - o Political activity
 - o Political process
 - o Political power
- Political activity deals with the activities involved in the resolution of conflict or in the struggle for power.
- Although the terms 'comparative politics' and 'comparative government' are usually used loosely and interchangeably, there still lies a point of difference between the two.

Check Your Progress

3. State the main difference between comparative government and comparative politics.
4. What is research design in the sphere of contemporary political analysis?
5. How does David Easton define a political system?

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- While comparative government deals with an extensive study of different political systems with special emphasis on their institutions and functions, comparative politics has a much broader scope. It covers all that which comes under the study of the latter, along with the study of non-state politics. Hence, comparative politics covers a much wider area in the study of politics.
- The study of contemporary comparative politics is characterized by the following features:
 - Analytical research
 - Objective study of political science
 - Study of infrastructures
 - Study of developing and developed societies
- The traditional approach to the study of comparative government emerged as a response to the historicism of the 19th century. It stressed the historical examination of Western political institutions from the earliest to the modern times.
- Under the influence of the behavioural reform, the institutional mode of analysis has been restored by the process mode. Behaviourists study the behaviour of people and groups rather than the structure, institutions, ideologies or events.
- The outputs of a political system are authoritative decisions and actions of the political authorities for the distribution and division of values.
- A political system is a mechanism for decision-making. The efficiency of a political system can be measured in terms of its ability to make decisions that are widely accepted.
- The Marxist framework is far better adapted to analyse different systems in terms of historical development of various social structures and their interrelationships, and particularly to tackle the problems of instability and change.
- Marxist analysis provides a general framework within which one can search for historic process laws about particular structures that are applicable to limited and concrete situations.

1.5 KEY TERMS

- **Comparative politics:** It is the study of the forms of political organizations, their properties, correlations, variations and modes of change.
- **Parochial:** It refers to an idea or issue having a limited or narrow outlook or scope.
- **Ethnocentrism:** It refers to a belief in the superiority of one's own ethnic group.
- **Infrastructure:** It is the basic physical and organizational structures and facilities needed for the operation of a society or enterprise.
- **Paradigm:** It is a worldview underlying the theories and methodology of a particular scientific subject.
- **Amalgamation:** It refers to the action, process or result of combining or uniting.
- **Articulation:** It is the action of putting into words an idea or feeling of a specified type.

1.6 ANSWERS TO ‘CHECK YOUR PROGRESS’

1. A comparative study of governments not only streamlines the progress of objective and rational judgement about political systems, but at the same time disperses the dangerously ambiguous form of ethnocentrism, that one’s own country is superior to any other.
2. (i) political systems
(ii) comparative
3. While comparative government deals with an extensive study of different political systems with special emphasis on their institutions and functions, comparative politics has a much broader scope. It covers all that which comes under the study of the latter, along with the study of non-state politics. Hence, comparative politics covers a much wider area in the study of politics.
4. In the sphere of contemporary political analysis research design converts strategy into an operational plan for field work or an experiment. It is a prospectus or an outline from which research is carried forward. It is a final stage in professional research preparation.
5. David Easton, one of the first political scientists to propose the utility of systems analysis for the study of politics, defines a political system as that ‘behaviour or set of interactions through which authoritative allocations (or binding decisions) are made and implemented for society’.

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1.7 QUESTIONS AND EXERCISES

Short-Answer Questions

1. What, according to M. G. Smith, is comparative politics?
2. List the features that characterize the study of contemporary comparative politics.
3. ‘With a view of highlighting the meanings of different themes used in the sphere of contemporary political analysis, David Apter defines some of them.’ List any two of them.
4. Write a short note on general systems theory.
5. How does Marx define the term ‘class’?

Long-Answer Questions

1. Critically evaluate the meaning and need of comparative politics and governments.
2. What is the nature of comparative governments?
3. Describe the major features of a political system in your own words.
4. Discuss the concept of decision-making theories and their relevance in the study of government and politics.
5. Can Marxism be used in the field of comparative politics? Discuss.

1.8 FURTHER READING

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UNIT 2 APPROACHES TO THE STUDY OF COMPARATIVE POLITICS

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Structure

- 2.0 Introduction
- 2.1 Unit Objectives
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2.0 INTRODUCTION

Nowadays, comparative politics is gaining more and more importance. For studying political institutions comparatively and in a more meaningful and purposeful way, it is essential that not one but several approaches be adopted. No single approach can be universally adopted to solve every political, social or economic problem.

According to some thinkers, new approaches have brought revolution in political science; but whether that is true or not, one thing is certain—traditional approaches are slowly being replaced by newer, more novel approaches. Two of these approaches are systems approach and behavioural approach. The systems approach draws its main support from natural sciences. The behavioural approach lays emphasis on scientific outlook and objectivity. This unit discusses the traditional as well as modern approaches to the study of comparative politics.

2.1 UNIT OBJECTIVES

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

- Assess the historical, legal and comparative approaches to comparative politics
- Analyse the institutional approach and the emergence of comparative government
- Describe the behavioural approach to comparative politics
- Explain the Marxist approaches to the study of comparative politics

2.2 TRADITIONAL APPROACHES

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The traditional approach to the study of comparative governments emerged as a response to historicism of the 19th century. It stressed the historical examination of Western political institutions from the earliest to the modern times. The traditional approaches to the study of comparative politics are historical, legal and the comparative approach, and institutionalism.

2.2.1 Historical, Legal and Comparative Approach

The various methods of comparison are mentioned in this section.

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 Benedix'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).

Legal Method

Since we are exploring the traditional approaches, we will also refer to methods like legal and juridical. As evident, this means that we shall analyse 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 analysed 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 behaviour. However, by its very nature, the legal method is very narrow.

Philosophical Method

Principles of political theory were laid with the help of history, law, ethics and philosophy. This approach significantly contributed to literature on normative political theory. Thinkers like Plato and Burke successfully laid down the principles of political theory and developed concepts like liberty and equality, rights, law and justice. On the one hand, with traditional approach, Plato, Kant and Hegel idealized the state; on the other hand, Aristotle, Hobbes and Machiavelli became more practical and developed theories of the state which could be practiced for real. Relationship between politics and law was adopted by Grotius, Bentham, Austin and Dicey. This approach continued to remain in operation for a very long time and examined every political institution with the help of available evidences.

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Comparative Approach

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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 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 as 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 a broad, 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 relationships 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 the basis of age, income, gender, education. 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 of 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 generalizations 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 variables by 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 analysed. But it is closely connected with the comparative method, and certain types or 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.

2.2.2 Institutionalism

The study of institutions goes a long way back, starting possibly with the philosophical explorations of Plato's *Republic*. In this section, we will get a general idea of the historical evolution of the institutional approach.

We are, for the most part, concerned with studying the approach within the field of comparative political analysis. Therefore, our main concern is with the historical moment at which the institutional approach took on a comparative character. Ethnocentrism is a typical feature of this approach. A major portion of the works which represent the institutional approach in comparative politics have only taken into account governments and institutions in the West. Inherent in this approach is the belief that western liberal democratic institutions are dominant. Thus, according to this view, western

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liberal democracy is not only the best form of government, but it also has a normative and universal character. The widespread nature of western liberal democracy takes for granted that not only is this style of government the best, but also relevant across the world. The 'normativity' of western liberal democracies is a consequence of this belief.

If it is the best form of governance which is also appropriate in all contexts, liberal democracy is the form of government which should be implemented everywhere. But an important exception also arises from this prescribed norm of liberal democracy. This exception implies: (a) that the institutions of liberal democracy were specifically western in their origin and contexts and, (b) that non-western countries were incapable of democratic self-rule and would only be fit to do so if they underwent training under western imperialist rule.

In the following sections, we shall undertake a detailed study of the beginning of the institutional approach from ancient times to the first quarter of the present century when it became a prime method which made comparative study possible.

Historical Background

Aristotle studied constitutions and practices in Greek city-states. Possibly, this is the oldest comparative study of governments. Aristotle contrasted them with politics in the so-called 'barbarian' states. He established similarities and differences between governments differentiating between monarchies, oligarchies and democracy, and between these 'ideal' governments and their 'perverted' forms. An interrelation between facts and values marked the study of comparative politics at this stage. At the initial stages, an attempt was not made to analyse the theory and practice of government, as James Bryce had emphasized in the late nineteenth century. In its place was an irresistible desire to explore 'ideal' states and forms of governments. More emphasis was given to assumption, on what should be instead of on what 'is' or what is actually present. Practical details and knowledge of existing state of affairs, however, came to be known due to the efforts of Machiavelli (*The Prince*) in the sixteenth century and Montesquieu (*The Spirit of Laws*) in the middle of the eighteenth century. A large number of constitutional lawyers were the followers of Montesquieu. Their profession demanded that they concentrate more on the contents, i.e., the theoretical (legal-constitutional) framework of governments rather than the manner in which these frameworks unfolded in practice.

The forbearer of the study of 'theory and practice' was Tocqueville. This theory later became the real spirit of the institutional approach in comparative political analysis. Another noteworthy contribution to the expansion of this element of the institutional approach was made by Bagehot (*The English Constitution*, 1867) in his examination of the British cabinet. In this, he drew points of comparison with the American executive. In the last quarter of the nineteenth century, Bryce, Lowell and Ostrogorski contributed significantly to a comparative study of institutions and by doing so, to the development of a distinct branch of study that dealt with comparative governments.

Institutional Approach and the Emergence of Comparative Government

At the end of the nineteenth century and the beginning of the twentieth century, there was a drastic change in the contents of the institutional approach, and thereby the nature and scope of comparative politics. This was due to the contributions of Bryce, Lowell and Ostrogorski.

In his appraisal of their work, Jean Blondel asserts that Bryce and Lowell were, indeed, the true founders of comparative governments as it developed as a separate

branch of study in the latter part of the nineteenth century. The *American Commonwealth* (1888) and *Modern Democracies* (1921) were two noteworthy works of Bryce. In *Modern Democracies*, Bryce focused on the theory of democracy and examined the working of the legislatures and their decline. Lowell's works, *Governments and Parties in Continental Europe* (1896) and *Public Opinion and Popular Government* (1913), where he undertakes separate studies of France, Germany, Switzerland, etc., and a comparative study of referendums and its impacts respectively, were equally important.

In the same way, another pioneering work was Ostrogorski's study *Democracy and the Organization of Political Parties* (1902) which aimed to test the hypothesis of the 'democratic' or 'oligarchical' character of political parties.

It becomes significant to see how these works improved and changed the way in which institutions were being studied until now.

- (i) **Theory and practice of governments:** It has been mentioned earlier that comparative study of governments was inclined to be philosophical-speculative or largely legal-constitutional, i.e., they were either concerned with theoretical concepts like the 'ideal state', or with data regarding the legal-constitutional frameworks and structures of governments. With the liberal constitutional theory as a base, the formal institutional structures were examined with emphasis on their legal powers and functions. This formed part of studies on 'Comparative Government' or 'Foreign Constitutions'. These works were a result of the effort of the elites in institutional-building in different countries. This is the reason institutionalism acquired some fascination in the newly independent countries.

According to Bryce and Lowell, the existing studies were partial and incomplete. An all-inclusive scrutiny of governments should comprise the working of the legal-constitutional frameworks of governments. They emphasized that such a study not only necessitated a study of the theoretical bases or contexts of governments (i.e., the legal-constitutional framework and governmental institutions) but also equally important was the emphasis on the study of 'practices of government'.

Focussing just on constitutions, as was done by lawyers, was inadequate as it would result in ignoring the difficulties of their operation and implementation. Alternatively, focusing completely on practice without putting it in its theoretical (constitutional) perspective would not give the complete picture as one could lose sight of the contexts within.

It was, thus, primarily with Bryce and Lowell that the content of institutional approach in comparative political analysis came to be defined as a study of the 'theory and practice of government'.

- (ii) **Focus on 'facts':** An important part of these studies was the concern to study 'practice' through an analysis of 'facts' about the functioning of governments. To examine practice, one required to find out and 'amass' facts. Bryce categorically backed his view that it was essential to base one's analysis on facts, without which, he said, 'data is mere speculation': 'Facts, facts, facts, when facts have been supplied each of us tries to reason from them'. A major complication encountered during collection of data regarding practices of governments was the tendency among governments to conceal facts than to make them public. This made it difficult to acquire facts because governments and politicians often hid facts or were reluctant to clarify what the real situation was. However, this difficulty did not discourage them from stressing the importance of collecting data

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about almost every aspect of political life, parties, executives, referendums, legislatures, etc. This effort was sustained by later comparativists like Herman Finer (*Theory and Practice Institutional Approach of Modern Government*, 1932) and Carl Friedrich (*Constitutional Government and Democracy*, 1932).

- (iii) **Technique:** While searching for facts, Bryce and Lowell came across the use of quantitative indicators, on the basis of the realization that in the study of government, qualitative and quantitative types of verification have to be fair. Finally, however, Bryce and Lowell felt that findings could be reliable only on the basis of as wide a range of facts as possible. Keeping this in mind, they extended their studies geographically to a large number of countries which, at the time, had institutions of a constitutional or near constitutional character. They, therefore, endeavoured to focus their study on governments of western, central and southern Europe. But it was with Ostrogorski's work that comparative political analysis began to focus on studying particular institutions on a comparative basis. In 1902, Ostrogorski published a comprehensive analysis of political parties in Britain and America.

The institutional approach faced much criticism in the 1950s from 'system theorists' like Easton and Macridis who stressed upon the building of overarching models having a general global application. They attempted to understand and explain political processes in different countries on the basis of these models. These criticisms and the defence offered by institutionalists will be discussed in the next section.

Institutional Approach: A Critical Evaluation

Criticisms of the institutional approach in comparative political analysis have come in consecutive waves, in the early part of the twentieth century and later in the 1950s. A refined version of the approach reappeared after each wave of criticism.

The approach was criticized before the study of institutions attained a comparative nature (however restricted) at the turn of the century. It was said to be not only: (i) speculative but also (ii) prescriptive and normative. (iii) It was concerned with only irregularities and regularities and ignored relationships. (iv) It focussed on individual countries and therefore was non-comparative. It was said to be (v) ethnocentric as it focused on western European democracies. (vi) As it focussed on formal structure, both constitutional and governmental—it was said to be descriptive. (vii) It did not focus on analysis but at the same time was historical. (viii) The contributors tended to ignore the upper chambers of UK, the US and the USSR. (ix) Methodologically, they were said to be incomplete, at least in part. Theoretically, however, they were said to have failed to recognize the essence of political life.

With Bryce and his contemporaries, the nature and content of the institutional approach went through a phase of transformation. The approach attained a comparative character and at the same time attempted to combine theoretical contexts with governmental practices. In the 1950s, the institutional approach, as it developed with Bryce, Lowell and Ostrogorski, once more faced severe criticism by political scientists like David Easton and Roy Macridis.

David Easton criticized Bryce's approach in his work *The Political System* (1953), calling it 'mere factualism'. Easton claimed that this approach had affected American Political Science admitting that although Bryce did not neglect 'theories' his aversion to making explanatory or theoretical models, had led to a 'surfeit of facts' and as a result to 'a theoretical malnutrition'.

It will not be difficult to understand why Easton felt that Bryce's approach had misguided American Political Science in the wrong direction. Jean Blondel defends the institutional approach from critics like Easton who attacked its 'factualism'. Blondel argued that the charge of 'surfeit of facts' was incorrect since very few facts were actually available to political scientists to analyse politics comprehensively.

Actually, there was hardly any knowledge of the structures and activities of key institutions of most countries, especially about the communist countries and the underdeveloped countries. It was important, therefore, to collect more facts, considering that governments tended to hide facts rather than pass them on.

Any successful study had to be based on facts. Reasoning would not be possible in the absence of 'facts' or 'data'. This, along with the point that facts were not easy to get hold of, made them vital to the study of political analysis.

In 1955, Roy Macridis felt that the comparative study of governments should be reoriented. He felt that in the present form, comparative study had been 'comparative in name only'. According to Macridis, the orientation of the institutional approach was 'non-comparative', 'parochial', 'static' and 'monographic'. He said that a fair amount of work was 'essentially descriptive'. He owed this to the analysis being historical or legalistic, and therefore quite narrow.

In the 1950s, it became obvious that there was a dearth of facts which was a cause of concern. It was not possible to make proper generalizations. According to Blondel, there was, a 'surfeit of models' instead of a 'surfeit of facts'. He pointed out that building models without basing them on facts would lead to misinformation. It was not easy to obtain information about certain countries. Also, wrong information was likely to influence and reinforce preconceptions about those countries.

In 1971, while writing about Latin American Legislatures, W. H. Agor stated that legislatures in that part of the world were not strong. With no facts available for the purposes of the study, the reliance was more on evidence which was 'impressionistic'. Thus, those who followed the institutional approach emphasized the need for collecting and coming up with ways of collecting facts.

The criticisms were, however, followed by works that had a more comparative focus and included non-western countries.

2.3 MODERN APPROACHES

The modern approaches to political science play a very important role in studying comparative politics. It includes approaches like the behavioural system, structural-functional and the Marxist approach. Many thinkers and theorists have given their views and theories with regard to these approaches. This section deals with the behavioural approach.

2.3.1 Behavioural Approach

As you know, behaviouralism is related to the rise of the behavioural sciences and is based on the natural sciences. It examines the behaviour, actions and acts of individuals instead of the characteristics of institutions like legislatures, executives and judiciaries.

Before the Behaviouralist Revolution, critics saw the study of politics as being primarily qualitative and normative. They also claimed that it lacked a scientific approach

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Check Your Progress

1. What have historical studies concentrated on?
2. Name the methods by which valid associations of potential causes can be established.
3. How did David Easton criticize Bryce's work on institutional approach?
4. What does the theory of institutionalism state?

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which was necessary to call it a science. However, behaviouralists would go on to use strict methodology and empirical research to validate their study as a social science. The behavioural approach was innovative because it changed the attitude of the purpose of inquiry moving towards research supported by verifiable facts.

Behaviouralism uses the following methods to understand political behaviour:

- Sampling
- Interviewing
- Scoring and scaling
- Statistical analysis

David Easton was the first to differentiate behaviouralism from behaviourism in the 1950s. In the early 1940s, behaviourism itself was referred to as a behavioural science and later called behaviourism. The two disciplines were given distinct meanings by Easton.

Easton also listed the 'intellectual foundation stones' of behaviouralism, which are as follows:

- **Regularities:** This is related to the generalization and explanation of regularities.
- **Commitment to verification:** This refers to the ability to verify one's generalizations.
- **Techniques:** This represents an experimental attitude towards techniques.
- **Quantification:** Results are to be expressed as numbers wherever it is possible and meaningful.
- **Values:** The approach also keeps ethical assessment and empirical explanations distinct.
- **Systemization:** The importance of theory in research also must be considered.
- **Pure science:** It defers to pure science rather than applied science.
- **Integration:** It aims at integrating social sciences and value.

Objectivity and value-neutrality

According to David Easton, behaviouralism must be 'analytic, not substantive, general rather than particular, and explanatory rather than ethical.' Therefore, the theory aims to evaluate political behaviour without 'introducing any ethical evaluations'. Rodger Beehler calls this 'their insistence on distinguishing between facts and values'.

Criticism of behaviouralism

The approach has been criticized by both conservatives and radicals for the purported value-neutrality. Conservatives see the distinction between values and facts as a way of undermining the possibility of political philosophy. Neal Riemer feels this approach does away with 'the task of ethical recommendation' because behaviouralists believe 'truth or falsity of values (democracy, equality, and freedom, etc.) cannot be established scientifically and are beyond the scope of legitimate inquiry'. Christian Bay believed behaviouralism was a pseudo political science and that it did not include 'genuine political research'.

Bay objected to empirical consideration taking precedence over normative and moral examination of politics.

Post-Behaviouralism

The theory of post-behaviouralism questioned the prevalent notion that academic research needed to be 'value neutral'. They also claimed that despite the alleged value-neutrality of behaviouralist research, it was biased towards the status quo and social preservation over social change.

This school of thought argued that values should not be neglected and that behaviouralism was biased towards observable and measurable phenomena. Simply put, this meant that trivial issues that could be easily worked on were being emphasized at the cost of more important topics. The post-behaviouralists believed that research was very relevant in society and intellectuals had a positive role to play in the same.

Criticism of Post-behaviouralism

Well-known American political scientist Eulau criticized post-behaviouralism as a 'near hysterical response to political frustrations engendered by the disconcerting and shocking events of the late sixties and early seventies'.

2.3.2 Traditionalists versus Behaviouralists

Traditionalism in political science is a continuation of classical political philosophy in the modern times. It is represented by political scientists of varied professional inclinations, having an affinity with practitioners of moral or social philosophy. It also includes institutional analysts. Contrary to traditionalism in political science, behaviouralism postulates that social sciences can more closely approximate to methods and goals of natural sciences. On the other hand, traditionalism takes the stand that political science can never become a science in the real sense. The traditionalists continue to argue that even if it were possible for political science to become a science, it would be undesirable to attempt it.

The traditionalists' challenge to behaviouralist methods is the most outspoken. Their basic premise is that political science can never really become a science. To support their view, they advance the proposition that units of analysis in political science are not comparable to those of natural science. Unlike the stable units found in natural sciences, human beings are unique by virtue of their self-consciousness. They have the capacity to alter any plan about behaviour on the basis of past, present and future expectations and experiences. Therefore, any claim to general predictive laws would be highly presumptuous and inaccurate. Political behaviour by its very nature is not amenable to experimental enquiry. For, in a historical sense, it is unique and not recurring at intervals. Hence, the very search for regularities which the behaviouralist analysis undertakes is in vain.

The traditionalists maintain that quantification and analysis do not suit political science. The discipline as a whole is lacking in both precise concepts and the required metrics. Significant issues usually cannot be quantified, while those quantifiable easily are usually trivial. The traditionalists doubt the extent to which significant human behaviour can actually be apprehended and observed in a systematic manner.

Moreover, the traditionalists argue that additional subject matter differences between social and natural science. They are convinced that social scientists cannot

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examine or investigate their subject matter dispassionately. Nor is it possible to achieve objectivity as demanded by the scientific method. In fact, the scientific method confronts social scientists with the pervasive reality of their biases at all stages of investigation. This detracts them from keeping values and facts separate.

As in methods, the differences between the traditionalists and behaviouralists also focus on scope and objectives. The traditionalists uphold such appropriate objectives that are action oriented. They appear in the role of humanitarian advocate, critic and reformer. Indeed, the traditionalists' position implies a special characterization of the scientific method. On one level, it amounts to rejecting the scientific method, claiming that the pattern of justification varies between natural sciences and social sciences. On another level, the traditionalists' position implies that techniques of discovery differ in natural and social sciences. The former claim is much more radical in import than the latter one. Much of the current debate fails to articulate this important distinction.

On the contrary, it is possible to establish such broad meanings that almost any systematic accumulation of information can be so designated. When it is not clear what claims are being made for or against science, there is an artificiality about these debates. In recent years, philosophers of science have persuasively stated the case for a view of science and scientific methods that falls between the above extremes. Thus, a middle path has emerged in recent times. To quote the political scientist Malcolm B. Parsons, 'It is possible to define sciences and scientific enquiry so narrowly that only a few areas in the physical sciences could qualify.'

At this stage, it would be worthwhile to explain the differing implications of the traditionalist and the behaviouralist positions in political science. The debate between them points to one significant conclusion. It is at least possible to set the requirements of a genuine science whether so narrowly as to rule out all but a few natural sciences or to make it so broad-based that it could include almost any kind of common sense speculation. If we limit science only to those areas of enquiry for which there exists fully formalized theories, offering explanations that are strictly deductive in form, this would considerably narrow down the range of scientific enquiry. On the contrary, if the difficulty in obtaining relatively unbiased observational data is overemphasized, and the importance of law-like generalizations is underscored, a vast array of pre-scientific and philosophical enquiries would lay claim to be included in a scientific discipline.

The role of theory is central to all scientific explanation. It is on this score that social science has been found most lacking. To date, social science has singularly failed to produce a widely accepted account that can serve as a paradigm for further research. It has not been able to produce even the grounds for adjudicating the relevance and law-likeness of empirical generalizations and far less the grounds for explanation of social behaviour. Traditionalists treat this failure as endemic to political science. Not only has the discipline failed to measure up to the requirements in the past, but there are overriding reasons for assuming that it can never satisfy these demands. In a way, it is an empirical claim resting on past history and the present condition of political science. Evidence is quite adequate for predicting a continued failure of the discipline to measure up to the requirements of a genuine science.

Contrary to this, the behaviouralists' plea is that social scientists have been successful in applying a variety of sophisticated statistical techniques to data. In a large number of cases, these techniques have been used to make accurate predictions. As a result of this, many empirical theories have been propounded which have attained some

measure of support. However, if we were to expect from a science a total theory which does for social science or at least for one of its major divisions what Newton's theory did for physics, the traditionalists' denigration of the accomplishments of empirical theorists would be deemed plausible. It is, however, doubtful whether even physics has a theory of such cosmic significance.

Distinguished American sociologist Robert K. Merton rightly maintains that the proper aim, at least in current conditions, and the proper measure of social science, is its success in providing theories of mid-range. Such theories are more than empirical generalizations or summaries of observed uniformities. They comprise specific testable assumptions that can be falsified or confirmed by observation. They occupy a middle position between isolated observational generalizations and all-embracing speculative theories. Merton's characterization of the theories of the mid-range embraces such classic accounts as Emile Durkheim's theory of suicide and Max Weber's theory of relationship between Protestantism and capitalism. More recent examples include the reference-group theory and the role set theory.

Given the numerous theories of the middle range, it is wrong to lament the death of theories as the traditionalists do. Moreover, the failure of political science to produce widely accepted and well-established grand theories (in a period of only 30 years or so) which can be used to predict future developments is naive and immature. This cannot be deemed a sufficient ground for denying politics its scientificness of its accomplishments in the realm of scientific theory. If the history of the development of other sciences is any guide, the gestation period for a new natural science often has been much longer.

The traditionalists' attack in relation to political behaviour is three-fold:

- (i) The human political behaviour involves too many variables. It is too complex to visibly exhibit the regularities necessary for the determination of empirical laws and theories.
- (ii) The subject matter, that is, human behaviour, precludes explanation by empirical laws and theories.
- (iii) That even such laws and theories as might be presented are inevitably biased in such a way as to prevent scientific objectivity in evaluating them.

Each of these criticisms has been widely challenged. These have, however, failed to establish that it is impossible for social sciences to resemble natural science in method. In fact, political science, if properly practised, can be a genuine science. This does not mean that social science must or will develop to meet the requirements of scientific explanations and if possible, predict as well.

Reproductive Fallacy

The traditionalists' objection that social and political behaviour is too complex to be explained in terms of law-line generalizations drawn from adequate empirical theory, suffers from a few confusions. The primary one among them is called the 'reproductive fallacy'. This means that an adequate explanation of a given event must account for that event in all its uniqueness. Any event is susceptible of many descriptions and it is argued that no complete description is possible, that language in general is inadequate to capture experience and that describing a thing is different from actually perceiving and reacting to it. However, this in no way implies that descriptions are somehow necessarily inadequate. Nevertheless, an adequate explanation of social behaviour is possible under only one of the many possible descriptions.

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Social and Natural Science—Points of Divergence

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Similarly the objection that the uniqueness governing social behaviour is not merely uniqueness governing all events, but rather the kind of behaviour that does not recur. In other words, it is that behaviour that appeals to political science as a matter of fact and applies to a single instance or at best to a few cases. As against this, the descriptions of interest to physicists apply to large phenomena for purposes of explanation. This limitation of social science is shared by other physical sciences like geology and meteorology. These natural sciences too are interested in explaining unique events, but lack adequate tools and techniques of explain the phenomena before them. This is not a failure of the younger natural sciences alone but also older sciences like physics. They lack knowledge of the contingencies and variables governing the infinite diversity of particular conditions.

Moreover, the kinds of concepts employed by physicists are idealisations that actual physical objects only approximate to. Physical laws apply in their purity to rigid bodies like objects in a vacuum or frictionless mass. Explanation and prediction apply to objects and events only when we accept simplifying assumptions that exclude some variables. For example, the rational economic man is a construct or idealisation that involves simplifying assumptions. Actual economic agents only approximate to this ideal. However, this does not mean that we cannot adduce law-like generalizations which apply to actual economic behaviour.

Philosopher Karl Popper supports the viewpoint that social science deals with the phenomena that are more complex than those investigated by natural scientists. He finds the source of complexity of subject matter of social science in the tendency to compare concrete social or political situations with those found in the laboratory of natural scientists. But the laboratory situation is shaped exactly to limit the effect of certain variables.

Another source of the assertion of complexity, Popper argues, is the belief that social scientists must give an account of social phenomena. This somehow includes the mental condition of all participants. This requirement is highly unrealistic. It is tantamount to demanding that physicists know the behaviour of each molecule before they can employ concepts like pressure or temperature that relate to the collection of a large number of molecules.

The traditionalists claim that human behaviour is different in kind from the behaviour of inanimate objects. This is so because human beings are clearly conscious of their own behaviour. This points to the fact that human beings can alter their own behaviour. They can do so despite or precisely because social scientists have preferred a theory or made a prediction. Besides, human beings can give meaning to their actions and their institutions. There can be no complete or even adequate explanation of human political behaviour and institutions unless it takes account of this factor. Moreover, this meaning or significance cannot be understood in terms of some theory which abstracts from the overt behaviour responses. Consequently contemporary behaviouralism misses the most important dimension of human behaviour due to abstracted empiricism.

Most scholars agree that dissemination of the results of political enquiry in social sciences may have effects altogether different from the publication of conclusions in natural science. For example, the publication of preference poll results may affect outcome of the election, while nobody expects the publication of tide tables to affect the tides. Nevertheless this difference between the natural sciences and social sciences may not be significant as may be first imagined. The effects of publishing preference polls are

themselves open to empirical study, just as are the effects of using a thermometer. Herbert Simon's work on the bandwagon effect offers a good example of how publication of preference polls may be treated as an empirical variable.

Peter Winch supports the claim that the subject matter of social science enjoys a methodology which may radically differ from that employed in natural science. According to Winch, the description of human behaviour as an action, rather than merely as a piece of physical behaviour, demands that the actor possesses in advance certain concepts in the light of which he views his action. What he does is intimately connected to what he perceives himself to be doing. Indeed all meaningful behaviour, and social behaviour, in particular, can be adequately described only when it is treated in terms of the concepts the agents actually have. More importantly, since the ideas and theories of people change and develop social behaviour and social relations are not suited to making broad generalisations. As a corollary to this, social science differs from natural science in two ways.

First, the criteria for determining evidence are not those of the observer, but those of the observed.

Second, appropriate explanation does not come through assumption of particular behaviour under law like generalisation. It emanates from an understanding of behaviour as an instance of some social practice or activity.

British philosopher Winch aligns himself with Max Weber against the position taken by Pareto and Durkheim. The latter plead for a vocabulary of recurring observable social features. In their view, these can be developed and (at least in principle) are suitable for inclusion in scientific generalization. Social facts may describe social behaviour in terms radically different from those employed by the actors themselves. Durkheim's concept of *anomie* as it functions in his discussions of suicide is a case in point.

Winch and Weber argue that social scientists must attempt to obtain a *Verstehen* which means an emphatic or interpretative understanding of human action. For both, this understanding is not merely a case of a social scientist attempting to put himself into the other man's shoes, and seeing the world as the social actor sees it, but more than that.

Weber sees *Verstehen* as a first step in social research to be supplemented by a search for statistical generalization. In contrast, Winch suggests that social scientists should engage in an enquiry akin to that of philosophers. They should try to grasp the standards or social rules relevant to the behaviour under study as a result of which this behaviour becomes intelligible.

Winch, admittedly, is justified in joining out the importance of the agent's own account of social and political behaviour, which behavioralists can take into consideration. Normal social and political concepts or categories provide a focus for investigation and specific individual explanations can be included as data. The demand to account for human behaviour in all its uniqueness is only another example of the reproductive fallacy. In a sense bureaucratic behaviour cannot be understood or appreciated unless we see it from the viewpoint of a practising bureaucracy. Nevertheless, it does not imply that there is an alternative explanation of understanding to be gained from subsuming this behaviour under law-like generalizations. This may be so even when the concepts employed in framing these generalizations and in describing specific pieces of behaviour, differ radically from those that the agent himself would employ.

As against Winch's position, social science has been described as the study of the unintended consequences of human action. This description understates the relevance

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of Winch's argument, while this position itself misses one vital aspect of social enquiry. Conceding that one important task of social science is to characterise the rules which constitute various social practices or activities, one need not accept the suggestion that his is all there is to social enquiry. Such an analysis is conspicuously static. It does not leave room for equally important questions that arise about the origin and development of various practices and activities.

Problem of Objectivity

The traditionalists emphasize the intrusion of values at every stage of political analysis. This tends to make objective judgements impossible. Bias or prejudice will surely enter the collection and evaluation of data, allocation of funds for research and admission or rejection of certain variables in theories. Even behaviouralism leads to concern with problems which are not politically relevant. It, thus, given at least tacit support to existing political institutions and practices.

Another objection is that all our complex judgements are reflection of ideology. They are, therefore, historically relative rather than objective.

The given logic has been countered by the behaviouralists or other practitioners of scientific methodology in political analysis. Undeniably, particular pieces of research have been infected by bias or they have been characterized by an unacceptable intrusion of particular judgements of value and by the investigator's points of view. Probably this happens more often in social sciences than in natural science. However, empirical evidence does not show that the intrusion of values is unique to social science or that it can be eliminated. Furthermore, judgements of value enter into the evaluation and reception of results in natural as well as in social sciences. In this respect, social science may be seen, in principle, as no worse than natural science.

Social science also does not vary in kind from natural science. However, it cannot be denied that some research in social science has been trivial and irrelevant to immediate social and political problems. But it is also wrong to assume that all or even most investigations in natural science are endowed with special significance or scientific importance. Triviality in choice of research problems, unimaginative research design, lack of insight into the relationship between particular pieces of research and larger problems in a field, and finally, the relative stupidity of the investigator can result in banality and trivialisation of research in both natural and social sciences.

The lack of direct relevance or application often besets basic research in both natural and social sciences. Theorizing is always some steps removed from practical application and what may lead to a fruitful development is not known in advance. Freedom is, therefore, necessary in matters of choice concerning a research problem. It is difficult to see how the demand for relevance at the expense of theorising is different from the charge that a scientist should turn away from some basic research. Both may be worthwhile and not necessarily exclusive undertakings. It does not mean, however, that, in particular cases, priorities cannot be established. If funds are limited, the more important of the research areas may be given priority.

Finally, even if biases and verifying value systems create greater difficulty in social science, it does not follow that they cannot be eliminated. For example, when the application of the Western developmental model to the Third World hides a value bias and is culture-bound. It is a case of intrusion of values into scientific enquiry.

Problem of Value-Relativism

The traditionalists advance the thesis of relativism. They deny scientific objectivity to social science research. In their view social science fails to be objective, that is, truly scientific because it is but one instance in which human ideology intrudes upon our judgement. Absolute truth existing independently of the values and position of the subject and unrelated to the social context is impossibility.

In support of this position, the traditionalists adduce American philosopher Samuel Kuhn's thesis called the *Structure of Scientific Revolutions*. They seize upon those passages in which Kuhn talks about replacement of one paradigm by another in natural sciences as a Gestalt Switch or conversion to reinforce their argument. They assess that even in natural science, individual and group prejudices shape judgements. Thus there is no objective procedure for ultimately adjudicating various claims.

Such a global indictment does not clearly distinguish the problems faced by social scientists from those faced by natural scientists. In fact both are tarred with the same brush. Moreover, behaviouralists need not commit themselves to finding some absolute truth. Indeed, they may develop laws and theories adequate to their subject matter in the same sense that laws and theories are adequate in natural science. Such a global relativism generates what is known as Mannheim's paradox, 'Since all judgements about social life are relative to the social and the individual perspective, they, therefore, lack of objectivity cast doubts on particular judgements about social life, then doubt is cast equally on the relativist thesis itself.'

As a matter of fact, part of the initial appeal of relativism comes from the identification of absolute truth with objectivity. To hold that scientific statements are tentative or hypothetical is to acknowledge that they are open to revision. This would amount to rendering them non-objective, i.e., merely relative. However such a claim attempts to hold scientific judgements or good evidence of an appropriate standard.

The assumption that objectivity must entail neutrality further complicates the questions about objectivity. Science can be seen as providing institutionalised control procedures. These are necessary in as much as observers and theorists are not neutral. In this connotation, redundancy, duplication, and overlap are essential to maintain the integrity of the system of scientific enquiry. From this, it follows that objectivity in science is possible even though people may be conditioned or shape in several different ways. It is not necessary that scientists should claim neutrality but should accept responsibility in the joint enterprise of collecting and assessing evidence and of considering and evaluating alternative theories.

2.4 MARXIST APPROACHES

There are a number of Marxist concepts that are related to the study of political science—political economy, historical materialism and rational choice theory. The term 'political economy' denotes the distribution of political and economic power in a particular society and how it influences the directions of development and policies that bear on them. Karl Marx's concept of historical materialism also examines the process of capitalism as a whole. Extensions of Marxism such as analytical Marxism and the rational choice theory move beyond traditional Marxist studies and help in analysing social and economic behaviour.

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Check Your Progress

5. What methods does behaviouralism use to understand political behaviour?
6. State the aim of behaviouralism theory.
7. What do you understand by traditionalism in political science?
8. Why is the human behaviour different from that of inanimate objects?

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2.4.1 Political Economy and Historical Materialism

Karl Marx explains his approach on the subject of political economy in his work, *Das Kapital*. *Das Kapital* is a wide-ranging discourse on political economy written in German by Karl Marx and edited (*in part*) by Friedrich Engels. *A Contribution to the Critique of Political Economy* was also written by Karl Marx and it provides a significant scrutiny of capitalism. The concept of ‘political economy’, according to Marx, is not a moral exposition. It is an attempt to examine the process of the capitalist system as a whole, its origins and future. Marx tried to find out the causes and dynamics of the addition of capital, the growth of wage labour, the alteration of the workplace, the concentration of capital, competition, the banking and credit system, the tendency of the rate of profit to decline, land-rents and many other things. According to Marx, the strength of capitalism lay in the misuse and alienation of labour. The ultimate source of capitalist profits and surplus was the unpaid labour of wage labourers. Employers could claim the new output value because of their ownership of the productive capital assets which was protected by the state through property rights.

Marx said that the political economists could study the scientific laws of capitalism in an objective way because the expansion of markets had in reality objectified most economic relations. The cash nexus had stripped away all previous religious and political illusions.

Marx also says that he viewed ‘the economic formation of society as a process of natural history’. The growth of commerce happened as a process which no individual could control or direct, creating an enormously complex web of social interconnections globally. Thus, a ‘society’ was formed ‘economically’ before people actually began to consciously master the enormous productive capacity and interconnections they had created, in order to put it collectively to the best use. The concept of capital does not propose a theory of revolution (led by the working class and its representatives). Instead, it throws up a theory of crises as the condition for a potential revolution or what Marx refers to in the *Communist Manifesto* as a potential ‘weapon’, ‘forged’ by the owners of capital, ‘turned against the bourgeoisie itself’ by the working class. Such crises, according to Marx, are rooted in the contradictory character of the commodity, the most fundamental social form of capitalist society. According to Marx, in capitalism, improvements in technology and rising levels of productivity increase the amount of material wealth (or use values) in society while simultaneously diminishing the economic value of this wealth, thereby lowering the rate of profit. This tendency leads to a paradox characteristic of crises in capitalism of ‘poverty in the midst of plenty’ or more precisely, crises of overproduction in the midst of under-consumption.

Karl Marx also wrote that the term ‘political economy’ most commonly refers to interdisciplinary studies drawing upon economics, law and political science in explaining how political institutions, the political environment and the economic system—capitalist, socialist, mixed—influence each other.

The term was originally used for studying production, buying, and selling and their relations with law, custom and government, as well as with the distribution of national income and wealth, including the use of the budget process. Figure 2.1 shows the essence of Marx’s concept of the political economy.

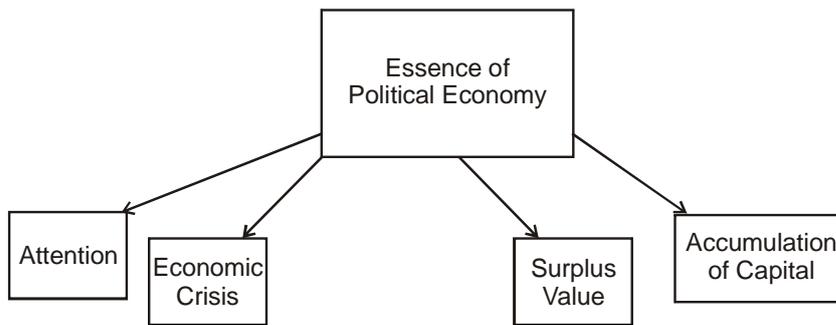


Fig. 2.1 Political Economy

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Social Production of Existence

In the theory of the social production of existence, men usually enter definite relations, which are independent of their will. This includes relations of production that are appropriate to a given stage in the development of their material forces of production. The totality of these relations of production constitutes the economic structure of society. This is the real foundation on which a legal and political superstructure arises and with which the definite forms of social consciousness corresponds. The mode of production of material life conditions the general process of social, political and intellectual life. It is not the consciousness of men that determines their existence, but their social existence that determines their consciousness. At a particular stage of development, the material and productive forces of society come into conflict with the existing relations of production or with the property relations within the framework of which they have operated hitherto. From forms of development of the productive forces, these relations turn into their bindings. This leads to changes in the social economic foundation that lead sooner or later to the transformation of the whole superstructure.

In studying such transformations, it is always necessary to understand the material transformation of the economic conditions of production. This can be determined with the precision of ideological forms in which men become conscious of this conflict and the fight begins. Just as one does not judge an individual by what he thinks about himself, so one cannot judge such a period of transformation by its consciousness. On the contrary, this consciousness must be explained from the contradictions of material life, from the conflict existing between the social forces of production and the relations of production. No social order is ever destroyed before all the productive forces for which it is sufficient have been developed and new superior relations of production never replace older ones before the material conditions for their existence have matured within the framework of the old society.

Mankind, thus, inevitably sets itself only such tasks as one is able to solve, since closer examination will always show that the problem itself arises only when the material conditions for its solution are already present or at least in the course of formation.

Broadly speaking, the Asiatic, ancient, feudal and modern bourgeois modes of production may be designated as epochs marking progress in the economic development of society. The bourgeois mode of production is the last antagonistic form of the social process of production but the productive forces developing within the bourgeois society create the material conditions for a solution of this antagonism also.

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Historical Materialism

The concept of history according to Karl Marx is known as dialectical or historical materialism. 'To Marx', explains Larson 'matter is not a product of mind: on the contrary, mind is simply the most advanced product of matter.' Though Marx rejected Hegel's content orientation, he retained the dialectical structure. Historical materialism is the Marxist theory of society. This is clear in a detailed passage in the Preface to *A Contribution to the Critique of Political Economy*.

Stages of Human History

One of the primary themes contained in Karl Marx's *The Communist Manifesto* is the stages of human history. He differentiated the stages of human history on the basis of their economic regimes and categorized them into four modes of production which he called the Asiatic, the ancient, the feudal and the bourgeois.

Being a materialist, Karl Marx believes thoughts to be based on facts. According to Marx, 'It is not the consciousness of men that determines their existence, but on the contrary, it is their social existence that determines their consciousness.'

In this way, social laws change along with the history of social and economic evolution. There have always been conflicting classes in society. From historical evidence, these conflicting classes have three major forms, which are as follows:

- Society of slave tradition
- Aristocratic society
- Capitalist society

According to Marx, only a communist society can resolve the conflict.

Even the economic basis of social evolution has two parts:

- Means of production
- Economic relations

The first comprises machines and second, ownership and ways of distribution. The order of society underwent a change with the development of the classes. With the development of agricultural implements, it entered into a state of agriculture.

The industrial age was conceived with the discovery of industrial machinery. In the same way, society underwent important changes with the entry of banks and currency into the medium of distribution.

Modes of Production and Practical Aspects of Historical Materialism

Therefore, the history of society is reflected in the history of development and the law governed during the successive modes of production. This succession passes through six consecutive modes of production.

- **Primitive society:** This was the first and the lowest form of organization of people. It existed for thousands of years. In this stage, men made use of primitive implements. The relations of production and the productive forces were not very developed. Everything was done on communal basis. The people tilled the communal land together with common tools and lived in a common dwelling, sharing products equally. The productive forces developed slowly. With the growth of productivity, the clan began to break into families. The family became the

owner of the means of production. Thus, private property arose and with it, social inequality. This resulted in the first antagonistic classes—masters and slaves.

- **Slave society:** In the earlier stages of human society, called primitive communism by Marx, the community was a society. People did not have the need to accumulate. However, when man started using the result of one day's labour over a number of days, the tendency to accumulate increased. This was the beginning of the convention of wealth.

Ownership of objects spread to ownership of men because slaves helped to increase the inflow of objects. In this way, the slave and master classes came into being in society and consequently, master and slave morality grew. This increased dissatisfaction which in turn led to class conflicts. Slaves revolted against masters for equal rights.

- **Feudal society:** As time passed, the masters did concede some rights to slaves. Though the slaves possessed some ownership over land, a major portion of the yield still went to the master. It was the inception of 'lordship society'. In this society, too, there were two conflicting classes—serfs and lords. Lords were superseded by kings or emperors. The serfs laboured and the lords or kings benefited. In order to give sanction to the authority of kings and lords, religion was resorted to.

In this way, religious ethics were born and the concepts of Heaven and Hell came into being. God was recognized as the religious emperor under whom lay many gods and goddesses. The serf was taught to pray to this God and to rest satisfied with his lot, which was allocated to him by God. It was God who had vested authority in the king. Also, there were lords authorized by the king. Thus, to obey their orders was the duty of the public. There was a vast difference in the status of the ruler and the ruled.

- **Capitalist society:** In this age, conflicts in the lordship system became more intense. On the other side, steam was discovered in the forces of production and factories derived power from steam engines. The lords abandoned their dukedoms and entered the industrial field. They created the capitalist or owner class. They joined hands with businessmen and white-collared middle class people. The serfs went on to become the labour class. Thus, society was again stratified into two layers or classes—the bourgeoisie and the proletariat. In the bourgeois and proletariat morality too, there is a tremendous conflict as in all conflicting classes. The policy of the bourgeois is one of exploitation. They have nothing to do with the problems of the proletariat. Resorting to secular orders, laws of action and religion, they preach lessons of humbleness and patience to the labourers.
- **Socialist society:** After the working class has been exploited to the hilt, it looks for an escape. Class consciousness is built up that leads to revolution against the capitalists and if it is successful, socialism is gained. In socialism, production is directed by the elected councils of the workers. The means of production are transferred from the hands of capitalists to that of the workers. He called this change the 'dictatorship of the proletariat'. Economically, each worker is paid according to the amount of labour he contributes to the society.
- **Communist society:** The communist society, according to Marx, is the future society aimed at by all form of development and revolution in society. This is best defined by the Party Programme in USSR as, 'Communism is a classless social

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system with one form of public ownership of the means of production and full social equality of all members of society under it, the all-round development of people will be accompanied by the growth of the productive forces through continuous progress in science and technology; all the springs of cooperative wealth will flow more abundantly, and the great principle, "From each according to his ability, to each according to his needs" will be implemented. Communism is a highly organized society of free, socially conscious working people in which public self-government will be established, a society in which labour for the good of society will become life's prime want of everyone, a necessity recognized by one and all, and the ability of each person will be employed to the greatest benefit of the people.'

In the communist state, the class struggle will come to an end. The disparity between mental and physical labour will lose recognition and the government and religion will be destroyed. Only then will true morality be conceived.

An Assessment of Historical Materialism

Historical materialism or the materialist conception of history is the direct application of the principles of dialectical materialism to the development of society. Karl Marx made it the cornerstone of his social and political philosophy. Even though Marx does not explain what he means by his theory of historical materialism, it is based on the economic interpretation of history. Marx probably used the word 'materialistic' to contrast his theory with that of Hegel as sharply as he could.

The theory of the materialistic conception of history starts with the belief that economic activities are the basis of political, legal, cultural and religious institutions and beliefs. Various forms of state or varieties of legal system cannot be taken as results of the development of human mind but have their origin in the material conditions of human life. The theory starts with the simple truth that man must eat to live and in order to eat, he must produce. Thus, his survival depends upon the success with which he can fulfil his needs.

Production is the most important of all human activities. Society is the result of these necessities of man. Marx grouped the efforts of man in this regard into four main stages:

- Primitive or Asiatic stage
- Ancient stage
- Feudal stage
- Capitalist stage

In all these stages, the class which controls the means of production controls the rest. It is this fact of domination which creates a perpetual state of tension and conflict. In all stages of human life, the forces or conditions of production determine the structure of society.

Marx's theory of materialistic conception of history contains a greater amount of truth than his dialectical materialism. According to the Marxist thinker Carew Hunt, all modern writers on social sciences are indebted to Marx, even if they do not admit it. In this sense, Marx's historical materialism or economism represents a very valuable development in the methods of social sciences.

However, it is impossible to explain all historical movements exclusively in economic terms. Marx's theory ignores the fact that human passions, sentiments, emotions and religion also influence human behaviour. As a philosophical doctrine, the economic interpretation of history is incapable of universal application.

We may see reason in the emphasis laid down by Marx on economic factors though history cannot be explained in terms of decisions made by politicians and kings acting in vacuum. The major problem arises when the views of Marx are offered as a complete explanation of an extremely complex phenomena. Many ideals which, according to Marx, were only reflections of material interests of one's place in the economic order, actually attain independent status. It is possible that Karl Marx and his colleague Engels recognized the over-emphasis that was laid on the economic factors. The excessive zeal of some of his admirers to make his ideas rigid led Marx on one occasion to say that he was not a Marxist. By this, he seems to have meant that he was rigid when they were applying the materialist conception of history.

2.4.2 Rational Choice

The rational choice theory provides a framework for not just understanding but also modelling behaviour, both social and economic. Not only is it important in the school of microeconomics, that is presently dominant, but it is also of great significance in modern political science, sociology and philosophy. It is the same as instrumental rationality, which involves the identification of the most cost-effective method for achieving a specific goal without affecting the worthiness of that goal.

Individual preferences

The rational choice theory is based on the idea that behavioural patterns in societies represent the choices made by individuals during their attempt to maximize benefits and minimize their costs. In other words, the decisions of people regarding the way they act is made by comparing the costs of different actions with their benefits. As a result, patterns of behaviour will develop within the society the results from those choices. The concept of rational choice, wherein comparison of costs and benefits of certain actions are made by people, is quite evident in economic theory. Since people want to get as many useful goods as possible at the lowest price, they will consider/weigh the benefits they get from a certain product (for example, how useful or appealing it is) compared to similar objects. They will then compare the prices. Simply put, most consumers will select the object which will give them the maximum reward at the minimum price or cost. It is claimed that rational choice theory makes certain unrealistic assumptions to generate predictions that are tractable and testable. These include: An individual possesses complete information regarding what exactly will result from a certain choice. Models that are complicated depend on the probability of describing the outcomes. An individual possesses the cognitive ability and time to consider and weigh each against every other choice. Studies about the drawbacks or constraints related to this assumption are included in theories of bounded rationality.

Proponent of Rational Choice Theory

The application of rational choice theory was supported by Gary Becker, recipient of the Nobel Memorial Prize in Economic Sciences in 1992 for his studies on crime, discrimination and human capital. In the late 20th century, the rational choice theory was the school of thought that dominated the study of political science. Rational choice is more

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self-consciously theoretical than other research programmes. History and culture are irrelevant for rational choice theorists, who wish to understand political behaviour. All they need to know is the interest of the actors and the assumption that these interests are pursued in a rational manner. While the decision-making approach in the past chose to explain the decisions of elite groups (usually in foreign policy-related issues), rational choice theorists chose to apply their formal theory (at times requiring mathematical notations also) to all aspect of political life.

Rational Choice Theory: Practical Applications

The main feature that defines the rational choice theory is that people attempt to always maximize their interests in situations where their vote is required or where they are required to volunteer politically. There are many variants to the approach. Decision theory, for instance, is based on cost-benefit analysis done by individuals without reference to anyone else's plans. The game theory, on the other hand, examines how people make choices on the basis how they expect others to act.

The primary idea of the rational choice, economic and public choice (although these variants differ in important particulars) is that behaviour is purposive. Political behaviour is not just an outcome of psychological drives, socialization or organizational norms. In fact, individuals possess goals which they attempt to achieve, acting as rationally as possible given the level of knowledge, available resources and the situation.

Rational Choice Theory in Political Economy

The rational choice theory refers to the interaction between the society, state and markets. It makes use of sophisticated analytic tools and techniques in its investigations. Rational-choice theorists examine individual behaviour as well as the state policies in terms of benefit maximization and cost minimization. The rational choice theory has become more and more involved in social sciences other than economics, such as sociology and political science in recent times. It has had far-reaching effects on the study of political science, especially in fields like the study of interest groups, elections, behaviour in legislatures, coalitions, and bureaucracy. Models that depend on rational choice theory often adopt methodological individualism, and assume that social situations or collective behaviours are solely the outcome of individual actions; that larger institutions play no role. The mismatch between this and sociological conceptions of social situations is responsible for the limited use of the theory in sociology. Among other things, sociology focuses on the determination of individual tastes and perspectives by social institutions, conflicts with rational choice theory's assumption that our tastes and perspectives are given and inexplicable.

Rational choice theory defines 'rationality' more narrowly and specifically so as to simply mean that an individual tries to balance costs against benefits to decide on an action that gives maximum personal benefits. In general, the rational choice theory does not take into account or address the role played by an individual in terms of morals or ethical decision-making. Thus, economist and Nobel Prize winner Amartya Sen refers to those who follow the rational choice model as 'rational fools'. This is because the rational choice theory is bereft of the understanding of consumer motivation. Some economists restrict the use of theory to understanding business behaviour where there is more clarity of goals.

Check Your Progress

9. What does political economy refer to?
10. Fill in the blanks.
 - (i) The concept of history according to Karl Marx is known as _____ or _____ materialism.
 - (ii) _____ refers to the interaction between the society, state and markets.

2.5 SUMMARY

- 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.
- 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 and equitable system of law and order.
- At the end of the nineteenth century and the beginning of the twentieth century, there was a drastic change in the contents of the institutional approach, and thereby

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the nature and scope of comparative politics. This was due to the contributions of Bryce, Lowell and Ostrogorski.

- Institutionalism is the belief that western liberal democratic institutions are dominant. Thus, according to this view, western liberal democracy is not only the best form of government, but it also has a normative and universal character.
- Behaviouralism aims to offer an objective, quantified approach to the process of explaining and predicting political behaviour. This approach to the study of political science examines the behaviour, actions and acts of individual beings rather than that of institutions.
- Behaviouralism uses the following methods to understand political behaviour:
 - o Sampling
 - o Interviewing
 - o Scoring and scaling
 - o Statistical analysis
- The behaviouralist approach has been criticized by both conservatives and radicals for the purported value-neutrality. Conservatives see the distinction between values and facts as a way of undermining the possibility of political philosophy.
- Post-behaviouralism challenged the idea that academic research had to be value neutral and argued that values should not be neglected.
- Traditionalism in political science is a continuation of classical political philosophy in modern times. It is represented by political scientists of varied professional inclinations, having an affinity with practitioners of moral or social philosophy. It includes institutional analysts too.
- The differences between the traditionalists and behaviouralists also centre on scope and objectives. The traditionalists uphold such appropriate objectives as are action oriented. They appear in the role of humanitarian advocate, critic and reformer. Indeed, the traditionalists' position implies a special characterization of the scientific method.
- The traditionalists claim that human behaviour is different in kind from the behaviour of inanimate objects. This is so because human beings are clearly conscious of their own behaviour. This points to the fact that human beings can alter their own behaviour.
- There are a number of Marxist concepts that are related to the study of political science—political economy, historical materialism and rational choice theory. The term 'political economy' denotes the distribution of political and economic power in a particular society and how it influences the directions of development and policies that bear on them.
- Karl Marx's concept of historical materialism also examines the process of capitalism as a whole. Extensions of Marxism such as analytical Marxism and the rational choice theory move beyond traditional Marxist studies and help in analysing social and economic behaviour.
- Karl Marx's approach on the subject of political economy is contained in his book *Das Kapital*. *Das Kapital* is a wide-ranging discourse on political economy written in German by Karl Marx and edited (*in part*) by Friedrich Engels.

- One of the primary themes contained in Karl Marx's *The Communist Manifesto* is the stages of human history.
- The concept of history according to Karl Marx is known as dialectical or historical materialism. 'To Marx', explains Larson 'matter is not a product of mind: on the contrary, mind is simply the most advanced product of matter.'
- Though Marx rejected Hegel's content orientation, he retained the dialectical structure. 'Historical materialism is the Marxist theory of society. This is clear in a detailed passage in the Preface to *A Contribution to the Critique of Political Economy*.
- The modes of production in society, according to Marx, evolved through six stages—primitive, slave, feudal, capitalist, socialist and capitalist societies.
- Historical materialism or the materialist conception of history is the direct application of the principles of dialectical materialism to the development of society. Karl Marx made it the cornerstone of his social and political philosophy.
- The rational choice theory provides a framework for not just understanding but also modelling behaviour, both social and economic.
- The main feature that defines the rational choice theory is that people always attempt to maximize their interests in situations where their vote is required or where they are required to volunteer politically.

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2.6 KEY TERMS

- **Scientific rigour:** It means strictness in judgment or conduct; rigourism.
- **Behaviouralism:** It is an approach to the study of political science that examines the behaviour, actions and acts of individual beings rather than that of institutions.
- **Post-behaviouralism:** It is a response to behaviouralism that claimed that despite the alleged value-neutrality of behaviouralist research it was biased towards the status quo and social preservation rather than social change.
- **Political economy:** It is a Marxist terminology that refers to interdisciplinary studies drawing upon economics, law and political science in explaining how political institutions, the political environment, and the economic system—capitalist, socialist, mixed—influence each other.
- **Historical materialism:** It is a methodological approach to the study of society, economics and history that was propounded by Karl Marx.
- **Rational choice theory:** It is a framework for not just understanding but also modelling behaviour, both social and economic.

2.7 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. Valid associations of potential causes can be established by the method of agreement and the method of difference.

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3. David Easton criticized Bryce's approach in his work *The Political System* (1953), calling it 'mere factualism'. Easton claimed that this approach had affected American Political Science admitting that although Bryce did not neglect 'theories' his aversion to making explanatory or theoretical models, had led to a 'surfeit of facts' and as a result to 'a theoretical malnutrition'.
4. Institutionalism is the belief that western liberal democratic institutions are dominant. Thus, according to this view, western liberal democracy is not only the best form of government, but it also has a normative and universal character. The widespread nature of western liberal democracy takes for granted that not only is this style of government the best, but also relevant across the world. The 'normativity' of western liberal democracies is a consequence of this belief.
5. Behaviouralism uses the methods of sampling and interviewing to understand political behaviour.
6. Behaviouralism theory aims to evaluate political behaviour without 'introducing any ethical evaluations'.
7. Traditionalism in political science is a continuation of classical political philosophy in the modern times.
8. Human behaviour is different in kind from the behaviour of inanimate objects because human beings are clearly conscious of their own behaviour.
9. Political economy refers to interdisciplinary studies drawing upon economics, law and political science in explaining how political institutions, the political environment and the economic system—capitalist, socialist, mixed—influence each other.
10. (i) dialectical; historical
(ii) Rational choice theory

2.8 QUESTIONS AND EXERCISES

Short-Answer Questions

1. State Theda Skocpol's approach to comparative political system.
2. Why do scholars disagree on the comparative method to comparative politics and its nature and scope?
3. Give a short historical background of institutionalism.
4. Name the thinker who was the first to differentiate behaviouralism from post-behaviourism.
5. List the 'foundation stones' of behaviouralism.
6. Write a short note on 'reproductive fallacy'.
7. What is the problem of value-relativism?
8. Write a short note on the concept of 'political economy'.
9. What is the social production of existence?
10. List the stages of human history as explained in *The Communist Manifesto*.

Long-Answer Questions

1. What are the various approaches and debates related to comparative political study? Give your views.

2. Critics say comparative history is commonly used rather loosely to refer to any study. Give your arguments.
3. Discuss the contributions of Bryce, Lowell and Ostrogorski to the institutional approach.
4. Discuss the grounds on which behaviouralism was criticized.
5. Do you think the traditionalist approach is a more suitable one than the behaviouralist approach? Justify your answer.
6. Explain the mode of production in a socialist society.
7. Critically analyse the theory of historical materialism.
8. How is the rational choice theory applicable to political economy?

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2.9 FURTHER READING

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UNIT 3 TYPES OF GOVERNMENT

Structure

- 3.0 Introduction
- 3.1 Unit Objectives
- 3.2 Parliamentary Government
- 3.3 Presidential Government
 - 3.3.1 Powers and Functions of the US President
 - 3.3.2 Comparison between the US President and the British King and Prime Minister
 - 3.3.3 Comparison of Presidential Powers in America and Britain
 - 3.3.4 Election of the US Vice-President
 - 3.3.5 Cabinet in the US
 - 3.3.6 Composition and Powers of the American House of Representatives
 - 3.3.7 Powers and Functions of the US Senate
 - 3.3.8 Procedure in the American Congress
- 3.4 Unitary Form of Government
 - 3.4.1 Salient Features of Unitary Government
- 3.5 Federal Government
- 3.6 Summary
- 3.7 Key Terms
- 3.8 Answers to ‘Check Your Progress’
- 3.9 Questions and Exercises
- 3.10 Further Reading

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3.0 INTRODUCTION

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 the parliamentary and presidential, and the unitary and federal forms of government.

3.1 UNIT OBJECTIVES

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

- Explain the parliamentary and presidential forms of government
- Assess the powers and functions of the US president

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- Compare the power of the US president and the British prime minister
- Compare the functioning of the American cabinet and the British cabinet
- Discuss the powers and functions of the US Senate
- Describe the unitary and federal forms of government

3.2 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 popular 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.

3.3 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 the constitution ruler. But, in due course of time, the office has gathered around itself such a plentitude 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 Election

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 was to constitutional law. All executive authority is, therefore, vested in the president.

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Check Your Progress

1. Fill in the blanks.

- (a) An _____ president is at the head of the executive power in India.
- (b) The framers of the _____ Constitution discarded the American model for they believed that in the American model conflicts are bound to appear in between the executive, legislature and judiciary.

2. State whether True or False.

- (a) In a parliamentary form of government, the tenure of office of the virtual executive is independent of the will of the legislature.
- (b) Being a Republic, India could not have a hereditary monarch.

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

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

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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 full terms by his own right.

The constitution provides for the 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 charge sheet 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 counsels 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 the US. 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.

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 the 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, delivers 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 in 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 beforehand 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. Hence, 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.

3.3.1 Powers and Functions of the US President

The US president is not only the head of the state but also the head of 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

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presidential powers and today many view the extent of these powers as a dangerous trend. In addition, lot of powers are enumerated in the constitution, the president has acquired a list of authority by statues.

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‘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.
- (ii) 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 states of the US, 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 off relations 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 the 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 responsible 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 the supreme commander of the defence war. He is the 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. Hence, the Congress legislates and the president executives.

But, in practice, the 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 depends 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 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 US, 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 may be 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 is 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 the president is able to secure their support for legislative measures.

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- (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 by passing 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 the 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 which 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 more important to note that the role of the president as a party leader is entirely extra-constitutional.

Position

The powers of the presidency in practice have varied from time-to-time with 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.

3.3.2 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.’ 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 who is 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.

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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 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 the US, 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 relation.

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 to 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.

3.3.3 Comparison of Presidential Powers in America and Britain

It is worthwhile comparing the office of the president of the US with that of the prime minister of the UK. There are significant and marked differences between the two. Both the offices occupy topmost 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

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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 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 US, 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 grounds 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 subordinates. 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 powers. 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. Laski has said, 'he can argue, bully, 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, the 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.

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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.

3.3.4 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 the 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 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.

3.3.5 Cabinet in the US

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'.

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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 ministry 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 the US, 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.

(iii) 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 the US, 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 the US. 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.

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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.

3.3.6 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 3,50,000 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 3 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:** The miscellaneous powers are as follows:
 - (a) The House of Representatives has the sole right to elect the President of the US 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 confessed 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

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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 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 not 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.

3.3.7 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

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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 is establishing a Congress if the 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 conservates 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
- (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:

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1. 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.

2. 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

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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.

3. 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.

4. Miscellaneous functions

They are as follows:

- (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 appoints 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’.

3.3.8 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

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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 be 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 of ten 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 the US

The differences are as follows:

- (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 US 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

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Check Your Progress

3. Fill in the blanks.
 - (a) The American Senate is now the most powerful _____ chamber in the world.
 - (b) The position of the US President is _____ to the British King in relation to his Cabinet.
4. State whether True or False.
 - (a) The US President is not only the Head of the State but also the head of the administration.
 - (b) The US constitution provides for removal of the president earlier than the completion of his term of four years.

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 once it is passed by the 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.

3.4 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 the 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.

3.4.1 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

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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.
- (ii) 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.

3.5 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

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initially 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 *Länder*, Germany is an example of a federation while its neighbour 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 *Länder* 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 multi-cultural 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 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.

3.6 SUMMARY

- 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.

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Check Your Progress

5. What is a unitary form of government?
6. What is meant by federalism?

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- 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 worth while 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' 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.

3.7 KEY TERMS

- **Congress in the US:** It is the legislative branch of the federal government; consists of two Houses—the House of Representatives and the Senate.
- **Federal government:** It is one in which the powers of government are divided between a central government and several local governments.
- **Ordinance power:** This means that the US president can issue certain executive orders having the force of law.
- **Parliamentary form of government:** It is one where the tenure of office of the virtual executive is dependent on the will of the legislature.

- **Presidential form of government:** It is one where the president is the head of the states.
- **Unitary government:** It is 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.

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3.8 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.

3.9 QUESTIONS AND EXERCISES

Short-Answer Questions

1. List the powers and functions of the President of the US.
2. What is the procedure of election of the President of the US?
3. Write a short note on the status of the Cabinet in the US.
4. What is the difference of procedure in England and the US?
5. What are the basic characteristics of a unitary form of government?
6. What are the advantages and disadvantages of a 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 the unitary and federal forms of government in detail.
5. Give a detailed account on the functioning of a unitary government.

3.10 FURTHER READING

NOTES

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UNIT 4 METHODS OF REPRESENTATION

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Structure

- 4.0 Introduction
- 4.1 Unit Objectives
- 4.2 Types of Democratic Political System: Direct and Indirect
 - 4.2.1 Direct Democracy
 - 4.2.2 Indirect Democracy
 - 4.2.3 Characteristics of Democracy
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 - 4.2.6 Classical Theory of Democracy
- 4.3 Proportional Representation
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 - 4.4.1 Merits of Functional Representation
 - 4.4.2 Demerits of Functional Representation
- 4.5 Summary
- 4.6 Key Terms
- 4.7 Answers to 'Check Your Progress'
- 4.8 Questions and Exercises
- 4.9 Further Reading

4.0 INTRODUCTION

With the growing population, it is not possible for the government to consult all people before making a law or taking any action. The extension of the territory and emergence of nation-states has led to development of indirect election. Consequently the practice of electing periodically some representative who would work as trustees of the people came to be developed. Thus, the people of a state are represented by a small group who are elected by the people.

In ancient democracies, direct popular participation in public affairs was practiced. Therefore, there was no need for any representation. However, when the Roman Republic expanded, popular participation could not be achieved. The origin of representation could be traced back to the practice of Christian church in calling together representative councils to deal with matters relating to the governance of Christendom. Similarly, in Europe, kings of feudal societies developed the custom of calling representatives from the communities.

These local representatives presented complaints and petitions and bargained on grant of money. But these representatives cannot be considered as national representatives but only agents of local powers acting under special instructions or mandates. The representatives used to represent a shire or borough in the council of the king. The shire or borough was a closely knit community with a distinctive unity of its own. Thus, the representatives did not represent a constituency but only a community. A representative to represent a nation or a constituency should rise above petty localism and represent national interest.

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In the course of time, the shire or borough type representative gave place to a constituency. A constituency, nowadays is a defined territory where the voters belonging to different caste, community and economic status live. Constituencies are drawn on the basis of population. Hence, the boundaries of the constituencies are not fixed and permanent. They are redrawn or readjusted wherever there is a sizable increase or decrease in the population. The practice of redrawing or readjusting the boundaries of constituencies gave rise to the modern theory of representation. It is the individual and not the communities, which has representation. In older days, a territory consisted of groups of people who were socially united. But this social unity has undergone changes and now in a territory, people belonging to different colour, caste, religion, language and economic status live. Though they are living together there is no social unity as was found in the past. This transformation from social unity to social diversity has led to the problem in the theory of representation. Now a question arises, whom does a representative represent? In other words, when a representative is elected, whose voice or opinion should he reflect in the parliament? A diversified society definitely consists of diversified opinion, and quiet normally even conflicting opinion. How can the diverse individual opinion be represented?

The problem in the theory of representation as whose opinion a representative should reflect is partly answered by the presence of political parties. A political party is a political group representing and advocating a particular political ideology. In democracies, political parties have become an essential feature. They get support from the people for their ideology and political parties get support cutting across local and personal differences. In a particular given constituency, people who are otherwise divided into several groups on the basis of caste etc., when it comes to supporting a political party or the other, shed all their other differences and lend or extend support to a political party. In other words, political parties help people shed or forget their differences and come together in support of a political party. Though political parties reduce divisions among the people of a constituency, divisions among the people cannot be completely eliminated. Because, political parties themselves are another source or cause for divisions among people, they divide people on political grounds.

Therefore, the representation of the multifarious interest through like political parties is not quite satisfactory. Generally, only one member is elected from a constituency. This is called single member constituency; in this case, people elect a candidate of one political party from among the candidates who belong to different political parties. The successful candidate is one who has secured more votes than the other candidates who contested in the elections. It is not necessary that the elected candidate should have secured a majority of votes in the system. The elected candidate represents the opinion of the people who have voted for him only.

This unit discusses the various methods of political representation—direct, indirect, proportional and functional.

4.1 UNIT OBJECTIVES

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

- Describe the types of democracy—direct and indirect
- Discuss the characteristics of democracy
- Evaluate the concepts of social, political and economic democracies

- Explain the classical theory of democracy
- Assess the merits and demerits of proportional representation
- Analyse the merits and demerits of functional representation

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4.2 TYPES OF DEMOCRATIC POLITICAL SYSTEM: DIRECT AND INDIRECT

In the lexicography 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 G. 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 a guided democracy and Ayub's Pakistan called itself a 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.' Burns 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.' MacIver 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 Giovanni 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

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- 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. For 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 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.

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

4.2.1 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 utilize properly.

Landsgemeinde: In some Cantons of Switzerland, the institution of landsgemeinde or open assembly prevails. There, like the city states of Greece, people gather 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 gain experience of administration and the government.
- 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.

4.2.2 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.

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- The government runs on behalf of the people.
- Secrecy can be maintained where it is required.

Demerits of indirect democracy

The demerits of indirect democracy are as follows:

- 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 of India's size entails heavy expenditure.

4.2.3 Characteristics of 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 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 the grounds of religion, race, sex, caste or place of birth. In the economic sphere, there shall not be a 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. For 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 highlights that democracy should be used to promote the needs and welfare of the people. Most of the democratic countries today are welfare countries. They aim 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 as against 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 have the 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.

4.2.4 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.

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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 measure 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:** John Stuart Mill's 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. Hence, it is based on quantity instead of quality.
3. **Cult of incompetence:** The French writer Emile Faguet 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

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that the higher we descend the scale of evolution, the greater is the tendency towards centralization.

4.2.5 Safeguards of Democracy

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Certain conditions are necessary for democracy to be successful. Aristotle pointed out 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 ready to be governed democratically. Then they can develop qualities like majority rule, tolerance, responsibility, and independent voting power.
2. **Universal education:** Universal education is another condition for the success of democracy. Without education, people cannot distinguish 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, T.V. 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 grass root level. If the above safeguards are observed, democracy can work successfully in a country.

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4.2.6 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 Gettysburg 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 utilitarian's 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 decision 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. Hence, 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

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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, the 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 off all men to order their actions and dispose off 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 by the doctrine of 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 not naturally the same in intelligence, energy, thrift, inventiveness and perseverance, yet all normal men—just as they have equal rights to life, freedom and access to the courts of law—have equal rights to raise 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 beings 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.

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5. 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.'

6. 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 a substitute of less form of government. However, if one analyses, 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 these 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

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decision are arrived at through the 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 grounds. 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 organizations 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 utilitarians 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 means 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 with respect 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 harbour 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, 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 channels 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.

4.3 PROPORTIONAL REPRESENTATION

The fundamental principle of proportional representation is, every section of the society will get representation in the parliament, in proportion to their population.

Different minorities, who otherwise will go without representation, will get representation according to their strength in numbers.

The main purpose of proportional representation is to secure a representative assembly reflecting with more or less mathematical exactness of the various divisions in the electorate.

First we have to decide what should be the basis for the proportional representation. It can be religion, language, nationality or caste. For example, if in a country, 70 per cent of the population belong to religion X, another 20 per cent belong to Y and yet another 10 per cent belong to religion Z, the total number of seats in the legislature may be proportionally divided in to 7:2:1.

That is, 70 per cent of the seats in the legislature will be filled by the candidates belonging to religion X, 20 per cent of the seats will be filled by the candidates belonging to religion Y and 10 per cent to the total number of seats in the legislature will be filled by the candidates belonging to religion Z.

4.3.1 Arguments in Favour of Proportional Representation

Eminent political thinkers like J. S. Mill has supported proportional representation. They argue that, a legislature should represent, all the sections of the electorate and no minority should go without any representation in the legislature.

Legislatures are compared to maps. One cannot draw a map of a country ignoring any part of the country. All the parts of the country should be included in the map. Similarly, all the sections of the electorate should be represented in the legislature.

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Check Your Progress

- Fill in the blanks.
 - Authoritarianism is a principle of blind submission to _____, as opposed to individual freedom of thought and action.
 - Authoritarian systems do not allow _____ of speech, press and religion and they do not follow majority rule nor protect minority rights.
- State whether True or False.
 - An authoritarian government has the authority to govern the people without their consent.
 - An authoritarian government does permit plurality of parties of state.

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The advocates of proportional representation point out that the majority principle is based on the assumption of a biparty system, where there are only two major political parties which compete in the elections. In this biparty system the majority rules and the minority remains in the opposition and criticizes the government. But, really speaking in this society there are various sections with their own peculiar problems and opinions.

To make the legislature a true mirror of the nation, it is essential that all the sections are directly, and more so proportionately reflected in the legislature. Mill has observed that, 'In any real equal democracy every or any section would be represented, not disproportionately but proportionately. A majority of the electorate would always have a majority of representatives but a minority of the electorate would always have a minority of the representatives.'

The supporters of proportional representation further argue that under this system there will not be any necessity to readjust or redraw the boundaries of the constituency to equate the number of electors of electors in the constituency on the basis of increasing population.

4.3.2 Demerits of Proportional Representation

Proportional representation is preferable to the majority principle, because it secures representation for minorities. However, proportional representation also has some demerits. For example, it keeps the division in the society intact and never allows one section freely move with other sections. The majority will never mix with the minority and the minority will never mix with the majority.

Second, each minority will tend to organize itself into a political party. These social divisions will be carried over to the political arena. Tension caused in the social divisions will directly have a bearing on the political parties.

The political parties, which should address the social division, would themselves stand strongly divided. Proportional representation will not promote integration but will only promote disintegration of society.

Third, democracy is based on the conception of national welfare and a common interest. The idea is that various sectional interests will work out an ultimate compromise. Proportional representation, by widening the area of conflict rather than, bringing a common area of agreement, spells danger for democracy.

Fourth, it is generally believed that political parties promote national interest rather than sectional interest. Proportional representation substitutes narrow sectional interests for the national welfare.

Fifth, proportional representation promotes, too many political parties. For example, the Indian society is divided on caste basis. If every caste starts a political outfit, it will only create more problems. Moreover, no political party will get a clear majority in the legislature. Thus, proportional representation leads to political instability.

Sixth, the vast size of the electoral districts under the system of proportional representation involves a number of difficulties. The intimate connection of the candidate with the constituency is not possible. In India, the systems of proportional representation are followed for the election to the Rajya Sabha, the second chamber of the Indian parliament. The members of the Rajya Sabha are elected by the members of the State Legislative Assembly through proportional representation.

For example, the state of Tamil Nadu has 18 representatives in the Rajya Sabha. They are elected by the members of the Tamil Nadu State Legislature.

As per figures available in December 2003, the AIADMK, which holds majority in the Assembly, has 9; the DMK has 7 and the Indian National Congress has two members in the Rajya Sabha in proportion to their strength in the Assembly. A party, which has more membership in the legislature, will have proportionately more number of seats in the Rajya Sabha.

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4.4 FUNCTIONAL REPRESENTATION

This is another method of representation. Advocates of functional representation argue that in the legislature, it is not the territorial communities that are to be represented but only various interests in the society that are to be represented.

The representation should be occupational or for economic interests. Generally an urban constituency consists of various economic interests, like tradesman, employees, labourers, etc., a rural constituency consists of agriculturists, farm labourers, and small time tradesman.

If the interests of these people are to be represented in the assembly, it should be based on functional or occupational feature.

4.4.1 Merits of Functional Representation

Under this system, the legislature would be composed of the representatives of organized interests and not of the people residing in a particular geographical area. Cole, an eminent political theorist, argues that, a real democracy must contain 'as many specially elected groups of representatives as there are distinct and essential groups of functions'.

The guild socialists of British had developed the principles of occupational representation in great details. Interestingly, dictators like Mussolini and non-democrats had experimented with this type. Mussolini developed a corporative chamber, with representatives of various economic groups.

4.4.2 Demerits of Functional Representation

This system of representation is also criticized for the following reasons. First, occupational or functional representatives, will be interested only in protecting functional interest and will be more familiar with professional problems but they are not trained in dealing with problems of general nature.

The interests are divided and there is no unified national interest. The representatives do not represent the nation but only the occupation.

Second, like proportional representation, functional representation also leads to multi parties. As the number of functions or occupation increases multiple parties will also emerge, each representing one occupation.

Third, two opposing functional groups may paralyze the government. For example, agriculturists and industrialists. If any project of the government is going to affect one occupational group, to the advantage of another occupational group, there will be a deadlock as no occupational group would be willing to sacrifice its interests. Thus conflicting interest would only end up in deadlock.

Fourth, the types of occupation in a society are too numerous that is practically impossible to find representative for each and every occupation.

Check Your Progress

3. State the fundamental principle of proportional representation.
4. What is the main purpose of proportional representation?

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By way of conclusion, it can be said that democracy lives by integration and not by disintegration. As functional representation encourages disruptive forces, it is against the spirit of democracy. At the same time we should also admit that various interests in the society need to be represented in some way.

An alternate to this is creation of several advisory bodies representing several occupational or other interests and when a legislation is considered with a specific group, these advisory bodies can be consulted. For example, a board consisting of employers or employees.

4.5 SUMMARY

- With the growing population, it is not possible for the government to consult all the people before making a law or taking any action. The extension of the territory and emergence of nation-state has all led to development of indirect election.
- Consequently the practice of electing periodically some representative who would work as trustees of the people came to be developed.
- The origin of representation could be traced back to the practice of Christian church in calling together representatives councils to deal with matters relating to the governance of Christendom. Similarly in Europe, kings of feudal societies developed the custom of calling representatives from the communities.
- 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.
- 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.’
- 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.
- Democracy is of two types, viz., direct democracy and indirect democracy or representative 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.
- 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.
- 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.

Check Your Progress

5. What do advocates of functional representation argue?
6. State any one demerit of functional representation.

- Democracy has political, social and economic dimensions. 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.
- 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).
- The fundamental principle of proportional representation is, every section of the society will get representation in the parliament, in proportion to their population.
- The main purpose of proportional representation is to secure a representative assembly reflecting with more or less mathematical exactness of the various divisions in the electorate.
- The advocates of proportional representation point out that the majority principle is based on the assumption of a biparty system, where there are only two major political parties which compete in the elections.
- Proportional representation is preferable to the majority principle, because it secures representation for minorities. However, proportional representation also has some demerits. For example, it keeps the division in the society intact and never allows one section freely move with other sections. The majority will never mix with the minority and the minority will never mix with the majority.
- Advocates of functional representation argue that in the legislature, it is not the territorial communities that are to be represented but only various interests in the society that are to be represented.
- Like proportional representation, functional representation also leads to multi parties. As the number of functions or occupation increases multiple parties will also emerge, each representing one occupation.

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4.6 KEY TERMS

- **Borough:** It is a town that has its own government.
- **Landsgemeinde:** It is a public, non-secret ballot voting system operating by majority rule, which constitutes one of the oldest forms of direct democracy.
- **Referendum:** It means 'to refer to the people'.
- **Direct democracy:** It is a form of democracy in which people decide (e.g., vote on, form consensus on) policy initiatives directly.
- **Indirect democracy:** It refers to a system of government in which the people control the government through elected political officials.
- **Colossus:** The word comes from the Ancient Greek meaning a giant statue.
- **Yellow journalism:** It is a US term for a type of journalism that presents little or no legitimate well-researched news and instead uses eye-catching headlines to sell more newspapers.

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- **Proportional representation:** It is an electoral system in which parties gain seats in proportion to the number of votes cast for them.
- **Functional representation:** It is where there is representation in a legislative or political body based on the economic and social groups in a community.

4.7 ANSWERS TO ‘CHECK YOUR PROGRESS’

1. (a) authority (b) freedom
2. (a) True (b) False
3. The fundamental principle of proportional representation is, every section of the society will get representation in the parliament, in proportion to their population.
4. The main purpose of proportional representation is to secure a representative assembly reflecting with more or less mathematical exactness of the various divisions in the electorate.
5. Advocates of functional representation argue that in the legislature, it is not the territorial communities that are to be represented but only various interests in the society that are to be represented.
6. The demerit of functional representation is that the interests are divided and there is no unified national interest. The representatives do not represent the nation but only the occupation.

4.8 QUESTIONS AND EXERCISES

Short-Answer Questions

1. Write a short note on the origin of representation.
2. What is a referendum?
3. List the demerits of democracy.
4. What are the safeguards of democracy?
5. Provide the arguments in favour of proportional representation.
6. State any one similarity between proportional representation and functional representation.

Long-Answer Questions

1. ‘Democracy is of two types, viz., direct democracy or indirect democracy.’ Describe the two types of democracy along with its merits and demerits.
2. Discuss the characteristics of democracy.
3. Critically evaluate the concepts of social, political and economic democracies.
4. Explain the classical theory of democracy.
5. What is proportional representation? What are its demerits?
6. Analyse the merits and demerits of functional representation.

4.9 FURTHER READING

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UNIT 5 POLITICAL PARTY AND PRESSURE GROUPS

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Structure

- 5.0 Introduction
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5.0 INTRODUCTION

Modern states are mass states. They cannot be governed by all people. Modern democracies, therefore, have become representative and representation has become the keystone of a democratic arch. However, direct contact with people is necessary for its health. The representatives should not turn into governors. Several methods have been suggested to keep the people in control of their government, like initiative and referendum. Initiative means the power of people to initiate legislation. Referendum means the practice of the government referring controversial legislative proposals to the people. Switzerland follows these two practices, but again, for mass democracies they are unworkable.

The solution must be found in making representation more effective. People should also have the opportunity to convey their views and grievances to the government. The media plays a vital role in this. Political parties are even more important mediators between the people and their governments. The various methods of representation have been discussed in the previous unit. This unit will deal with the meaning and types of political parties and pressure groups.

5.1 UNIT OBJECTIVES

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

- Explain the meaning and nature of political parties
- Describe Maurice Duverger's classification of political parties
- Assess the functions of political parties
- Analyse the meaning and classification of pressure groups
- Discuss the types of pressure groups

5.2 POLITICAL PARTIES

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Political parties are indispensable to any democratic system and play the most crucial role in the electoral process—in setting up candidates and conducting election campaigns. An organized group of people working under the influence of one ideology based on well-defined policies and objectives may be referred to as a political party. A political party functions under a leader and its ultimate goal is to gain political power to bring in political change and regulate political process.

Edmund Burke had defined political parties in 1770 as, ‘a body of men united for promoting, by their joint endeavours, the national interest upon some particular principles in which they are all agreed’. British political theorist Harold Joseph Laski defines political parties as ‘big or small groups of people which are organized to establish their legitimate control over the government of the country, through the process of elections. Representative government cannot function without them’.

Explaining the meaning of political parties, in the context of Great Britain, Herman Finer said, ‘The political parties are the two-way communications that bind 50 million people to the 630, who in Commons, exercise omnipotent power.’ The representational layout of the House of Commons has changed since Finer wrote in the early 20th century.

Politics is the struggle for power where organized groups have proved to be more effective. Mobs or disorganized unions will only bring disorder in this process. Generally, political parties follow the constitutional route and take to the evolutionary process, but some like the Communist Party of India (Marxist) take the revolutionary route.

The government in Britain had grown along with the evolution of political parties. It is in this context, Walter Bagehot, a journalist, had said that party government is the key in a representative form of government. On the contrary, Laski opined ‘nothing appears to us so definite a proof of dictatorship as when the dictator destroys, as he is logically driven to destroy, all political parties save his own’.

Thus, it can be said that the primary goal of political parties is to place its leader or leaders in the government so as to run the government. In order to retain its position in the government, political parties take several measures to secure popular support by means of public rallies, distribution of literature, use of media and even organizing musical evenings.

Lord Bryce, a British academic, and historian, had stated all free large countries have had political parties and cannot do without them. So far, there have been no examples of representative government working without them. They bring order out of chaos of a multitude of voters. If parties cause some evils, they avert and mitigate others.

The constitutions may not mention political parties as essential in a representative government, but they shine on the political horizon of the state. Parties are the only juncture to link the legislature and the executive. In fact, the nature of a political system largely depends on the features of its party system.

According to R. Bassett, ‘the working of any system of representative government is in large measure determined by the nature of the political parties which separate it’.

Various scholars seem to have shared this thought. Sociologist R. M. MacIver defined a party as an association organized in support of some principle or policy which by constitutional means endeavours to make the determinant of government. R. N. Gilchrist had written that, ‘A political party may be defined as an organized group

of citizens who profess to share the same political views and who, by acting as a political unit, try to control the government. Here, it must be emphasized that to be a successful party, its members must generally share the same political views, so that they may act as a single political unit.’

5.2.1 Meaning and Nature

Political party is a group of people that seeks to get its candidates elected to public offices by supplying them with a label—a *party identification*—by which they are known to the electorate. This definition is purposefully broad so that it will include both familiar parties (Democratic and Republican in the US for instance) and unfamiliar ones (Whig, Libertarian, Socialist Worker) and will cover periods in which a party is very strong (having an elaborate and well-disciplined organization that provides money and workers to its candidates) as well periods in which it is quite weak (supplying nothing but only the labels to its candidates). This definition suggests three political arenas in which parties may be found. A party exists as label in the mind of voters, as an organization that recruits and campaigns for candidates, and as a set of leaders who try to organize and control the legislative and executive branches of government.

A careful look at the above mentioned meaning of political party show certain hallmarks that distinguish it from similar groups such as temporary organizations, interest groups or factions. For instance, temporary political organizations like Food Price Committee or Famine Resistance Committee, are formed for the single purpose of supporting or opposing a particular temporary issue. Political parties, on the other hand, have some degree of permanence. Political parties are the only association groups that are both open to all (at least in theory) and have very wide interests. This is because of the fact that they concern themselves with the problems of government and cannot concentrate on specific matters. They are open to all, because they try to enlist the support of as many members of the polity as possible. It is in this context that a political party is different from interest and pressure groups which work only for the advancement of the cause of those groups.

Parties must have definite aims and objectives. The objectives are often a mixture of ultimate and immediate purposes. Party programmes contain ideas about law and government, ideas about the shape of political things to come and each party seeks to focus its own brand of political ideas. A recognition of material advantages that go with the securing of the power of government, forms a part of party programme. In fact, as we see in India, today, more often than not, political parties give priority to capturing power though they do this in the name of ideology like opposing communalism. In this sense, political parties are different from interest or pressure groups as the latter do not nurse the constituencies for competing at the polls to form the government. A political party is thus a coalition of group interests pursuing general political policies. Pressure groups, on the other hand, are the living public behind the parties. Like interest and pressure groups, and unlike political parties, factions are also not organized for political purposes. But at the same time they do not possess any continuous stable organizations. Factions may thus be characterized as a group of persons serving sectional interests within a political party rather than aggregate interests which parties usually champion for winning elections.

As the idea of a common interest and national unity sustains the constitutional appeal to the polls, the logic of party system rejects the Marxian doctrine of class struggle. This implies that parties transcend class barriers and sectional interests by mutual

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recognition of rights in the sense that in spite of their differences, political parties do not disagree on everything. On the basic features of the system to which they belong, there must be a consensus. Political parties may thus be defined as a group consisting of cross sections of human beings, more or less stable and organized, with the objective, in accordance with the constitution, of securing or maintaining for its leaders the control of a government, and of giving the members of the party, through such control, ideal and material benefits and advantages.

Marxist Concept of Parties

Political parties represent class aspirations, according to the Marxist view. This condition can be improved only through successful class struggle which would result in the victory of the proletariat. The Marxists further are of the opinion that the party that represents the working people alone has the right to exist. The parties of the bourgeois do not represent a true democratic process. Hence, they must be removed.

According to Vladimir I. Lenin, a party (i.e., the Communist Party), is a well-organized group of chosen elite, intellectuals and political activists. The Communist Party, therefore, is said to be a chosen group of intellectuals in the sense that their knowledge of Marxism maintains purity of Marxian principles and ideology, and shows the correct path to the party. Further, the members are a chosen group of political activists, for the fact that the election processes and party training enables them to be completely loyal to the party and a cause of revolution.

This definition forwarded by Lenin is limited to only the communist parties across the globe. These parties survive and are found only amongst the workers movements. They propagate revolutionary ideas, and impart training of the art of revolution. Such parties assist the working classes in the achievements of its objectives. While ushering in a revolution to fight the bourgeois, the party plays a crucial role. The party is instrumental in the destruction of capitalist order, and establishment of dictatorship of the proletariat.

According to Lenin, if the party has to play the role of vanguard of working people, it is essential for it to have complete knowledge of revolutionary ideas and rules. The objective of the party is to protect the interests of the proletariat. Lenin felt that the Communist Party alone understands what is in the interest of working people. He was of the opinion that the party's position is akin to a military organization in the proletariat's struggle to secure power and its maintenance. The party is a vanguard of the working people which has a pivotal role in class consciousness, and is always ready to make sacrifices in the interest of the proletariat.

The Marxist ideology unites the proletariat and the party, and its organization makes it all powerful. In socialist countries, Communist parties enjoyed constitutional sanction. No other political parties were allowed to survive in these countries. The government is, hence, a reflection of the party and there is no difference between the two.

The 1977 Constitution of the former Soviet Union analysed Lenin's leadership in the success of Great Revolution of 1917. The constitution upheld the party's role in the revolution and its subsequent governance.

Similarly, the Constitution of the People's Republic of China, 1982, declares the National People's Congress, under the leadership of the Communist Party, as the highest organ of state power. It declares the party chief to be the head of the country's armed forces.

According to the Marxists, in the capitalist countries, political parties represent the class interests. In other words, they act as instruments to protect the different classes. They become the source and leaders of class conflicts. However, in these capitalist countries, it is the communist parties which protect the working people against capitalist exploitation. They propagate revolutionary ideas, and prepare the proletariat for revolution. Once the revolution succeeds, the communist parties ensure their protection.

Contemporary Views about Parties

Writing about the newly independent countries of Africa, Coleman had stated that political parties are groups of people, formally organized with a view to establish and maintain formal control over the policies and service class of the actual, or likely to emerge, sovereign states. This may be done by these groups alone or in combination with other similar groups, through the process of democratic African parties as organized groups aimed at securing political power through elections. He had specified this role for the independent countries or those likely to become independent.

Agreeing with this view, British-Australian political scientist James Jupp said that ‘any group of people, organized in some manner, with a view to establish control over political institutions of the given society may be described as a political party. Thus, a party requires being a group of people, formally organized, and having goals of fighting and winning elections to control the political institutions of the state. These institutions are government organs at various levels and organized groups of people, we may add, should have clearly defined policies for governance.’

German political scientist Sigmund Neumann analysed the political parties on the basis of their ideologies. He concluded that in view of sharp differences between the democratic and authoritarian parties, it was impossible to give a single acceptable definition. Nevertheless, he said that the purpose of setting up a party is uniformity within, and distinction from other groups.

Nonetheless it is true that each party has partnership within a specific organization and separation from others on the basis of its particular programme. This definition is obviously true in case of two or multi-party democratic societies. On the other hand, in a one party system, there is total absence of competition and distinct policies and programmes. In fact, some refuse to accept the parties in a single party system as formal political parties. They believe a party must have a competitor, i.e., a second part, which is absent in one party states. Thus, in one party system, the party becomes totalitarian. Once it manages to acquire power, it retains it by one means or the other.

However, Neumann was of the opinion that in one party states opposition does exist in one form or the other. In the absence of any opposition, the authoritarian party feels insecure due to fear of possible revolt or opposition. For him, political party is the representative of social interests, which acts as a bridge, a link, between the individual and the society.

The efficient working of parties defines the success of any democracy. Whether the government is a parliamentary form of democracy or presidential form of democracy, it cannot succeed in the absence of parties. Unorganized people cannot govern any country. Its organized form is a political party.

Surprisingly, the US’ first President, George Washington, had advocated a party-less democracy. But that could not materialize. Soon, two parties emerged. In fact, a study of formation of the US Constitution would reveal the existence of two groups even

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in 1787. They were supporters and opponents of a federal system, and became forerunners of the two American parties.

In India, for some time, there was a discussion of party-less democracy. But this view, expressed under the leadership of Jayaprakash Narain, was more idealistic and hardly practical. In his analysis of political parties, Maurice Duverger had said that the primary objective of political parties is to acquire political power, or to share the exercise of such power. Duverger wrote political parties have as their primary goal the conquest of power or a share in its exercise. They try to win seats at elections, to name deputies and ministers, and to take control of the government. That is why the evolution of political parties coincided with the growth of parliamentary system and electoral processes. The origin of the parties may be traced back to the practice of collection of election funds for candidates and in the committees constituted to secure supporters and workers for the victory of candidates. Gradually, members of the legislature holding similar views and beliefs in similar ideologies came together leading to the birth and growth of political parties. While common ideology became the basis of parties in Britain and other European democracies, that was not the case in the United States.

The American political parties do not have clearly distinct ideologies. These parties came into existence as an outcome of the process of selection of presidential candidates, managing their campaign, raising campaign funds and selecting candidates for numerous other electoral offices in the United States. These parties are even now more concerned with electoral processes, rather than ideologies.

Duverger is right in concluding that political parties have been established even in those countries where elections are not held and where even legislatures do not exist. Parties are found even in the countries which conduct pseudo elections and have pseudo parliaments. The so called elections are held with only one candidate in each constituency, who invariably wins and consequently all members of the legislature belong to only one party. These are called one party system. He, however, says that these parties cannot be truly described as parties.

The word party is derived from the Latin term 'Pars', which means part. Therefore, where there is only one party, it is not a part of the whole—which means part of several parties. Nevertheless, parties are used in the dictatorial or authoritarian regimes to create the farce of elections and legislatures elected by the people.

According to Duverger, under a dictatorship regime, effort is made to put up a democratic façade with the help of the existing single party and by following the entire electoral and parliamentary process.

He also pointed out that in the latter half of the 20th century parties generally associated themselves with ideologies. The Communist parties, as Lenin and Marx saw, represented the ideologies of the working class and the struggle within them. But modern scholars such as Roberto Michel and Duverger himself studied the structure of the political parties. Their emphasis was not on what the parties are but what they did. For comprehensive understanding of parties, there is a need to assess their ideologies, social foundations, structures, organizations, and strategies.

Classification of political parties can be done on two bases—structure of parties, and the party system. One cannot ignore other aspects and mutual relations of parties while analysing the structure of parties. On the basis of structure, Duverger studied parties from two aspects—internal organization and external organization.

5.2.2 Classification of Political Parties by Maurice Duverger

Maurice Duverger's classification of parties (in 1951), based on organization, is generally accepted. The classification is as follows:

- Elitist or traditional parties
- Mass parties
- Intermediate type of parties

(i) Elitist parties

As the name suggests, elitist parties neither had mass participation nor support from the masses. These are mostly the traditional parties which did not welcome everyone in its fold. Admission or participation was selective. Political parties which emerged in the 19th century were mostly elitist. Even today, some parties tend to be elitist in their approach. Their choice of selection is based on the fact that they seek to have quality rather than numbers. In that perspective, whether they are liberal or conservative or progressive, remain immaterial. These parties could further be classified into the: (i) European type and (ii) American type.

European type: The European elitist parties have their bases in local committees, and have minimum control of central party organization. However, unlike many parties of Continental Europe, the Liberal and Conservative Parties of 19th century Britain had a powerful central organization. In the present century, there is a visible change in the central leadership control over the organizations, especially in Europe and Asia. Also, there is a big difference in the functioning of the parties in Europe and Britain. Party whips have a major say in maintaining discipline in these parties, inside the legislative bodies as well as outside. That is to say, party members in the legislature vote according to the party decision whips. They are not even allowed to speak beyond the party lines. This practice is also prevalent in India. Party members who defy the whips in Britain or even India may be punished. This may include expulsion from the party.

Despite party diktats, legislators in several countries are free to exercise their wish. One can say they have little respect for party discipline.

The disciplined parties may be described as rigid, whereas others can be called flexible parties. It is generally believed that elitist parties are flexible while mass parties are rigid. However, elitist parties in Britain, being disciplined, are exceptions. But in case of large scale defiance of party whip, the leadership may look at the other side, and take no action. For example, in February 2003, as many as 122 Labour Party members of House of Commons voted against a resolution that sought use of force against Iraq. As Prime Minister Tony Blair was keen on waging a war (in collaboration with the US) against Iraq, the vote of 122 MPs of his own party was massive defiance. Yet, no action was taken against such a large number of members. Since generally British parties are far more disciplined than in other countries, even though they are elitist parties, they may be described as rigid elitist parties. Parties in Britain are symbols of liberal democratic system. With the growth of mass parties, even those in Britain sought to expand their membership, but with little success.

In modern electoral fights, parties require more members, but this did not mean any change in the basic ideologies or features of the parties themselves. It can be said that those who have similar ideologies or have respect for the party's ideology may be allowed to join the party.

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American type: Political parties in the United States are different from those in Britain. Some of the prominent differences are as follows:

- The nature of presidential government in a federal setup, as against British and participation parliamentary democracy in a unitary state
- The US parties have remained limited to the elite, away from the masses

The parties in the US are essentially election oriented. They hold elections in the primaries and **caucuses** before the actual election. This narrows down the field of candidates before an election for office. The system of party primaries was introduced in the early 20th century. In the primaries, common citizens participate in the selection of candidates for various elected offices. This system has, however, adversely affected the power of local level party bodies. The primaries have brought party organization under the control of the people. What is to be remembered that the electoral process has become complicated and expensive. This has forced political parties to strengthen their organizations. This dual function of strengthening the party from within and increasing its organizational base, in other words, increasing the influence of the people has moved the American parties closer to the masses. But despite these changes, these parties have failed to become mass parties.

American parties are led by professional politicians, many of whom are not democratically elected. Despite this, American parties have been able to establish better contacts with the masses compared to those in Europe. Interestingly, what has happened to the parties in the US is that their local bodies have become powerful whereas the state committees enjoy lesser powers and the central organization has become weak.

Duverger's inference is that discipline in the top order of the political hierarchy is less or has gone missing, whereas it is very powerful at the local level. Similarly, it is weak at the state level and practically non-existent at the national level. This is apparent when the members of the Congress speak; they speak their mind and vote according to their own decisions. This shows a similarity with the multiparty democracies rather than the British parties.

(ii) Mass parties

It was not before the early 20th century that the support of the common man towards political parties became widespread. The British Labour Party emerged following the working people's movement. Later, the communists adopted the system of mass support. The newly independent Third World countries have a large number of parties formed with the support of the general masses. Some of the parties of European countries, like the Christian Democratic Parties and the Popular Republican Movement (PRM) of France may also be placed in the category of mass parties.

Socialist parties: Initially, masses were contacted to donate funds for the labour candidates. These candidates were considered revolutionaries, and industrialists and big business houses declined to give them any financial contribution. In fact, these elements were quite opposed to these candidates. In Britain, trade unions provided support to these candidates. Later, they organized themselves as the Labour Party. The mass parties tried to enlarge their membership, and took contributions from their members. The mass parties preferred contributions from common men and women, rather than the rich business houses. These parties, therefore, did not develop into elitist parties. The British Labour Party was described as the pioneer of the socialist parties the world over. Democratic socialist parties in several countries followed the British Labour Party. These

parties believe in socialism to be brought about by the peaceful democratic means of parliamentary process. They believe in the rule of law, rather than violence or revolutionary methods. They sought to abolish capitalism through legislative measures. But, with the commencement of rapid liberalization in the decade of 1990s, the talk of destruction of capitalism suddenly gave way to adoption of a capitalist path even by democratic parties including the British Labour Party. Under the leadership of Tony Blair, Britain adopted the New Labour as their socialist party. From the sociologist point of view, the socialist parties often face struggle. They have a strange type of conflict between two groups. One, members of the party who elect party leaders and establish party committees; and two, ordinary citizens who elect members of the parliament. Party members try to have their demands conceded as they are organized, and the ordinary voters are not. Socialist parties accept the superiority of the parliament. Therefore, they respect their members of parliament. On the other hand, legislature is ineffective in communist and fascist countries, as the real power is vested in the party concerned. Therefore, party leadership dominates over the members. Many countries in the world had or have socialist parties as important factors in the liberal democratic processes.

Communist parties: Based on the ideologies of Karl Marx and V. I. Lenin, the communist parties seek close association with the general public. According to experts, the communist parties are better organized and disciplined as compared to other parties. Their ideologies attract workers and peasants in their folds. But, unlike other parties, their local units are generally not regional in nature; they are organized at places of work. The primary units or cells maintain close contacts with the members in their work places. This makes it easier for these parties to convey the party directions and to have them implemented. Besides, the problems of members of a workplace are common. They enthuse greater unity. Initially, European communist parties were structured on the pattern of socialist parties, but after 1924 they were reorganized on the directions of Communist International headquartered in Moscow. They then began following the Soviet Communist Party pattern.

Communist parties follow the principle of ‘democratic centralism’, which implies democratic participation of members within the party structure, but decision-making is centralized and under supervision of these central characters. However, critics point out the absence of democracy process in this structure since all decisions are made by a handful of top leaders who ensure strict obedience and discipline. At various levels in the party, discussion does take place, but directions of the leadership can never be violated or defied. Every bit of information regarding the views expressed in these discussions is conveyed to the party leadership. This pattern is mostly followed by parties in the former Soviet Union and in East European countries as well as in China, Vietnam and other communist countries.

Apart from the fascist parties, no other party probably is as rigid in ideology as the communist parties are. They try to follow the Marxist- Leninist ideology in letter. The Chinese Communist Party had its own Maoist interpretation of Marxism-Leninism. But in the post-Mao period, the party had lost some of its rigidity.

Liberalization and opening up of economy in China has altered the pattern, though it still swears by Marxist ideology. Communist parties in liberal democracies, as in India, still insist on the relevance of Marxism-Leninism.

Fascist parties: The fascist parties and their rule was nothing less than dictatorship. This dictatorship, however, was different from what was witnessed under the Communists, for example Mao in China or Stalin in USSR. Fascism advocated an

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all-powerful state. One similarity that can be drawn between the Communists and the fascists were their belief in one party-rule. Neither of them liked opposition and forced everybody to follow their ideology and policies. On the economic front, the fascists supported open competition and capitalism. The leader in the fascist parties, like the Communists, was the supreme. Any disobedience to the leader would mean elimination of members. The Italian fascist dictator, Mussolini, had himself said that his party wanted to follow the Communist techniques. Fascists talk of mass base, but they use armed forces to inculcate military discipline and impart military training to the masses. The fascist youth are not only given military training, but they even wear military uniform, carry out daily disciplined exercises, and are often punished for defiance. The fascist leader takes the route of force to assume power, even as pretension of democratic process may be propagated. Fascism comes to power with the support of capitalists and big business houses. It is vehemently opposed to communism, and is destructive of democracy. Violence and wars have been important in the participation part of fascist programme.

(iii) Intermediate type parties

Maurice Duverger identified a third category of political parties—the intermediate type. Although different from both elitist and mass parties, they are closer to the mass parties. These are:

- **Indirect parties:** Many a times, small organizations, undertaking political activities, may eventually take the form of an organized political party. This may be described as an indirect party. The British Labour Party emerged in 1906, in somewhat similar situation. Initially it did not allow direct membership to the party. It started functioning with the association of trade unions, cooperative societies, the Fabian Society and other intellectual bodies. These bodies selected candidates for election, collected funds and carried out their election campaign. Socialist parties in Belgium, Norway and Sweden appeared in a similar manner in the 1940s. Earlier, the same pattern was followed in the formation of Christian democratic parties in Belgium (1919) and France (1936). The origin of these parties were similar to the traditional parties with the only difference that their members came not from rich classes, but from amongst the workers and intellectuals.
- **Parties in developing countries:** In the post-Second World War period, the Third World countries saw the emergence of a large number of political parties. In some of the developing countries, the parties followed the pattern of the United Kingdom or the United States, while in some others one party was established following the Soviet example. In some of the African countries, parties followed their own style. All of them have been described as intermediate type because they were yet to be fully organized as disciplined parties. Post-independent India too saw the emergence of several political parties. Some of them could not last long. The Swatantra Party was a breakaway group of the right wing of the Congress, but it disappeared. Very large number of small parties or regional parties came into existence. But after a while two or more of them merged into one party, or formed their own party. In the first category are those who separated from the Congress, but after a while rejoined it. In the second category are those who got together as, for example, Janata Party in 1977. But, this experiment did not last long, and many groups emerged out of it. However, one such group, the

Bharatiya Janata Party (essentially the new avatar of former Jana Sangh) has grown into a national party, and became leader of a ruling coalition of 1998. In India, there are parties that still follow the Soviet pattern of the Communist Party.

There is one problem with this classification of Duverger. At times it becomes difficult to distinguish one from the other. In his own words, in all mass parties, the leaders form a group quite distinct from the rest of the membership and from the party militants, this inner circle resembles some with the leadership of traditional parties submerged, as it were, in the heart of a mass organization.

Hitchner and Levine's Classification of Political Parties

In their book *Comparative Government and Politics*, Dell Gillette Hitchner and Carol Levine have argued that normally people are associated with one party or the other on the basis of their personal views, and that the party membership depends on several other socio-economic forces. Nevertheless, people do associate themselves with one party or the other, taking into account their class, economic interests, hereditary interests, and interests of a particular group.

The authors have classified contemporary political parties into three categories—the pragmatic parties, doctrinal parties and interest parties.

- **Pragmatic parties:** These parties are usually not committed to any particular ideology. Their policies are flexible and are influenced by the changing socio-political situations. Most of these parties are usually influenced more by the leader of the day and less by the ideology the party stands for. The American parties, the British Conservative Party (and now even the Labour Party), Canada's Conservatives, India's Congress Party and Australia's Conservative Party, all come under this category.
- **Doctrinal parties:** It is believed that parties become more pragmatic in a two-party system. This is so because they have to represent, from time to time, different socio-economic interests. The parties that are committed to a particular ideology and believe in certain principles may be described as the doctrinal parties. The policies are often altered to adjust to changes in domestic or international environment, but their ideologies remain unaltered. Socialist parties may be included in this category. For example, the British Labour Party, the Socialist parties of Belgium and France, United Socialist Party of Chile, or Komei of Japan.

It is not that the left-oriented parties alone are doctrinal in nature. There can be even parties of the right in liberal democracies that fall in this category. For example, the Bharatiya Janata Party in India has a definite ideology, but since 1998 it made several adjustments in its policies and programmes to be able to adjust with its coalition partners. On another extreme, the Communist parties and the fascists are totally doctrinal parties.

- **Interest parties:** According to Hitchner and Levine, many of the parties in the multiparty system and smaller parties, even in the two-party system, generally represent particular interests. Thus, these may be described as interest-oriented parties. When interest groups convert themselves into a party, either temporarily or permanently, they fall under this category. Nature of interests may vary from prohibition related, to those working for farmers' interests, or those seeking interests of a caste or community.

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The Swiss Farmers' Party, the German Greens, the Irish Nationalist Party are some such parties. In India, there are a number of such interest-oriented parties. These, for example, include the Jharkhand Mukti Morcha, the Peasants and Workers Party of Maharashtra, or even the Bahujan Samaj Party committed to the uplift of the Dalits. The categorization of different parties may be very relevant and useful, yet the real nature of parties can be analysed only as actors with a particular party system. It is, therefore, necessary that one must examine the major party system, and then relate individual parties to one of these systems or the other.

5.2.3 Functions of Political Parties

Parties contribute to democratic government through the functions they perform for the political system. These functions can broadly be divided under six categories:

- Political parties unite sectional interests, bridge the geographical differences, and induce cohesion. In other words, various interests are aggregated through the instrumentality of parties. This ensures both order and system maintenance.
- Political parties contribute to democratic government by nominating candidates for election to public office. In the absence of parties, voters would be confronted with a bewildering array of self-nominated candidates, each seeking a narrow victory over others on the basis of personal friendships, celebrity status or name. Parties minimize this danger by setting up their candidates in different constituencies. They carry out campaigns to win elections. They also defray the cost of contesting elections where the candidate is poor.
- Political parties help democratic government by structuring voting choice, reducing the number of candidates on the ballot to those who have real chances of winning. Parties that have won sizeable portions of votes in past elections are likely to win comparable portions of the vote in future ones also. This discourages non-party or non-serious candidates for running the office. This in turn focuses the election on the contest between parties and on candidates with established records, which reduces the amount of new information that voters need in order to make a rational decision.
- Parties also help voters choose candidates by proposing alternative programmes of government action in the form of party manifestos. The specific policies advocated in an election campaign may vary from candidate to candidate and from election to election, the types of policies advocated by candidates of one party nonetheless usually tend to differ from those proposed by candidates of other parties. In the case of the US, for example, even though the neutrality of the names of major political parties, namely, democratic and republican suggests that they are undifferentiated in their policies, in reality, however, these parties regularly adopt very different policies in their platforms.
- Parties help co-ordinate the actions of public officials. A government based on the separation of powers like that of the United States, divides responsibilities for making public policy. The President and leaders of the House and Senate are not required to cooperate with one another. Political parties are the major means for bridging the separation of powers, of producing co-ordinated policies that govern country effectively. Individuals of the same party in the presidency, the House, and the Senate are likely to share political principles and thus to cooperate in

making policy. In a parliamentary political system, where the formation and continuance of the real executive, i.e., the Council of Ministers, depends on the support of the majority in legislature, political parties perform the task of disciplining the members of the majority to keep them united for providing the life line support to the government. This role of political parties has, in fact, made them informal governments in democracies as the powers of the legislature has now been usurped, to a great extent, by political parties. Though victory is certainly the first commandment of a political party, in a democracy, defeat of party also does not mean its demise. In that case, a party functions as a critic and watchdog of the government's policy. Political parties thus play an extremely significant role in democracies. While, on the one hand, they have to maintain and strengthen the structure of democratic norms and values; on the other, they have to secure maximal community mobilization for social and economic development. Political parties thus induce both political and socio-economic development.

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5.3 PRESSURE GROUPS

Pressure groups are voluntary associations of people who have common interests to promote and protect. These interests may be economic, social, cultural, linguistic or religious. They do not have any political characteristics which differentiates them from political parties. As the name suggests, they create pressure on the ruling political party and government to acquiesce to their demands.

While political parties seek political power of governance, the pressure groups are essentially concerned with interests of their members, and for that purpose they apply pressure. The most common device of pressure politics is lobbying.

Pressure groups are usually organized associations, unions or organization of people having common interest. Their aim is to seek better conditions for their members through organized efforts. They try to influence the legislature, executive and other decision makers to have decisions made in their favour. According to V. O. Key, a striking feature of American politics is the extent to which political parties are supplemented by private associations formed to influence public policy. These organizations are commonly called pressure groups.

They do not take part in the selection of candidates or the legislative processes. They devote themselves to pressurize and influence the government in order to promote their interests. Scholars have classified pressure groups on different criteria.

Duverger was of the view that most pressure groups are non-political in nature and pressure politics is not their primary activity. Any group, association or organization, even those whose normal concerns are far from politics, can act as pressure groups in certain areas and under certain circumstances. It is generally believed that the pressure groups try to bring about changes in policies of the government either by influencing its institutions, or even otherwise. However, the pressure groups do not enter the legislature on their own.

Carter and Hertz had argued that the modern pluralist society, full of economic, professional, religious, ethical and other interest groups, is faced with the major problem of how to coordinate the activities of different groups on the one hand and government and politics on the other. Interest groups enjoy freedom to be established and function in a free democratic society. When these groups seek to influence the political process,

Check Your Progress

1. How has Edmund Burke defined parties?
2. What is a political party?
3. What is a party according to Lenin?
4. What is the principle followed by Communist parties?

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and achieve favourable decisions in matters such as enactment of legislation, imposition of taxes and duties, framing of rules, issuance of licences or economic sanctions, then these interest groups transform themselves into pressure groups.

David B. Truman defines an interest group as a shared attitude group that makes certain claims upon the other groups in the society. In a democratic set up, one of the biggest changes has been observed in the increasing role of pressure groups. Herman Finer viewed that it is perhaps now an axiom of political science that where political parties are weak in principles and organization the pressure groups will flourish; where pressure groups are strong, political parties will be feeble; and where political parties are strong, pressure groups will be curbed. In the context of the US, the rigid nature of its constitution, the doctrine of separation of powers, difficulties of conveying the grievances of the people to the government, etc., contributes to the growth of pressure groups in American politics. American pressure groups are not much influenced by the political parties whereas in Britain, pressure groups implicitly or explicitly have attachment with political parties.

In the context of liberal democratic countries, particularly, the United States, S. E. Finer had opined that the pressure groups are, by and large, autonomous and politically neutral bodies, which bargain with the political parties and the bureaucracy irrespective of the political complexion of the government in power. The groups can adopt various methods of bargaining, in their interests, including even unconventional or corrupt methods. It is obvious that the pressure groups are associations of individuals for the promotion of the interests of their members. Every individual has numerous interests. One may be an office bearer of a residents' welfare association, father of university going children, and a sugarcane farmer, a shareholder in a large business house or industrial establishment and may also be a social activist as also a trustee of a religious or charitable institution. All interests of one individual cannot be served by one group. He or she, therefore, may join several interest groups to create pressure on the state for different purposes.

Pressure groups are not a new phenomenon in politics. They have always been there, but probably in different forms. Generally, creations of these groups are deliberate efforts. Today they are highly influential and very powerful. It is generally considered that the terms like pressure groups, organized interests, and lobbies are all synonyms.

The terms interest groups and pressure groups, despite the differences in their nature, are often used as synonyms.

According to H. Zeigler, it is an organized aggregate which seeks to influence the context of governmental decisions without attempting to place its members in formal governmental capacities. In the words of Alfred de Grazia, pressure group is simply an organized social group that seeks to influence the behaviour of political officers without seeking formal control of the government.

There are certain essential features of the pressure groups. These are:

- Pressure groups are part of the political process of a country
- They attempt either to strengthen or change the direction of government policy
- They do not seek, as pressure groups to directly capture political power and run the government

5.3.1 Classification of Pressure Groups

Pressure groups or interest groups have been classified differently by scholars. Some of these are discussed below.

Gabriel Almond's classification

Political scientist Gabriel Almond has classified pressure groups under four categories. This classification has generally been supported by Hitchner and Levine. According to Almond, these types are:

- Institutional interest groups
- Anomic interest groups
- Associational interest groups
- Non-associational interest groups

The institutional interest groups work in close association with various institutions and political parties. These groups also exist within the legislatures, bureaucracies, religious bodies, corporations and even armed forces. They actively participate in the bureaucratic functioning, since it is the place where most of the decision-making is done. They are equally close to legislatures. They form part of a highly organized structure, but this structure has been created for purposes other than what these groups articulate. These groups do not need any other organization to articulate their demands. As Almond said, 'institutional interest groups are formal organizations, composed of professionally employed personnel, with designated political and social functions other than interest articulation', but either as corporate bodies or as smaller groups within these bodies (such as legislative blocs). These groups not only voice their own interests but also those of other groups in the society. Such groups are very influential and powerful.

In some of the Third World countries, these institutional interest groups are not satisfied only by exercising influence. They even seize power, as, for example, the military clique did in Burma, or Bangladesh (after Sheikh Mujib's murder), or Pakistan, or Nigeria. These are exceptions. These groups are generally concerned with better conditions for their members.

The anomic interest groups, according to Almond, are generally spontaneous reaction to a political system. These groups often appear when normal means of expressing dissatisfaction prove ineffective. They may be concerned with religious or linguistic or ethnic disturbances, or demonstrations, even assassinations and hijackings. They are generally characterized by unconventional, usually violent means. Their influence on the political system too is done through unconventional means.

The association interest groups are closely associated with formally organized institutions. They are functionally specialized, and they articulate the interests of specific groups, such as management, labour, business and agriculture. These groups are found in those countries where right to association is constitutionally recognized. Some of them have regular paid employees on their roles to influence the concerned institution. These groups are generally concerned with economic interests. The Federation of Economic Organizations, and the Federation of Indian Chambers of Commerce and Industry are some examples of association groups. The associations of teachers, lawyers, doctors and other professionals, all come in this category. Unlike the well-organized association

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system, the non-association groups are based on factors like kinship, ethnicity, status and religion. They articulate the interests informally and irregularly. They do not have any permanent organization.

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Jean Blondel's classification

French political scientist Jean Blondel has classified interest groups on the basis of factors responsible for their formation. Broadly speaking, there are two categories of groups. These are:

- Community interest groups
- Associational groups

Both the categories are further divided into two sub-categories.

Community interest groups come into existence to cater to the interest of a particular community. The social relations are in the back of their formation. Community life brings people together by sharing joys and sorrows. Most of the community groups are informal. Once they become formally organized, they exert pressure on the government to seek state protection and assistance. The community groups are divided between:

- Customary and participation
- Institutional groups

The groups that essentially follow the customs and traditions of the community fall in the category of customary groups. The groups of castes and sub-castes in India are of this type. Blondel has described those community groups as institutional who are formed by people living together for a long time, and who develop common social relationship. Some of the examples of this type can be welfare associations of serving or retired soldiers like the veterans unions, the civil servants welfare associations, or the senior citizens' welfare bodies. The association groups identified by Blondel generally follow the pattern of Almond and Hitchner and Levine. These groups have two sub categories:

- Protective groups
- Promotional groups

As we have discussed, interest groups essentially fight for the interests of its members. Protective groups vehemently seek to address the concerns of its members. Examples of protective groups are trade unions and associations of traders or professionals. They, thus, have more or less homogeneous clientele. Promotional groups, on the other hand, have membership or large cross-sections of community. The promotional groups may include group for disarmament, or the groups seeking promotion of environmental security. Besides, the protective groups generally manage to have greater influence over policy making process than the promotional groups.

Referring to the British groups, Robert Salisbury opined that protective groups have immense influence over policy, whereas promotional pressure, even when they mobilize a large following, tend to be regarded as having only a minor impact on public decisions. The protective groups generally have more flexible strategies, while the promotional groups face the problem of goal adaptation following change in political situation. Protective groups are never short of agendas, while promotional groups are terminal in nature, at least in conception.

Maurice Duverger's classification

Maurice Duverger points at two main problems regarding the term pressure groups. First, whether those groups whose only function is to exert political pressure or those which have multi-dimensional activities should be called pressure groups. Second, whether the term pressure groups should be used only for non-official groups or even official groups can be brought in this category. It is in the context of these two questions that Duverger offered the following classification.

Regarding his first query, Duverger distinguishes between: (i) exclusive groups and (ii) partial groups.

Members of the first category work exclusively to exert pressure on the political system to fulfill their interests. Thus, the French Parliamentary Association for the Defence of Educational Freedom is an exclusive group. There are several groups in the United States who are entirely in the business of pressure politics, through the device of lobbying.

Partial groups, on the other hand, are essentially set up to be the promoters of interests of their members, but in that process they do occasionally use pressure tactics. There are numerous such groups in every democratic set up, including India. Several associations of professionals (doctors, lawyers, chartered accountants, and architects), of university or school teachers, or women activists, or those concerned with cultural activities also, if needed, try to put pressure on civil servants, legislators and others. But, there can be no rigidity in this classification. Any partial group may take to whole time pressure politics.

On the second basis, Duverger makes a distinction between:

(i) Private groups (ii) Public groups

United States was the first country to witness the emergence of pressure groups where private institution groups put pressure on the state apparatus. Gradually, official and public groups started exerting pressure, and the process of pressure politics began. Official groups may even include those officials who secretly align themselves with one or more pressure groups to serve certain interests.

Duverger also refers to, what he calls, pseudo pressure groups. These groups include specialists who use pressure politics not for themselves, but for others. This is often done for monetary consideration. Duverger includes in this category the technical experts as well as information (mass) media. A reference will be made, while dealing with the role of pressure groups, to the role of mass media.

Role of Pressure Groups

Pressure groups play a vital role in a democratic society in terms of influencing the government for expressing the common concern of a section of society and promote their interest. The vitality of the pressure groups is mainly determined by their ability to influence the government. Influencing the government involves influencing the public policy decision makers, law makers, implementer of policies and decisions, etc. The role of pressure groups is closely connected with politics. In this context, Harold D. Lasswell in his early work on politics, uses the subtitle, *who gets what, when, how?* and says that, *the study of politics is the study of influences and influential*. In view of this understanding, the State of pressure groups in democratic countries constitutes an important dimension of the study of politics because the primary objective of any pressure group is to influence the government on a specific public policy issue or problem. Pressure

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groups play the mediatory role between the people and government. They balance the national interest and interest of individuals. Generally, interests of the common people are not organized. Pressure groups contribute to give concrete shape to the interests of people. This role of pressure groups is significant in interest formation as well as interest aggregation. Interest formation may occur through the reactions of groups of people on issues of public importance like GATT, nuclear explosion, reservation policy, environmental issues, price rise, regional imbalances and rural development programme. According to Gabriel Almond and Bingham Powell, converting the demands into policy alternatives is interest aggregation. In this process also, pressure groups play a significant role in terms of identifying possible policy alternatives or options. They also explain the pros and cons of each policy alternative which is a very helpful information for the policy makers to select the best alternative. This role of pressure groups is to provide inputs to public policy making. On the whole, pressure groups contribute to democratize the public policy making and law-making.

When it is found that political parties cannot adequately represent the aspirations of the people, pressure groups become the devices for representing the aspirations of the people. In this sense, pressure groups perform the representation function. In a welfare state, the growing functions of government may tend to affect the responsive capability of the political system. Besides the members of government may not be able to get sufficient time to get all the details of a particular issue of public importance as the political elites are preoccupied in the political activities. In view of these, pressure groups are essential to make the political system respond to the aspirations of people and provide the details of a particular policy issue of public importance to the ruling political elites. This will contribute to work out development activities very effectively.

The role of pressure groups depends to a large extent on the type of government that a country has. Their role in the presidential system, as in the United States is more significant than that in parliamentary democracies, like Britain and India. Their role is minimum, or non-existent, in one party states, and particularly in authoritarian systems. Their role is highlighted by Henry Ehrmann while discussing the merits of pressure groups. He says, 'The interests which they represent link their membership with community values. Hence, groups are likely to reflect more accurately than do other bodies, the concerns of the society in which they operate.' Further, where the formal system of representation proves inadequate, pressure groups represent community values more realistically than do parties. They employ all conceivable methods to promote their interests. They request and cajole, they bribe and entertain. The most popular method of pressure politics, called lobbying, was developed in the United States. Lobbying is only one of the methods of pressure politics, yet it is the most effective. Lobbying is a peculiarly American practice and its practitioners try to directly influence the law-makers and other officials.

The influence of pressure groups depends, to a great extent, on the type of government. For example, in a presidential form of government, as in the United States, the role of the pressure group is more significant than that in parliamentary democracies like Britain and India. Their role is minimum, or non-existent, in one-party states, and particularly in authoritarian systems.

Political scientist Henry Ehrmann, while discussing the merits of pressure groups, argues that 'the interests which they represent link their membership with community values. Hence, groups are likely to reflect more accurately than do other bodies, the concerns of the society in which they operate'. Further, where the formal system of

representation proves inadequate, pressure groups represent community values more realistically than others. They employ all conceivable methods to promote their interests. They request and cajole, they bribe and entertain. The most popular method of pressure politics, called lobbying, was developed in the United States. Lobbying is only one of the methods of pressure politics, yet it is the most effective.

Lobbying

Although lobbying had its origin in the US, today most countries follow the practice. The term lobbying is used to indicate the technique of establishing contacts with the members of Parliament/Congress and state legislatures in order to influence them to vote for or against a measure to suit the interest of a pressure group. Many a times, pressure groups engage former members of the parliament to influence the ruling legislators.

‘Lobbyists’, in the words of Alfred de Grazia, ‘are highly organized; they claim large membership lists; they have agents who are skilled in persuasion and public relations; they insist that their purposes are consonant with the public welfare’.

The lobbyists build contacts with the members of parliament, shadow their footsteps, and try to influence their decisions and votes. Generally, they seek to promote the legitimate interests of the groups, but at times do indulge in selfish politics. Although rarely, there are cases when bribery, direct or indirect, and blackmail have been used to influence legislators. A strong willed Congressman may even be coerced by arranging a food of letters, telegrams and telephonic calls from the voters in his district.

Although in countries where pressure politics and lobbying are frequently undertaken, laws have been formed to control such practices, it cannot be said that much success has been achieved in checking them. In the US particularly, political parties, pressure politics and lobbying have become part of its political system.

Most agendas of interest groups are economic in character. There are labour pressure groups that seek to represent the point of view of organized labour in elections and in the Congress. On the other hand, there are business pressure groups that sought to represent the interests of an industry. In recent times, however, several groups have emerged that focus on social activities. Some such groups are the National Council of Christians and Jews and the United Methodists. Thus, every major community has its own lobby.

5.3.2 Types of Pressure Groups

The origin of pressure groups is diverse since they represent a particular dimension of interests like economic, social and political interests. Pressure groups exist for protecting or promoting particular interest(s). Pressure groups can be broadly classified into the following categories:

- Business groups
- Labour organizations
- Farmers’ groups
- Professional groups
- Religious groups

(i) **Business groups:** Businessmen are generally well-organized and their concern would be to get reasonable restrictions imposed on the production and distribution of goods, import and export of commodities, determination of price of commodities,

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etc. There are business groups like the National Association of Manufacturers in the US, the Federation of British Industries, the National Council of French Employers, the Federation of German Industry, the Federation of Indian Chambers of Commerce and Industry (FICCI). In India, the British merchants established the Chamber of Commerce in 1830s. In 1926, it was decided to establish a national Indian business organization. In the following year, the same business organization became the Federation of Chambers of Commerce and Industry. The support of the wealthy businessman like G. D. Birla made this business group an important and influential force. In addition to the Federation of Chambers of Commerce and Industry, there are other national business groups namely the All India Manufacturers Organization, the Associated Chambers of Commerce and Industry of India. These business groups keep in touch with political parties and contribute to party funds and some candidates in elections are financed by the businessmen. The primary function of any business group is to protect its business interests like opposing tax increase, minimum control on labour.

- (ii) **Labour organizations:** In the US, trade union politics began with the establishment of the American Federation of Labour in 1886. There are labour organizations like the Communist dominated Confederation of Christian Trade Unions in France, German Confederation of Trade Unions, Transport and General Workers' Union in England, Indian National Trade Union Congress. The labour organizations are concerned with payment of adequate wages and emoluments, reasonable working hours and conditions of service and compensation in case of some accident. They are often associated with one party or the other. In India, the Indian National Trade Union Congress (INTUC), the United Trade Union Congress (UTUC), the Hind Mazdoor Sabha (HMS), All India Trade Union Congress (AITUC), Bharatiya Mazdoor Sangh have links with political parties like the Congress (I), Communist parties, the Socialist Party, the BJP. All these trade unions are regarded as major Indian Labour Organizations.
- (iii) **Farmers' groups:** Farmers' groups are basically concerned with protecting the interest of farmers from adverse effects of modernization and getting facilities of modernization to the farmers. These include continuation of subsidy to the farmers, minimum price for agricultural products, etc. In the US, the farmers' groups like American Farm Bureau Federation, the National Grain, the National Farmers' Educational and Co-operative Union of America are regarded as very important farmers' groups forgetting their just dues from the government. In India, we have farmers' groups like Karnataka Rajya Raith Sangh, Setkari Sangh of Sharad Joshi in Maharashtra and similar organization of Mahendra Singh Tikait in UP.
- (iv) **Professional organizations:** Professional organizations are mainly concerned with the service conditions and other facilities for their respective professions. Associations like teachers' association, medical association, bar association are regarded as pressure groups based on their professions. The American Association of University Teachers, All India Federation of University and College Teachers' Organizations, the American Bar Association, the Indian Political Science Association, the British Medical Association are some of the examples of professional pressure groups.
- (v) **Religious organizations:** Religious pressure groups generally attempt to protect the interest of a particular religion. In the US, the National Council of Churches is a religious pressure group. The other religious pressure groups are the American

Jewish Committee, American Jewish Congress, etc. In the Indian context, the caste and communal associations can be categorized as religious pressure groups. In Indian politics, caste associations are increasingly getting prominence and becoming very influential.

Techniques of Pressure Groups

The main techniques of pressure groups are manipulating public opinion, persuading legislators and administrators. The role of pressure groups tends to change the public attitude towards a specific issue. The extent of influence of pressure groups on government is mainly determined by their position to represent public opinion. Hence, it is necessary on the part of pressure groups to influence the process affirmation of public opinion. As a consequence, pressure groups seem to manipulate public opinion. Influence of pressure groups is also through the legislators for making specific provisions or deleting some provision in legislation. Pressure groups have friends and allies in the legislatures as in the case of American Congress and the Indian Parliament. Pressure groups attempt to influence the process of implementation of decisions through the administrators. Besides, pressure groups adopt the technique of influencing the government through public interest litigation in courts of law. In India, the judiciary is asserting its position under the influence of the pressure groups which are bringing before it the public interest litigation which is seen clearly in case of environmental pressure groups and economic pressure groups. Medha Patkar and her associates have exercised a vast amount of pressure on the executive at the State and central level over the question of the Narmada dam and particularly the resettlement of the people affected by the dam. There are pressure groups which have been working on the problems of daily wage workers and women and many of them are exercising pressure by bringing their cases before the courts in the form of public interest litigation. Even in the limited context of municipal government, as in the case of Bombay, citizens are taking cases to the High Courts to exert pressure on the municipal authorities to clean streets and undertake environmental measure. In the context of India, as in several developing countries, these techniques are new. Therefore, the pressure groups have to work hard to organize the members of the public in order to be effective in relation to government and public administration.

Comparison of Indian and Western pressure groups

India, though a parliamentary democracy, differs from Western countries in terms of developmental levels. Therefore, there are some differences in the role of pressure groups also. They are as follows:

- The American pressure groups are regarded as the fourth organ of the government but the Indian pressure groups are not yet able to play such a significant role in politics.
- In India and Great Britain, the cabinet and civil service are the main targets of pressure groups for lobbying purposes, rather than the parliament. However, the targets of American pressure groups are the Congress and its committees, rather than the President for lobbying purposes.
- Indian pressure groups based on caste, religion, region, etc., are more powerful than the modern groups like business organizations.
- A significant feature of American pressure groups is that in the US pressure groups take interest in foreign policy issues while in India pressure groups do not seem to have interest in foreign policy matters.

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Comparatively, the Indian pressure groups are concerned more with domestic policy issues and problems, and less with foreign policy matters. However, in general, despite the differences, democratic politics presupposes the crucial role of pressure groups for serving the interests of different sections of society.

5.4 SUMMARY

- Political parties are indispensable to any democratic system and play the most crucial role in the electoral process—in setting up candidates and conducting election campaigns.
- An organized group of people working under the influence of one ideology based on well-defined policies and objectives may be referred to as a political party.
- Edmund Burke had defined political parties in 1770 as, ‘a body of men united for promoting, by their joint endeavours, the national interest upon some particular principles in which they are all agreed’.
- Parties must have definite aims and objectives. The objectives are often a mixture of ultimate and immediate purposes. Party programmes contain ideas about law and government, ideas about the shape of political things to come and each party seeks to focus its own brand of political ideas.
- Political parties represent class aspirations, according to the Marxist view. This condition can be improved only through a successful class struggle which would result in the victory of the proletariat. The Marxists further says that the party that represents the working people alone has the right to exist. The parties of the bourgeois do not represent a true democratic process. Hence, they must be removed.
- According to Lenin, if the party has to play the role of vanguard of working people, it is essential for it to have complete knowledge of revolutionary ideas and rules. The objective of the party is to protect the interests of the proletariat.
- German political scientist Sigmund Neumann analysed the political parties on the basis of their ideologies. He concluded that in view of sharp differences between the democratic and authoritarian parties, it was impossible to give a single acceptable definition. Nevertheless, he said that the purpose of setting up a party is uniformity within, and distinction from other groups.
- Maurice Duverger’s classification of parties (in 1951), based on organization, is generally accepted. The classification is as follows: Elitist or traditional parties, Mass parties, and Intermediate type of parties.
- As the name suggests, elitist parties neither had mass participation nor support from the masses. These are mostly the traditional parties which did not welcome everyone in its fold. These parties could further be classified into the (i) European type and (ii) American type.
- The mass party arose historically in opposition to the established elite or caucus-party system of the 18th to 19th centuries, representing the antithesis of the caucus party.
- Maurice Duverger identified a third category of political parties—the intermediate type. Although different from both elitist and mass parties, they are closer to the mass parties.

Check Your Progress

5. What is the difference between political parties and pressure groups?
6. What, according to H. Zeigler, are pressure groups?
7. Give some examples of association groups.
8. What do the protective groups protect?
9. What is the role of pressure groups?
10. What do you mean by lobbying?

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- In their book *Comparative Government and Politics*, Dell Gillette Hitchner and Carol Levine have argued that normally people are associated with one party or the other on the basis of their personal views, and that the party membership depends on several other socio-economic forces. The authors have classified contemporary political parties into three categories—the pragmatic parties, doctrinal parties and interest parties.
- Political parties unite sectional interests, bridge the geographical differences, and induce cohesion. In other words, various interests are aggregated through the instrumentality of parties. This ensures both order and system maintenance.
- Pressure groups are voluntary associations of people who have common interests to promote and protect. These interests may be economic, social, cultural, linguistic or religious. They do not have any political characteristics, which differentiates them from political parties.
- Duverger was of the view that most pressure groups are non-political in nature and pressure politics is not their primary activity. Any group, association or organization, even those whose normal concerns are far from politics, can act as pressure groups in certain areas and under certain circumstances.
- There are certain essential features of the pressure groups. These are:
 - Pressure groups are part of the political process of a country
 - They attempt either to strengthen or change the direction of government policy
 - They do not seek, as pressure groups to directly capture political power and run the government
- Political scientist Gabriel Almond has classified pressure groups under four categories. This classification has generally been supported by Hitchner and Levine. According to Almond, these types are: Institutional interest groups, Anomic interest groups, Associational interest groups, and Non-associational interest groups.
- French political scientist Jean Blondel have classified interest groups on the basis of factors responsible for their formation. Broadly speaking, there are two categories of groups. These are: Community interest groups, and Associational groups
- Maurice Duverger points at two main problems regarding the term pressure groups. First, whether those groups whose only function is to exert political pressure or those which have multi-dimensional activities should be called pressure groups. Second, whether the term pressure groups should be used only for non-official groups or even official groups can be brought in this category.
- Pressure groups play a vital role in a democratic society in terms of influencing the government for expressing the common concern of a section of society and promote their interest.
- Although lobbying had its origin in the US, today most countries follow the practice. The term lobbying is used to indicate the technique of establishing contracts with the members of Parliament/Congress and state legislatures in order to influence them to vote for or against a measure to suit the interest of a pressure group.
- The origin of pressure groups is diverse since they represent a particular dimension of interests like economic, social and political interests. Pressure groups exist for protecting or promoting particular interest(s). Pressure groups can be broadly

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classified into the categories like: Business groups, Labour organisations, Farmers groups, Professional groups, and Religious groups.

- India though a parliamentary democracy differs from Western countries in terms of developmental levels. Therefore, there are some differences in the role of pressure groups also. The American pressure groups are regarded as the fourth organ of the government but the Indian pressure groups are not yet able to play such significant role in politics.

5.5 KEY TERMS

- **Party:** It is an organized group of people, having a clear ideology and based on certain well defined policies and having clear objectives.
- **Political party:** It is a group of people that seeks to get its candidates elected to public offices by supplying them with a label—a party identification—by which they are known to the electorate.
- **Elitist/traditional parties:** The parties which are not cadre based and do not have their support among the masses may be described as elitist or traditional parties.
- **Diktat:** It refers to an order or decree imposed by someone in power without popular consent.
- **Pressure groups:** These are voluntary associations of people who have common interests to promote and protect; these interests may be economic, social, cultural, linguistic or religious.
- **Lobbying:** The term is used to indicate the technique of establishing contacts with members of the congress and State legislatures to influence them to vote for or against a measure to suit the interests of a pressure group.
- **Parliamentary:** It refers specifically to a kind of democratic polity wherein the supreme power vests with the body of people's representative called parliament.

5.6 ANSWERS TO 'CHECK YOUR PROGRESS'

1. Edmund Burke has defined parties as bodies of men united for promoting, by their joint endeavours, the national interest upon some particular principles in which they are all agreed.
2. A political party is a coalition of group interests pursuing general political policies.
3. According to Lenin, a party, in this case the Communist Party, is a well-organized group of chosen elite intellectuals and political activists.
4. Communist parties follow the principle of democratic centralism, which implies democratic participation of members in party structure, but centralized decision-making and supervision.
5. While parties seek political power of governance, the pressure groups are essentially concerned with interests of their members, and for that purpose they apply pressure. The most common device of pressure politics is lobbying.

6. According to H. Zeigler, pressure groups are an organized aggregate which seeks to influence the context of governmental decisions without attempting to place its members in formal governmental capacities.
7. The Federation of Economic Organizations, and the Federation of Indian Chambers of Commerce and Industry are some of the examples of association groups. The associations of teachers, lawyers, doctors and other professionals all come in this category.
8. The protective groups try to protect the interests of their members like those of trade unions and associations of traders or professionals. They, thus, have more or less homogeneous clientele. The promotional groups, on the other hand, have membership or large cross sections of community. The promotional groups may include group for disarmament, or the Greens seeking promotion of environmental security.
9. Pressure groups play the mediatory role between the people and government. They balance the national interest and interest of individuals. Generally, interests of the common people are not organized. Pressure groups contribute to give concrete shape to the interests of people. This role of pressure groups is significant in interest formation as well as interest aggregation.
10. Lobbying is an American practice, though it is not the monopoly of the United States. It is practiced in many other democratic countries also. The term—lobbying is used to indicate the technique of establishing contracts with the members of Congress and state legislatures to influence them to vote for or against a measure to suit the interest of a pressure group.

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5.7 QUESTIONS AND EXERCISES

Short-Answer Questions

1. How has R. M. MacIver defined a party?
2. How has R. N. Gilchrist defined a party?
3. What is a party according to Lenin?
4. How has Almond classified parties?
5. How has James Jupp classified parties?
6. How are the political parties classified?
7. What are the different categories of political parties as classified by Hitchner and Levine?
8. What are the various types of pressure groups?
9. What, according to Almond, are the classifications of pressure groups?
10. State the meaning and role of pressure groups in democratic politics.

Long-Answer Questions

1. Discuss the role of political parties in a democracy.
2. Define political parties. What is the Marxist concept of political parties?

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3. What is the difference between the European and American type of parties?
4. Explain the nature of socialist and communist parties.
5. Discuss the relationship between political parties and pressure groups.
6. Write a detailed note on parties in developing countries.
7. Explain Maurice Duverger's classification of pressure groups.
8. Discuss lobbying as a device of pressure politics.
9. Describe the various types of pressure groups.

5.8 FURTHER READING

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UNIT 6 JUDICIAL SYSTEM

Structure

- 6.0 Introduction
- 6.1 Unit Objectives
- 6.2 Judiciary in the United Kingdom
 - 6.2.1 Rule of Law: A Citadel of Liberty
- 6.3 Judiciary in the United States of America
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 - 6.4.4 The Higher People's Courts
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 - 6.4.6 The Basic People's Courts
 - 6.4.7 The Special Courts
- 6.5 Summary
- 6.6 Key Terms
- 6.7 Answers to 'Check Your Progress'
- 6.8 Questions and Exercises
- 6.9 Further Reading

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6.0 INTRODUCTION

The judiciary administers justice according to law. For the judiciary to position itself properly in the fight against corruption, it must first purge itself of corruption. In the United Kingdom, judiciary performs an important function, that is, administering Rule of Law. In the US, judicial review constitutes an important function performed by the Supreme Court of America. In China, committed judiciary is the essence of what is required from the judiciary functioning in the country.

In this unit, you will study the indispensable role played by the judiciary in the United Kingdom, the United States of America and China.

6.1 UNIT OBJECTIVES

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

- Analyse the salient features of the British judicial system
- Assess the judicial committee of the Privy Council
- Explain the British rule of law
- Describe the working of constitutional courts and legislative courts in the US
- Evaluate the concept of judicial review
- Explain the working of the Supreme People's Court in China

6.2 JUDICIARY IN THE UNITED KINGDOM

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The judiciary occupies a place of pride in a democratic country. If a democratic government is to be effective, it is essential that laws passed by the legislator should be applied and upheld without fear or favour. Professor Laski has said that the Acts of Parliament are not self-operative and, hence, there is need for a judicial organ to see its operation. Hamilton opined that 'laws are a dead letter without courts to expound and explain their true meaning and operation'. Thus, there are courts of law in all democratic countries and England is no exception to it.

The present day organization of the British judiciary is relatively modern. Though the courts themselves are much older, yet they are entirely reconstituted by the Judicature Acts of 1873-1876, as amended by the Act of 1925. Prior to 1873, the judicial organization of England was in a state of chaos, with numerous courts possessing special functions, following procedure and overlapping jurisdictions. The Acts of 1873 reorganized the courts and simplified the judicial procedure.

The Rule of Law is the basis of the British constitutional system. There are three kinds of law in England namely, common law, statute law and equity. The courts in Britain administer these three types of law without any fear or favour. Except for statutes, common law and equity are based on traditions, customs and morality as decided by the judiciary. It is an accepted principle of the British judicial system that a decision given by a judge shall be applicable in all similar cases, unless it is set aside by a judge of a higher court or until an Act of Parliament settles the issue.

Salient features of the British judicial system

The salient features of the British judicial system are as follows:

1. **Impartiality and independence of the courts:** The first thing to be noted in British judiciary is high reputation for fairness, impartiality and incorruptibility. The judges are free to pronounce judgment without fear and favour. The Act of Settlement of 1701 provides that the judges in Great Britain hold office on account of good behaviour and not due to the pleasure of the executive. Thus, there is a great tradition of administration of justice without fear or favour.
2. **Absence of judicial review:** In England there is no judicial review and as such the judiciary cannot declare any act of Parliament as *ultra vires*. The case is just the opposite in America. Due to parliamentary supremacy in England, the parliament can pass any law and no court can question its authority.
3. **Absence of separate administrative court:** There are no separate administrative courts in England, as found in France and other continental countries. In France, there are two types of law, ordinary and administrative, and two types of court, administrative and ordinary respectively. The administrative persons are tried by administrative law in administrative courts. There is no such distinction between officials and ordinary citizens in England and all are subject to the same court of law.
4. **Absence of uniform judicial organization:** There is no uniform judicial system throughout the country. There is one set of court in England and Wales, another for Scotland and still another for Northern Ireland. Sometimes each court has its own peculiar procedure and practices. The Judicature Acts of 1873-76 tried to

bring uniformity, but failed to achieve a uniform judicial organization throughout the country.

- 5. Jury system:** The prevalence of jury system is a salient feature of the British judicial system and in the trial of grave crimes, a jury trial may be demanded in all courts of England except the lowest and highest court. England is the classic home of the jury system. The charge in a case is framed by the judicial official and the trial is held by the judge with the assistance of jury. The juries have revealed impartiality, fearlessness, knowledge and common sense and have given decisions against the government.
- 6. Integration of courts in England and Wales:** The courts of England and Wales were different organizations having different conflicting procedures and jurisdiction. Now the entire judiciary has been reconstructed and brought under the control of the Lord Chancellor. Thus, there is integration of the judicial systems of England and Wales. The judicial system has been made simple and inexpensive as far as practicable.
- 7. Guardian of individual liberty:** The courts in England are the custodians of the liberty of the people. Liberties of the people are guaranteed not by parliamentary acts but by the common law of the land. The concept of rule of law pervades in all spheres of judicial organization.
- 8. High quality of justice:** English people are proud of the high quality of justice dispensed by their courts. Cases are heard and decided in open court. The judges show a high order of independence, ability and integrity. There is a quick disposal of cases. The rules and procedures are also simple and logical. Independent attitude of a judge is deeply rooted in the British judicial system. The judges are not influenced by any consideration except that of justice and impartiality. Courts in England 'do not tolerate the pettifogging dilatory, hair splitting tactics which lawyers are so freely permitted to use in American halls of justice. The judge rules his court room, pushes the business along, and declines to permit appeals from his rulings unless he sees good reason for doing so'.

Organization of the British judiciary

The Anglo-Saxon judicial system is the oldest in the world. It has been influenced very much by other judicial systems of the world. Just as there is no written constitution in England, there is no rigid written code of law. The British judicial system has evolved and as such there is no single form of judicial organization throughout the country. In recent times, attempts have been made to reorganize the judicial system to a certain extent. The Judicature Acts, 1873-76 were the first attempt to organize the judicial system in modern times. These Acts set up a Supreme Court of Judicature consisting of the High Court of Justice and the Court of Appeal. The Act of 1925 and the Court Act, 1971, made few changes in its organization.

The courts in Great Britain are broadly divided into two categories—civil and criminal. This division is almost common in all judicial systems of the world.

1. Criminal Court

The criminal court consists of the following:

(i) Justices of Peace

The lowest criminal court is the Justices of the Peace. When a person is charged with a crime, he is brought before one or more Justice of the Peace (J. P.) or in large towns,

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before a Stipendiary Magistrate for trial. The Justices of Peace are honorary persons and are appointed by the Lord Chancellor. They do not have legal training. They are laymen appointed from all classes of people in society. The Stipendiary Magistrates are not honorary persons. They are appointed by the Secretary of States for Home Affairs and they receive regular salaries or stipends from their respective boroughs or urban districts. They are required to be barristers of seven years standing and they are appointed in the name of the Crown.

The Justices of the Peace and Magistrates have jurisdiction over minor crimes which are punishable by a fine of not more than twenty shillings or by imprisonment for not more than fourteen days. Serious cases are tried by a Bench of two or more Justices who work in a Bench. It is called a Court of Petty Session which can impose a fine of not more than 100 pounds or in some specified cases 500 pounds or a period of imprisonment upto six months and in some cases one year. If the punishment is more than three months imprisonment, the accused may demand a trial by jury.

(ii) Court of Quarter Session

The Court of Quarter Session is the next higher court in civil matters. Appeals from the lower court may be taken to this court. It consists of two or more justices from the whole country. In a large town it is presided over by a single magistrate. As this Court meets four times a year, it is known as the 'Quarter Session'. It exercises original jurisdiction over serious criminal cases and, in fact, is the court in which most of the serious cases are tried.

(iii) Court of Assizes

The Courts of Assizes are held in county towns and some big cities thrice in a year. These courts are branches of High Court Justice. Each such court is presided by a judge or often two judges of the High Court of Justice who go around on circuits. The entire country has been divided into eight circuits. The Court of Assize functioning in London is called 'Central Criminal Court' and in popular language it is known as 'Old Bailey'. The jurisdiction of the Assizes includes all the grave offences like armed robbery, kidnapping, murder, etc. The Assize Court is assisted by a Jury of twelve countrymen and the Jury gives its verdict. Whether the accused is guilty or not, if the jury finds the accused is not guilty, he is forthwith discharged. If he is, on the other hand, found guilty, the Judge decides the punishment.

The accused may appeal to the Court of Criminal Appeal against the judgment of Quarter Sessions or the Assizes. This Court was set up in 1907, and before that there was no provision of appeal in criminal cases. This court consists of Lord Chief Justice and not less than three judges of the Queen's Bench. The Court meets without a jury in London. If the Court finds that there has been a serious lapse of justice, it can modify the sentence or even quash the conviction altogether. The Judgment of the Court of the Criminal Appeal is final except in rare instances when an appeal can be made to the House of Lords upon a point of law and when the Attorney General gives a certificate that the case is set for appeal.

2. Civil Court

The civil court consists of the following:

(i) County court: The county court is the lowest court on the civil side. It decides cases in which amount involved is not more than 500 pounds. It is presided over by a judge

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who may take assistance of a jury, if necessary. Its procedure is very simple. At a place where a county court sits, there is an official known as the registrar who disposes off the great majority of cases by influencing withdrawals or effecting compromises, without ever referring them to the Judge at all. It may be noted that the county courts are not the part of county organizations and the area of their jurisdictions is a district which is small than a county and bears no relation to it. The Judges and Registrars of the country courts are paid their salaries out of the national treasury and hold office during good behaviour.

(ii) Supreme Court of Judicature: The next tier above the county courts is the Supreme Court of Judicature which is divided into two branches:

- (a) High court of justice
- (b) Court of appeal

(a) High court of justice: The high court of justice has three divisions:

- The Queen's Bench Division
- The Chancery Division
- The Probate, Divorce and Admiralty Division or the Family Division as renamed in 1971

In each of these divisions, judgment is made by a bench, consisting of one or more than one judge. The Queen's Bench is presided over by the *Lord Chief Justice* of England having twenty other judges. It hears majority of cases including the common law cases which are referred to the high court.

The Chancery Division is presided over by the Lord High Chancellor having five other judges. It hears the cases which formerly belonged to the Courts of Equity or it deals with such cases in which the remedy or law is inadequate.

The probate, divorce and admiralty division is presided over by a president with seven other judges. They hear particular type of cases involving above three subjects. This division is known as the family division since 1971.

Any of the judges mentioned above may sit in any division and all may apply common law or equity with restriction to their sphere of duty.

(b) The Court of Appeal: The court of appeal is an appellate authority against the judgments of the county courts and three divisions of the high court. Appeals are made only on substantial questions of law and not on mere facts. The court of appeal meets in two or three divisions or occasionally all Lord Justices sit together in very important cases. In the Court of Appeal no witness is given and there is no jury also. For appealed cases the Court sits in trial. The Lord Chancellor is its president. The House of Lords may hear appeal against the judgment of the Court of Appeals. Thus, in the civil side there are county court, high court, court of appeal and House of Lords which are the highest court of appeal.

(iii) The House of Lords as the Highest Appellate Court: The House of Lords is not only a legislative body but also a powerful judicial organ. It is the highest court of appeal both in civil and criminal cases in England. When the House of Lords exercises its judicial function, the whole House never sits as a court. It is a convention that the appeals are heard by the Lord Chancellor and nine Law Lords. The Lord Chancellor is the presiding officer. He is also a member of the Cabinet. The Law Lords are men of high judicial calibre who are made Life Peers by virtue of judicial eminence. These ten

Lords exercise highest appellate judicial power in the name of the House of Lords. They sit and give judgment at any time, regardless whether Parliament is in session or not.

The Judicial Committee of the Privy Council

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The discussion on the British judicial system would be incomplete without reference to the judicial committee of the Privy Council, which is the final court of appeal in cases which come from the courts of the colonies and from certain of the dominions, as well as from the ecclesiastical courts in England. The judicial committee of the Privy Council is not a court in the usual sense of the term but only an administrative body to advise the Crown on the use of its prerogative regarding appeals from the courts of the colonies and Commonwealth. It consists of the Lord Chancellor, former Lord Chancellors, nine Law Lords, the Lord President of the Privy Council, the Privy Councilors who hold or have held high judicial offices and other judicial persons connected with overseas higher courts. As it is a committee consisting of eminent persons, it is best competent to hear appeals on legal matters and advises the Crown on such matters. It consists of about twenty jurists but most of its work is done by the Law Lords of the House of Lords. The appeal goes straight to the judicial committee which advises the Crown to accept or reject it. There is no appeal against its decision. The committee has a special function. In time of war it acts as the highest court in naval prize cases.

The British Judicial System has earned a high reputation, both at home and abroad for its excellence, impartiality, independence and promptness. Legal profession in England is held in high esteem and attracts the best talents of the country. The concept of the Rule of Law pervades in their legal system and the people have not forgotten the dictum that 'where law ends, tyranny begins'.

6.2.1 Rule of Law: A Citadel of Liberty

One of the outstanding features of the British constitution is the concept of the rule of law. Human dignity demands that the individuals should have certain rights and freedom. In most democratic countries, rights and freedoms are guaranteed and protected by the constitution. In the US and India, the constitutions work like watch-dogs and protect the individual freedom and rights. In England, there is neither a written constitution nor a bill of rights to act as a safeguard of individual liberty. However, England claims to be the classic home of democracy and British people enjoy their rights and freedom without any fear or favour like all free citizens of democratic countries.

The citadel of liberty of the people in Great Britain is the rule of law. John Locke, a liberal British political philosopher of the 17th century wrote, 'where law ends, tyranny begins.'

British history is replete with tyranny and absolutism and, hence people and Parliament are always eager to preserve the liberty of the people through the rule of law. Though there are no written constitutions and bill of rights, the concept of the rule of law is carefully maintained and scrupulously adhered to by the people in Great Britain. Prima facie, the rule of law means that it is the law of England that rules and not the arbitrary will of the ruler. Lord Hewart defines the Rule of Law as 'the supremacy of predominance of law as distinguished from mere arbitrariness.' Towards the end of the 19th century, A. V. Dicey gave the famous exposition of the idea of the rule of law. He considered it to be the fundamental principle of British constitutional system and gave a lucid and vivid description of the concept of rule of law.

According to Dicey, rule of law involves the following three distinct propositions:

- (i) 'No man is punishable or can be lawfully made to suffer in body or goods, except for a distinct breach of the law established in the ordinary legal manner before the ordinary courts of the land.' It implies that nobody in England can be punished arbitrarily simply because the authority wants him to be punished. A person can be punished only on the distinct breach of law. It also implies that nobody will be deprived of his life, liberty and property except by the verdict of the courts of law. The courts of law are the custodians of life, liberty and property of the people. England Courts are open in England and judgments are delivered in open courts.
- (ii) 'Not only is no man above the law, but every man, whatever his rank or condition, is subject to the ordinary law of the realm and amenable to the jurisdiction of the ordinary tribunals.' Here according to Dicey, the Rule of Law means equality before the law or equal protection of law. Nobody is above the law. All citizens irrespective of any distinction are equal in the eyes of law and are subject to the same courts of law. Dicey observes, 'With us every official from the Prime Minister down to a constable is under the same responsibility as any other citizen.' This minimizes and checks the tyranny of the government. This perfect equality before law is in contrast to the system of administrative law that prevails in France and other countries of the continent. There are no separate administrative courts to try the administrative officials in England.
- (iii) 'The general principles of the constitution are the result of judicial decisions determining the rights of private persons in particular cases brought before the courts.' The third meaning of the Rule of Law as Dicey explains is that the legal rights of the British people are not guaranteed by any constitutional law, but assured by the Rule of Law. Dicey observes, 'The constitution is the result of the ordinary, law of the land.' He further writes, 'With us, the law of the constitution, the rules which in foreign countries naturally forms part of a constitutional code, are not the source, but the, consequence of the rights of individuals as defined and enforced by the Courts. The rights of the citizens in Great Britain are protected not by the constitution, but by the judicial decisions, free access to the courts of law is a guarantee against wrongdoers.'

Thus, judiciary has a great contribution in the protection of the liberties of the people. It is true that the parliament can at any time put those rights and liberties in statutes. To cite an example, the Habeas Corpus Act of 1679 guaranteed the citizens the right against unlawful arrest and detention. It is equally true that the parliament can, at any time, limit or repeal any right of the people, based on the statute or common law. In times of national emergency, such as war, the parliament limits and restricts the freedom of the people by passing an ordinary law like the Defence of the Realm Act of 1914 or the Emergency Powers Act of 1939.

In the ultimate analysis, rights and liberties of the people in Great Britain are protected not by law, but by the rule of law. The rule of law is based on long tradition and strongly supported by public opinion. It has been observed that although at first glance, civil liberties seem to enjoy no such sheltered position in Britain as in the United States and some other countries, they are both in law and practice, as secure as anywhere else in the world.

Hence, the rule of law is the product of centuries of struggle of the British people for the recognition of their rights and freedom. In Great Britain, the law is supreme and

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the constitution is the result of the ordinary law of the land and its general principles have evolved from the rights of persons as upheld by the courts in various cases. This is a great contrast with many a written constitution in which the rights of the citizens are declared. The rights declared and guaranteed by written constitutions in other democratic countries are well secured and protected in Great Britain.

Criticisms of Dicey's exposition

Dicey's exposition of the rule of law is subject to various criticism. He was subjective in his approach and viewed the constitution on the background of the liberal philosophy of the Whigs. His book, *The Law of the Constitution*, was published in 1885. No doubt it is a scholarly work, but it contains the remnants of the Laissez-Faire philosophy. Dicey himself was a liberal and was unaware of planned economy and welfare state. The emergence of welfare state has necessitated the grant of discretion and power to government officials. There is tremendous proliferation of the state activities. The Parliament neither has time nor competence to deal with the immense problems of the modern state. Hence, there is increasing use of delegated legislation, consequently leading to granting more discretionary powers to government officials. Lord Hewart has condemned it as new despotism but it seems inevitable in recent times. Dicey is not aware of emergence of the modern powerful state. Thus, the concept of the rule of law, as interpreted by him, cannot be strictly applicable in modern Great Britain.

Sir Ivor Jennings is also a strong critic of Dicey's concept of the rule of law. He criticized Dicey's concept of equality of law as too ambiguous as well as an ambitious phrase. Perfect equality is neither possible nor desirable. What Dicey suggests by equality, according to Jennings, is that an official is subject to the same rule as an ordinary citizen. But even this is not true in England. There are certain privileges and immunities granted to the public officials and these are not granted to the ordinary people. For instance, the police have a right to enter an individual's house with the intention to search the premises, if the particular individual is a suspect in a case. However, despite being a citizen, every person does not have the right to do so.

Thus, the powers of the private citizens are not the same as the powers of the public officials. Dicey was not aware of volumes of statutory laws, by-laws and orders which are found today. The members of various groups and associations are often punished by statutory bodies. To cite another example, the General Medical Council, which is the statutory body, can punish any member of the medical profession for unprofessional action and ultimately may remove his name from the medical register. Thus, persons are first subject to group and professional laws and finally subject to the laws of the land.

According to Jennings, the phrase, 'equality before law', implies that among equals the law should be equally administered. Their right to sue and to be sued, to prosecute and to be prosecuted for the same kind of action should be the same for all persons irrespective of any distinctions. Further, there can be no complete equality before the law, while the rich will engage a better lawyer than the poor. Of course, the Legal Aid Scheme of the British government has done something to help the poor.

Dicey's assumption that the constitution is the result of ordinary law of the land is erroneous. Once the theory of parliamentary sovereignty is admitted, there is no doubt that the parliament can reverse the decisions of the courts. Even the parliament can do it with retrospective effect and there seems to be no remedy against it to save public opinion. Dicey's exposition of the rule of law is only a mere eulogy of the British system,

with a view to condemning the French system of administrative law. What Dicey thought was that the rule of law should be accepted as a principle of policy. Jennings does not accept even this contention. In his analysis, Jennings does not deny the concept of rule of law but he denigrates it. He writes, the truth is that the rule of law is apt to be rather an unruly horse. If it is a synonym for law and order, it is a characteristic of all civilized states.

If it is merely a phrase for distinguishing democratic or constitutional government for dictatorship, it is wise to say so. Further, if the rule of law means that power must be derived from law, most of the modern states have it. Thus, there is no precise definition of the rule of law. Dicey viewed the concept of the rule of law in the 19th century liberal background. Dicey was a liberal lawyer. His interpretation of the rule of law is much subjective. The rule of law does not guarantee democracy; rather it is a feature of democracy. It is a *sine qua non* of free and democratic society.

Great Britain is considered to be a classic home of the rule of law. In spite of the above limitations, the rule of law is considered to be a democratic embellishment. It is true that its content has undergone some transformation in recent times, yet it acts like a bulwark of the British liberty. Freedom is truly a part of the British way of life and nobody likes to part with it. What the rule of law implies today is that freedom of the individual should be restrained only under the authority of law. Justice should be available to all irrespective of any distinction. The rule of law is not dead today. It still remains as a principle of the British constitutional system and inspires not only the people of England but also the people of the world. According to a modern critic, it involves the absence of arbitrary power, effective control and proper publicity for delegated legislation, particularly when it imposes penalties, that when discretionary power is granted, the manner in which it is to be exercised should as far as practicable be defined, that everyman should be responsible to the ordinary law whether he be a private citizen or a public officer, that private rights should be determined by impartial and independent tribunals; and that fundamental private rights are safeguarded by the ordinary law of the land. No doubt, the rule of law is a prized concept in the British Constitution, and the British people are very proud of it as it acts like the citadel of their liberty. Of course, in the ultimate analysis, public opinion acts as the protector of liberty.

The rule of law would be valueless, if people do not resist arbitrary and discretionary laws. As Judge Learned Hand in a classic observation said 'Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can even do much to help it'. While it lies there, it needs no constitution, no law, and no court to save it. What is said about liberty is that this classic statement holds equally true in all democratic countries of the world.

6.3 JUDICIARY IN THE UNITED STATES OF AMERICA

Judiciary is necessary to interpret laws and punish law breakers. The sound principle in politics is that laws and not whims and caprices of men, should govern. In federalism, judiciary is necessary because there is distribution of power between the Centre and the States and there is also a written constitution which needs protection from the judiciary. The theory of checks and balances also admits the fact that the presence of judiciary is necessary to check the arbitrary power of the legislature and the monarchic ambition of

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Check Your Progress

1. What is the basis of the British constitutional system?
2. What is the main provision of the Act of Settlement of 1701 in Great Britain?
3. State one salient feature of the British judicial system.
4. Which is the oldest judicial system in the world?
5. Who is the presiding officer of the House of Lords?

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the executive. Judiciary all over the world also possesses the power of interpretation of the constitution and ordinary law. Laws are not what the words meant and as Alexander Hamilton said that 'laws are a dead letter without courts to expound and define their true meaning and operation'. Thus, Article III of the American Constitution provides for the Supreme Court. It reads, 'The Judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time-to-time ordain and establish.'

There are two general types of courts in America, namely the constitutional courts and legislative courts.

Legislative Courts

These courts are outside the purview of Article 111 of the Constitution. They do not exercise the judicial powers of the United States but are special courts created to aid the administration of laws enacted by the Congress in accordance with the powers delegated to it or implied in such powers. For example, Article I, Section 8, grants to the Congress power to impose and collect taxes, duties, imports and in order to decide disputes about the valuation of subject to import duties, Congress created the United Customs Court composed of nine judges. Legislatives are, therefore, created to execute such powers as those of regulation of interstate commerce, spending funds, laying and collecting import duties and running territories. Judges in the Legislative Courts are selected by the President with the advice and consent of Senate but they can be removed by methods other than impeachment. Appeals may be made to the Federal Courts of appeal against the decisions of legislative courts.

Article 111 creates the Supreme Court and the other federal courts are created by the Congress. The districts are the lowest federal courts in America. There are as many as 94 District Courts in America. Each District court consists of at least one judge and the Districts where the workload is heavy; there may be more than one Judge subject to maximum 24 judges in a District Court as it is found at present. These courts have original jurisdiction in all cases involving federal laws. Appeal against the decision of a District Court can be made in the Circuit Court of Appeal, which is the next higher federal judiciary.

The Supreme Court

The Supreme Court stands at the apex of the federal judiciary. It occupies an important place in the American constitutional system. Munro writes, 'The development of the Supreme Court into a final arbiter of constitutional disputes is one of America's most important contributions to the science of government.' The Supreme Court of the US was established by the Congress in 1789, as per the provision of the constitution. The Judiciary Act of 1789, which created the federal judiciary and which has been amended various times, constitutes the basis of the federal judiciary. Since 1930, the Supreme Court has been situated in the magnificent and imposing marble structure in the east of the national capital. The constitution has not fixed the number of judges and at first it started with one Chief Justice and five judges. Its strength was reduced to five in 1801 increased to seven in 1807; increased to nine in 1837 ten in 1863; reduced to seven in 1866; and in 1869 was fixed at nine, where it has remained till today. Now the Supreme Court consists of one Chief Justice and the associate Judges. The judges are appointed by the president of America with the consent and advice of the Senate. According to the protocol, the president first nominates and then appoints according to the approval of the

Senate. The constitution does state what qualifications are demanded from the judges of the Supreme Court in terms of age, citizenship and competence or as to political views and background. Criticism that judges are often political appointees cannot be denied. The judges hold office during good behaviour and can be removed through impeachment only. A judge can retire, if he wishes, when he reaches the age of seventy at any time thereafter with full salary provided he has served on the Bench for ten years. A judge may retire at the age of sixty-five with fifteen years of service, and receives full pay.

Since the judges do not readily retire even when they reach the retirement age, there has been a criticism of appointments. It is felt that a court made up of life appointees is undemocratic. The Supreme Court holds one regular session at the beginning of every first Monday in October and ending in the following June. Special sessions may be summoned by the Chief Justice when the occasion is of unusual importance and urgency. Six Judges constitute the quorum. Chief Justice presides over all sessions and announces its orders, jurisdictions and powers of the Supreme Court.

Jurisdictions of the Supreme Court of America are both original and appellate. The original jurisdiction extends to two type of cases, namely, (i) Cases involving ambassadors, public ministers and consuls, and (ii) Cases involving one or more than one States. In all other cases, the Supreme Court has appellate jurisdiction. It has power to hear cases already decided in lower federal courts or in State courts. Normally, the Supreme Court has to deal with the federal cases. But the Fourteenth Amendment of the American Constitution which prohibits a State from depriving a person of life, liberty or property except 'due process of law', gives the Supreme Court a good deal of power over the state courts. It is the highest appellate authority of the state higher courts. The appellate jurisdiction of the Supreme Court of America is very wide and comprehensive. In practice, very few cases come to the Supreme Court in its original jurisdiction. Most of the cases which come to the Supreme Court are in the nature of appellate cases which have started somewhere else. It may be pointed out that the Supreme Court of America does not have advisory jurisdiction. It has always refused to advise either to the executive or to the legislator on legal or political matters. Further, it may be pointed out that the Supreme Court is the final authority to decide which cases are to come within its appellate jurisdiction. In the exercise of original judicial powers granted by the constitution, the Supreme Court has the authority to issue writs of habeas corpus, mandamus, injunctio and certiorari.

A mere description of the jurisdiction of the Supreme Court of America does not give a correct picture of the role it plays in the American constitutional system. According to Munro, 'Without the provision of the Supreme Court, the American constitutional system would have become a hydra headed monstrosity of forty-eight (now fifty) rival sovereign entities. It would have never gained that strengthened regularity of operation which it possesses today'. Today the Supreme Court has assumed more powers than contemplated by the founding fathers of the constitution. But, working out the doctrine of judicial review and the doctrine of 'implied powers', it has assumed tremendous powers and has become the most powerful judiciary in the world. Critics have observed that it is as difficult to think of American constitutional system without the Supreme Court as to think of solar system without the sun. This state indicates the pivotal role the Supreme Court plays in the Constitutional system. It has been described as the successful institution of the American constitutional system 'not surpassed by any other institution in its influence the life of the United States'. In the famous case of the *Marbury vs. Madison*, the Chief Justice Marshall upheld the theory of judicial supremacy and first

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developed the idea of judicial review. His theory of supremacy of the constitution law has still prevailed in the United States of America.

In playing the role of guardian of the constitution, the Supreme Court has greatly contributed to the development of the constitution. The credit goes to the Supreme Court in making the constitution of 1787 workable in the last part of the 20th century. The constitution that was framed in the days of 'horses and buggies' is still applicable and working well in the age of jet planes and spaceships. The necessary adoption has been secured not through mere constitutional amendment as the constitutional amendment procedure is too rigid, but through the logical interpretation given by the Supreme Court to the various provisions of the constitution. James M. Beck rightly observed, 'The Supreme Court is not only a court of justice but, in a qualified sense a continuous constitutional convention. It continues the work of the convention of 1787 by adopting through interpretation the greater charter of the government.' The Supreme Court has interpreted the constitution according to the needs of the time. In expanding federal government's domain of authority and altering a balance of power between the Centre and States in favour of the former, the credit goes to the Supreme Court which used the constitution 'as a point of departure for the construction of a supplementary body of constitutional law'. In increasing the powers of the central government the Supreme Court has taken the help of the doctrine of implied powers.

The Supreme Court is the protector of the rights of the citizens and has been empowered to issue writs like habeas corpus, mandamus, certiorari and injunction for the protection of the rights of the people. It has kept the various organs of the government within their defined powers and prevented encroachments on human rights. It has declared laws unconstitutional not only on the basis that they are beyond the jurisdiction of a particular organ but also on the ground that they are unreasonable or unjust. It has determined the constitutionality of laws on the basis of *due process of laws*. One of the Bill of Rights in the American constitution is that nobody should be deprived of his life, liberty and property except due process of law'. This right is responsible for the doctrine of judicial supremacy. Till 1930, the Supreme Court gave great protection to the right to property and declared governmental regulation of prices as taking away liberty and property without due process of law'. After 1930s the Court has expanded its interpretation of the due process clause for the protection of civil liberties and restricted the protection given to property.

The Supreme Court is the final court of appeal in America. It can hear appeal against the decisions of the state high courts and subordinate federal courts. Though all cases cannot be heard in the Supreme Court and its authority in this is limited, yet its opinion on a question of law is 'unlike acts of the Congress, it is immune from over vetoes and unlike presidential vetoes, it is immune from overriding by the Congress'. In other words, the Supreme Court is the most powerful political institution of America.

Professor Laski described the Supreme Court as a third chamber in the United States. It is not only a judicial body but also a political body as it works 'not in a judicial vacuum but in a whirling political climate'. In examining the validity of laws judges may question the policies framed by the Legislature. When the Supreme Court invalidates a law, it actually validates the policies and principles that are connected with the law. According to Potter, 'To strike down a constitutional law is to drop a pebble in the legislative pool creating disturbance that cut ripples from the point of contact across a considerable surface of potential legislation'. Thus, the Supreme Court acts like a 'super legislature'.

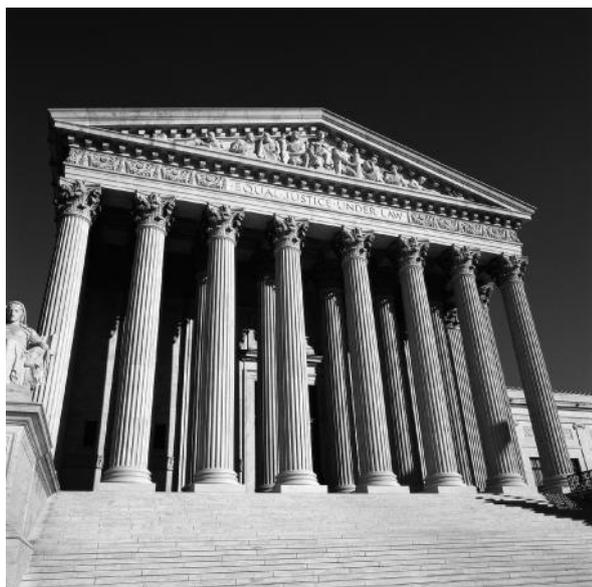


Fig. 6.1 The Supreme Court of US

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6.3.1 Judicial Review

The Supreme Court of America has the power of judicial review. By judicial review we mean the power of the Supreme Court to declare the laws passed by the legislature or decrees made by the executive as *ultra vires*, if they come in conflict with the latter and the spirit of the constitution. Whether there was a discussion on judicial review in the Philadelphia Convention, which framed the American Constitution, is a matter of controversy. Professor Beard made a careful study of the proceedings of the Conference and said that its majority of members had such an intention of having judicial review. Professor Crowing does not agree with Beard's thesis and concludes that 'the right of the judiciary to declare laws valid and thus to check the capacity of the Legislative Assemblies was in the opinion of many to be the chief corner stone of a governmental structure plan with particular reference to preserving property rights inviolate and assuming special sanction for individual members'. Federalism often breeds legalism and in written federal constitution there is distribution of powers between the centre and units; judicial review is implicit as the courts are the competent authority to say what is legal and what is not. Thus, Professor Crowing and some other constitutional experts do not agree with Professor Beard as regards the intention of the makers of the constitution for having judicial review. The constitution in its Article VI only upholds its supremacy. It reads, 'This Constitution and laws of the United States which shall be made in parlance thereof shall be the supreme law of the land and the judges in every State shall be bound thereby'. This article does not clearly state that the Supreme Court can invalidate laws passed by the Congress or the State Legislature. Thus, the power of judiciary to consider the validity law, as stated earlier, is technically known as judicial review. If a law is repugnant to either letter of the spirit of the Constitution, the judiciary will declare it as *ultra vires*.

As the American Constitution is the father of all written constitutions, it is also the classic home of judicial review. It is wrong to enquire that judicial review is inevitable of a written constitution. France, Italy and Germany existed for many years with written constitutions and judicial review. Even today, France, China, Russia and Australia have written constitutions but no judicial review. Article VI of the constitution says that 'the

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constitution is the supreme law of the land' and hence the guardianship of the constitution ought to be attributed to the judiciary. Since each man is fallible and apt to be erroneous, laws and not men should govern. It is required 'to settle disputes between different states and between citizens of different states'. It is, therefore, proper on the part of the Supreme Court to determine whether the federal legislature has not exceeded its legitimate authority in enacting a particular law and the government in issuing an executive decree.

These are the reasons for which judicial review is necessary in America and in fact, the judiciary has got the power to declare a law of the legislature ultra vires.

It is further argued that the American Constitution is the shortest written constitution and is very elastic. It contains phrases which are very broad, comprehensive and elastic. They can be twisted to different circumstances and can be given different meanings. Interpretation of these phrases should be left to the judiciary. The judiciary should see whether they are properly used. It is not desirable to make the constitution a toy in the hands of the politicians. The judiciary represents the highest intellectuals of a particular age and therefore, they are in better position to consider the matters calmly without passions and emotions. Here the intention of the judiciary is not only legal but also political. In determining the constitutionality of a statute, the judges of the Supreme Court pass judgments on the political wisdom of the measure before them. What they really do to determine is not whether the measure is legally valid but whether or not it is wise according to their own conception of wisdom. As a continuous constitutional convention, the Supreme Court has been able not only to interpret, defend and protect the constitution but also to adopt and adjust the changing social and economic condition of the rapid developing country.

Judicial interpretation in America is one of the important ways in which the constitution has been developed. The words of the constitution are so unrestraint and broad that the judges should give 'judgment not from reading the constitution but from reading life'. The constitution is flexible enough to meet all the new needs of the society. That is why, Beck, a strong supporter of judicial review, says that the Supreme Court is not only a Court of justice but in a qualified sense a continuous constitutional convention that continues the work of the Philadelphia Convention of 1787.

There has been considerable excitement in the United States over this issue of judicial review. People have claimed that the balance of the constitution has been disturbed and both the Congress and the President depend upon the goodwill of the Supreme Court for their successful functioning. The word, it is said, is dynamic and the legislature represents this dynamism. Philosophies of life are ever-changing and laws must correspond to them. The Supreme Court represents conservatism and not dynamism and the nine men sitting in the bench are not likely to be swayed always by modern philosophies. Again as the Supreme Court delivers judgment by simple majority, the result is that the marginal judge is the dictator in the United States. Let him change side, an invalid law becomes valid; and let him again change side, a valid law becomes invalid. This has been experienced in 1895 and 1938. It seems to be arbitrary and undemocratic. Nevertheless, the consequences of judicial review are often exaggerated and misunderstood. In America, judicial review operates in a sporadic rather than a continuous fashion. In America, it is said that the Supreme Court does not look at the constitution 'with the cold eye of the anatomist but as a living and breathing organism which contains within itself the seeds of future growth and development'. For the protection of the civil liberties of the Americans, the Court is playing a very crucial role. The number of cases before the Supreme Court concerning civil liberties has increased in recent times.

Unqualified judicial supremacy is bad. Hence, there is a talk of reforms of the American Supreme Court. The following are some of the suggestions made to mitigate the pernicious effects of judicial review. The constitution should not be always legally binding upon the Congress. It is a product of 1787 and not of 1990s. What is wilted is that the Supreme Court should accept it merely as a point of reference.

Judgment of the Supreme Court should not be pronounced by simple majority. In reviewing the constitutional cases, at least there should be a prescribed majority, say 2/3 majority or 3/4 majority or the concurrence of 7 out of 9 judges.

Further, the laws declared *ultra vires* by the Supreme Court should not be altogether killed. The Congress should have the power to repass the condemned laws in which case they should again be valid. In other words, the Supreme Court should have suspensive judicial review.

This will rest the centre of gravity back to the Congress. The Congress should repass and override a law set aside by the Supreme Court as it may override a Presidential veto. This would of course require a constitutional amendment. Lastly, judges should retire after a certain age limit. The age of superannuation should be fixed at 70 and an Act of 1938 has provided for judges above 70 to have the option to retire on full pension equal to their monthly salary. However, this is not binding and a judge can be a judge for life. The appointments of the judges of the Supreme Court are made on political grounds. A democratic president naturally appoints a democrat as a judge.

6.4 JUDICIARY IN CHINA

The judiciary of China has been massively reformed ever since the New China was founded in 1949 and more so after the reform and other opening up policies were introduced nearly three decades ago. Since then, the country has been making constructive attempts towards building its socialist judicial system but with distinct Chinese characteristics. The judiciary aims to safeguard social justice and make significant contributions to the rule of law of mankind. A major component of the political system is judiciary while its impartiality guarantees social justice. The country has been vigorously, steadily and pragmatically promoting reforms in its judiciary in recent years as well as its methods of working. As per the Constitution, the Chinese judiciary is aimed as 'optimizing the allocation of judicial functions and power, enhancing protection of human rights, improving judicial capacity, and practicing the principle of judicature for the people'. Having a strong and impartial judiciary with strict Chinese characteristics is believed to provide judicial guarantee for the country's economic development, social harmony and national stability.

The judicial system of China is at par with its basic national conditions at the primary stage of socialism, its state system of people's democratic dictatorship and its government system of the National People's Congress. However, as the country opens up to the world and continues to introduce a series of reforms related to the socialist market economy, the desire for comprehensive implementation of the fundamental principle of rule of law and clamour for justice among the public has increased. This means that the country's judicial system needs further reformation, improvement and development.

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Check Your Progress

6. Which courts are outside the purview of Article 111 of the American Constitution?
7. How are the judges of the Supreme Court appointed in the US?
8. Who plays the role of a guardian of the constitution in the US?
9. What do you understand by the term judicial review?

6.4.1 Committed Judiciary

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The establishment of the People's Republic of China in 1949 ushered in a new era for the judicial system of the country. The cornerstone for the legal practices in the country were laid by the Common Program of the Chinese People's Political Consultative Conference, which functioned as a provisional Constitution until 1949 and the Organic Law of the Central People's Government of the People's Republic of China, which was promulgated in September 1949. The Constitution promulgated in 1954, the Organic Law of the People's Courts of China, and the Organic Law of the People's Procuratorates of China are among other kind of rules and regulations which defined the organic system and the basic functions of the people's courts and procuratorates. They also help to establish the systems of collegiate panels, defense, public trial, people's jurors, legal supervision, civil mediation and basically lay the framework of country's judicial system.

It was in the 1990s that the idea to bring the socialist country under the rule of the law and govern it as per the principles of the law took firm shape. The judiciary in the country continues to reformulate itself in the process of promotion of social progress, democracy and the rule of law. By the end of 1950s and especially after the culmination of the tumultuous 'cultural revolution' (1966-1976), the judiciary in the country suffered serious setbacks. In 1978, when reforms were introduced, China summed up its historical experience and in principle vowed to promote socialist democracy and improve socialist legal construction. Thus, the judiciary was restored and rebuilt and a number of fundamental laws were reformulated and amended.

Basic Characteristics of China's Judicial System

The basic judicial organ in China is the people's court. The Constitution also provides for the Supreme People's Court, local courts at different levels as well as special courts such as military courts. Herein, civil, criminal and administrative cases are tried as per the law. Law enforcement activities are also carried out by courts which include execution of civil and administrative cases and state compensation. While it is at the top of the judicial order, the Supreme People's Court are also responsible to supervise the workings of all other courts and special people's courts. Basically, those courts who are above others supervise the working of the one subordinate to it. For litigious activities, the country relies on the systems of public trial, collegiate panels, challenge, people's jurors, defense, and judgment of the second instance as final, among others. Since China is a socialist country and is based on the principles of people's democratic dictatorship led by the working class and an alliance between workers and peasants, the people's congress system is the most organic form of its state power. A socialist state believes that its judicial powers come from the people, belongs to the people and serves the people. Thus, people's courts and procuratorates have been created at various levels, which is responsible to them and is supervised by them.

People's procuratorate exercise their powers independently and impartially in accordance with the law. Their activities are supervised by the National People's Congress, the Chinese People's Political Consultative Conference and the general public. The criminal cases are tried by the people's courts, the people's procuratorates and the organs of public security as per their respective functions. However, they are expected to collaborate with each other in order to ensure that laws are accurately and efficiently implemented. Investigation, detention, arrest and pre-trial in criminal cases is in charge of the organs of public security. The people's procuratorates, on the other hand, are responsible for procuratorial work, approval of proposals for arrest, investigating cases

that they accept directly and also to initiate public prosecution. The people's court only conducts trials.

As one of the three branches of the government, including the executive and the legislative, the judicial branch is about all activities of the people's court system. The Chinese court system is based on civil law modelled after the legal systems of Germany and France, but has its own distinct characteristics. Mainly, even though the judiciary is independent and free of any interference or influence of other administrative branches or organizations and individuals, yet the Constitution provides for and even emphasizes on the leadership of the Communist Party. Former SPC President Xiao Yang stated in 2007, 'The power of the courts to adjudicate independently does not mean at all independence from the Party. It is the opposite, the embodiment of a high degree of responsibility vis-à-vis Party undertakings.'

With this, one can explore both the broad and narrow meanings of judiciary in China. Broadly, the judiciary refers to law-enforcement activities that are conducted by the judicial organs and organizations in handling prosecuted or non-prosecuted cases. Narrowly, it applies to law-enforcement activities conducted by the country's judicial organs in handling prosecuted cases. The term is thus used here in broader sense as judicial organs here refer to those public security organs that are responsible to investigate, prosecute, try and execute cases; it also includes the prosecutors, the trial institutions and the custodial system. The judicial organizations mean lawyers, public notaries and arbitration organizations. While they are not a part of the judicial apparatus, they remain an integral link to the overall judiciary system. In general, thus, the judiciary system points to the nature, mission, organizational setup, principles and procedures of judicial organs and other judicial organizations. It is comprised of sub-systems that are used for investigation, prosecution, trial procedures, jails, judicial administration, arbitration, lawyers, public notaries and state compensation.

The administrative system has one in the form of the security organ. However, the other two are created by the people's congress and legally, they have equal say as the administrative branch. The people's congresses select and appoints the presidents of courts and the procurator-generals of procuratorates on the same level. On the other hand, the judges and procurators are appointed by the standing committees of the respective people's congresses. Their respective courts and procuratorates appoint assistant judges and assistant procurators.

In more than one ways and strict terms, the judicial system of China only refers to the people's court system. The people's court, people's procuratorate and public security organ are required to perform their duties separately as per the Criminal Procedure Law of PRC. Literally taken, this means that people's procuratorate and public security organ are in charge of judicial power even though their judicial powers have a very narrow scope. The judicial system of China thus broadly comprises three parts: people's court system, the people's procuratorate system, the public security system. Therefore, the judiciary in China cannot be said to refer to only courts but it also includes the procuratorates and public security organs.

6.4.2 People's Courts

On behalf of the states, the people's courts are part of those judicial organs that exercise judicial powers. The state of China has a system of courts known as 'four levels and two instances of trials' as defined in the Constitution and the Organic Law of the People's Courts of 1979 which was amended in 1983. The judicial authority in the country is

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exercised by courts at many levels. These can be broadly categorized into: the Supreme People's Court; local people's courts at various levels; military courts and other special people's courts. The local people's courts can be further divided into higher people's courts, basic people's courts and intermediate people's courts.

As per an article of the Organic Law, the 'people's courts at all levels can set up judicial committees' to bring all sort of judicial experience under one roof as well as create a platform to discuss important and difficult cases and even other legal matters. The presidents of different courts appoint members of judicial panels of local people's courts at various levels. They can be removed from their posts by members of the standing committee of the people's congress at the corresponding levels. The chiefs of the people's courts chair important judicial panel meetings at all levels. These can be attended by chief procurators of the people's procuratorates at the corresponding levels but without any voting rights.

To adjudicate matters, the people's courts have a system wherein a case is decided only after two trials. The two trials refer to: first, each judgment or order, in the first instance, should be sent from the local people's court and any person who is part of the case can appeal only once in the people's court at the higher level. Protest can be presented by the people's procuratorate in the people's court at the next higher level. At the second level, the judgment or orders of the first instance of the local people's courts at various levels become legally effective only if no party makes an appeal within the prescribed period. At the third level, these judgments or orders are considered as final decision of the case. However, the orders and judgments given by the Supreme People's Courts even in the first instance become legally effective immediately.

Each court has several divisions where specific cases are heard: these can be broadly categorized into civil, economic, criminal, administrative and enforcement divisions. Each such court has one president and many vice-presidents whereas each division has one chief and many associate chiefs. All courts also have judicial panels comprising presidents, division chiefs and experienced judges. The standing committee of courts at the corresponding level appoints the members of these panels. The judicial panel, which is responsible for discussing significant or difficult cases, give directions concerning other judicial matters and also reviewing and summing up judicial experiences, is the most authoritative body in a court. Judges and collegial panels are required to follow its directions. Where the opinions of the two differ, the view of the majority is adopted.

The basic units in each court consists of collegial panels. While not permanent bodies, these are created to adjudicate individual cases. Such panel comprises three to seven judges; the number must always be odd. The president of the court or the division chief appoints the president judge of the panel. An individual judge can try simple cases pertaining to civil, economic and minor criminal matters. However, the collegial panel of three to five judges hears cases of second trial. In case a president or a division chief participates in a trial, he/she shall be the presiding judge of the panel.

The judge is the most important person during the conduct of a trial and a trial itself is the significant part of adjudication. The process is highly influenced by the civil law jurisdiction. Efforts are being made to change the process and recently, the reform of adjudication format was introduced to bring adversarial pattern into the Chinese adjudication process. The Criminal Procedure Law which has been revised is also expected to further the reform. The people's assessors can be selected by the standing committee of the local people's congresses; they can then submit their preference to the courts at the corresponding level. On this basis, courts can choose people's assessors to join the

trial of a case at the first instance. The collegial panels for the first trial can comprise of judges as well as people's assessors or exclusively of judges. In common law jurisdiction, the people's assessors system is unlike the jury system in the sense that people's assessors are not chosen on the basis of citizenship; they have the powers of judges and authority to decide both the issues of facts and law.

The president can seek the judicial panel to accept or reject an appeal after reviewing the complaint. A re-trial started by trial supervision procedure cannot lead to suspension of the enforcement of effective judgment that is challenged under any circumstances. Each case can have two trials as per law. This means that all litigants in a case as well as their legal representatives who challenge a judgment in the first instance in any local court can appeal in the next, higher court only once. The next higher court is required to try the case once an appeal has been filed. Its judgment, however, is final and cannot be re-appealed. The parties to litigation can, however, challenge the final judgment or the judgment that is effective through the trial supervision procedure. An appeal to the appellate or the higher court can be made.

However, such a practice can cause internal interference within the adjudication of collegial panels which are independent. In practice, they have no direct legal grounds except for the judicial panels. Final decisions in cases that are important or complex can be made by a judicial panel of a court rather than the designated collegial panel. Such a mechanism is believed to safeguard the correct and impartial exercise of judicial powers. However, it can also be misused by panel members to interfere with the functioning of the collegial panel and make favours to one party in a case.

The people's courts have been empowered by the Constitution and the Organic Law of Courts to exercise their powers independently and they are thus free of any intrusion by any organization or individual. The word 'court' is significant in the term; as per the authoritative explanation, it means that judicial power does not rest in individual judges. It is the collegial panels that are the trial units and not the individual judges and thus, the judgments of the collegial panels are considered to be at par with the courts. Thus, it is not in the judges but in courts that the independence power of adjudication is vested. Taking cue from this argument, the presidents and division chiefs of the panels have the right to review and suggest changes in draft judgments prepared by collegial panels.

6.4.3 The Supreme People's Court

The highest judicial organ of the state of China is the Supreme People's Court. The NPC and its standing committee elect the president of the Supreme People's Court. The term of the president is five years and as per law, he/she cannot serve for more than two consecutive terms. The NPC standing panel is also empowered to appoint or dismiss vice-presidents, head and associate heads of divisions and judges.

The Supreme People's Court has many divisions vis-à-vis criminal division, a civil division, and an economic division. It can also have other divisions that it may deem necessary. In general, the Supreme Court has jurisdiction over these following cases:

1. Such cases of first instance that are assigned to it by law or other that the court feels should be tried by it
2. Cases or orders of the higher people's courts and special people's courts that are appealed and protested against their judgments
3. Protested cases filed by the Supreme People's Procuratorate

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Besides trying cases, the Supreme People's Court also watches over the working of other local people's courts at all levels and that of the special courts. As per the Constitution, the 'Supreme People's court gives interpretation on questions concerning specific application of laws and decrees in judicial proceedings'. In practice, however, interpretation of laws and decrees by the SPC has only grown in the last few years. This practice is now being referred to as 'judicial legislation' and was not defined earlier in the Constitutional Law. This legislation also needs guidance so that gaps can be duly filled and conflicts resolved. Guidance is also required to remove vagueness among different laws so that they can be duly enforced by the judicial branch.

Presidents and vice-presidents of the court

1949–1954

President: Shen Junru

1954–1959: 1st National People's Congress

President: Dong Biwu

Vice-presidents: Gao Kelin, Ma Xiwu, Zhang Zhirang

1959–1965: 2nd National People's Congress

President: Xie Juezai

Vice-presidents: Wu Defeng, Wang Weigang, Zhang Zhirang

1965–1975: 3rd National People's Congress

President: Yang Xiufeng

Vice-presidents: Tan Guansan, Wang Weigang, Zeng Hanzhou, He Lanjie, Xing Yimin, Wang Demao, Zhang Zhirang

1975–1978: 4th National People's Congress

President: Jiang Hua

Vice-presidents: Wang Weigang, Zeng Hanzhou, He Lanjie, Zheng Shaowen

1978–1983: 5th National People's Congress

President: Jiang Hua

Vice-presidents: Zeng Hanzhou, He Lanjie, Zheng Shaowen, Song Guang, Wang Huaian, Wang Zhanping

1983–1988: 6th National People's Congress

President: Zheng Tianxiang

Vice-presidents: Ren Jianxin, Song Guang, Wang Huaian, Wang Zhanping, Lin Huai, Zhu Mingshan, Ma Yuan

1988–1993: 7th National People's Congress

President: Ren Jianxin

Vice-presidents: Hua Liankui, Lin Huai, Zhu Mingshan, Ma Yuan, Duan Muzheng

1993–1998: 8th National People's Congress

President: Ren Jianxin

Vice-presidents: Zhu Mingshan, Xie Anshan, Gao Changli, Tang Dehua, Liu Jiachen, Luo Haocai, Li Guoguang, Lin Huai, Hua Liankui, Duan Muzheng, Wang Jingrong, Ma Yuan

1998–2003: 9th National People's Congress

President: Xiao Yang

Vice-presidents: Zhu Mingshan, Li Guoguang, Jiang Xingchang, Shen Deyong, Wan Exiang, Cao Jianming, Zhang Jun, Huang Songyou, Jiang Bixin

2003–2007: 10th National People's Congress

President: Xiao Yang

Vice-presidents: Cao Jianming, Jiang Xingchang, Shen Deyong, Wan Exiang, Huang Songyou, Su Zelin, Xi Xiaoming, Zhang Jun, Xiong Xuanguo

2008–2013: 11th National People's Congress

President: Wang Shengjun

2013–present: 12th National People's Congress

President: Zhou Qiang

6.4.4 The Higher People's Courts

This court deals with cases that occur for the first time and are assigned to it by laws and decrees, or are transferred to it from court at the level immediately lower to it; or cases of appeals and protests that come from the lower level court or protest cases lodged by people's procuratorates. These courts are directly under the central government and exist in provinces, autonomous regions and municipalities. As per the organic law, their internal structure is nearly similar to that of the Supreme People's Court.

6.4.5 The Intermediate People's Courts

These are courts which are set up in capitals or prefectures in the provincial level. Such courts have jurisdiction in cases that mostly happen for the first time and are assigned to these courts by laws and decrees, or are transferred to it by basic people's courts or those cases that are appealed and protested from the lower courts.

6.4.6 The Basic People's Courts

The basic people's court has been empowered through the Organic Law to decide upon all criminal and civil cases for the first time. Exception is made in cases where the law provides otherwise. The basic people's courts are also empowered to settle civil disputes, hear those minor criminal cases which do not require formal handling and also look over the day-to-day work of the people's mediation committees.

Since they are at the bottom of the hierarchy of the judiciary, the basic courts are mostly located in the counties, municipal districts and autonomous counties. It can also set up as many people's tribunals as per the requirement of a locality, its people or the cases it deals with. Mostly, the tribunals are set up in big towns where there is a concentrated population. Even the tribunals are part of the basic people's court and thus all its judgments are considered to be to at par of basic people's court with the same legal effects.

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NOTES**6.4.7 The Special Courts**

Military, railway and maritime courts are some of the special courts in the country. Set up within the PLA, the military court is in charge of deciding upon all criminal cases that involve servicemen. Thus, it is a kind of a closed system. Maritime courts were also setup by the Supreme Court in the port cities of Guangzhou, Shanghai, Qingdao, Tianjin and Dalian. Like military courts, these courts have the power to decide upon maritime cases and maritime trade cases, including those between Chinese and foreign nationals, between such organizations and enterprises. However, they have no jurisdiction over cases, whether criminal or civil, that are the prerogative of ordinary courts. But the higher courts located within the territory of a maritime court have the jurisdiction over appeals against the judgment and orders of the maritime court. Similarly, railway and transport courts deal with all cases and disputes related to railways and transportation.

6.5 SUMMARY

- Judiciary occupies a place of pride in a democratic country. If a democratic government is to be effective, it is essential that laws passed by the legislator should be applied and upheld without fear or favour.
- In England there is no judicial review and as such the judiciary cannot declare any act of Parliament as *ultra vires*.
- The Courts in Great Britain are broadly divided into two categories-civil and criminal. This division is almost common in all judicial systems of the world.
- The judicial committee of the privy council is not a court in the usual sense of the term but only an administrative body to advise the Crown on the use of its prerogative regarding appeals from the courts of the colonies and the Commonwealth.
- One of the outstanding features of the British constitution is the concept of the Rule of Law.
- Habeas Corpus Act of 1679 guaranteed the citizens the right against unlawful arrest and detention.
- Judiciary is necessary to interpret laws and punish law breakers. The sound principle in politics is that laws and not whims and caprices of men, should govern.
- There are two general types of courts in America, namely the constitutional courts and legislative courts.
- The Supreme Court of America has the power of judicial review. By judicial review we mean the power of the Supreme Court to declare the laws passed by the legislature or decrees made by the executive as *ultra vires*, if they conflict with the latter and spirit of the constitution.
- It is further argued that the American Constitution is the shortest written constitution and is very elastic.
- China's judicial system is generally consistent with its basic national conditions at the primary stage of socialism, its state system of people's democratic dictatorship, and its government system of the National People's Congress.
- The founding of the People's Republic of China in 1949 ushered in a new era for the building of China's judicial system.

Check Your Progress

10. Name the basic judicial organ in China.
11. What is the composition of China's judicial system?
12. What are Collegial panels?
13. Name the highest judicial organ of China.
14. What are Intermediate People's Courts?

- In the 1990s, China established the fundamental principle of governing the country in accordance with the law, and quickened the step to build China into a socialist country under the rule of law.
- The people's court is the basic judicial organ in China. The state has set up the Supreme People's Court, local people's courts at different levels and special people's courts such as military courts.
- The judicial branch is one of three branches of government in the People's Republic of China, along with the executive and legislative branches.
- The people's courts are judicial organs exercising judicial power on behalf of the states. According to the Constitution and the Organic Law of the People's Courts of 1979 as amended in 1983, China practices a system of courts characterized by 'four levels and two instance of trials'.
- The Constitution and the Organic Law of Courts allow the people's courts to exercise state judicial power independently, free from interference from any organization or individuals.
- The Supreme People's Court is the highest judicial organ of the State. The president of the Supreme People's Court is elected by the NPC and its standing committee. His term of office is five years and he may serve for no more than two consecutive terms.
- The special courts include military courts, railway courts and maritime courts. The military court that is established within the PLA is in charge of hearing criminal cases involving servicemen.

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6.6 KEY TERMS

- **Judiciary:** It refers to judges of a country or a state, when they are considered as a group.
- **Rule of law:** It is the basis of the British constitutional system. There are three kinds of law in England namely, common law, statute law and equity.
- **Privy councillor:** It is (in Britain) a group of people who advise the king or queen on political affairs.
- **Judicial review:** By judicial review we mean the power of the Supreme Court of America to declare the laws passed by the legislature or decrees made by the executive as ultra vires, if they conflict with the latter and spirit of the constitution.
- **People's Courts:** They are judicial organs exercising judicial power on behalf of the states.
- **Supreme People's Court:** It is the highest judicial organ of the State.

6.7 ANSWERS TO 'CHECK YOUR PROGRESS'

1. The rule of law is the basis of the British constitutional system.
2. The Act of Settlement of 1701 provides that the judges in Great Britain hold office on account of good behaviour and not due to the pleasure of the executive.
3. The prevalence of jury system is a salient feature of the British judicial system.

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4. The Anglo-Saxon Judicial System is the oldest in the world.
5. The Lord Chancellor is the presiding officer of the House of Lords.
6. Legislative courts are outside the purview of Article 111 of the American Constitution.
7. The judges are appointed by the President of America with the consent and advice of the Senate.
8. The Supreme Court plays the role of guardian of the constitution in the US.
9. By judicial review we mean the power of the Supreme Court to declare the laws passed by the legislature or decrees made by the executive as *ultra vires*, if they conflict with the latter and spirit of the constitution.
10. The people's court is the basic judicial organ in China.
11. China's judicial system institutionally comprises three parts: people's court system, the people's procuratorate system, the public security system.
12. Collegial panels are the basic units in each court. They are not permanent bodies but organized to adjudicate individual cases. A collegial panel is composed of three to seven judges, the number of which must be odd.
13. The Supreme People's Court is the highest judicial organ of the State.
14. The Intermediate People's Courts are the courts established in capitals or prefectures in the provincial level.

6.8 QUESTIONS AND EXERCISES

Short-Answer Questions

1. Write a short note on the judicial committee of the Privy Council.
2. What is the role played by judiciary in the US?
3. What is the role played by legislative courts in the US?
4. Write short notes on: (a) the Higher People's Courts (b) the Intermediate People's Courts (c) the Basic People's Courts.
5. Which courts are special courts in China?

Long-Answer Questions

1. Describe the Rule of Law that exists in Britain.
2. Explain the salient features of the British judicial system.
3. Describe the organization of the British Judiciary.
4. Analyse the role played by the Supreme Court of America.
5. Describe the power of judicial review as exercised by the Supreme Court of America.
6. Explain the reform process initiated in the judicial system of China.
7. Describe the basic characteristics of China's judicial system.
8. Analyse the role played by the Supreme People's Court in China.

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UNIT 7 PARTY SYSTEM

Structure

- 7.0 Introduction
- 7.1 Unit Objectives
- 7.2 Concept of Party System
 - 7.2.1 Classification of Party Systems
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- 7.6 Summary
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- 7.8 Answers to 'Check Your Progress'
- 7.9 Questions and Exercises
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7.0 INTRODUCTION

In the last unit, you were introduced to the significant role played by the judiciary across countries like the UK, the US, and China. This unit will explain the concept of 'party system' and the party systems in the UK, the US, and China.

The concept of party system emerges from comparative political science. It can be defined as a kind of patterned relationships and interactions between different political parties which vie for power in a given political system of a country. Generally speaking, all systems of a country have some common factors in their functioning like the methods to control the government, the existing system of mass popular support as well as creation of mechanisms that control public funding, information and nominations.

This concept traces its roots to the works of European scholars like James Bryce and Moisey Ostrogorsky. Both examined political system in the United States and later used it to study other democracies. Giovanni Sartori's classification method for party systems is, however, most commonly used to study them. Sartori argued that party systems could be divided as per the number of political parties existing in a state and the degree of fragmentation in a state. Therefore, he added, that party systems should be studied as per the number of parties in the state.

7.1 UNIT OBJECTIVES

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

- Assess the different kinds of parties that exist today
- Explain the origin of the party system

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- Discuss the history of the party system in the US and its present status
- Explain the party system in China with a special reference to the Communist Party of China
- Analyse the party system in the UK and the changing nature of party politics

7.2 CONCEPT OF PARTY SYSTEM

Finer has observed that a democracy rests, in its hopes and doubts, upon the party system. As a democracy propounds and supports opposing ideas and opinions and enables their free organization, political parties act as a major political vehicle of differing opinions and ideas; it is the *sine qua non of democracy*. The electorate would be highly diffused and atomized without the existence of political parties and opinions too would be diverse. Party system is what brings to focus public opinion and this encourages development of policies around popular verdict. For students of comparative politics, it is useful to understand the origin, meaning, merits and demerits of the party system.

7.2.1 Classification of Party Systems

Stability emerges at times in a country on the basis of the evolution of its political parties, especially when studied in respect to their numbers, their internal organization, ideology, alliances and also the relationship with opposition parties. This is what is described as a party system. Comparative study of these different systems helps us to delve into political systems of other countries. Many scholars have offered classification of party systems; they differ and are similar on various counts.

Almond's classification of party system is thus patterned:

- Authoritarian parties: Also known as totalitarian parties or dictatorships
- Dominant non-authoritarian (democratic) parties
- Competitive two parties
- Competitive multi-parties

James Jupp accepted Almond's classification but also reformulated it to give his own version:

- Indistinct (not very clear) bi-partisan system
- Distinct bi-partisan system
- Multi-party system
- Dominant (one party) party system
- Broad one party system
- Narrow one party system
- Totalitarian system

For Hitchner and Levine, modern party system can be classified as follows:

- Competitive two party systems
- Competitive multi-party systems
- Dominant non-authoritarian systems
- Authoritarian party systems
- States without party system

Duverger, on the other hand, broadly divided all the party systems into two:

- (i) Pluralistic party systems
- (ii) One party systems and dominant party systems

In the first category, Duverger included:

- Multi-party systems
- Two party systems

In the second category, Duverger included:

- One party system
- Dominant party systems

For the sake of this unit, we shall divide the study of the party systems as follows: two-party systems; multi-party systems, and one-party system. Political parties serve as representatives of numerous opinions within a democracy, thus their variety is the characteristic of a democratic system. However, in practice, the number of parties existing in a state differs and exists as per its legal system and the circumstances within the state. For instance, in Great Britain and the United States, a two-party system prevails. However, in most countries, like India and France for instance, multi-party system is popular. In authoritarian and Communist countries like China, on the other hand, one-party system operates. It is thus helpful to explore the merits and demerits of the different types of party systems.

1. One-party system

One-party or a single party system is based on the assumption that its leader and political elite are the sole representatives of the sovereign will of the state. It is based on the principles of authoritarianism too, which found expression in monarchies first, then in dictatorships and in the present times, even in some democracies. No political parties exist in this system as dictatorship requires a monopoly of power vested in one authority for its survival. Even under such a regime, polls are held but they serve as a façade of popular support; voters vote but their choice is limited to only one candidate. Not all one-party systems are common; their practice differs from country to country even though some features of dictatorial parties in these countries make them unique. These are:

- Such a party has the monopoly in the country and thus it is its official party. Persons who rule the country also lead it.
- To acquire at least important government jobs, membership of such a party is usually made an essential requirement.
- Such a party supervises the governmental efforts to ideologically indoctrinate people.
- Its elite personality is its essential characteristic.

It is understandable that the essential principle of one-party system is to ensure discipline and obedience among people than to seek their opinions about governance or on politics. The organization of such a system is more like an army than a political party. Thus, it has the characteristics to become necessarily totalitarian. It extends authority in every matter of the country since it is the only operator of a political system. Its policy is dictated by a few and its words are final. It makes all laws, and no aspect of an individual and social life is immune from its potential control. Therefore, a single party system involves the abolition of freedom of speech and expression, and press and association.

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Consequently, under such a system, the distinction between society and the state is blurred and the latter is completely overshadowed by the former. This type of party system was found in Fascist Italy under Mussolini who assumed power in 1922. Mussolini systematically destroyed all parties except his own. Hitler is another example. In Germany, in 1933, he finished all opposition. Arguing that they were resisting arrest, his party shot down some of the prominent members of other parties who dared to dissent in 1934. In former USSR, only the Communist Party ruled and this state too was witness to several purges between 1936 and 1938.

Afro-Asian states in the post-colonial era have also come under single party rule. These countries include Ghana, Kenya, Tanzania, Turkey and Mexico. The People's Republican Party operated in Turkey between 1923 and 1946, but it did not kill democracy. Under Julius Nyerere, who also founded the African National Union, Tanzania remained a single party democracy. Here, while TANU (Tanganyika African National Union) was the only recognized party, voters were given a choice of candidates from within the party. In each constituency, more than one TANU candidate was allowed to contest. In Kenya, the only opposition party, the Kenya African People's Union was banned by the government in 1969, but its members were allowed to compete in elections.

One-party system can thus be divided into two sub-types:

- (i) Authoritarian one-party system
- (ii) Non-authoritarian one-party system

However, the larger emphasis of a one-party system is mainly on the side of authoritarianism. The ruling party propagates its own philosophy and a peculiar way of life to which the whole society is forced to conform. The monopolization of a single party, which believes itself to be the true custodian of people, is seen as a grave danger for civilization in modern times.

2. Two-party system

In this kind of system, despite existence of other parties, two parties have the support of the electorates. Under this system, the majority of the elected candidates at a given time belong to one of the two parties; this party eventually forms the government while the other remains in opposition. Other parties exist but the transfer of power happens between the two main parties only. The United States and the United Kingdom provide good examples of two-party system. The UK political spectrum is dominated by the Labour Party and the Conservative Party, for instance. Things work differently in the US. Ideologically, the American parties are not very different but they cease to differ till the point where their political choices can differ. The British parties are also pragmatic but at the same time, ideologically distinct from each other. Thus, the two-party system can be divided into:

- (i) Indistinct two-party system in the US
- (ii) Distinct two-party system in Britain

3. Multi-party system

In a system where more than two parties exist, it is called a multi-party system. A number of parties struggle with each other under this system for power. However, it is difficult for only one party to secure absolute majority to rule. The system exists in countries like India and several countries of Europe, though its forms differ. From the viewpoint of stability of the government, one can discern two kinds of multi-party systems:

- (i) Unstable multi-party system
- (ii) Working multi-party system

As the name indicates, unstable multi-party system does not ensure stability. One of the best examples of this is India, where due to the presence of a number of large and small parties has caused political instability at the Centre. France, under the Third and Fourth Republics, is another example of this kind of party system. Here, governments formed by coalition of parties rose and fell with dismaying regularity. Italy is yet another example, where hardly any party has been able to win a majority since the Second World War.

The working multi-party systems, on the other hand, are like two-party systems. Thus, they are often able to ensure stability to government even though they comprise more than two major political parties. Before the rise of the Social Democratic Party ruling party, former West Germany had the characteristics of a two-party system as two of the three major parties worked together to form government while Social Democrats remained in the opposition. In Norway, Sweden, Belgium and Israel too, the existence of numerous parties at one go has not caused instability. Democracy has functioned as successfully in multi-party systems as in two-party systems.

Every system has, however, certain advantages and disadvantages. Supporters of multi-party system argue that:

- In a plural society, like India, such a system more effectively corresponds to the division of public opinion.
- It represents and satisfies the aspirations of diverse interest groups.
- Under this system, a voter can choose among more parties and candidates than available under the two-party system.
- It reduces the fear of authoritarianism and it is more flexible because groups can be freely organized under this system; they can unite and separate in accordance with the circumstances.

It is argued that a multi-party system has principally many factors in its favour that do not really work in practice. In India for instance, no single party has been able to command absolute majority in recent times and coalition governments have always been unstable and at risk of a fall. It creates other problems too. The Council of Ministers rarely work under the leadership of the prime minister and instead seek guidance from their party bosses. Withdraw of support of even a single member of the Parliament is a threat to the government. Such a government can barely focus on matters of governance or large-scale welfare as it remains in keeping its partners and allies in good humour. This happens even at the cost of national interest. The party who is in majority in the coalition is also forced to abandon its electoral pledges at time to remain in power. Consequently, the Cabinet often represents under such a system, not a cohesive body of different opinions but a patchwork of doctrines. This creates a gap between the electorate and the government. Despite all attempts to stick together, such a government often falls sooner than later as it is kept hostage by allied elements.

If their demands are not met, even small parties are quick to withdraw support. We have examples from India in the form of withdrawal of support by the Congress party in 1997 and All India Anna Dravida Munnetra Kazhagam (AIADMK) in 1999. This forces unnecessary elections and causes great loss to the electorate. It is not false to say that multi-party systems and government instability go hand in hand. Since there

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are numerous parties vying with one another, it cannot be said which party will support in the wake of the fall of the predecessor. Thus, the complexity of choice is intensified in a multi-party system. But their existence can bewilder the general masses. Laski, therefore, concluded that a multi-party system 'is fatal to government as a practical art'.

On the other hand, supporters of two-party system argue that:

- People were able to choose their government directly as they were not confused between an array of candidates and instead choose simply between the available two.
- Since one party in power does not have to depend upon any other party for support, it keeps the bond between them strong. This facilitates effectiveness of the government.
- Since each party is vying for the support of maximum number of people, they keep each other in check and prevent either from being too extreme.
- As democracy is to be guided by public opinion, the two-party system provides an ideal condition to debate issues between two opposite camps. Laski, therefore, observed that 'a political system is more satisfactory, the more it is able to express itself through the antithesis of two great parties'.

The two-party system has to, however, pay a price for the stability it promises. Naturally, this system indicates that only two schools of thought prevail in a country. In practice, however, there are always a variety of opinions and ideas that emerge and diffuse within a political system, political thoughts and discussions. The two-party system ceases to realize this. A sense of artificiality inevitably gets seeped into this system of political organization, in turn leading to the establishment of vested interests in public opinion. It is illustrated best by the American system. Moreover, this system leads to a decline of legislature and promotes cabinet dictatorship. The legislature gets underestimated when a party in power is backed by a solid majority inside the legislature.

In view of the above mentioned advantages and disadvantages of the multi-party and two-party systems, it is not prudent to lay down a general rule concerning the desirability of a particular type of party system in all countries. The merits and demerits of all party systems need to be studied in their context and also the social, economic and historical forces at work in a given country. There is no fixed pattern to any political system. Political culture also holds significance in this regard.

7.2.2 Origin of the Party System

Several theories have been put forward by political scientists to explain the origin of the party system. These explanations can be broadly clubbed under three categories as discussed below:

1. **Human Nature Theory:** Three explanations have been put forward to understand the Human Nature Theory. Scholars like Sir Henry Main have argued that parties rise when humans move towards combativeness. In other words, parties are formed by human beings to give organized expression to their combative instinct. The second category of explanation under this theory identifies the human temperament as the cause of the emergence of political parties. That is, it is argued that the diverse temperaments of individuals lead them to form different parties. For instance, while people who appreciate the established order join the Right of the political divide, others opposing the existing order join the Left of the

political spectrum. In other words, those who do not support change in the existing system form one party, and those who want reforms and changes get together in another party. The third explanation runs in terms of the charismatic traits of political leaders. Since the dormant masses need leadership to articulate their latent feelings, formation of a political party depends upon the availability of dynamic political leadership who can inspire masses to work towards achieving the goals of a particular party.

2. **Environmental explanation:** Besides the above mentioned explanations, considerable data is available that helps explain the role of socio-economic environment in the evolution of party system. For instance, research shows that the modern Democratic Party system was the result of at least two significant political developments—(i) the limitation of the authority of the absolute monarchy, and (ii) the extension of the suffrage to virtually all the adult population. The historic roots of the party system can thus be traced to the struggle of the legislature to limit the authority of the king and at the same time, the growth of the groups seeking recognition of their rights and interests and thus taking sides in a political battle. By 1680, the public policy of Britain had become the joint concern of both the King and Parliament, and the terms *Whig* and *Tory* were commonly applied to those who, respectively, attacked and supported the royal policy.
3. **Interest Theory:** While the above mentioned explanations may be true to some cases, none are complete in themselves. Human behaviour is motivated by combativeness, but that is only a part of it. In a similar vein, age only partially reflects political attitude. Even the dynamism of a political leader is not permanent. The Interest Theory was forwarded in the wake of the inadequacies of the above-mentioned theories about the origin of the party system. The Interest theory propagates that parties are formed on the basis of their interests. An individual's nature, extent and degree are motivated by the range of interests he/she develops. These grow from his/her interaction with the cultural environment. Birth, education or a chance experience may, thus, determine an individual's interest which, in turn, may determine party affiliations. This theory further identifies a person's economic interests as influencing his/her decision to join a particular party. It also negates the Marxist assumption of economic determinism and its concomitant dichotomy of social classes. Interest theorists argue that people support those parties who promise to bring about economic change, and gives them hope of a better livelihood.

7.3 PARTY SYSTEM IN THE US

The development of the US two-party system has been divided into five eras by political scientists and historians. As mentioned earlier, this two-party system comprises the Democratic Party and the Republican Party. The two parties have won every presidential poll since 1852 and have controlled the United States Congress since 1856. Many smaller third parties also operate in the country, and their members are mostly elected for office at the local level. Since the 1980s, the largest third party in the US is the Libertarian Party.

But the American political system is a system of two-parties. The Constitution, however, does not give an insight into the issue. This could be because when the Constitution was being adopted in 1787, political parties did not exist in the US. Those

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Check Your Progress

1. What are the sub-types of one-party system?
2. Name the sub-types of two-party system.
3. What are the kinds of multi-party systems from the viewpoint of stability of government?
4. What is the drawback of Interest Theory related to the origin of the party system?

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were the days when nowhere in the world elections were fought on the basis of party system. The system was invented in the 1790s as the need to gain popular support in a republic grew. New campaign strategies were invented by the Americans that linked public opinion with public policy through the party.

The Democratic Party is the oldest and one of the major political forces in the US. Since its split from the Republican in the polls of 1912, the party has based itself as a labour party, fighting economic issues. The party is influenced majorly by the economic philosophy of Franklin D. Roosevelt and this has also shaped its agenda since 1932. His New Deal coalition in fact ruled the White House until 1968.

The Republican Party is the other dominating party of the country. It is famously known as the Grand Old Party or GOP within the media circles since the 1880s. The party was founded in 1854 by Northern anti-slavery activists and modernizers. With the election of President Abraham Lincoln in 1860, the Party rose to prominence. He even used the party machinery to support victory in the American Civil War. Republicans led the American politics during the Third Party System from 1854 to 1896 and the Fourth Party System from 1896 to 1932. In present times, it supports an American conservative platform, and also identifies itself with economic liberalism, fiscal conservatism, and social conservatism.

The Democrats registered a decline in popularity as per the 2011 *USA Today* review of state voter rolls in 25 of 28 states. However, with more than 42 million voters, it remains the largest political party. The Republicans have 30 million voters while Independents are at 24 million. As per the review, the Democrats declined to 8,00,000 and they were down by 1.7 million, or 3.9 per cent, from 2008. In 2004, 72 million voters had claimed affiliation to the party. Barack Obama, the former president of the US, was the 15th Democrat to hold the office. The Democratic Party is the majority party for the United States Senate since the 2006 mid-term polls.

As per the same review, the Republicans too registered a decline in 21 of 28 states. In 2011, its registration was down to 3,50,000. Independents, on the other hand, rose in 18 states that were reviewed. They increased by 3,25,000 in 2011 and their number was up more than 4,00,000 from 2008, or 1.7 per cent. The 19th Republican to hold the office of the president was George W. Bush. Mitt Romney, former Governor of Massachusetts, was their nominee for the 2012 polls. The Republicans have a majority in the House of Representatives since the 2010 mid-term polls.

Advantages and disadvantages of the US' two-party system

Some of the advantages of the two-party system in the US are:

- **Stability:** Compared to multi-party systems, two-party systems are more stable.
- **Moderation:** Parties tend to be moderate under this system as the two must appeal to the middle to win polls.
- **Ease:** Voters have only to decide between the two parties.

Some of the disadvantages of this system are:

- **Lack of choice:** Voters' options are limited as both parties tend to be very similar.
- **Less democratic:** A percentage of people will always feel marginalized by the system.

Realignment

This term is used to refer to the political shifts within a country. To realign means to give a new direction to the party and to redefine what being a member of the said party means. Old parties realign when faced with new challenges and this often leads to a split in party leadership. Issues often cross-cut each other; for instance, many democrats often find themselves agreeing with Republicans more than the members of their own party. Parties shift around the axis of the new issue when it becomes a matter of imminent concern and thus, a new system of parties emerges.

Major third parties in the US

In this sub-section, we will discuss the two major third parties in the US party system. These are: (i) Constitution Party and (ii) Green Party.

- (i) **Constitution Party:** This party is a conservative party of the US political system and was founded in 1992. Then, it was called the US Taxpayers Party. It is founded on the platform that reflects the original goals of the US Constitution, on the principles advocated in the US Declaration of Independence and the morals of the Bible. Its name was changed to its present name in 1999. Rick Jore of Montana City was the first candidate of the Constitution Party who was elected to a state-level office in 2006. This was despite the fact that shortly before the polls, the Constitution Party of Montana had disaffiliated itself from the national party.
- (ii) **Green Party:** This party operates mostly at the local level in the US. Those who are referred to as Greens have mostly won public offices at the ‘non-partisan ballot’ polls. This indicates towards those polls where candidates’ party affiliations were not printed on the ballot. In the District of Columbia in 2005 and other states which allow party registration, the party had 3,05,000 registered members. In the polls of 2006, the party had ballot access in 31 states. The Green Party mostly operates as a third party in the US since 1980s. It was in 2000 during Ralph Nader’s second presidential run that the party got widespread public attention. At present, the main Green Party is the Green Party of the United States, whose emergence has overshadowed the former Greens or the Green Party USA. The agenda of this party is environmentalism, non-hierarchical participatory democracy, social justice, respect for diversity, and peace and non-violence.

7.3.1 History of Party System in the US

The history of the party system in the US is best understood in the following divisions:

1. **First Party System:** Factions in the George Washington administration are believed to have given way to the development of this system. George Washington, the first President of the United States, did not belong to any political party at the time of his election to the top post. In fact, throughout his tenure, he never belonged to any party. Fearing conflict and stagnation, he hoped that political parties would never be formed. Yet, the two-party system in the country was forwarded by two of his advisors—including Hamilton and Madison. The two factions constituted Alexander Hamilton and the Federalists, and Thomas Jefferson and the Democratic-Republican Party. It is pertinent to mention again that the US Constitution does not address the issue of political parties; its founding fathers did not intend for American politics to be partisan. Hamilton and Madison, in Federalist

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Papers 9 and 10 respectively, wrote about the dangers of domestic political factions. Nonetheless, the two-party system saw the Federalists on one side, who argued for a strong federal government with a national bank and a strong economic and industry system. The Democratic–Republicans favoured a limited government and put strong emphasis on farmers and states’ rights. The Democratic–Republicans rose to dominance after the Presidential polls held in the year 1800 and remained so for the next 20 years. The Federalists were slowly led to twilight.

2. **Second Party System:** The inability of one-party system to contain some matters of imminent concern, like slavery, gave way to the development of this system. The Whig Party and Henry Clay’s American System emerged out of the second party system. While the moneyed supported the Whigs, the poor supported the Democrats. The Whig Party collapsed during 1850s due to weak leadership as well as factionalism with the party over slavery as a result of the Compromise of 1850. Fading away of previous economic issues also caused the split within the party. The Democratic–Republican Party also suffered a split in 1829. The faction formed Jacksonian Democrats, a modern Democratic Party led by Andrew Jackson and Whig Party leader Henry Clay. Among major issues of dissent were the Democrats’ support to presidency over other forms of governance, its opposition to the Bank of the United States and modernizing programmes that they felt would create industry at the cost of the taxpayer. On the other hand, the Whigs supported the rule of the Congress over the executive as well as the modernization programmes. Issues over bank and the Spoils System of Federal Patronage were central to this system, which lasted till 1860.
3. **Third Party System:** Characterized by the rise of anti-slavery Republican Party, this system went on from 1854 to mid-1890s. The party took on some of the economic policies of the Whigs like those concerning national banks, railroads, high tariffs, homesteads and aid to land-grant colleges. Starting from around the beginning of the Civil War, conflicts, differences and coalitions defined this system. The issues of Civil War as well as Reconstruction created fissures until the Compromise of 1877. Thereafter, both became broad-based voting coalitions. Geography defined the parties. Democrats dominated the South and were opposed to putting an end to slavery. Republicans took on the North, who supported an end to slavery. This issue also brought in the African Americans into the Republican Party while the white southerners or the Redeemers joined the Democratic Party. The Democrats also comprised some conservative pro-business Bourbon Democrats, traditional Democrats in the North, as well as Catholic immigrants. Businessmen, shop owners, skilled craftsmen, clerks and professionals were part of the Republicans, with the party’s modern policies serving as main attraction. Widespread industrial and economic expansion marked this era, which lasted till 1896.
4. **Fourth Party System:** Major shift in the issues of debate gave way to the Fourth Party System between 1896 and 1932, which nonetheless included the same primary parties as the Third Party System. Led by the Republican Party, this period corresponded to the Progressive Era. It started off after the Democrats were blamed by the Republicans for the Panic of 1893, resulting in the victory of William McKinley’s over William Jennings Bryan in the 1896 presidential polls. Regulation of railroads and large businesses, protective tariff, role of labour unions, child labour, a new banking system, weeding out corruption, primary polls, direct

election of senators, racial segregation, efficiency in government, women's suffrage, and control of immigration became some of the central issues of debate. The Republicans were supported by North-eastern business while the Democrats had the backing of the South and West. Both parties supported immigrant groups. The system ended around 1932.

5. **Fifth Party System:** This system emerged in 1933, beginning the New Deal coalition. As the Republicans lost support following the Great Depression, Democratic President Franklin D. Roosevelt introduced the New Deal policies. Primacy was given to American Liberalism, keeping the interests of the coalition liberal groups in mind, especially ethno-religious constituencies including the Catholics, Jews, African Americans, White Southerners, labour unions, urban machines, progressive intellectuals, and populist farm groups. On the other hand, the Republicans suffered a split. On one side was the conservative wing led by Ohio Senator Robert A. Taft and on the other was a more successful moderate wing which was propagated by North-eastern leaders such as Nelson Rockefeller, Jacob Javits, and Henry Cabot Lodge. But they too lost influence after 1964. This system worked till 1968.
6. **Sixth Party System:** In its developing stage at present, this system is said to have been initiated with the Civil Rights Act of 1964. That was the time when the Democrats lost their dominance of the South, leading to the Republicans gaining influence as was evident by the election results.

7.3.2 American Ideology and Polarizing Issues

The dominant political ideology of America is Republicanism, as well as a form of classical liberalism. Documents that speak of these ideologies are the Declaration of Independence (1776), the Constitution (1787), the *Federalist Papers* (1788), the Bill of Rights (1791), and Lincoln's 'Gettysburg Address' (1863), among others. Some of the core principles of these ideologies are as follows:

- *Civic duty:* American citizens have to understand and support the government, participate in poll process, duly pay their taxes and perform military service if required.
- No space for political corruption
- *Democracy:* Citizens are foremost and the government is responsible to them. Citizens also have the power to change their representatives through polls.
- *Equality before law:* Laws attach no special privilege to any citizen. Government officials are subject to the law just as others are.
- *Freedom of religion:* The government can neither support nor suppress religion.
- *Freedom of speech:* The government cannot restrict through law or action the personal, non-violent speech of a citizen; a marketplace of ideas.

When the foundation of the United States was laid, its economy was mainly agricultural and comprised small private businesses. Welfare issues were left by the state to the prerogative of private or local initiatives. The ideology of *laissez-faire* was, however, abandoned during the Great Depression. The fiscal policy between 1930s and 1970s was characterized by the Keynesian consensus. This was the time when economic policy was dominated by modern American liberalism and remained unchallenged. The idea of *laissez-faire* once again came to dominate the American politics since the late

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1970s and early 1980s. Ironically, America's GDP is at the low of 20 per cent since late 1970s even though the welfare state expanded more than threefold after the Second World War.

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Yet, central issues have divided the voters since much of the American history. In its early decades, it was about the powers of the federal government. Present polarizing issues include abortion and gay marriages. Nonetheless, they have helped maintain a healthy democracy as well as the two-party system in the United States, with each party supporting one or the other issue.

The Early Republic: Federalists *versus* Anti-Federalists (1792–1800)

Ratification of the Constitution was the first serious political issue that divided the Americans. The Federalists sought the ratification of the Constitution so that a stronger national government could be created while the Anti-Federalists, fresh from the Revolutionary War, felt the Constitution would void the people of their hard-won liberties. While the Constitution was eventually ratified, the political division found its way into the first decades of the republic. The Federalists allied themselves with Alexander Hamilton and President John Adams, while Thomas Jefferson rallied with the Anti-Federalists, who started to call themselves Democratic Republicans. None of this faction was a political party in the modern sense of the word and also lacked strong cohesion.

The 'Era of Good Feeling' (1800–1824)

After Jefferson won the presidential polls of 1800, the Federalists were no longer perceived as a political threat. By the time James Monroe came to power, most Americans identified themselves with the ideology of the Democratic Republicans. Since there was no competition or opposition at all, this period is known in the American history as the 'Era of Good Feeling'. The public debate over political matters was common but it ceased to exist within political factions.

The Jacksonian Era: Democrats *versus* Whigs (1824–1850)

Jackson was replaced by Adams in 1828 as Democrats rebounded in four years. The Democratic Party also emerged as the first major grassroots party. Politicians who were opposed to Jackson's policies formed a temporary coalition called the Whig Party. However, after the highly contested presidential polls of 1824, the first modern party to emerge was the Democratic Party. In these polls, Jackson won the popular votes but could not get majority of electoral votes. Thus, John Quincy Adams was elected as the next president by the House of Representatives. The Democratic Party was thus created to oppose the Adams Administration.

The Antebellum Period: Democrats *versus* Republicans (1850–1860)

Slavery erupted as the next major issue over the next few decades. Those in favour of slavery fought intensely with the abolitionists but neither the Democrats nor the Whigs could muster a response on the emerging issue. Consequently, both parties saw internal divisions. Out of those in the favour of abolition, the Republican Party was formed in the late 1840s and early 1850s. The Democrats were left with mainly Southerners and rural Westerners. The Republicans nominated Abraham Lincoln in 1860. Stephen Douglas was nominated by Northern Democrats while John C. Breckenridge was chosen by their Southern counterparts. Lincoln won the polls closely and promised to keep the

Union stable. However, with this election, South Carolina and several other Southern states seceded.

The Reconstruction Era (1868–1896)

The power battle continued between the Northern Republicans and Southern Democrats for many decades following the Civil War. Blacks, who were allowed to vote briefly after the War, mainly voted for the Republican, especially since they identified Democrats with slavery. Emancipation was considered the principal ideology of the Republicans. Blacks were further encouraged to vote for the Republicans since Democrats were making all efforts to dissuade them from voting.

Strong Parties and Patronage

Political parties became strong entities during the nineteenth century. So much so that a chief of a political party had more influence and power than even the elected officials from within that party. An important source of this power was the power of the chiefs to choose the nominees. Until recently, the nominees were chosen by the party chiefs and the public had little say. Party leaders met in caucus, or informal closed meetings, not only to choose nominees but also set party guidelines. Disobedient members had the risk of not being re-nominated; this also meant they would be out of job. Many a times, parties gave government jobs and contracts to allies for political favours. This process was called machines because parties sought to transform favours and patronage into votes.

The Gilded Age (1880–1896)

Industrialization, large-scale corporations amassing capital and dominating unregulated marketplace were the next issues of American concern as well as fissures between them. Poor farmers came together to form a powerful third party and challenge the big-business trusts. They were called the People's Party or Populists. However, they were co-opted by the Democratic Party in the polls of 1896, leading to the death of the Populists as an emerging third party. This was followed by the defeat of the Democratic Populist led by William Jennings Bryan by Republican William McKinley. It gave birth to the new era of Republican dominance. Between 1896 and 1932, Republicans won every presidential poll, except the one in 1912.

Progressivism (1896–1932)

Progressivism, a social movement, swept the nation during the first two decades of the 1900s. Progressives, like the Populists, sought regulation of large-scale business enterprises and political power for the American citizens. The movement was bipartisan and Progressives were found both in the Republican Party and the Democratic Party. For instance, Republican Theodore Roosevelt and Democrat Woodrow Wilson were both Progressives. Later, the Republican party split after an argument between the then President William Howard Taft who was a traditional conservative Republican and a Progressive Roosevelt. Roosevelt later founded the Progressive Party. In 1912, he won by a fleeting majority in a three-way polls. However, it only divided the Republicans, the use of which was made by the Democrats who then elected Woodrow Wilson. The death of the Progressive movement was called by Wilson's attempt to persuade the Senate to ratify the Treaty of Versailles to end the First World War. Till 1932, the electorate only voted for the conservative Republican presidents.

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The Depression and the New Deal (1929–1941)

The domination of the Republicans ended with the Great Depression, which refers to the crash of the stock markets in 1929. The electorate turned to the Democrats in protest against the policies of the Republican president Herbert Hoover. Franklin Delano Roosevelt, who was the Democratic nominee in 1932, offered to energize the economy in the form of a relief and reform legislative package known as the New Deal. Roosevelt won convincingly and also put the country on recovery road.

The New Deal Coalition (1936–1968)

The Democratic successes in the middle of the twentieth century were the courtesy of the New Deal coalition. This coalition comprised groups including workers, labour unions, Catholics, Jews and racial minorities. The Southern part of the US was mainly Democratic and was joined by the African American voters who majorly supported the Democrats after 1932. The Democratic Party was at the helm of the American political system for the next three decades.

With the changing world scenario, a panel of political scientists in the 1950s called upon ‘responsible parties’ to take upon the US politics. They referred to responsible parties as those who were strong to propose specific and substantive policies and also implement them effectively. They felt the US political parties were not ‘responsible’ for they failed to force their members to commit to the party platform. Since parties could not control their candidates even till today, as in other countries, the call for responsible parties seems faraway.

The Civil Rights Movement and Vietnam (1960s)

The Civil Rights Movement by the African American community as well as US’ involvement in Vietnam created fissures in the New Deal coalition in the 1960s. The Democratic Party was dominated by Whites, who inarguably felt that the Republicans had invaded their homeland during the Civil War. African-American were also leading towards Democrats by then. These issues led to the Southern Whites switch to the Republican Party and by 1980s, much of the South affirmed with the Republican politics.

The critical 1968 polls were a definite moment in the US politics. The Vietnam War and the Civil Rights Movement deepened the divide. The Democratic governor of Alabama, George Wallace, split from the party and contested as a third-party candidate, which hit the chances of the Democrats. This was followed by a bitterly-fought election, led by Republican Richard Nixon. The chaos of these polls marked the decline of the American political parties.

Since then, the Democrats have been trying for an image makeover and changed the ways their party operated. The focus has been on the process of choosing the nominees. Party reform was ushered in the form of opening up of the leadership to new people. More women and minorities were included in the delegations. Primary elections were introduced to allow electorate to directly participate in the party nomination process. Since then, the Democrats use primary polls in order to take decision-making powers from the party chiefs and vest them in the electorate. Republicans followed suit shortly.

7.3.3 Contemporary Party System in the US

The Republicans have been doing very well politically since the polls in 1968, especially in the presidential races. This is evident in the fact that since 1968, only two Democrats—

Jimmy Carter in 1976 and Bill Clinton in 1992 and 1996—were elected as presidents. In the opinion of some scholars, the Republicans dominate the political system after the breakdown of the New Deal coalition, producing a realignment. For others, however, it was a sort of de-alignment, i.e., the loosening of the party ties. They cited that since 1970s, American citizens identify themselves as independents rather than with any party ideology. People also cross party lines and vote for different parties in different polls. Split-ticket voting has also become popular in the US, wherein citizens vote for both Republicans and Democrats for different offices in the same polls. This kind of system has led to the formation of a number of divided governments wherein one party leads the presidency while the other has control over at least one house of Congress.

The Reagan Democrats

In present times, political parties no longer are able to either dictate their nominees or control massive patronage. Candidates are said to function independently from the party leaders. They make their own strategies, often at the cost of the party. Such activities were synonymous for the Reagan Democrats in the 1980s. These comprised mainly blue-collar workers who conventionally voted for the Democrats. They were, however, to Reagan's social conservatism and toughness; in tune they helped him win two terms in presidents' office.

As parties took a back-turn, this gave rise to candidate-centred politics wherein people voted for the candidates instead of the parties they were representing. This was especially true to presidential polls. Parties provided services such as financing the campaigns, providing expertise, lists of donors, and name recognition to candidates and campaigns. While they may exactly tow the party line, candidates are often seen maintaining close contact with the party leadership to win favours and larger party support. In cases where voters know little about candidates, the elections are mostly party centric.

The political system of the United States can be differentiated with other developed democracies on some of these major counts. These include significant power in the Upper House of the Legislature, the influence and authority of the Supreme Court, clear division of powers between the legislature and the executive and the domination of two political parties. Smaller parties in the US have low influence in the politics than they do in other democracies of the developed countries.

One of the dominant features of the US governance system is the federal entity created by the Constitution. At the same time, people are also subjects of the state and also of their local governments. The local governments refer to the counties, municipalities and special districts. The American history is reflected in its multiplicity of jurisdiction. As mentioned, state facilitated the creation of the federal government while colonies were separately established and they governed themselves. The local governments, on the other hand, were created by the colonies to carry out their independent functions. More states joined the country as it expanded.

7.4 PARTY SYSTEM IN CHINA

The politics of the People's Republic of China (PRC) can be located within the single-party socialist republic system. The single party is called the Communist Party and its leadership is mentioned in the country's Constitution. The power of the government is

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5. What are the advantages of the American two-party system?
6. What was the 'New Deal coalition' in America?
7. How does the political system in the US differ from that of other developed democracies?

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exercised through the Communist Party within the country, and by the Central People's Government and their partners in the provinces and at the local level.

Under this kind of the dual system of leadership, every local office is jointly managed by the local leader as well as the leader of the corresponding office in the ministry, which exists at the higher level. The members of the People's Congress are elected by people at the county level. The People's Congress holds the responsibility of managing the local government and also chose members for the Provincial, or the municipal, People's Congress. In turn, the Provincial People's Congress is responsible for electing members of the National People's Congress. This body meets in the month of March every year in Beijing. However, it is the ruling Communist Party which plays the significant role in selecting the 'right' candidates for the polls at both the local and higher level congress'.

China is mainly a multi-party state but under the leadership of the Communist Party of China (CPC). Its system is very similar to some of the popular state systems of the former Communist-era Eastern European countries such as the National Front of Democratic Germany. Under the system of one country and two party, Hong Kong and Macau are categorized as Special Administrative Regions. Earlier, both were the colonies of the European powers. At present, they have a different political system as compared to China and both also run under the multi-party system.

In China, in practice, the Communist Party of China is the only party that holds formidable power at the national level. It dominates all levels of governance to the core that China is often mistaken for being a one-party state. There are eight more, though small, parties that operate in China. But, they only have a limited power at the national level. In fact, they have to operate under the Communist Party of China and accept its leading role to be able to even exist. The Chinese system does allow few non-communist party members to participate in the system and also certain smaller parties within the National People's Congress but they are all vetted by the Communist Party of China.

The Constitution of China also allows some opposition to operate. But the Communist Party of China exercises its control over the political system. In this way, the opposition ceases to exist. For instance, people's congress is elected through popular vote. Any official body above that is appointed by the congress itself. This means that even though independent persons and members of opposition can sometimes be elected to the lowest level of the Congress, they may hardly be able to come together or organize themselves to a point where they themselves can elect members to the higher level without the approval of members of the Communist Party. Since they do not really have an effective power, it only discourages outsiders from contesting polls for the people's congress even at the bottom level, which means that mainly the communist members dominate the body.

Also, despite the fact that China has no law that formally bans non-religious organizations, it also has no law which could grant non-communist parties the corporate status. Thus, any opposition party, if it does exist even hypothetically, would not have the legal backing to assemble funds or have any registered property in the name of the party.

Significantly, the Chinese Constitution offers a wide range of laws that have been used in the past against members of opposition parties which those of the Communist Party of China perceived as threatening. These include members of the China Democracy Party. Charges related to subversion, sedition, and releasing state secrets can be slapped

on members of opposition parties and, since the Communist Party controls the legislative and the judicial processes, it means that communists can legitimately target any person or group.

7.4.1 Communist Party of China

The Communist Party of China (CPC) is the founding and ruling political party of the country. It is also known as the Chinese Communist Party (CCP). The party was founded in July 1921 in Shanghai. While on paper, the party works alongside the United Front which refers to the coalition of all political parties, it is in practice the only political party in China. The party maintains the government and keeps the state matters, the military and the media under it. The Constitution grants them legal power and since it seeks its roots to the Leninist ideology, it officially is even above the law. At present, the leader of the party is Xi Jinping who has the title of the General Secretary of the Central Committee.

The party is committed to the ideologies of communism and Marxism–Leninism. It also *de facto* unrecognised factions. On the one side are consumerists and neoliberal figures like businessmen who support the practice of capitalism while on the other are the members of the Left, who oppose the Right. There are other factions too. The Right-wing faction has come under many criticisms, including purges and repression in the Cultural Revolution and after the Tiananmen Square Protests in 1989.

After the Civil War concluded in China, the CPC defeated Kuomintang (KMT) which was its prime rival party. Then, it assumed the control of the entire Chinese territory while Kuomintang party shifted base to the island of Taiwan where it remains till date. Even before and long after China was founded, the history of the communist party is riddled with power struggles and battles of ideology, including the much written about movement called the Cultural Revolution. In its earlier days, the CPC was only a conventional member of the communist movement running across the world. It was during the 1960s that CPC broke apart from its counterpart in the Soviet Union over ideological differences. The ideology of the communist party in China was redefined by Deng Xiaoping, who included principles of market economics and ushered in reforms that generated rapid and prolonged economic growth.

Today, the CPC is the largest political party in the world with an estimated 80 million members. This number comprises about 6.0 per cent of the total population of mainland China. A large number of military and civil officials of China are members of the CPC. The party has also been trying to institutionalize its power transitions and strengthen its internal structure since 1978. In present times, the party focuses on unity and avoiding public conflict and at the same time, practicing a pragmatic and open democratic centralism within the party structure.

With such huge membership, the party also dominates all matters of government. During the liberalization period, the people's as well as groups' influence tend to increase, particularly in economic matters. The principles of market economy have it that economic institutions can exist independent of a political party's influence. However, despite the principles, the communist party maintains its powers in all governmental institutions in China and plays the most important role in administration especially when it comes to issues of politics and other such matters.

The party control is most strong and effective in offices of the central government and in economic, industrial and cultural settings, especially in the urban areas. However, the party's influence seems to be waning over government and other establishments in

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the rural areas where majority of mainland Chinese people live. The most important role that the CPC plays is in the selection and promotion of party personnel. It also has to ensure that its principles and guidelines are followed and organizations by outsiders that could challenge the party's authority are not created. Small groups of CPC which coordinate the activities of different agencies are also key to the party's functioning. While convention has it that government panels should have one non-party member at least, a party's membership helps while important policy meetings and usually the one outside member are non-existent.

As per the Constitution, the Party Congress is the highest body of the CPC and is expected to meet at least once in five years. These meetings were intermittent before the Cultural Revolution but are duly organized now. In the meeting, the party elects their central panel and all the main organs of power are formally parts of the central panel. The main organs of the CPC are:

- The general secretary, who is the highest-ranking official within the party and the Chinese Paramount leader.
- The Politburo: It comprises 22 members, including members of the Politburo Standing Committee.
- The Politburo Standing Committee: It comprises 7 members at present.
- The Secretariat, the principal administrative mechanism of the CPC, which is headed by the General Secretary.
- The Central Military Commission.
- The Central Discipline Inspection Commission, which is charged with discouraging corruption and malfeasance among party cadres.

7.4.2 People's Liberation Army

The People's Liberation Army (PLA) was created by the Communist Party of China and thus the party leads it. After China was founded in 1949, the PLA became the state military. Since it represents the state, it practices and upholds the communist party's absolute leadership over the military. The Central Military Commission, which has the task of supreme military leadership over the armed forces, was founded jointly by the party and the state.

The Constitution adopted in 1954 empowers the State chairman or the president to direct the armed forces; the state chairman also chairs the defence panel, which is only an advisory body. On 28 September 1954, the central panel of the CPC re-formed the Central Military Commission (CMC). Since then, the system of joint party and state military leadership was adopted where the central panel of the CPC leads in all matters of the armed forces. The state military forces are directed by the state chairman and the military forces development is managed by the state council.

The State Central Military Commission was given the charge of all the armed forces in December 1982, with the amendment in the Constitution during the 5th National People's Congress. Now, the chairman of the State CMC is both elected and removed by the national people's congress. Nonetheless, the CMC of the communist party leads the military and all other armed forces of the country. It should be noted that in practice, the party CMC consults all democratic parties and then proposes the names of the state CMC members so that NPC members can elect the State Central Military Commission members. Therefore, it can be said that the CMC of the central panel and the CMC of

the state are one organization. Organizationally viewed, the two CMCs are subordinate to two different systems—(i) the Party system and (ii) the State system. Thus, the PLA and other forces are under the absolute force of the communist party. Such a system is unique to China where joint leadership of the Communist Party and the state over the armed forces is ensured.

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7.5 PARTY SYSTEM IN THE UK

People living in Britain in the last quarter of the 20th century are familiar with a political system in which power is exercised by the leaders of that political party, which currently holds the greatest number of seats in the House of Commons. These seats usually are contested at intervals of four or five years, in the general elections. In these general elections, almost all persons who are eighteen years or more of age are entitled to vote. Individuals are selected by general elections. However, the organization and discipline of political parties are so wide-ranging that it is almost impossible for a candidate who does not represent a major party to be elected. In effect, the individuals are elected in a party and not in a personal capacity. When they get to Westminster, they are expected to vote according to party loyalties rather than personal preference or conviction. A highly developed system of ‘party whips’ assures that, in most instances, the Commons vote in party lines. Thus, effective power is vested in the party rather than in a collection of individuals. Political parties are all important. When one speaks of a two-party system of government, it implies that the struggle for power is between two leading parties in the state, who alternate the government. Since the 1920s, these have been the Conservative and the Labour parties. Such a description might seem ill suited to a situation in which the electorate spreads nearly all its votes between three parties. Yet the system in which the successful candidate needs only one more vote than his nearest rival, however many candidates there may be, greatly advantages the two largest parties at the expense of the third. Thus, in the 1983 elections, the Liberal–Social Democratic Alliance achieved 26 per cent of the popular vote which, when evenly spread across the constituencies, won only 23 seats. The Labour party, with 28 per cent of the total vote, heavily concentrated in the areas of its greatest support, won 209 seats. Therefore, the two-party system of the government survived through the mid-1980s.

In Britain, in a strict constitutional theory, power is shared between three elements—monarchy, Lords and Commons. Initially, the first two of these elements had a large role to play. In some instances, this old system still impinges on the new. Parliamentary bills require passage by the House of Lords and approval by the monarch before they carry the force of law. The powers of the Upper House were severely circumscribed in the 12th century. It can now delay legislation but not permanently refuse it. Few ministers of consequence, except the Lord Chancellor who presides over the judiciary, are associated with it. The granting of a peerage to a senior politician usually indicates retirement from active politics. That is why some experts term the House of Lords as an elegant talking shop. It sometimes improves parliamentary bills by revising them, but it lacks real power.

7.5.1 Changing Nature of Party Politics

It is a noted fact that parties remain central to any understanding of British political life. Benjamin Disraeli, who was a British statesman of the Conservative Party, observed over a century ago that the core of parliament was party and that without the presence

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8. What ensures the joint leadership of the Communist Party over the armed forces of China?
9. Name the body who was given the charge of all the armed forces in December 1982 with the amendment in the Constitution during the 5th National People’s Congress.

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of a party activity, parliamentary government would be impossible. Far from weakening the strength of this view, the 20th century has only made it appear too narrow in application. One could easily argue that party activity has since become imperative to almost all aspects of modern British politics. It is undeniable that pressure groups, for example, have usurped some of the parties' traditional functions, especially in relation to popular participation in politics. It is also obviously true that representative democracy has been worn by the loss of sovereignty to the European Union and the globalization of Britain's economy. The willingness to use referenda as a form of government decision-making was exemplified in the early months of the Blair government. But these developments require perspective. Any account of modern British politics that ignored them would certainly be defective.

Political parties in Britain have never had an official or constitutional purpose, and the comparatively small degree to which they have been funded by the state is indicative of the vague position they have occupied in British politics. Any attempt to define the role of political parties must therefore proceed with care. Yet, it can be stated with some confidence that their principal function is to seek office through the attainment of votes. Indeed, this remains the main distinction between parties and pressure groups, whose primary purpose is merely to influence, rather than constitute the government of the day, while rarely seeking to demonstrate their support at the ballot box.

In the case of Plaid Cymru and the Scottish National Party (SNP), their success took the electoral support away from the Labour Party in Wales and Scotland. It seemed to influence Labour's interest in devolution since the late 1960s. Such influence does not even require the capture of parliamentary seats. It merely requires enough votes to jeopardize seats held by the parties of government. In this respect, there may even have been limited influence for the National Front in the late 1970s. In 1989, European elections may have increased the government's interest in the environmental policy.

Yet, even for these parties, the long-term aim remains the same—the actual exercise of governmental power in a distorted constitutional environment. The 'territorial' parties had little interest in wielding executive power at Westminster, yet all were focused on the office in the devolved assemblies planned by the Blair government. It must also be noted that changes in the voting behaviour after 1970 enhanced the potential of smaller parties, as a force within and external to British governments.

The end of what psychologists termed the 'cube law' (whereby a party's lead in votes would be translated into a bigger lead in seats) and the increased likelihood of hung parliaments, threatened to give smaller parties a balance of power at Westminster and the sort of pivotal influence enjoyed by 'third' parties in other European democracies. The Free Democratic Party (FDP), for example, has been a part of the West German and German governments since the 1960s, despite an average vote of only 10 per cent. On the other hand, in Ireland the Labour Party proved an unshakeable part of the country's coalitions between 1992 and 1997, with less than a quarter of votes at the 1992 general election. In Britain's case, these continental scenarios were demonstrated during the parliaments of both 1974–1979 and 1992–1997, which underlined the importance of parties other than labour and conservatives.

Such parties might have been troubled by the return of a landslide labour majority in 1997, fearing the return of hegemonic single-party government and consequent marginalization of 'third and fourth' parties at Westminster. Psychologists agree that if a

hung Parliament is to be avoided, the gap needs to be much larger than that in the 1950s and 1960s. The type of lead that gave the Labour party a landslide in 1945—78 per cent could only give the Tories a vulnerable majority in 1992. Curtice and Steed argue that for the Tories to win the next general election, they required a vote lead of up to 11 per cent.

It was allegedly with this in mind that, as premier, Tony Blair retained his belief in the eventual shift to centre-left politics and a more varied party system. He hinted at it by his inclusion of liberal democrats on a cabinet sub-committee (dealing with constitutional reform) and his support for proportional representation in the European and regional elections. As a result, it was unsafe to declare that the significance of smaller parties had receded following Labour's return to power.

7.5.2 Role of the Britain's Party Politics in the Advancement of Parliamentary Democracy

In carrying out the basic role of pursuing office, parties continue to improve both the clarity of general elections and the unity of parliamentary government. Without parties, voters would be confronted by a baffling array of candidates, offering a multitude of ideas, which had little chance of materializing in a government. Parties make general elections seem more cogent by allowing voters with not just a choice of representative but a choice of government as well. This nurtures the impression among voters that voting may after all make a difference. This impression was likely to have been reinforced by the 1997 elections, which led to a wholesale change in government personnel and according to some commentators, 'a new direction for society...a new style of government...a more classless Britain...an end to xenophobia.'

In more sober terms, the parties' manifestos certainly enabled voters to inspect a number of putative programmes for the government. It also enabled them to make a potentially rational choice between the policy packages that were offered.

Political Participation

To focus on the role played by parties in the parliament is to risk ignoring one of their key characteristics in democratic states, namely, acting as vehicles for mass involvement in the political system. In Britain, the term 'mass involvement' can be misleading, since it must always be remembered that about 93 per cent of adults are not members of any political party. Nevertheless, the small proportions who are, add noticeably to the number of people engaged in political life. In any liberal democracy, it is scarcely healthy if any political activity involves full-time politicians and state officials. Though each of the two main parties had lost members in recent years, it had still been estimated that they alone contain over 3,00,000 people with an active interest in British politics.

Major Political Parties in the House of Commons

There are three major parties in the House of Commons. These are as follows:

- Conservative and Unionist party, centrist to the right-wing
- Labour party, centrist to the left-wing (traditionally socialist; is now a broad socialist and trade unionist to the social liberal and social democratic party)
- Liberal Democrats, centrist to centre-left

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Check Your Progress

10. Fill in the blanks.
 - (a) In the general elections in Britain, almost all persons who are _____ years or more of age are entitled to vote.
 - (b) In the 1983 elections, the Liberal-Social Democratic Alliance achieved _____ per cent of the popular vote.
11. State whether the following statements are true or false.
 - (a) Political parties in Britain have an official or constitutional purpose.
 - (b) In 1989, the European elections increased the government's interest in the environmental policy.

7.6 SUMMARY

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- The concept of party system emerges from comparative political science. It can be defined as a kind of patterned relationships and interactions between different political parties which vie for power in a given political system of a country.
- We may broadly classify all the parties as—two-party systems, multi-party systems, and one-party systems.
- In Great Britain and the United States, for example, a two-party system prevails; but in majority of countries, including India and France, multi-party system has come into existence.
- The one-party or single party system is formed on the assumption that the sovereign will of the state reposes in the leader and the political elite. This authoritarian principle found expression first in monarchies, later in dictatorships and more recently in some democracies.
- A two-party system is one where only two parties, despite the presence of other parties, have substantial support of the electorate and expectation of forming the government. Under this system, the majority of the elected candidates at a given time belongs to any one of the two major parties which form the government, while the other party remains in the Opposition.
- A multi-party system is one in which more than two major parties exist. In this party system, the parties struggle with each other for power but no party can alone secure absolute majority to rule. In countries like India and several countries of Europe, such a system exists, though in a variety of forms.
- The modern Democratic Party system, for instance, is the result of at least two significant political developments—(i) the limitation of the authority of the absolute monarchy, and (ii) the extension of the suffrage to virtually all the adult population.
- While the Interest Theory recognizes the significance of economic interests in influencing an individual or group's decision to join a particular party or combination of parties, this theory does not agree with the Marxist assumption of economic determinism and its concomitant dichotomy of social classes.
- Throughout most of its history, American politics has been dominated by a two-party system.
- The Democratic Party is one of two major political parties in the US. It is the oldest political party in the world. Since the 1930s, the modern American political spectrum and the usage of Left–Right politics have basically differed from the rest of the world.
- Out of the Second Party System came the Whig Party and Henry Clay's American System. Wealthy people tended to support the Whigs, and the poor tended to support the Democrats.
- The Third Party System stretched from 1854 to the mid-1890s, and was characterized by the emergence of the anti-slavery Republican Party, which adopted many of the economic policies of the Whigs, such as national banks, railroads, high tariffs, homesteads and aid to land grant colleges.
- In the Fourth Party System, North-eastern business supported the Republicans while the South and West supported the Democrats.

- The Fifth Party System emerged with the New Deal Coalition beginning in 1933. The Republicans began losing support after the Great Depression, giving rise to Democratic President Franklin D. Roosevelt and the activist New Deal.
- The Sixth Party System appears to have begun with the Civil Rights Act of 1964; the Democrats subsequently losing their long dominance of the South in the late 1960s, leading to a Republican dominance.
- The New Deal coalition formed the backbone of Democratic success in the mid-twentieth century. This coalition consisted of groups who supported the New Deal, including workers, labour unions, Catholics, Jews, and racial minorities.
- The federal entity created by the US Constitution is the dominant feature of the American governmental system. However, most people are also subject to a state government, and all are subject to various units of local government. The latter include counties, municipalities, and special districts.
- The politics of the People's Republic of China (PRC) take place in a framework of the single-party socialist republic. The leadership of the Communist Party is stated in the Constitution of the People's Republic of China.
- The People's Republic of China (PRC) is formally a multi-party state under the leadership of the Communist Party of China (CPC) in a United Front; similar to the popular fronts of former Communist-era Eastern European countries such as the National Front of Democratic Germany.
- The Communist Party of China created and leads the People's Liberation Army. After the PRC was established in 1949, the PLA also became a state military. The state military system inherited and upholds the principle of the Communist Party's absolute leadership over the people's armed forces.
- The organization and discipline of British political parties are so wide-ranging that it is almost impossible for a candidate who does not represent a major party to be elected.
- The political parties in Britain have never had an official or constitutional purpose, and the comparatively small degree to which they have been funded by the state is indicative of the vague position they have occupied in British politics.
- In 1989, the European elections might have increased the government's interest towards the environmental policy.
- For all the political parties, the long-term aim remains the same, i.e., the actual exercise of governmental power in a distorted constitutional environment.
- Changes in the voting behaviour after 1970 enhanced the potential of smaller parties, as a force within and external to British governments.
- While carrying out the basic role of pursuing office, parties continue to improve both the clarity of general elections and the unity of parliamentary government.
- Political parties make general elections seem more convincing by allowing voters with not just a choice of representative but a choice of government.
- To focus on the role played by parties in the parliament is to risk ignoring one of their key characteristics in democratic states, which is, acting as vehicles for mass involvement in the political system.

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- The three major parties in the House of Commons are as follows:
 - o Conservative and Unionist party
 - o Labour party
 - o Liberal democrats

7.7 KEY TERMS

- **Hung parliament:** It refers to a situation where no single political party has a majority in the parliament.
- **Non-partisan ballot elections:** It refers to elections in which the candidates' party affiliations were not printed on the ballot.
- **Progressivism:** It was a social movement that swept the US in the first two decades of the 1900s; the Progressives fought for government regulation of big business and more political power for the average American.
- **Realignment:** It refers to a major shift in the political divisions within a country; marks a new change in direction for the party that redefines what it means to be a member of that party.
- **Referendum:** Via referenda, citizens may challenge any law voted by the federal parliament and through initiatives introduce amendments to the federal constitution.
- **Split-ticket voting:** It is a ballot cast for candidates of two or more political parties.
- **Conviction:** It is a formal declaration that someone is guilty of a criminal offense, made by the verdict of a jury or the decision of a judge in a court of law.
- **Impinge:** It refers to advance over an area belonging to someone or something else.
- **Referenda:** It refers to a general vote by the electorate on a single political question that has been referred to them for a direct decision.
- **Cube law:** It is an empirical observation regarding democratic elections under the first-past-the-post system.
- **Xenophobia:** It refers to intense or irrational dislike or fear of people from other countries.

7.8 ANSWERS TO 'CHECK YOUR PROGRESS'

1. One-party system can be divided into two sub-types: (i) Authoritarian one-party system, and (ii) Non-authoritarian one-party system.
2. The two-party system may be divided into: (i) Indistinct two-party system in the US, and (ii) Distinct two-party system in Britain.
3. Two kinds of multi-party systems from the viewpoint of stability of government are: (i) unstable multi-party system, and (ii) working multiparty system.
4. While the Interest Theory recognizes the significance of economic interests in influencing an individual or group's decision to join a particular party or combination of parties, this theory does not agree with the Marxist assumption of economic

determinism and its concomitant dichotomy of social classes. In fact, to reduce social tensions to two embattled groups of *haves* and *have-nots* all along the economic line is to over simplify a complex. One may, therefore, argue that the human beings tend to support and vote for the political party that holds the prospect of achieving their desired economic as well as socio-cultural objectives.

5. The advantages of the American two-party system include:
 - Stability: Two-party systems are more stable than multiparty systems.
 - Moderation: The two parties must appeal to the middle to win elections, so the parties tend to be moderate.
 - Ease: Voters have only to decide between the two parties.
6. Franklin Delano Roosevelt, proposed to revive the economy with a legislative package of relief and reform known as the New Deal. Roosevelt won and successfully put America on the road to recovery. The New Deal coalition formed the backbone of Democratic success in the mid-twentieth century. This coalition consisted of groups who supported the New Deal, including workers, labour unions, Catholics, Jews, and racial minorities. The South continued to be overwhelmingly Democratic, and after 1932, African American voters moved in large numbers to the Democratic Party.
7. There are major differences between the political system of the United States and that of the other democracies of the developed countries. These include greater power in the Upper House of the legislature, a wider scope of power held by the Supreme Court, the separation of powers between the legislature and the executive, and the dominance of only two main parties. Third parties have less political influence in the United States than in other democracies of the developed countries.
8. The CMC of the Central Committee and the CMC of the State are one group and one organization. However, looking at it organizationally, these two CMCs are subordinate to two different systems—(i) the Party system and (ii) the State system. Therefore the armed forces are under the absolute leadership of the Communist Party and are also the armed forces of the state. This is a unique Chinese system that ensures the joint leadership of the Communist Party and the state over the armed forces.
9. The State Central Military Commission was given the charge of all the armed forces in December 1982, with the amendment in the Constitution during the 5th National People's Congress.
10. (a) eighteen; (b) 26
11. (a) False; (b) True

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7.9 QUESTIONS AND EXERCISES

Short-Answer Questions

1. What are the different classifications of the party systems?
2. Write a short note on different theories related to the origin of the party systems.
3. What are the advantages and disadvantages of two-party system in the US?

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4. State the formation of the People's Liberation Army in China.
5. Write a short note on cube law.
6. What do you mean by the term 'political participation'?
7. List the major parties in Britain's House of Commons.

Long-Answer Questions

1. Give a detailed account on the polarizing issues in the American political system.
2. 'Political scientists and historians have divided the development of America's two-party system into five eras.' Elaborate.
3. Write a detailed note on the Communist Party of China.
4. Discuss the concept of two-party system in your own words.
5. Describe the changing nature of Britain's party politics.
6. Explain the role of Britain's party politics in the advancement of parliamentary democracy.

7.10 FURTHER READING

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UNIT 8 EXECUTIVE

Structure

- 8.0 Introduction
- 8.1 Unit Objectives
- 8.2 The Cabinet System of United Kingdom
 - 8.2.1 The Executive
 - 8.2.2 The Cabinet
 - 8.2.3 The Prime Minister
- 8.3 The US President
 - 8.3.1 Powers and Functions of the President
 - 8.3.2 The Presidential Cabinet
- 8.4 The Executive in China
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- 8.5 Summary
- 8.6 Key Terms
- 8.7 Answers to 'Check Your Progress'
- 8.8 Questions and Exercises
- 8.9 Further Reading

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8.0 INTRODUCTION

In the previous unit, you studied about the party system of various countries namely, the United Kingdom, the United States of America, and China. In England, the prime minister is the head of the government. Executive power in the United Kingdom is exercised by the Sovereign, Queen Elizabeth II, via Her Majesty's Government and the devolved national authorities. In the United States of America, the real executive power lies in the hands of the president. The head of state of China is the president. In this unit, you will learn about the executive bodies of countries namely, the United Kingdom, the United States of America and China.

8.1 UNIT OBJECTIVES

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

- Analyse the cabinet system of the United Kingdom
- Assess the functioning of the Prime Minister in the United Kingdom
- Explain the powers and functions of the American president
- Describe the organization of the presidential cabinet in the US
- Explain the functions of the President and Vice-President of the National People's Congress

8.2 THE CABINET SYSTEM OF UNITED KINGDOM

The British governmental system is being acknowledged as a parliamentary monarchy which means that the country is ruled by a monarch whose powers are governed by constitutional law. The monarch is a powerless symbolic figurehead of the country but in

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reality, the country is governed by its legislature. Thus, it can be said that the monarch is the head of the state while the prime minister is the head of the government.

England has an unwritten constitution consisting of historic documents such as the Magna Carta, the Petition of Right, and the Bill of Rights (1689); statutes; judicial precedents (common law); and customs. The constitutional monarch, Queen Elizabeth II, is the head of the state. The British constitution is not defined in a single written document, unlike those, as we can see in most countries of the world. Instead it is made up of a combination of laws and practices which are not legally enforceable, but are regarded as imperative to the working of the government. The constitution is flexible and may be changed by an Act of Parliament.

The British Constitution, the oldest of all the constitutions in the world, is considered as 'the mother of all parliaments'. Unwritten in character, the British Constitution, has grown with time. Although it is partly grounded in law, it is largely based on conventions.

The salient features of the British Constitution could be summarized as below:

1. An unwritten constitution—partly written and mostly unwritten
2. An evolved constitution
3. The gap between theory and practice of its curious divergence between constitutional form and the actualities of government
4. Flexible constitution, i.e., there is no distinction between ordinary law and constitutional law
5. Parliamentary sovereignty
6. Parliamentary form of government
7. A unitary form of government, i.e., no distribution of governmental powers
8. Bi-party system
9. The Rule of Law

8.2.1 The Executive

Executive power in the United Kingdom is exercised by the Sovereign, Queen Elizabeth II, via Her Majesty's Government and the devolved national authorities which consist of the following:

- (i) The Scottish Government
- (ii) The Welsh Assembly Government
- (iii) The Northern Ireland Executive

Parliamentary form of government: A responsible executive

Great Britain is the classic home of parliamentary form of government. The most characteristic feature of the parliamentary form of government is the responsibility of the executive to the legislature. The cabinet as the head of the executive is answerable to the parliament for its acts of omissions and commissions. The Monarch is the nominal head of the State. He acts on the advice of the ministers, who are responsible to the parliament. The Prime Minister, as the head of the Cabinet, is the most powerful ruler in a parliamentary system of government.

The cabinet remains in power as long as it enjoys the confidence of the House of Commons. Whenever the Cabinet loses the support of the majority members, it resigns

or advises the King to dissolve the House of Commons in order to have a fresh election. In the new election, if the Cabinet gets the majority, it continues in office; otherwise it resigns in favour of a new government. The cabinet dominates in this system. In the words of British political analyst Bagehot, the Cabinet is like a 'hyphen that joins the buckle that binds the executive and legislative departments together'. Due to the cabinet's dominant role in the parliamentary form of government, it is also described as a cabinet form of government. Collective responsibility and political homogeneity are also essential features of the Cabinet system. All the ministers are collectively responsible to the House of Commons. They swim, or sink together. The ministers are also preferably from a homogeneous political party, or a combination of political parties having identical views and policies. The latter course is known as coalition, but it is very rare in the British political history.

Absence of strict separation of powers is another important feature of the parliamentary form of government. There is harmonious cooperation between the executive and the legislature and both work hand-in-hand. British historian Ramsay Muir has rightly observed, 'that separation of powers is the essential principle of the American constitution, concentration of responsibility is the essential principle of the British Constitution'. Parliamentary forms of governments are not based on strict separation of powers. The theory has been accepted in principle in Great Britain, but in practice the Cabinet being omnipotent and all powerful in executive as well as legislative arena, denies the theory in principle. The cabinets in England and America play different roles. In the US, the role of the cabinet is not as dominating as that in England. While the American cabinet is dependent on the legislature, the British cabinet dominates both in the executive and legislative fields. Concentration of authority, therefore, is a cardinal principle of the British constitutional system. It has led critics to allege that there is cabinet dictatorship in a parliamentary system. As the prime minister dominates on the plank of the cabinet dictatorship, it is often said to be a prime ministerial form of government.

Unitary form of Government

On the basis of concentration of distribution of powers, the form of government may be classified as unitary or federal. A government is said to be unitary when there is concentration of power in one and only one centre. British constitutional theorist A. V. Dicey defines unitary government as one where there is the habitual exercise of the supreme legislative authority by one central power. According to Finer, unitary government is one in which all the authority and power are lodged in a single centre whose will and agents are legally omnipotent over the whole area. England is again a classic example of unitary form of government. In a federal form of government where there is distribution of powers, a written constitution is absolutely necessary. As England has an unwritten constitution, the unitary form of government is considered to be more congenial and conducive to the British soil.

There are no independent units or states in England. All governmental authority is concentrated in the national government situated in London. Of course, for administrative convenience, regional units like counties and boroughs exist. But they do not enjoy any original or independent power. On the contrary, they are subordinate to the central government, and they enjoy only delegated and derivative powers. The local governments in England are the only agents of the national government and work completely under the guidance and the control of the national government.

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Bi-party System: An Effective Opposition

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Party system in all democratic constitutions of the world is an extra constitutional growth. In Great Britain, which has an unwritten constitution, party system is not only an extra-constitutional growth; it also provides a key to the understanding of some of the prominent features of the British constitutional system. Parliamentary government means party government and no democracy can work without parties.

The chief characteristic of the British party system is the existence of two well-organized and more or less equally balanced parties which dominate the political arena. The bi-party system has been deeply rooted in the British political system. Disraeli once remarked, 'England does not love coalition'. The essence of this statement is that the British people prefer two well-organized parties like the Conservative Party and the Labour Party as they are existing today. Minor parties may exist, but they do not do well in the elections. Bi-party system provides stability in government. It also ensures strong opposition and enables the electorate to express their views in clear terms. The opposition in Great Britain is strong enough to take up administration at any time, when the ruling party fails. A responsible government with a responsible opposition is the fundamental basis of the British constitutional system. L. A. S. Amery has rightly observed, 'The combination of responsible leadership by government with responsible criticism in parliament is the essence of our constitution.'

8.2.2 The Cabinet

The cabinet is 'the core of the British constitutional system.' It is the most important single piece of mechanism in the structure of the British government. It is the supreme directing authority of the government and the real ruler of Great Britain. It has been described as the central fact and the chief glory of the constitution.

The entire cabinet system is a product of convention. Great Britain is also known as a classic home of the cabinet system. Like its constitution, the cabinet has grown into its present form over the past three centuries or so and is largely a child of chance rather than that of wisdom. No one meticulously planned its development and yet it has grown and without it the British constitutional system is incomplete today.

Evolution of the Cabinet

The British cabinet is not recognized by law. It is a product of conventions and it has a long historical growth. The system of cabinet government is said to have emerged when the King was excluded from the meetings of the cabinet. This happened by accident in 1714, when George I ascended the throne. George I and George II did not know English language and therefore, were not much interested in the English affairs. Hence, George I ceased to attend the meetings of the cabinet and nominated Sir Robert Walpole to preside in his place. The cabinet discontinued the practice of meeting at the Buckingham Palace. It met at the House of the First Lord of the Treasury and the First Lord became the Chairman of the Cabinet. As chairman of the Cabinet, Walpole presided over the cabinet meetings, directed its deliberations and reported the decisions arrived at the cabinet meetings to the sovereign. He was not only a link between the cabinet and the sovereign, as a member of the Parliament, but he was also a link between the cabinet and the parliament. This new position and responsibility of Walpole, in effect, resulted in the origin of the office of the prime minister, though he himself hesitated to accept such a title. Simultaneously, this had given rise to collective responsibility of the cabinet. Differences among the members of the Cabinet were resolved inside the cabinet and

unanimous decisions were conveyed to the Sovereign. For twenty years, Walpole headed the government and his administration gave birth to all the essential characteristics of the present day cabinet system. It was Walpole who first administered the Government in accordance with his own views of political requirements. It was Walpole who first conducted the business of the country in the House of Commons. It was Walpole, who in the conduct of that business, first insisted upon the support for his measures of all servants of the Crown who had seats in the parliament. It was under Walpole that the House of Commons became the dominant power in the State, and rose in ability and influence as well as in actual power above the House of Lords. And it was Walpole who set the example of quitting his office while he still retained the undiminished affection of his King for the avowed reason that he had ceased to possess the confidence of the House of Commons. It was again Walpole who used No. 10, Downing Street as his official residence and it continues till today as the official residence of the British Prime Ministers.

George II followed the footsteps of his predecessor. George III (1760-1820) made a frantic attempt to revive the glory of the monarchy. Although he was partially successful in the initial stage of his reign, people strongly resisted his attempt. His insanity towards the last part of his reign, made his attempt futile and the Cabinet acquired its supremacy once and for all. In that century, the Cabinet system became well-established and crystallized. Collective responsibility, political homogeneity and accountability to the House of Commons have developed as major features of the Cabinet system during the 19th century. The 20th century has marked a climax of this system. It has developed the convention of appointing the Prime Minister from House of Commons since 1923. The Ministers of Crown Act of 1931 legally recognized the institution of the Cabinet. It is today an omnipotent body—an institution of expanding powers.

The cabinet and the ministry

Sometimes a distinction is made between the cabinet and the ministry. To an ordinary man, both the terms are synonymous, but these two terms denote two distinct parts of the government. Both are different from each other in their composition and functions. The cabinet is only an inner circle of the ministry. A ministry is a large body consisting of all categories of the ministers who have seats in the parliament and are responsible to the parliament. The cabinet, on the other hand, is a small body consisting of the most important ministers. In other words, all the members of the ministry are not the members of the Cabinet.

There are ministers of different ranks. They vary in nomenclature and in importance. First, there are some sixteen to twenty of the most important ministers, who are known as the cabinet ministers. They stand at the head of the executive and decide policies and issues of the government. Second, there are certain ministers who are designated as the ministers of cabinet rank. These ministers are not the members of the Cabinet, yet they are given the status of the Cabinet ministers. They are the heads of administrative departments and are invited to attend cabinet meetings when affairs of their respective departments are under consideration. The number of this category of ministers varies from government to government and it is left to the prime minister's discretion to decide.

Third, there are ministers of states who act like deputy ministers and they may be appointed in those departments where the work is particularly heavy and involves frequent visits abroad. These ministers usually work under the cabinet ministers.

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Lastly, there are parliamentary secretaries or junior ministers that are appointed almost in every department. Technically, they are not the ministers of the crown because constitutionally they do not enjoy powers. Their sole function is to help and relieve their senior ministers of some of their burdens by taking part in the parliamentary debates and answering parliamentary questions. They also assist their senior members in their departmental works. They are also known as ‘parliamentary under secretaries’ who are different from permanent under secretaries. A permanent under secretary is a senior member of the civil service in the government and he is non-political, permanent and paid.

All the above categories of ministers constitute the ministry and they are members of parliament and preferably belong to the majority party in the House of Commons.

They are individually as well as collectively responsible to the House of Commons and continue in office as long as they enjoy its confidence. The ministry may consist of about sixty to seventy members. It does not meet as a body for the transaction of business. It does not deliberate on matters of policy. The duties of a minister, unless he is a cabinet minister, are departmental and individual confined to the respective departments. Policy formulation is the business of the cabinet. The cabinet meets in a body but the ministry never meets so.

The cabinet is said to be the ‘wheel within the wheel.’ It consists of only a small number of senior ministers who, in addition to being in charge of important departments of the state, formulate the policy of the government and co-ordinate the working of all departments. The ministry is always a larger body, whereas the Cabinet is only a smaller one. The latter is an inner circle within the bigger circle of the former. The Cabinet officer deliberates and advises; the privy councillor decrees; and the minister executes. The three activities are easily capable of being distinguished, even though it frequently happens that the cabinet officer, privy councillor, and minister are one and the same person.

Organization of the Cabinet

Laski, British political theorist, observes, ‘The key-stone of the cabinet arch is the prime minister. He is central to its formation, central to its life and central to its death.’ The first step in the formation of the Cabinet is, therefore, the selection of the prime minister. It is now a well-established convention that the prime minister must be the leader of the majority party in the parliament.

As there is bi-party system, the choice of the prime minister is practically made by the electorate. From the legal point of view, the Monarch has to select the leader of the majority party in the House of Commons as the prime minister. In earlier days, the monarch was likely to have real choice in the matter but with the development of the bi-party system his choice became practically limited and he has no alternative but to invite the leader of the majority party in the House of Commons to be the Prime Minister. Once the Prime Minister is appointed, all other ministers are appointed by the Monarch on the advice of the Prime Minister. The Prime Minister has a free hand in forming the ministry. Neither the Monarch nor the parliament can influence him in the choice of his colleagues. Legally, he may not consult anyone except himself. Practically, he consults some of his leading party colleagues and followers. He should include the senior members of his party in the Cabinet. He must see that various age groups and interests are represented.

Further, the members of the Cabinet as well as the ministry must be taken from both the Houses of Parliament. According to Amery, 'No dictator, indeed, enjoys such a measure of autocratic power as is enjoyed by the British prime minister in the process of making up his cabinet.'

It may be pointed here that the prime minister is legally under no obligation to include any particular person in his cabinet. But in practice, some members of his party have such status and prestige that their inclusion in the Cabinet is most automatic. In 1929, James Ramsay MacDonald did not want Arthur Henderson to be the Secretary for Foreign Affairs but when Henderson refused to accept any other office, MacDonald had to yield. Another difficult task that the Prime Minister faces is the allocation of portfolios among his colleagues. There may be more than one claimants for the same post. The Prime Minister has to satisfy all shades of opinion in his party. He has a right to reshuffle his cabinet, when he likes.

In case of conflict between the prime minister and any of his colleagues, the latter has to yield before the former. There are no fixed rules regarding the size of the Cabinet. No two Cabinets either have the same size or consist of exactly the same ministers. As a general rule, the ministers in charge of important departments, such as the Chancellor of Exchequer, Lord Chancellor, the Secretary of State for Foreign affairs, the President of the Board of Trade the ministers of defence, labour and agriculture, are invariably included in the Cabinet.

In addition to these, a number of other ministers are also included in the Cabinet. The strength of the Cabinet varies, usually, from fifteen to twenty. It is alleged that a twenty-member cabinet is too large a body to make prompt and quick decisions. The idea of the war-cabinets during the last two World Wars has substantiated the above argument. In both the World Wars, the Prime Ministers, Lloyd George and Winston Churchill created the war-cabinet consisting of five ministers. The five-member war-cabinet was not merely a Committee of the Cabinet but the final authority regarding the prosecution of the Wars. Churchill said that 'all the responsibility was laid upon the five-war cabinet ministers. They were the only ones who had the right to have their heads *cut* off on Tower Hill, if we did not win. The rest could suffer for departmental shortcomings but not on account or the policy of the State.'

The idea of an inner-cabinet as a prototype of the war-cabinet was first proposed in the report of the Haldane Committee on the machinery of government. It would consist of a few members, four or five, and act like central nucleus within the Cabinet structure. In practice, often the Prime Minister consults a few important members of the Cabinet, instead of all the members in all important matters. This type of inner cabinet is a mere informal body. It is different from the 'war-cabinet'. The latter had official recognition and it was responsible for the conduct of war. The inner cabinet is only an informal institution. It neither supersedes the war-cabinet nor is responsible for any policy.

It is based more on expediency than on law. It is more an advisory body than a policy-making organ. Some of the recent writers, like L. A. S. Amery, have suggested to reduce the size of the Cabinet to half a dozen members or nearly so. These members will constitute a smaller cabinet consisting of important members of important departments. It will work more efficiently and quickly than a bigger body. This suggestion, however, has not found favour with others. There is apprehension that it may be a 'Super cabinet' and its members may be described as 'Over-Lords'. Herbert Morrison strongly repudiated the idea and concluded that 'a cabinet of a moderate size, say, sixteen to eighteen, which

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contains a limited number of non-departmental ministers and the rest departmental ministers, is probably the best'. A cabinet cannot discharge its function well without departmental ministers.

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Features of the Cabinet system

The cabinet system, as it is found in Great Britain, is based on certain recognized principles. The principles have been developed in course of time and these are based more on conventions than on law. The British cabinet is rightly described as 'one of the parts of the governmental machinery least governed by law'. However, the Cabinet occupies the most important place in the British constitutional system. The essential features of the Cabinet system are discussed below.

1. Exclusion of the Monarch from the Cabinet

The first essential feature of the British cabinet system is the exclusion of the Monarch from the Cabinet. The Monarch stands outside the Cabinet and he does not attend its meeting. He is neutral and above party-politics. Hence, he should not be involved in political matters. Although all executive actions are taken in the name of the Monarch, the monarch practically does nothing. The decisions are taken by the Cabinet and the Monarch acts on the advice of the Cabinet. This is a fundamental principle of the working of the Cabinet system in Great Britain and any deviation from it, would render the system unworkable. The practice of the exclusion of the Monarch from the Cabinet had developed since the reign of George I.

2. Combination of the executive and legislative functions

The second essential feature of cabinet system is the close cooperation between the executive and the legislature. All ministers are the members of Parliament. The Prime Minister and the members of the Cabinet belong to the majority party. As Heads of the Departments, the members of the Cabinet control the executive and as leaders of majority party, they also control the parliament. There is absence of strict separation of powers in a cabinet form of government. The situation is different in the American system which is based upon the principles of 'separation of powers' and where the executive is made independent of the legislature. In a parliamentary system, the ministers are not only the members of the legislature but also control the legislature. The cabinet, therefore, occupies a very important place and without close cooperation between the Cabinet and parliament, the governmental system cannot work. 'The whole life of British politics', rightly observed Bagehot, 'is the action and the reaction between the ministry and the parliament'.

3. Collective responsibility

In the third place, the Cabinet system is based on the principle of 'collective responsibility', which is said to be 'the corner-stone of the working of the British Constitution'. All ministers swim or sink together. For the wrong policy of the government, the entire cabinet is held responsible. The cabinet is responsible to the House of Commons and it continues in office as long as it enjoys the confidence of the latter. The cabinet works like a team and meets the parliament as a team. Its members stand or fall together. The collective responsibility of the Cabinet is enforced in the parliament through various methods like the vote of no-confidence, vote of censure and refusal to pass government bills. Whenever the Cabinet ceases to enjoy the confidence of the House of Commons, it may resign or advise for the dissolution of the House of Commons. In case of dissolution

of the House of Commons, a fresh election takes place. Thus, the collective responsibility has strengthened the solidarity of the Cabinet in the British constitutional system.

4. Ministerial responsibility

In the fourth place, the British cabinet system is also based on the principle of the 'ministerial responsibility'. L. A. S. Amery writes, 'The collective responsibility of ministers in no way derogates from their individual responsibility'. A minister is responsible to the House of Commons for his acts of omission and commission. Every act of the Crown is countersigned by at least one minister, who can be held responsible in a court of law, if the act done is illegal. The cabinet as a whole may not resign on the mistake of an individual minister. There are many instances when individual ministers have resigned for their personal errors. In the Attlee Government in 1947, Hugh Dalton, the then Chancellor of Exchequer, resigned because of his indiscreet revelation of some facts of the budget to a journalist.

5. Political homogeneity

In the fifth place, political homogeneity is another essential feature of the Cabinet system. The members of the Cabinet are preferably drawn from the same political party. The party which gets majority in the House of Commons is given the opportunity to form the Cabinet. The ministers belonging to the same political party hold similar views. The cabinet consisting of like-minded persons with similar objectives can work efficiently with more vigour and greater determination. Coalition ministry is also a rare phenomenon in the British constitutional system. Due to the bi-party system, coalition ministry is not much favoured in England. Though there have been occasional coalitions just like the National Government of 1931, yet these are few in number and are formed in extraordinary circumstances. Further, the coalitional government does not last long. Thus, political homogeneity adds strength to the principles of collective responsibility on which rests the entire structure of the British cabinet system.

6. Leadership of the prime minister

The sixth essential feature of the Cabinet system is the leadership of the Prime Minister. 'The Prime Minister' according to John Morley, 'is the key-stone of the Cabinet-arch.' Although the members of the Cabinet stand on an equal footing, yet the Prime Minister is the captain of the team. Other members are appointed on his recommendation and he can reshuffle his team whenever he pleases. He is the recognized leader of the party. He acts like an umpire in case of differences of opinion among his colleagues. He coordinates and supervises the work of various departments in the government. His resignation means the resignation of the entire cabinet as well as the ministry.

7. Secrecy of cabinet meetings

The last feature of the British cabinet system is the secrecy of the meetings of the Cabinet. The entire cabinet proceedings are conducted on the basis of secrecy. The members of the Cabinet are expected to maintain complete secrecy with regard to the proceedings and policies of the Cabinet. They take the oath of secrecy as per the Official Secrets Act. Legally, the decisions taken by the Cabinet are in the nature of advice to the monarch and cannot be published without his permission. Although meetings of the Cabinet may be held anywhere and at any time, they usually take place each Wednesday in the Cabinet room at 10, Downing Street. In extraordinary circumstances, there may be frequent meetings of the Cabinet. Emergency meetings may be summoned at any time.

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The establishment of a permanent cabinet Secretariat by Lloyd George III in 1917 has helped to write down the minutes of the proceedings and maintain secrecy. The secrecy of the proceedings of the Cabinet meeting helps to maintain collective responsibility and cabinet solidarity. Further, in order to strengthen the solidarity of the Cabinet, its decisions are not arrived at by voting for or against a proposal. The Prime Minister tries to know the views of the members and uses his influence to reach a common decision. The members of the Cabinet are free to express their views, but once a decision is taken, they solidly stand behind it. Thus, secrecy and party solidarity may be considered to be the last but not the least essential feature of the British cabinet system.

Functions of the cabinet

The cabinet occupies a unique position in the British constitutional system. Writers of the British Constitution have used colourful phrases to describe the position of the Cabinet in the political system of that country. It is described as the key-stone of the political-arch, the steering wheel of the ship of the State, the central directing instrument of government and the pivot round which the whole political machinery revolves. Bagehot is the first constitutional authority to emphasize the importance of the Cabinet in Great Britain. It occupies the central place in the political field and plays a dominant role in the governmental system. It has many functions and we may subdivide them for our convenience under the following headings.

- (i) **It decides the national policy:** The cabinet decides the major national policies to be followed in both home and abroad. All kinds of national and international problems are discussed in the Cabinet and decisions with regard to various policies are arrived at. It is the real executive of the State. As the real executive, the Cabinet defines the lines of the National Policy and decides how every current problem which may arise at home or abroad is to be treated. The individual ministers remain in charge of administrative departments. The cabinet decides policies and the respective departments execute them.
- (ii) **It is the principal custodian of executive powers:** The cabinet not only formulates and defines policies, it also executes them. It exercises the national executive power subject to the approval of the parliament. The fundamental requirement of good administration is that a policy should be clearly formulated and efficiently executed. The cabinet formulates policy as well as sees its execution. All the ministers, whether they are members of the Cabinet or not, have to execute the policies formulated by the Cabinet and implement laws enacted by the parliament. It is the duty of a minister to see that his department works well. He supervises the work of senior civil servants working under him and guides them in the implementation of government policies.

The cabinet is also responsible for the appointment of high officers of the State. The King is a mere nominal executive head, whereas the ministers are the real executive heads. Thus, the Cabinet is held responsible for every detail of the administrative work.

- (iii) **It controls and guides the legislative work:** Absence of strict separation of powers is a fundamental principle of the British Constitution. The members of the Cabinet are responsible to the House of Commons. The Prime Minister is the leader of the Cabinet as well as the leader of the House of Commons. The cabinet guides and largely controls the functions of the parliament. The ministers prepare, introduce and pilot legislative measures in the parliament. They also explain and urge the members to pass the bills introduced by them. Practically,

most of the time of the parliament is spent in consideration of the legislative proposals made by the Cabinet. All bills introduced by the Cabinet are generally passed due to the support of the majority party in the parliament. If a government bill is rejected, the entire cabinet resigns or seeks dissolution of the House of Commons. A bill opposed by the Cabinet, has no chance of becoming an Act. In fact, the Cabinet has become a miniature legislature and it is said that today it is the Cabinet that legislates with the advice and consent of the parliament.

- (iv) **It controls the national finance:** The cabinet controls the national finance. It is responsible for the entire expenditure of the nation. It decides as to what taxes will be levied and how these taxes will be collected. It finalizes the budget before it is introduced in the House of Commons. The Chancellor of Exchequer is an important member of the Cabinet. He prepares the annual budget and generally the budget is discussed in the Cabinet before its presentation in the parliament. Of course, he is not bound to reveal new taxation proposals to all the members of the Cabinet. However, the entire Cabinet works as a team and the Cabinet maintains secrecy in this matter. The Cabinet has a right to examine the pros and cons of various financial measures.
- (v) **It coordinates the policies of various departments:** The government is divided into several departments and it cannot be a success unless all the departments work in harmony and cooperation. That is why a careful coordination is required in administration. The Cabinet, in fact, performs this task. Proposals of various departments may be sometimes conflicting and contradictory. Hence, it is the responsibility of the Cabinet to coordinate the policies of various departments. While some measures of coordination can be achieved at lower levels by the departments concerned, the broad aspects have to be achieved at the Cabinet level. The Cabinet, therefore, prevents friction, overlapping and wastage in departmental policies and programmes. It co-ordinates as well as guides the functions of the government.

8.2.3 The Prime Minister

According to John Morley, the Prime Minister is the keystone of the Cabinet-arch. He holds one of the most powerful political offices in the world. His leadership, as stated earlier, is one of the essential features of the Cabinet form of government. Sir Ivor Jennings went a step further to describe the Prime Minister as the 'keystone of the constitution'. According to him, all roads in the constitution lead to the Prime Minister, from the Prime Minister to the queen, parliament, the ministers, the other members of the commonwealth, even the Church of England and the courts of law. The Prime Minister is by far the most important man in the country. He is also described as the master of the government. It is the peculiarity of the British Constitution that the man who holds such a high office has, strictly speaking, no legal sanction. The English law is very much silent with regard to the office of the Prime Minister.

Origin of the Office

The office of the Prime Minister, as stated earlier, is the result of a mere accident. Sir Robert Walpole was the first Prime Minister of England. As George I did not know the English language, and was not interested very much in British politics, he asked Walpole to preside over the Cabinet meetings. His successor, George II also followed the same precedent. The man who presided over the Cabinet meetings came to be known as the 'Prime Minister'. Of course, Walpole refused to accept the term 'Prime Minister' as he

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considered it as a derogatory one. It was only in 1878, for the first time, the term Prime Minister, was mentioned in the Treaty of Berlin, where Lord Beaconsfield was described as the *First Lord Of Her Majesty's Treasury, Prime Minister of England*. This was the first public document which contained the term.

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It was only in the parliamentary Act of 1906, the term Prime Minister was officially mentioned. This Act gave a definite rank to the Prime Minister by fixing the order of precedence in the State functions and made him the fourth subject of the realm. The Ministers of the Crown Act, 1937, gave a formal recognition to his office and allowed him to draw a salary of £10,000 per annum as the first Lord of the Treasury. Even today, the Prime Minister draws the salary as the first Lord of Treasury—a position without any function. The power and authority of the Prime Minister, therefore, much depends on constitutional conventions. The office has little legal status. It has more extra-legal sanction behind it. What Gladstone pronounced is true to a great extent that, 'nowhere in the wide world does so great a substance, cast so small a shadow; nowhere is there a man who has so much power, with so little to show for it in the way of formal title or prerogative.'

Selection of the Prime Minister

The selection of the Prime Minister depends essentially on the Monarch. During the 18th century, the royal choice was playing an effective role in such an election. It was a well-established rule that the Prime Minister must be either a Lord or a member of the House of Commons. All Prime Ministers since Sir Robert Walpole have been appointed from one of the Houses.

A convention has been developed since 1923 that the Prime Minister should belong to the House of Commons. In 1923, the King had to select either Lord Curzon or Stanley Baldwin as the Prime Minister. The former was a member of the House of Lords and the latter belonged to the House of Commons. Lord Curzon had greater cabinet experience than Stanley Baldwin. But the King finally selected Baldwin as the Prime Minister after due consultation with the prominent members of the party. As the Cabinet is responsible to the House of Commons and the House of Commons is more powerful than the House of Lords, it is natural to expect the leader of the majority party of the House of Commons to be appointed as the Prime Minister.

Further, the Prime Minister is responsible for the party organization and in the ultimate analysis; he is responsible to the electorate. Party activities are seen only in the House of Commons but not in the House of Lords. The precedent that the Prime Minister should belong to the House of Commons seems to be a sound one. It has become a well-established convention in England in the twentieth century.

Functions of the Prime Minister

The whole position of the Prime Minister, as stated above is based, not on law but on convention. The constitution is silent with regards to the office of the Prime Minister. His functions are many and varied. He has immense powers and considerable amount of prestige, which can, be seen from the following description of his functions.

(i) Formation of the ministry

The Prime Minister forms the ministry. With the appointment of the Prime Minister, the essential function of the Monarch is over, for it is left to the Prime Minister to select his ministers and present the list to the Monarch. The Monarch has no other alternative but

to appoint the ministers as recommended by the Prime Minister. Laski has rightly observed, 'He is central to its formation, central to its life, and central to its death'. The Prime Minister also has to select his cabinet colleagues. If the Prime Minister resigns or dies, it means the resignation or death of the whole ministry. The Prime Minister can change the members of the ministry at any time.

Although the Prime Minister has the sole authority to select any person as a minister, he may be influenced practically by many considerations. He has to accommodate the claims of the influential members of his party and include them in the Cabinet. He can request any of his colleagues to resign if he thinks that his presence in the ministry is prejudicial to either efficiency or stability of the government. He can also advise the King to dismiss a minister. Thus, the Prime Minister is the keystone of the Cabinet—arch and can make or unmake the Cabinet in any way he likes.

(ii) Distribution of portfolios

Distribution of portfolios is another important task of the Prime Minister. He has a free hand in allocating various departments to his colleagues. It is for him to decide the size of the Cabinet and the ministry. He has to select the ministers who are to be included in the Cabinet. Rarely his final selection is rejected. Of course, while distributing portfolios, he has to see that important members of the party do get important portfolios. He has to see that persons from different age groups are included. He has to satisfy the aspirants for the important portfolios. He has to look to amity and party solidarity in the formation of the ministry and in the distribution of portfolios. On the whole, his task is a real difficult one. As Lowell points out that, 'his work is like that of constructing a figure out of blocks which are too numerous for the purpose and which are not of shapes fit perfectly together'.

(iii) The chairman of the Cabinet committee

The Prime Minister is the Chairman of the Cabinet Committee. He convenes the meetings of the Cabinet and presides over them. He is to fix the agenda of the meetings and it is for him to accept or reject proposals put by its members for discussion in such meetings. The ministers are individually responsible to him for good administration of their respective departments. He may advise, warn or encourage them in discharging their functions. He is the head of the Cabinet. He acts as the Chairman of various standing and *ad hoc* Committees of the Cabinet. In short, he acts as the chief guide to the Cabinet.

(iv) Leader of the House of Commons

It is now an established convention that the Prime Minister should belong to the House of Commons. He represents the Cabinet as a whole and acts as the leader of the House. He announces the important policies of government and speaks on most important bills in the House of Commons. He is responsible for the arrangement of business of the House through the usual channels. He may delegate this power to anyone of his colleagues and in that case, the concerned member acts as the Leader of the House. It is often done in order to relieve him of much of his burden. But this delegation does not deprive the Prime Minister of his function as the Leader of the Government. The members of the House look to him as the fountain of every policy.

(v) Chief coordinator of policies

The Prime Minister is the chief coordinator of the policies of several ministries and departments. He has to see that the government works as an organic whole and activities

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of various departments do not overlap or conflict with one another. He has to keep an eye over all the departments. The functions of the government have expanded so widely and its activities have become so complex that this work of coordination has become a very difficult task for the Prime Minister. Unless he has sharp intelligence and great perseverance, he cannot exercise the function of coordination as well as supervision effectively. In the case of conflict between two or more departments, he acts as the mediator. He irons out conflicts among various ministries and various departments. Thus, he plays a major role in coordinating the policies of the government.

(vi) Sole advisor to the Monarch

The Prime Minister is the sole adviser to the Monarch. The Prime Minister communicates decisions of the government to the Monarch. He is the only channel of communication between the Monarch and the Cabinet. If the Monarch does not accept the advice of the Prime Minister, the Prime Minister may resign. As long as the Prime Minister enjoys the confidence of the majority of House of Commons, it is not possible for the Monarch to dismiss him. On certain occasions, he may act as a personal advisor to the Sovereign. He also carries the opinion of the King to his colleagues and thus acts as a link between the Sovereign and the Cabinet. He advises the Sovereign in matters of appointment and in other matters of national importance. He recommends the names of persons on whom the honours can be conferred. He is also responsible for a wide variety of appointments and exercises considerable patronage. He also has the power to advise the King to create peers. Thus, he has a legal right to access the Sovereign which other members of the Cabinet ordinarily do not possess. For this reason, he frequently visits the Buckingham Palace to meet the Monarch. He acts as the sole link between the Cabinet and the Sovereign.

(vii) Leader of the nation

The Prime Minister is not only the leader of the majority party but also the leader of the nation. A general election in England is in reality an election of the Prime Minister. He should feel the pulse of the people and try to know the genuine public opinion on matters which confront the nation. He is the chief spokesman of the government policies in the House of Commons. He is the recognized leader of the nation and his appeal to the people in critical times saves the nation. Sometimes, in emergencies, he may take action without consulting the Cabinet. To cite an example, the Disraeli Government purchased the Suez Canal shares and consulted the Cabinet later. People look at 10, Downing Street, the official residence of the Prime Minister, with great expectations particularly in critical periods.

(viii) Power of dissolution

The Prime Minister possesses the supreme power of dissolution and it is his sole right to advise the Monarch to dissolve the House of Commons. In other words, the members of the House of Commons hold their seats at the mercy of the Prime Minister. No member likes to take the risk of elections and the threat of dissolution rather compels the members to be subservient to the Prime Minister. The controversy whether the Monarch can refuse a dissolution has already been referred to. It is difficult to imagine a situation in which the monarch can refuse dissolution to a Prime Minister. During the last one hundred years, there has been no instance of a refusal of the dissolution by the Monarch when advised by the Prime Minister. Laski is of the opinion that this royal prerogative is as absolute as the royal veto power. Of course, the Prime Minister should consult the Cabinet before advising for dissolution.

(ix) Other powers

The Prime Minister possesses wide powers of patronage, including the appointment and dismissal of ministers. A large number of important political, diplomatic, administrative, ecclesiastical and university appointments are made by the Monarch, on his recommendations. He may occasionally attend international conferences. He meets the Commonwealth Prime Minister in regular conferences. He may meet the Heads of other Governments at the summit talks and discuss the international problems. The Prime Minister often discharges these functions without consulting the cabinet. To give an example, during the Second World War, Winston Churchill made a speech in 1941 offering assistance to the Soviet Union without consulting the Cabinet and he pleaded that consultation with the Cabinet was not necessary. When the Prime Minister acts as such, the Cabinet finds it difficult either to accept or to reject the policy announced by the Prime Minister. If the cabinet rejects, there is risk of losing its leader and the final risk of having a general election. The practice of non-consultation with the Cabinet in announcing an important issue by the Prime Minister is against the principle of collective responsibility and solidarity of the Cabinet. Both the extremes should be avoided. The above example is a rare phenomenon in the British Cabinet system. The solidarity of the Cabinet and the prestige of the Prime Minister should be always reconciled.

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Position of the Prime Minister

The Prime Minister holds a key position in the British Constitutional system. The description of the above functions and powers makes it crystal clear that the Prime Minister is ‘the pivot of the whole system of the government’. The general accepted theory as Lord Morley observed, is that, the Prime Minister is just like *primus inter pares* or ‘first among equals’. He writes, ‘Although in cabinet all its members stand on an equal footing, speak with one voice, and on the rare occasions when a division is taken, are counted on the fraternal principle of one man and one vote, yet the head of the Cabinet is *primus inter pares* and occupies a position which so long as it lasts is one of the exceptional and peculiar authority.’

Lord Morley also describes him as ‘the key-stone of the Cabinet–arch’. Both these descriptions of Lord Morley seem to be inadequate. Ramsay Muir considers the first description as nonsense, when ‘applied to a potentate who appoints and can dismiss his colleagues. He is, in fact, though not in law, the working head of the State induced with a plentitude of powers as no other constitutional ruler in the world possesses, not even the President of the United States’. The phrase *primus inter pares* is too modest to describe such a powerful office.

In relation to other members of the Cabinet, the Prime Minister occupies a superior position, a position of an undisputed leader. Even the description of the Prime Minister as ‘the key stone of the Cabinet–arch’ is considered inadequate by Sir Ivor Jennings. He rather regarded the office as ‘the key-stone of the constitution’. Sir William Harcourt used the Latin phrase when he described the Prime Minister as *luna inter stellas minores*, i.e., ‘moon among lesser stars’. Although this description explains the position of pre-eminence of the Prime Minister of England, Sir Ivor Jennings goes a step further and describes him as ‘a Sun around which other planets revolve’.

In fact, the Prime Minister is like the sun around which other planets revolve, and without him the ministers have no existence. He is considered to be the most important person in the government and nothing can take place without his knowledge. Nothing can also happen against his will. His personality is felt in every department of the

government. Very few persons in the world can carry with them greater powers than the British Prime Minister. The Prime Minister is considered to be an acknowledged and undisputed leader of the nation. His office gives him a national standing which none of his colleagues assume.

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As Laski has observed, 'A general election is nothing so much as plebiscite between two alternative Prime Ministers.' In fact, elections in England have become an issue of personalities and voters are asked to choose the Prime Minister of the nation. The result of this type of elections has added strength and vitality to the office of the Prime Minister. There is a tendency for the increase of the powers of the Prime Minister. The root cause of this can be traced back to the Reform Act of 1867, which had democratized the House of Commons and put emphasis on election.

With the growth of the party system and rigidity in party discipline, the Prime Minister has become both the leader of the nation and the leader of the party. He appeals to the electorate not as an individual but as a leader of the party. No minister or no member of the party can take the risk of challenging the authority of the Prime Minister as it may be suicidal to the political ambitions of the former. This has enabled the Prime Minister to dictate his policy within reasonable limits.

Recent developments in the field of science and international relations have also increased the importance of the Prime Minister. Radio and television focus maximum attention on the Prime Minister than any other politician. In the international field, the Prime Minister attends various summits and conferences and has a very significant position in the implementation of policies. Ultimately, when the Cabinet office and cabinet committees were created, they helped to increase the powers of the Prime Minister. Most of the important administrative work is carried out through the cabinet office. As the Chairman of various cabinet committees, the Prime Minister is in a position to know various problems.

On the whole, he is now in a greater position to supervise and to control the administrative machinery of the country. Considering all these facts, Sir Ivor Jennings observes, 'A Prime Minister wields an authority that a Roman Emperor might envy or a modern dictator strives in vain to emulate'. Undoubtedly, the Prime Minister holds a position of an undisputed supremacy. But it is said by Lord Oxford and Asquith in 1921, 'The office of the Prime Minister is what its holder chooses to make it'. Defined powers legally conferred do not always determine the position of an officer. The personality of the incumbent of the office is more important. If the Prime Minister is dynamic, efficient, capable, strong and possesses exceptional qualities, it is difficult for his colleagues to oppose him. He may exercise immense powers by virtue of his dynamic personality. When asked what are the qualities required for a good Prime Minister, Pitt, the Younger (a former British Prime Minister) replied, 'Eloquence first, then knowledge, thirdly toil and lastly patience'.

With similar views, Laski suggested 'dexterity and the power to rule men' are the additional qualities needed for an efficient Prime Minister. Further, he should have a dynamic personality to appeal to the people. Jennings rightly observes, 'Since his personality and prestige play a considerable part in moulding public opinion, he ought to have something of the popular appeal of a film actor and he must take some care over his makeup like Mr Gladstone with his collars, Mr Lloyd George with his hair, Mr Baldwin with pipes, and Mr Churchill with his cigars. Unlike a film actor, however, he ought to be a good inventor of speeches as well as a good orator. Even more important perhaps is his microphone manner, for few attend meetings but millions look to broadcast.' The

actual position of the Prime Minister varies according to his personality and the extent to which he is supported by his colleagues.

The office of the Prime Minister, to quote Jennings again, is necessarily ‘what the holder chooses to make it and what other ministers allow him to make it’. As he is not a Caesar or a God whose authority cannot be challenged. He is just like the captain of the Cabinet team. Just like a game cannot be played by the captain alone, likewise the game of politics cannot be played by the Prime Minister alone. He has to work with the Cabinet. Palmerstone once said that ‘the Premier’s practical power and importance in his government inevitably tend to be diminished when the principal offices are filled by conspicuously energetic and able men’. There have been Prime Ministers like Pitts, Peel, Disraeli, Gladstone, Lloyd George and Churchill who had possessed dynamic personalities and exercised tremendous influence in administration. On the other hand, there have been mediocre Prime Ministers like New Castle, Liverpool, Campbell, Bannerman and Attie. These Prime Ministers had little influence in administration. Thus, the office is actually what the holder makes it.

Often a question is raised, ‘Can the Prime Minister be a dictator’? As he possesses a vast amount of powers in his hand his position can be compared to that of a dictator. He effectively controls not only the Cabinet but also the House of Commons. In a bi-party system when the Prime Minister is assured of a stable majority in the House of Commons, he can easily get his legislative and administrative measures approved in the parliament. In war and emergencies, he arrogates himself many special powers which may not be inferior to that of a dictator. It may be contended that he forms a temporary dictatorship after getting the mandate from the people. The above contention, though seems logical, is not possible in a classic well-established democratic system like Great Britain. The House of Commons has been a citadel of British liberty. Public opinion is very strong in England. The activities of the Prime Minister are subject to serious criticism both inside and outside the parliament. Her Majesty’s Opposition acts as an effective force to check the dictatorial ambition of the Prime Minister. Outside the parliament, the Prime Minister’s activities are also subject to serious criticism from free press and free people. Finally, the election acts as a deterrent on the dictatorial path of the Prime Minister. But in view of the tremendous powers enjoyed by the Prime Minister, he may be described as a constitutional dictator or a dictator by consent. To conclude with Finer, the Prime Minister, ‘is not a Caesar, he is not an unchallengeable oracle, his views are not dooms, he is always on sufferance and its terms are whether he can render undoubtedly useful services. At any time a rival may supplant him.’

Prime-ministerial government

In view of the vast powers exercised by the Prime Minister, some critics observed that there is Prime Ministerial form of Government in England. R. H. S. Crossman writes, ‘The post-war epoch has seen the final transformation of the cabinet government into Prime Ministerial Government. Under this system the “hyphen which joins, the buckle which fastens, the legislative part of the State to the executive part” becomes one single man.’ Even in Bagehot’s time it was probably a misnomer to describe the Premier as Chairman, and *primus inter pares*.

His right to select and remove his own Cabinet, his power to decide the agenda of the Cabinet, his right to announce the decisions of the Cabinet, his right to advise the Monarch for dissolution, his power to control the party members for the sake of discipline—all this has given him near presidential powers. Every Cabinet minister has

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become, in fact, the Prime Minister’s agent or his assistant. No minister can take an important move without consulting the Prime Minister. It may be said that the Cabinet has become a Board of Directors and the Prime Minister, a General Manager or a Managing Director. Important policy decisions are often taken by the Prime Minister alone or after consulting one or two Cabinet ministers. The repeal of the Corn Law in 1846 was done by the personal initiative of Peel. The invasion of Suez in 1956 was decided by Eden in consultation with his few colleagues and the Cabinet was informed in the last moment before Israel attacked Egypt. Harold Wilson reached the final decision to dissolve the House of Commons in 1966 without consulting the Cabinet. Once the Prime Minister announces his policy or takes a step, his followers have little chance to oppose him, for it may endanger party solidarity and stability of the government. Herbert Morrison and some other critics refute the thesis of establishment of Prime Ministerial Government in England. They hold the view that ‘the Cabinet is supreme’ and the Prime Minister is not the master of the Cabinet. He cannot ride roughshod over the desire of the Cabinet. As the captain he must carry the whole team with him. A team is weak without a captain and there can be no captain without a team. Both should work in mutual cooperation and perfect harmony. Hence, the Prime Minister is like an executive chairman.

The above two views seem to be extreme and the real truth lies in between these two views—Prime Ministerial powers with political circumstances and with personalities of the persons concerned. The Prime Minister is, no doubt, more powerful than any cabinet minister. However, it cannot be said that he is more powerful than the whole cabinet. He has to carry the whole cabinet with him.

8.3 THE US PRESIDENT

The US constitution has bestowed all executive powers in the hands of the President. The President is the Chief Executive Head of the state in the US. His powers are so vast and supreme that he is often considered to be the most dominant ruler in the world. There are presidents in parliamentary democracies also, but those presidents are nominal executives. They have to work as per the advice of the cabinet and are answerable to the legislature. India is a great example of one such democratic nation. The president in the US is the real executive. He and his cabinet are not answerable to the legislature. He is the supreme authority in the executive vicinity. His cabinet is actually a personal team to advise him. This team is neither responsible to the legislature nor does it have any collective responsibility. The constitution has given powers to the President and made him the real executive.

Harold Joseph Laski, an English political theorist, has rightly remarked. ‘There is no foreign institution with which in any sense, it can be compared because basically there is no comparable foreign institution. The President of the US is both more or less than a king; he is also both more or less than a prime minister.’

Election Procedure

The President is indirectly elected by an electoral college of each state. Each state elects the electors who are equal to the number of senators and representatives in the Congress, from the state concerned. The presidential electors are elected directly by the people. They meet in each state and cast their votes on the day fixed for presidential election. The election of the President of America goes by the calendar.

Check Your Progress

1. Who is the head of state in Great Britain?
2. Who is the head of the government in Great Britain?
3. Which constitution in the world is known as the mother of all parliaments?
4. What is the first step in the formation of the Cabinet in UK?
5. In UK, who is the sole advisor to the Monarch?

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The presidential electors (Electoral College) are elected on Tuesday after the first Monday, in November of every leap year. These electors meet in the capital of each state, on the first Monday after the second Wednesday in December. They record their votes for their presidential candidate. Then each state sends a certificate of election to the chairman of the Senate. On 6 January, the Congress meets in a joint session and votes are counted. The candidate, securing absolute majority gets elected. The new president is sworn to office on 20 January. In case no candidate secures an absolute majority of votes, then the House of Representatives is authorized to elect one among the top three candidates, who have secured the highest number of votes. If this method does not succeed, then after 4 March the vice-president will automatically succeed to the presidential office.

Qualification for US Presidency

The constitution states that a candidate for presidency should have the following qualifications:

- He should be a natural born citizen of the US.
- He must be at least 35 years of age.
- He must be a resident of the US for 14 years.

Term

The US President is elected for a term of four years. He can be re-elected for another term and according to the convention, no president can contest an election for a third term. Earlier, George Washington, the first President of US was elected twice and the third time he refused to contest election though there was no restriction on re-election in the constitution at that time. After this incident, it became a convention but this convention was broken during Second World War when President Roosevelt was elected four times. His fourth term was in 1944. In 1945 he expired. However, the 22nd amendment of the constitution (1952) fixed the total term for any president at ten years. Normally, a candidate cannot be re-elected for the third time. In case a candidate (vice-president) has succeeded a president after two or more than two years of his term, the vice-president succeeding him will have two chances to contest an election. In any case, the term should not exceed ten years.

The Succession

The constitution has no say on the issue of succession to presidency, in case the office falls empty due to death or resignation of the president and the vice-president. In 1947, an act that was passed says that under such circumstances, the succession after the vice-president would be in the following order:

- (i) The speaker of the House of Representatives
- (ii) The president pro-tempore (for the time being) of the Senate
- (iii) The secretary of the state followed by other members of the cabinet

In case the office of the president falls vacant due to his incapacity or disability, either the president should have given in writing that he is incapable of managing the office or the vice-president and the majority of heads of executive departments should have sufficient reasons to believe that the president is disabled to discharge his duties. This declaration should be sent to the Congress to that effect.

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Removal of the President

The President of the US can be removed only by impeachment on the ground of gross misconduct or high crimes. Impeachment is not a very easy task. The Lower House frames the charges and the Senate acts as a judicial tribunal for impeachment. Its meetings are presided over by the Chief Justice of the Supreme Court. The penalty cannot be more than the removal of the President from office and his disqualification from holding any office of trust and responsibility under the American government.

Immunities

In the US, the President cannot be arrested for any offence and he cannot be summoned before any court of law. He loses all immunities only when he is impeached.

8.3.1 Powers and Functions of the President

The President of the US is the most powerful authority. He commands high respect and backing in the country. The constitution has given limited powers to the President but in course of time, due to several factors, this office assumed boundless powers in all areas of administration. The President enjoys enormous executive, legislative, financial and judicial powers, which can be discussed as follows:

(a) Executive Powers

Some of the executive powers of the President, as per the constitution, by interpretation of the Supreme Court and by customs and conventions, can be summed up as follows:

1. As chief administrator: The President is the chief administrative head of the nation. All administrative functions are carried out in his name. He is responsible to implement the federal laws in the country. He is accountable to see that the laws of the constitution and the decisions of the courts are enforced and implemented. He must see to it that the constitution, life and property of the people of the US are protected. He executes treaties with the consent of the senate and agreements with other countries and protects the country from foreign invasion.

He is also responsible for maintaining peace and order in the country. In case there is breakdown in the governmental machinery in any state, he can act on his initiative and bring the state back to normalcy. In the discharge of these enormous responsibilities, he can make use of the defense forces, civil services, police, etc. For example, John F. Kennedy sent federal troops into the University of Mississippi in 1962 to prevent non-compliance with the order of a federal court, on reconciliation of Black students.

2. As commander-in-chief: The President is the supreme commander-in-chief of the armed forces of the US. He is, as a result, accountable for the defense of the country. He appoints high officials of the army with the support of the senate and can also remove them at will. He cannot declare war because this power is in the hands of the Congress but he can create a situation with his administrative insight, where the declaration of war becomes inevitable.

Once war is declared, the military powers of the President increases tremendously. He is given enormous funds to look after the military operations. Many times, presidents have taken advantage of this power and involved the US troops in undeclared wars with other countries.

(b) Delegated Legislation

As it is, the President is constitutionally very powerful. He has legislative authority in the form of executive power. He can make many rules through the passing of executive orders. Many presidents have made widespread use of this authority. In addition to this, the recent entry of delegated legislation has empowered the president absolutely. Delegated legislation is when the Congress makes laws in a skeletal form, creates a general outline and leaves the details to be filled in by the executive.

(c) Financial Powers

The Congress is the custodian of the nation's finances. However, the President also plays a central role in the financial matters of the country. The budget is prepared under his supervision and directions by the bureau of budget. High level technicalities are applied by the bureau while preparing the budget. After the budget is presented before the Congress, it has the power to amend the budget, but normally they avoid disturbing the budget with amendments because of the technicalities involved. Another reason for avoiding amendments is that the Congress does not have any skilled person to set right the disturbed budget; therefore the budget is passed as it is presented.

(d) Power of Patronage

The President has huge powers of patronage. He appoints a large number of federal officers in superior and inferior services. The senators and the representatives would always like to be in the good books of the President.

Limitations on the Powers of the President

The vast powers and liberties have made the presidency in America quite magnificent and it looks as if he can become a dictator at any time but the situation is not so. The fathers of the constitution adopted the doctrine of Separation of Powers while framing the constitution; hence there are lots of checks on the powers of the President to balance the situation. Some limitations of his executive powers are as follows:

(i) Harmonious working is difficult

The President of America does not have the power to initiate a bill or participate in the deliberation of a bill in the legislature. The ideology of Separation of Powers has kept the executive and legislature in separate impermeable compartments.

(ii) Difficulty in executing his policies due to dependence on the Congress

The Congress is the only law-making body and the President has to depend on it for laws to be passed. At times, he is helpless as the Congress may not pass the necessary legislation for the smooth running of his administration. Therefore, he has to struggle a lot and alternate to other areas of power to get his things done. Furthermore, he depends on the Congress for finances. It is the Congress which is the custodian of the national revenue. Though, the budget is prepared under the supervision of the President, but nonetheless, the Congress has the power to bring changes in the budget and the President has to accept it.

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(iii) Senatorial approval

Senatorial approval is a big obstacle in the president’s administration. The constitution has provided that all federal appointments made by him are to be ratified by the senate, before they come into the forefront. Here also, the President does not have exclusive powers; he is under the check of the senatorial courtesy.

(iv) His veto can be nullified by the Congress

- The President can use his veto power against a bill that is sent by the Congress. He can veto a bill within 10 days and send it back to the Congress. However, if the vetoed bill is re-sent with 2/3rd majority, then the President has to approve it.
- When the Congress is in session and the President does not send the approved bill back to the Congress in ten days, then the bill is considered to be passed without his signature.
- The President has the power for pocket veto. Even here, the Congress has more power. It will not send any important bill to the President for his signature during the last ten days of the session as the President cannot use pocket veto in these situations.

Limitations of Holding an Elected Office

The President of America is not an inherited authority; he is elected by the people because of his good qualities. He has to follow the democratic values and sustain his image to be re-elected for the second term.

Limited Tenure

The President is elected for a short term of four years or at the most for one more term. He cannot contest election for the third term. Due to this limitation, he cannot execute a long-term programme, which according to him will be good for the nation.

Constitutional Limitations

The President has to act within the structure of the constitution, which also puts limitations on his free exercise of powers.

8.3.2 The Presidential Cabinet

The American constitution does not make any provisions for the cabinet. The so called cabinet is the product of the customs and the laws that are passed by the Congress. The term ‘cabinet’ came into use during president George Washington’s term in 1793. He used to seek advice from his four secretaries, whom he called his confidential advisors and later this body came to be called the cabinet.

The American cabinet is totally different from the parliamentary cabinets in other countries. It is an extra constitutional and extra statutory body. It is an advisory body to aid and advice the President in the discharge of his duties. Eventually, separate departments of the administration were made under the charge of one advisor each. They are called secretaries and these secretaries are the heads of the departments and at the same time, the President’s advisers. They are collectively known as the President’s cabinet.

The secretaries are appointed by the President on the advice of the senate. Generally, the senate does not hinder the President’s selection of secretaries. The President

has exclusive authority to remove the secretary, if the former is not happy with his work. Initially, the cabinet started with three departments. State, treasury and war departments; now, there are fifteen such departments. All these departmental heads comprise the cabinet. Their appointment is made by the President. He does not have any restriction on the selection of secretaries. While selecting a secretary, he gives preference to experience, ability and geographical situations. He can even appoint people from opposition if he feels they can be the best advisors. George Washington tried it but failed because the advisors from the opposition created many hassles for him in his administration and finally he had to reject them and select people from his own party. Since then, it has become a convention that the President selects advisors from his own party for political homogeneity.

Meetings

The cabinet ordinarily meets once a week. There are no formal rules for the meetings. The President only decides the matters to be discussed in the meetings. Meetings are held in his room in the White House. There are fair and frank discussions in the meetings but no official record of these meetings is maintained. The proceedings are kept confidential. The decisions of the cabinet are announced as the decisions of the President only.

Responsibility of the cabinet

The cabinet in America is called the official family of the President. It does not have any independent powers or prestige. It is not a policy making body. The cabinet does not have individual or collective responsibility. The President cannot give any responsibility to the cabinet. He is the creator and destroyer of the cabinet. The cabinet does not have any legal sanction. It is dissolved with the departure of the President.

Responsibility of the Secretaries

As the heads of different departments, the secretaries are individually accountable to the President for their functioning in the departments. Consecutively, for efficient administration in their individual departments, they are assisted by junior secretaries.

Organization of the Department

Each department is divided into bureaus which are headed by a commissioner or a bureau chief. The bureau is further divided into divisions. It is the duty of the secretary of the department to see that his department works competently with full assistance and harmonization between bureaus and units of division. They are not accountable to the legislature for their actions. They are only answerable to the president. But, Congress can summon any secretary for explanation, when there is a need to do so, or when the Congress constitutes an investigation committee to investigate the complaints received against any department. The secretary is called to get information or clarification and not for accountability.

Position of the Cabinet

The position of the American cabinet is what the President makes it. It is formed only to assist and advice the President but it is up to the President to accept the advice or not.

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Check Your Progress

6. Who is the Chief Executive Head of the state in the US?
7. How is the US president elected?
8. Who is the custodian of the finances in the US?
9. What is the tenure of the president of America?
10. How did the term 'Cabinet' come into existence in the US?

8.4 THE EXECUTIVE IN CHINA

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The President of the People's Republic of China (PRC) is one of the most powerful persons in the whole world. His powers are often compared to the American President. A survey stated that the former President Hu Jintao was the most powerful man in the whole world. He was ranked ahead of the former American President Barack Obama, which came as a surprise to many.

The President of the People's Republic of China is chosen by the National People's Congress. The function was adorned by the Constitution of 1954. The same year, Mao Zedong was appointed as the President of the People's Republic of China.

History

Mao Zedong was without a doubt the uncontested leader of the Communist Party of China, throughout the period 1949–57. Mao's paramount position within the party was already indisputable by the mid-1940s. Not only was Mao the subject of a major personality cult, but by 1943 his leading colleagues restrained doubts about his theoretical capabilities and in 1945 'the thought of Mao Zedong' was enshrined in the Communist Party of China's new constitution. Furthermore, despite the emphasis of party rules on collective leadership, Mao was granted formal powers to act unilaterally in certain cases.

The basis of Mao's rapidly increasing power was the success of party's strategies and policies after the start of the Sino–Japanese War in 1937, which he had shaped more than any other leader. The conclusive success of these strategies and policies further boosted his ultimate authority since 1945–1949. Much as the victory of 1949 deepened party unity, it also solidified Mao's authority.

Mao's authority was further improved by his major initiatives in the period 1949–57. The chairman apparently took such initiatives on only three occasions during these years. The first, in October 1950, concerned China's response to the northwards march of American forces in Korea. On that occasion, Mao seemingly overrode reservations of the great majority of his associates concerning costs and dangers. He secured their consent and ordered the involvement of Chinese troops in war.

Although the costs of China's Korean venture were indeed high, the advantages that were achieved in security and international peace were widely recognized as outweighing these costs and thus strengthened Mao's reputation for political insight. The second instance was the chairman's initiative to speed up the pace of agricultural cooperation in mid-1955 despite an official decision that was taken a few months earlier to tamper the rate of growth. The ensuing basic achievement of collectivity by the end of 1956, once again appeared to demonstrate Mao's insight. Mao's efforts to promote intellectual criticism of the party, through the Hundred Flowers movement in 1956–57, was not successful. Still, the damage to his prestige was minimized by his sudden shift of position in mid-1957.

Both, the broader achievement of the initial period and the specific successes of the Korean expedition rendered Mao's position strong in spite of the setback of the Hundred Flowers. The chairman's strength was symbolized in his moves, to divide the leadership into two fronts. Under these arrangements Mao would retreat to the 'second front', where he could contemplate matters of theory and overall policy, while being separated from daily operations. Such steps indicated a great level of confidence as well as substantial faith in his leadership.

The fact of Mao's unchallenged authority was the key player of the entire structure of elite stability. Apart from the decisive initiatives, Mao served as the final arbiter of policy disputes when his associates were unable to reach a consensus. Under these circumstances, policy advocacy to a substantial degree was aimed at winning the chairman's approval rather than functioning as a tool in the pursuit of supreme power.

Although Mao's authority made leadership unity possible, by no means did it assure unity. Mao's unpredictable behaviour would worsen existing elite tensions. During the period 1949–57, Mao directed his efforts to increase the unity among elites by adhering to the standards of a unified leadership. This was broadly implemented by emphasizing ability and achievement as criteria for leadership. Unlike others, Mao did not create discord among his colleagues, nor did he demand that they have close factional links with him. Instead, the ranking members of the ruling elite were men of talent and major figures in the history of the Communist Party of China, in their own right.

Liu Shaoqi had quite a distinct career involving work in the so-called white areas behind enemy lines, while Zhou Enlai, the third ranking figure and a leading government administrator, had even opposed Mao in the early 1930s. Though Mao reserved the right to collective leadership, it did not mean that the simple majority had the right to rule. In the early and mid-1950s, policies were generally based on a variety of factors. All the concerned officials were consulted while making decisions.

8.4.1 President, his Functions and the Vice-President

The National People's Congress (NPC) elects the president of the People's Republic of China. The same body also elects the Vice-President. Those citizens of China, who have reached 45 years of age, who have voting rights and are eligible to contest elections can apply for the presidential elections. The president's term of the office of the PRC, is similar to the term of the office of the NPC. His tenure cannot extend beyond two successive terms.

The President of the People's Republic of China, in accord with the judgments of the National People's Congress and the standing committee of the NPC, assigns and eliminates the Premier, Vice-Premiers, Ministers in charge of ministries, or commissions, State Councilors and the Auditor-General and the Secretary-General of the State-Council. He promulgates statutes, honours state medals and titles of honour, issues orders of pardon, announces martial law, declares a state of war and also declares recruitment orders.

The Chinese President receives foreign diplomatic delegates on behalf of the PRC with pursuance of assessments of the standing committee of the NPC. He assigns and summons plenipotentiary representatives overseas and sanctions and abrogates treaties along with significant contracts. These are accomplished with foreign nations. The Chinese vice-president helps and supports the president. The vice-president of the PRC may implement fractions of the tasks and authorities of the president which are assigned to him by the president. The Chinese president, along with the vice-president executes his/her powers and authorities till the successive NCP elects the new president and vice-president and they take charge of their office.

In a situation where the President of the PRC remains unoccupied, the vice-president is supposed to automatically succeed to the presidential office. In case the vice-president's office falls vacant, the NCP shall elect a new vice-president to fill his/her position. In case both the offices of president and that of the vice-president remain unoccupied, the NCP will elect a new president along with a new vice-president.

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The chairman of the standing committee of the NCP shall act as the President of China for the interim period.

Except for the first President, all succeeding presidents have been married men. The names of the Presidents and their wives are listed as follows:

- Xi Jinping: Peng Liyuan (2013-present)
- Hu Jintao: Liu Yongqing (2003-2013)
- Jiang Zemin: Wang Yeping (1993–2003)
- Yang Shangkun: Li Bozhao (1988–1993)
- Li Xiannian: Lin Jiamei (1983–1988)
- Liu Shaoqi: Wang Guangmei (1959–1968)
- Mao Zedong: Jiang Qing (1954–1958)

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Check Your Progress

11. Fill in the blanks.
- (a) _____ is the current President of the People’s Republic of China.
- (b) The _____ of the People’s Republic of China is chosen by the National People’s Congress.
12. State whether the following statements are true or false.
- (a) The National People’s of China elects the Vice-President of China.
- (b) Except for the first President of China, all succeeding presidents have been married men.

8.5 SUMMARY

- The British governmental system is being acknowledged as a parliamentary monarchy which means that the country is ruled by a monarch whose powers are governed by constitutional law.
- The British Constitution, the oldest of all the constitutions of the world, is considered as ‘the mother of all parliaments’.
- Great Britain is the classic home of parliamentary form of government. The most characteristic feature of the parliamentary form of government is the responsibility of the executive to the legislature.
- Absence of strict separation of powers is another important feature of parliamentary form of government.
- The chief characteristic of the British party system is the existence of two well-organized and more or less equally balanced parties which dominate the political arena.
- The cabinet is ‘the core of the British constitutional system.’ It is the most important single piece of mechanism in the structure of the British government.
- The British cabinet is not recognized by law. It is a product of conventions and it has a long historical growth.
- There are ministers of different ranks. They vary in nomenclature and in importance.
- It may be pointed here that the Prime Minister is legally under no obligation to include any particular person in his cabinet.
- The cabinet system, as it is found in Great Britain, is based on certain recognized principles. The principles have been developed in course of time and these are based more on conventions than on law.
- The cabinet occupies a unique position in the British constitutional system. Writers of the British Constitution have used colourful phrases to describe the position of the Cabinet in the political system of that country.
- According to John Morley, the Prime Minister is the key stone of the Cabinet arch. He holds one of the most powerful political offices in the world.

- The office of the Prime Minister, as stated earlier, is the result of a mere accident. Sir Robert Walpole was the first Prime Minister of England.
- The selection of the prime minister depends essentially on the Monarch. During the 18th century, the royal choice was playing an effective role in such election.
- The entire position of the Prime Minister, is based, not on law but on convention. The constitution is very much silent with regards to the office of the Prime Minister. His functions are many and varied.
- The Prime Minister holds a key position in the British Constitutional system.
- In view of the vast powers exercised by the Prime Minister, some critics observed that there is Prime Ministerial form of Government in England.
- The US constitution has bestowed all executive powers in the hands of the President. The President is the Chief Executive Head of the state in the US.
- The President is indirectly elected by an electoral college of each state. Each state elects the electors who are equal to the number of senators and representatives in the Congress, from the state concerned.
- The US President is elected for a term of four years. He can be re-elected for another term and according to the convention, no president can contest an election for a third term.
- The President of the US is the most powerful authority. He commands high respect and backing in the country.
- The American constitution does not make any provisions for the cabinet. The so called cabinet is the product of the customs and the laws that are passed by the Congress.
- The position of the American cabinet is what the President makes it.
- The President of the People's Republic of China is one of the most powerful people in the whole world. His powers are often compared to the American President. A recent survey stated that the current President Hu Jintao is the most powerful man in the whole world.
- The National People's Congress elects the president of the People's Republic of China.
- The Chinese president assigns and summons plenipotentiary representatives overseas and sanctions and abrogates treaties along with significant contracts.

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8.6 KEY TERMS

- **Legislature:** It refers to a group of people who have the power to make and change laws.
- **Monarch:** It refers to a person who rules a country, for example, a king or a queen.
- **Constitution:** It is the system of laws and basic principles that a state, a country or an organization is governed by.
- **Cabinet:** It refers to a group of chosen members of a government, which is responsible for advising and deciding on the government policy.

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- **Senate:** It is one of the two groups of elected politicians who make laws in countries like the US.
- **House of Representatives:** It is the largest part of Congress in the US whose members are elected by the people of the country.
- **House of Commons:** It is the lower house of the Parliament of the United Kingdom.
- **Arbiter:** It refers to a person who settles a dispute or has ultimate authority in a matter.
- **Plenipotentiary:** It refers to a person who has full powers to make decisions and take actions on behalf of his/her government, particularly in a foreign country.
- **Abrogate:** It refers to terminate a law officially.

8.7 ANSWERS TO ‘CHECK YOUR PROGRESS’

1. The Monarch is the head of the state in Great Britain.
2. The Prime Minister is the head of the government in Great Britain.
3. The British Constitution is known as the mother of all parliaments.
4. The first step in the formation of the Cabinet in UK is the selection of the Prime Minister.
5. In UK, the Prime Minister is the sole advisor to the Monarch.
6. The President is the Chief Executive Head of the state in the US.
7. The President is indirectly elected by an electoral college of each state.
8. The Congress is the custodian of the finances in the US.
9. The President is elected for a short term of four years or at the most for one more term.
10. The term ‘cabinet’ came into use during president George Washington’s term, in 1793.
11. (a) Xi Jinping; (b) President
12. (a) True; (b) True

8.8 QUESTIONS AND EXERCISES

Short-Answer Questions

1. List the salient features of the British constitution.
2. Write a short note on the parliamentary form of government that exists in Britain.
3. State the importance of the Cabinet in the British constitutional system.
4. What is the procedure for the selection of the Prime Minister in the British constitutional system?
5. What is the role of the cabinet in the US government?
6. What are the limitations of holding an elected office in the US?
7. What are the functions of the President and Vice-President of the National People’s Congress?

Long-Answer Questions

1. Explain the evolution of the Cabinet in Britain.
2. Explain the features of the cabinet system in Britain.
3. What are the functions of the cabinet system in Britain?
4. Describe the functions of the Prime Minister of Britain.
5. Discuss the powers and functions of the American president.
6. Write a detailed note on the US presidential cabinet
7. Write a detailed note on the history of presidentship in the People's Republic of China.

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UNIT 9 LEGISLATURE

Structure

- 9.0 Introduction
- 9.1 Unit Objectives
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9.0 INTRODUCTION

In the previous unit, you studied about the various executive bodies of the United States, the United Kingdom and China. In this unit, you will study the legislative bodies of the UK, the US, and China.

The British Parliament consists of two houses—the House of Lords and the House of Commons. Another important member of the British Parliament is its speaker. The British speaker holds an important position in the British democracy.

The US Constitution was crafted in 1787. It gave the US Congress the power to make laws for the federal government and to check the actions of the US President. The Senate of the US is mainly a legislative body. It has the power to pass legislations that may become law or prevent legislations from becoming law. There are forty-three standing rules of the Senate, ten of which are codes of ethics. The Vice-President of the US is the President of the Senate.

The most essential part of the central government system of the People’s Republic of China is its National People’s Congress. The National People’s Congress has a standing committee. The main work of this committee is to convene the annual session of the Congress. It is a permanent body, which is composed of a chairman and a number of vice-chairmen and members as well as a secretary general. The chief administrative authority of the People’s Republic of China is its state council. Even though the state council has the vast power of appointment and removal of officials, those on local levels are practically decided upon by the local government councils.

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9.1 UNIT OBJECTIVES

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

- Explain the origin of the British parliament and its houses—the House of Lords and the House of Commons
 - Assess the procedure and practice of the US senate
 - Describe the functioning of the House of Representatives
 - Discuss the functioning and powers of the National People’s Congress of China
 - Analyse the responsibilities of the State Council in China
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9.2 STRUCTURE, FUNCTION AND PROCESS OF LAW-MAKING IN THE UK

In the beginning, the British parliament was an aristocratic and feudal assembly of the king’s tenants-in-chief. It met at intervals of perhaps two or three times a year, to advise, sometimes to control or pressurize the king on important matters. Its work was not primarily legislative, still sometimes an ordinance or statute did emerge. Business might include matters of state—war and peace, administration, assessment and completion of feudal obligations, arguments over fiefs, points of feudal law and the trial of one of its own members who were accused of treason or felony. In contrast to such a large council, there was a small council, a group of household servants and public officials, ever present with the king to assist the actual day-to-day business of government. The evolution of the parliament involved two great processes, both of which began in the 13th century, but belong more particularly to the 14th century. There was gradual but fundamental change in the personnel of the great council from that of feudal tenants-in-chief to a select group of hereditary peers. When the change was completed, the body had become the House of Lords. At the same time, certain new representative elements were being added, which were finally to constitute the House of Commons.

In modern times, it is hard to realize that the term parliament did not always indicate the August assembly at Westminster or other assemblies later devised in its image. The word derived from *parler* (to speak or parley) and the more impressive Latin *parliamentum*, was used loosely to indicate a conversation, a parley or an interview. The 13th century French writer, De Joinville, uses it in three ways: an informal gathering of barons; a judicial session of the king’s court and a tryst between the young king and his Queen Marguerite.

In England, *Parliamentum* creeps into official records as an offensive subject for colloquium that appeared on the Close Roll in 1242 and on the Memoranda Rolls, of the Exchequer in 1248. Quite naturally, it was used in domestic parleys, such as those between Alexander II of Scotland and Richard, Earl of Cornwall, in 1244, and the meeting of the kings of France and Castile. Thus, a parliament, quoted by Maitland ‘is rather an act than a body of persons. One cannot present a petition to colloquy, to a debate. It is only slowly that this word is appropriated to colloquies of a particular kind, namely those which the king has with the estates of his realm, and still more slowly that it is transferred from the colloquy to the body of men whom the king has summoned. . . .the personification of the Parliament which enables us to say that laws are made, and not merely in parliament, is a slow and subtle process.’

It was the noted English chronicler Matthew Paris of St. Albans, who first applied the term to a great council of prelates, earls and barons in 1239 and again in 1246. From this time it was used gradually though not exclusively for such an assembly. The term did not necessarily signify the presence of the Commons. Due to the writings of some historians, we are led to believe that any great council, without the Commons is not a council at all. Professor Plucknett has convincingly demonstrated that this theory is unsustainable: he asserts that 'there was a verbal dissimilarity, but no actual difference: and this objection seems fatal.' In writing the history of parliament as an institution, all the assemblies which contained the later parliamentary elements must evidently be considered.

It is helpful to be reminded that the 'number of people interested in politics and the size of the "political nation" has varied from time to time. This has increased with the growth of population, the progress of education and in general with the expansion of democratic sentiment.' Historians have elected to call Edward I's assembly of 1295, the model parliament because of its complete embodiment of all elements of parliament. These elements were bishops and abbots, earls and barons, invited individually; elected representatives; knights and burgesses, summoned through the sheriff and even representatives of the lower clergy.

9.2.1 The House of Lords

The House of Lords emerged as a result of the feudal system, which was not fully developed in England, until after the Norman Conquest. But even though 'the conqueror' remodelled the English government on the foreign pattern, he was cautious enough to do so with a distinction. In making grants of lands to his victorious followers, he created several small baronies in favour of each grantee. These baronies were distant from one another, instead of one large fief. He also exacted the oath of allegiance to the crown from all free holders, whether holding directly from the crown or from the tenant-in-chief. These measures prevented the tenants-in-chief from developing into petty sovereigns, practically independent and owning only a titular commitment to the king.

These tenants-in-chief of the king were entitled to be summoned by writ to the king's council, which is the origin of the modern British parliament. It was the virtue of the duties forced upon them by the feudal system of government that they obtained this right. They were responsible as far as their own fiefs were concerned, for the military defense of the realm; through them the exchequer was replenished. From them evolved the maintenance of order and the administration of the law in their several baronies.

The interests of their feudatories were their interests, the prosperity of their feudatories were their prosperity. The idea of a 'Lord of Parliament' would have appeared bizarre to those old barons as it is beginning to appear presently. By reason of this identity of interest between the barons and their feudatories, the former were always forward in resisting the encroachments of the crown on the freedom of the people. One can say that they were the radical reformers of their time. The Magna Carta, concerning which Bishop Stubbs remarks that 'the whole Constitutional history of England is a commentary on this Charter' and the subsequent confirmations of the rights thereby secured, were wrung by the great Peers from unwilling monarchs by force, or threats of force. The policy which the conqueror pursued towards his tenants-in-chief had this salutary effect. It forced them into the position of defenders of the liberties of a great nation.

Such being the relation between the nobles, it followed almost inescapably that the chief personal right was the right to a writ of summons to the king's council. This

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was originally, no doubt a matter of discretion for the king. The tenants who held small fiefs of the crown were willing to ignore summons and in time ceased to receive it. This gave rise to the distinction between the greater and the lesser barons. The crown, in its struggle with the Peers, was tempted to refuse the summons to those who opposed its wishes. Hence, one of the rights established by the Magna Carta was the right of the greater barons to be summoned by writ, personally. The lesser barons were to be summoned by a writ addressed to the sheriff of the county.

The greater barons became the nucleus of the House of Peers, the lesser barons being ultimately represented in the Commons by the Knights of the Shires. In the course of time, the crown exercised the right of summoning other persons to the council. These were not necessarily barons by tenure. These persons were not considered hereditary peers in the first instance, nor did a summon even confer a right to attend the council for life. The records show that many persons were summoned once only, others more frequently. But in process of time the right to a writ became hereditary. Since the 5th year of Richard II, a writ of summons, coupled with proof that the person summoned actually sat in the House of Lords, conferred a hereditary peerage. In this respect, a peerage by writ differs from a peerage created by patent. There was another method of creating peers which is of significant interest because it shows an inclination to admit the influence of a popular voice in the selection of peers. The creation of peerages by statute was at once confined to the granting of steps in the peerage. But the patent which was created by Sir John Cornwall Lord Fanhope in 1432 states that the grant was made by the consent of the lords in the presence of the three estates of the parliament. In many patents, the assent of the parliament is more clearly expressed and in some cases it is stated on the Roll of Parliament.

It must be remembered that the creation of the first peerage in 1382, when Richard II, raised Sir John Holt to the House of Lords by the title of Lord Beauchamp of Kidderminster, was looked upon as an unconstitutional and arbitrary act and Sir John Holt was consequently impeached as a commoner. But no such statement occurs in any patent after the accession of Henry VII. The strengthening of the royal authority, during the early Tudor period enabled the sovereign to do away with even the formality of consulting the parliament for creation of the peers.

Another class of men nearly established a right to sit in the House of Lords by virtue of their office. In early times, the judges were summoned to the House by writ as advisors or assistants, but without the right of voting. Their functions were merely consultative. If the bench had possessed such overwhelming influence as was at the command of the church, it was probable that the judges would have succeeded in sitting in the house as life peers. But it was not the case. The judges of those days were men of little personal influence. They had no security of tenure in their offices: They could be removed at the sole will of the crown. The subordinate position which they achieved is still in some sort recognized by the constitution. The House of Lords has the right to consult the judicial bench, which it exercises on rare occasions and the judges go to the house in full robes to deliver their opinion.

The following statements may be accepted as fairly representing the formative processes for moulding the constitution of the House of Lords:

1. The feudal baron by tenure was summoned to the king's council in virtue of his responsibility for good governance of a portion of the kingdom.

2. The progress of the nation and the growing complexity of the questions presented before the house made it necessary to summon capable persons to its councils; even although they were not supportive to the Crown. These persons originally attended only the parliament to which they were summoned and there was no intention on the part of the Crown to confer either a hereditary dignity or a hereditary right to legislate; but a comparatively modern doctrine, attributable to legal astuteness, had declared that obedience to the writ conferred a hereditary dignity in the family of any person so summoned.
3. The modern method of creating a peerage by patent, which undoubtedly conferred a hereditary right, was in its inception an act of arbitrary power. For a long period, this usurped right was observed by the parliament who later found it necessary to be declared by the consent of the parliament. This custom was rendered useless after the Tudor dynasty gained access to the throne.
4. Originally, the House of Lords was composed of a majority of life members. It is clear, therefore, that the conception of a peer of parliament, with a hereditary right to legislate without any corresponding hereditary duties to perform, is not based upon ancient constitutional doctrine; that the tendency to recruit the Upper House by life members, or members for a given parliament, was first checked by civil commotion and that the modern method of creating peers had its origin in an arbitrary act of the crown.
5. The history of the House of Lords has revealed facts which are important in dealing with this subject. History shows that there has been a constant numeric increase in the membership of that house until it has become the most cumbersome upper chamber in the civilized world. As Lord Roseberry said in 1888, 'Hardly a squadron or a regiment of peers would redress the balance in certain contingencies.' It also shows that since 1832 that unrelenting numerical increase has been accompanied by a persistent decline of influence. This decline has been due to the steady establishment of the House of Commons on an ever-extending democratic basis.

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Table 9.1 The House of Lords, as on 27 January 2016

Party/Group	Life Peers	Hereditary Peers	Bishops (Lords Spiritual)	Total
Bishops	0	0	26	26
Conservative	201	49	0	250
Crossbench	147	31	0	178
Labour	209	4	0	213
Liberal Democrat	107	4	0	111
Non-affiliated	25	0	0	25
Other parties	16	1	0	17
Total	705	89	26	820

9.2.2 House of Commons

The history of the House of Commons is in fact the history of England, during the last 600 years. The journal of its deeds fills 120 folio volumes. No writer on the historic course of action of the House of Commons can fail to point out its most prominent feature—the great antiquity of forms and rules on which it is based. Sir Reginald Palgrave,

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in his preface to the tenth edition of Sir Thomas Erskine May's classical treatise on 'Parliamentary Practice', introduces his retrospect of the half century since the first appearance of the book with the words, 'The parliamentary procedure of 1844 was essentially the procedure on which the House of Commons conducted business during the Long Parliament.' The most recent historian of parliament, Edward Porritt, takes his readers even further back than Sir Reginald Palgrave. In his most informative work, he says: 'the most remarkable fact with regard to the procedure of the house is the small change which has taken place since, in the reign of Henry VII, enactment by bill superseded enactment by petition. Following in its main lines the procedure which the Journals show to have been in use when in 1547, the House migrated from the Chapter House of Westminster Abbey to the famous Chapel which Edward VI then assigned to the Commons for their meeting place.'

The beginning of the order of business in the House of Commons is traced back to yet another century. This step was the adoption of the bill as the exclusive technical form for the exercise of the great functions of parliament and procedure by bill. To this day, it is the characteristic mark of the English parliamentary system and all its descendants. From the point of view of procedure, this change may well be called the boundary between two great eras in parliamentary history. With the advent of bill, the individuality of the English parliament as a constitutional and political creation became complete. However, many favoured its application and however extensive the orb of its undertakings, the development of the procedure moved on within the fixed form given to it by the bill.

Three periods can be distinguished in the growth of the historic order of business in the House of Commons, which, approximately, are successive, but which cannot be sharply divided from each other.

- (i) The first period is that of the estates. It begins with the meetings under Henry III and Edward I and continues until the beginning of the journals of the house and the first contemporary reports of the debates and proceedings, i.e., till the middle of the 16th century. In this period again, we have to distinguish between two parts: The period in which petition is the sole form of parliamentary activity and the period from the first quarter of the 15th century in which bill becomes its normal form.
- (ii) In the second, the parliament regularly meets the order of business and the procedure as a whole appears on its permanent fundamental lines. It covers the reign of Queen Elizabeth and the first four sovereigns of the house. The framing of the whole historic order of business, by the practice of the House of Commons, was carried out in this period. The only essential qualification is that there can be no doubt that most of the fundamental elements of procedure date back much further than our knowledge of the proceedings of the house. In other words, their inception and earliest development belongs to our first period.
- (iii) The opening of the third period is marked by the great political landmark in the constitutional history of England—the Revolution. This ushers the age of conservative parliamentary rule, which the governing classes strove to retain and develop, for the maintenance of their own supremacy in the state. The period closes with the carrying of the first extension of the franchise in 1832. With the meeting of the reformed House of Commons, begins another era in the development of the order of business and procedure of the house. This is connected with the political transformation of parliament.

Table 9.2 Summary of the May 2010 House of Commons of the United Kingdom Election Results

Political Party	Candidates	Elected	Seats Gained	Seats Lost	Net Change in seats	% of Seats	% of Votes	Number of Votes	Change in % of vote
Conservative	631	306	100	3	+97	47.1	36.1	10,703,754	+3.7
Labour	631	258	3	94	-91	39.7	29.0	8,609,527	-6.2
Liberal Democrat	631	57	8	13	-5	8.8	23.0	6,836,824	+1.0
UKIP	572	0	0	0	0	0	3.1	920,334	+0.9
BNP	338	0	0	0	0	0	1.9	563,743	+1.2
SNP	59	6	0	0	0	0.9	1.7	491,386	+0.1
Green	310	1	1	0	+1	0.2	1.0	285,616	-0.1
Sinn Féin	17	5	0	0	0	0.8	0.6	171,942	-0.1
Democratic Unionist	16	8	0	1	-1	1.2	0.6	168,216	-0.3
Plaid Cymru	40	3	1	0	+1	0.5	0.6	165,394	0.1
SDLP	18	3	0	0	0	0.5	0.4	110,970	-0.1
Conservatives and Unionists	17	0	0	1	-1	0	0.3	102,361	-0.1
English Democrats	107	0	0	0	0	0	0.2	64,826	0.2
Alliance	18	1	1	0	+1	0.2	0.1	42,762	0.0
Respect	10	0	0	1	-1	0	0.1	33,251	-0.1
Traditional Unionist Voice	10	0	0	0	0	0	0.1	26,300	N/A

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Speaker	1	1	1	0	0	0	0	0	0	0.1	22,860	0.0
Independent - Rodney Connor	1	0	0	0	0	0	0	0	0	0.0	21,300	N/A
Independent - Sylvia Hermon	1	1	1	0	0	0	0	0	+1	0.1	21,181	N/A
Christian	71	0	0	0	0	0	0	0	0	0.1	18,623	+0.1
Scottish Green	20	0	0	0	0	0	0	0	0	0.1	16,827	0.0
Health Concern	1	0	0	0	1	0	0	0	-1	0.1	16,150	0.0
Trade Unionist & Socialist	41	0	0	0	0	0	0	0	0	0.0	12,275	N/A
Independent - Bob Spink	1	0	0	0	1	0	0	0	-1	0.0	12,174	N/A
National Front	17	0	0	0	0	0	0	0	0	0.0	10,784	0.0
Buckinghamshire Campaign for Democracy	1	0	0	0	0	0	0	0	0	0.0	10,331	N/A
Monster Raving Loony	27	0	0	0	0	0	0	0	0	0.0	7,510	0.0
Socialist Labour	24	0	0	0	0	0	0	0	0	0.0	7,219	-0.1
Liberal	5	0	0	0	0	0	0	0	0	0.0	6,781	-0.1
Blaenau Gwent People's Voice	1	0	0	0	1	0	0	0	-1	0.0	6,458	-0.1
Christian Peoples	11	0	0	0	0	0	0	0	0	0.0	6,276	0.0
Mebyon Kerrow	6	0	0	0	0	0	0	0	0	0.0	5,379	0.0
Lincolnshire Independents	3	0	0	0	0	0	0	0	0	0.0	5,311	N/A
Mansfield Independent Forum	1	0	0	0	0	0	0	0	0	0.0	4,339	N/A

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Green (NI)	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0	3,542	0.0	0.0
Socialist Alternative	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0	3,298	0.0	0.0
Trust	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0	3,233	N/A	N/A
Scottish Socialist	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0	3,157	-0.1	-0.1
People Before Profit	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0	2,936	N/A	N/A
Local Liberals People Before Politics	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0	1,964	N/A	N/A
Independent - Esther Rantzen	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0	1,872	N/A'	N/A'
Alliance for Green Socialism	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0	1,581	0.0	0.0
Social Democrat	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0	1,551	N/A	N/A
Pirate	9	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0	1,340	N/A	N/A
Communist	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0	947	0.0	0.0
Democratic Nationalists	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0	753	N/A	N/A
Workers' Revolutionary	7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0	738	0.0	0.0
Peace	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0	737	0.0	0.0
New Millennium Bean Party	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0	558	0.0	0.0
Total	-	650	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	65.1	29,691,780	-	-

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House of Commons—Relationship with the Prime Minister

The parties in the House of Commons do not elect the prime minister but still their position is of dominant importance. The prime minister must maintain a good relationship and should support and be answerable to the members of the House of Commons. Ironically, in modern times, the prime minister is always a member of the House of Commons and not of the House of Lords.

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Members and Election

Each member of the parliament stands for a single constituency. There always remains a procedural difference between county constituencies and borough constituencies, which lies in the difference of the amount of money the candidates are allowed to spend during their election campaign. As mentioned earlier, the timing of the election is in the hands of the prime minister. Thus, the parliament is dissolved by the sovereign and the timing is chosen by the prime minister. Traditionally, all elections in the United Kingdom are held on Thursdays. A nomination paper must be signed by ten registered voters of a constituency for a member to stand up for elections. Though there are many qualifications that apply to the members of the parliament, the most important one is that the individual must be 18 years old and must be a citizen of the United Kingdom.

Table 9.3 MPs Elected in the UK General Election, 2010

Affiliation	Members
Conservative	305
Labour	253
Liberal Democrat	57
Democratic Unionist	8
SNP	6
Sinn Féin	5
Plaid Cymru	3
SDLP	3
Alliance	1
Green	1
Independent	3
Speakers and Deputy Speakers	4
Vacant	1
Total	650
Actual government majority	83

Source: BBC News

Check Your Progress

- Fill in the blanks.
 - Each ____ of the parliament stands for a single constituency.
 - In modern times, the _____ is always a member of the House of Commons and not of the House of Lords.
- State whether True or False.
 - The House of Lords emerged as a result of the feudal system, which was not fully developed in England.
 - The parties in the House of Commons elect the prime minister.

9.3 STRUCTURE, FUNCTION AND PROCESS OF LAW-MAKING IN THE US

In 1787, when the founding fathers of the US crafted the constitution (a constitution which still carries on today), they chose the US Congress for the very first article. The constitution gave the Congress the power to make laws for the federal government, the capability to check the actions of the president and the duty to stand for the American people.

Constitutions are never written in vacuity. They reflect the beliefs, goals and aspirations of their authors and in many cases, the values of society. In this way, the American constitution is no exception. To be able to understand the principles on which the US Congress was established, one must first understand the politics which surrounded the formation of the United States of America.

The founding of British colonies in what was known as the ‘new world’ is only one part of the history of America, but it is fundamental to the history of the United States. It was from the British colonies that, in 1776, a new nation was born. The first British colonists landed in 1585, in what is now Virginia. Life was difficult in the new world and many of the early colonies surrendered to disease, famine and attack by native ‘Indian’ tribes. The first colony to conquer these difficulties and endure was established in Jamestown, Virginia, in 1607. Their success was due to two reasons: surviving the first winter with the aid of friendly Native Americans and an ability to grow tobacco. The colonists had discovered a mix of Caribbean and mainland American tobacco leaves which was appealing to the European taste and trade with the ‘old world’ had become both, possible and lucrative. By 1732, thirteen colonies had been established up and down the eastern seaboard of North America. These colonies began to thrive through trade and soon found a degree of autonomy from the British government. Colonial assemblies were established in America and these began to check the power of resident royal governors, often taking control of characteristics of taxation and expenditure. Steadily, the principles of self-government were becoming ascertained in the minds of the colonists.

As the 18th century progressed, the British Crown and parliament once again began to look to the West. The colonies had proved to be a success and Britain wanted to expand their control in the west. Their efforts directed at west-ward expansion, however, meant clash with French forces who had established a powerful position in North America. The ‘French Indian War’ lasted from 1754–1763, until the French forces were defeated. This left the British in control of a large area. At present, this large area is Canada and the US. The cost of the war and the resources needed to control their recently expanded western empire put a strain on British finances and led the parliament to look for new ways to raise revenue. Having decided that the colonies should pay more for their own defense, the British parliament passed a series of acts which levied taxes on colonial trade. The British actions had endangered the ability of the colonies to trade freely and given the historical importance of trade of colonies’ existence, caused a great deal of bitterness. Over the next ten years, protest over British taxation and oppression grew, occasionally breaking into violence. Matters came to a head in Lexington, Massachusetts in 1775 when a raid by British troops on colonial militias led to full-scale fighting. This marked the beginning of the American Revolution.

A formal declaration of independence was issued on 4 July 1776. Largely written by Thomas Jefferson of Virginia, the declaration set the grounds on which the colonies claimed their right to throw off the British rule. Behind the declaration, were the ideas of the 18th century philosophers and writers such as Thomas Paine and John Locke. These ideas were widespread among the aristocracy of that time. These ideas would go on to play a large part in writing the constitution.

The war of independence formally ended in 1783 with the signing of the Treaty of Paris, in which the British Crown recognized the independence, freedom and sovereignty of thirteen former colonies. With victory certain, the thirteen states were faced with the task of devising a system of government. Having just conquered what they viewed as

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tyrannical power, the leaders of the new states had no intention of replacing the British Crown with their own monarch, or creating a central government. However, it was recognized that some form of central administration was inevitable for a newly founded independent nation.

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There was never an issue that the new US would be anything other than federal. A federal state maintains more than one level of government, with each having their own rights and independence. Unlike in Britain, where the government in London is paramount and can create, alter or abolish local governments as it sees fit, the new US Constitution maintained the autonomy of individual states. They created a central, or federal, government with certain powers and responsibilities that rose out of necessity.

As the failure of the articles of confederation showed, there were certain jobs, necessary for the success of the new nation that could not be carried out by the state governments alone. On the other hand, under the new constitution, the state governments intended to be the primary level of government, with responsibility for their own affairs and those of their citizens. The federal government was to be restricted to those areas which fell outside the individual state: regulating trade between states, establishing a national currency, conducting foreign affairs and controlling the national military forces. This ideal, where each level of government had its own separate areas of influence, was known as dual federalism. Such a pure form of federalism was going to be short lived, but for the early years of the US, it was the state governments which seized power.

The constitution established a system whereby each branch of government would be checked by another. A bicameral legislature was chosen so that the Congress could act as a check upon itself in effect. For any law to be passed, the approval of both chambers would be considered necessary. These two chambers which make up the US Congress were the senate and the House of Representatives.

9.3.1 The Senate

The senate of the US is generally known as the greatest deliberative body in the world for a number of reasons. Right from its beginning, the senate chamber has been the setting of some of the most moving, influential and consequential debates in American history.

First, the senate is mainly a legislative body. It has the power to pass legislations that may become law or to prevent legislations from becoming law. Moreover, it is responsible to approve or deny consent to ratify treaties, to approve and advice on presidential nominees and to try impeachments. Till date, it is more powerful and significant than any upper chamber across the world. Those who framed the constitution wanted the senate to be an incomparable legislative body, such that it should be both, unique in its structure and superior as an institution. They believed this was essential for the republic to endure. So the framers provided for the following, among other things, in the senate: equal representation of every state; terms extending six years, beyond those of the house and the president; elections in which only one third of members would stand before the people every two years; and a minimum age requirement to attract 'enlightened citizens' to serve the body. These characteristics lent an exclusive character to the senate; a small, stable, stately, thoughtful, independent, experienced, and a deliberative body. With equal legislative authority for the House of Representatives, the framers expected that the senate would remain steady in a representative democracy. This, along with its duties specified in the constitution, was the framers' design for the senate. However, the senate required a structure to operate. And that structure has for more

than two hundred years taken the form of senate procedure: standing rules, rule-making statutes, and precedents.

In 1789, the first senate assumed twenty standing rules. Surprisingly, sixteen of those rules still form the core of the senate procedure today. Since 1939, the senate has assumed twenty-five rule-making statutes. The presiding officer has established a quantity of precedents over the course of the senate's history to fill nearly 1600 pages in the seminal reference work, known as the 'Riddick's Senate Procedure'.

The senate's rules and the precedents are nothing less than the institution's genetic material: they have evolved over a period of time; they are entwined and complex. Those who unlock and understand and apply the senate's procedure have an edge over their colleagues and the course of the senate's negotiations. But most of all, together, the senate faithfully reflects the framers' design and ambition for the body. The senate has two paramount values: unlimited debate and minority rights.

Procedure and Practice of the Senate

Great scholars have anticipated that to understand the senate procedure is to understand the greatness of America in many respects. The senate procedure rests on three pillars:

- (i) The standing rules of the senate, which have adopted pursuant to the senate's right under Article 1, Section 5, of the constitution to make rules governing its own proceedings
- (ii) Special procedures found in rule-making statutes, also written under the senate's rule-making power
- (iii) Precedents that interpret the standing rules, interpret provisions in rule-making statutes and interpret other precedents

Distinguishing Characteristics of the US Senate

Senate procedure also embraces two features that differentiate the senate from other parliamentary bodies of the world:

- (i) Debate rules are fundamentally unrestricted
- (ii) Amendment opportunities are fundamentally unrestricted

As mentioned earlier, the US senate is the most powerful upper chamber on earth. Unlike many upper chambers that have limited authority, the senate has equal legislative jurisdiction with the house and is authorized to address two areas which the house does not possess: nomination and treaties. The senate's authority is grounded in the constitution and is improved by the rules and precedents, through which the body elects to govern itself.

The Text of the Standing Rules

There are forty-three standing rules of the senate, ten of which are code of ethics. The origin of certain rules can be found in the twenty rules of the first senate in 1789, sixteen of which have considerably carried over until till date. The rules and their history reflect the solidity and uniqueness of the senate. They represent strong fibres in the fabric that binds the institution together.

Senate rules grant considerable power to individual members, minority coalitions and the minority party. Individuals with knowledge of procedure and willingness to employ it can exert influence far beyond their single vote. A disciplined and organized minority

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can sometimes be disrupted by a filibuster, a measure or matter favoured by the majority of senators. An individual senator can ruin many situations in which unanimous consent is a practical precondition for action. Unlike the House of Representatives, which adopts new rules at the beginning of each Congress; the rules of the senate continue from one Congress to its successor and remain in force until amended. The standing rules provide that ‘the rule of the senate shall continue from one Congress to the next, unless they are changed as provided in these rules.’

Changes to the standing rules can be made but they have not been recurrent. Before changes can be proposed, Rule V requires a one day notice in writing. Amendments to the text of the standing rules are adopted customarily by simple majority passage of a senate resolution. However, such a measure is debatable and subject to a special cloture requirement. Normally, a vote of three-fifths of all senators who are duly chosen and sworn, or sixty senators, is sufficient to invoke cloture. To end a debate on a rules change resolution requires an affirmative vote of two-thirds of all senators who are present. This rule has remained unchanged since the crude amendment of 1959.

Recodification of rules has happened only seven times in the history of the senate, the first being in 1806 and the most recent occurring in 1979, under the leadership of senator Robert Byrd. After Senator Byrd proposed the 1979 adjustments, the rules have not been re-codified since 1884. Execution of the rules is often restricted by unanimous consent orders. Under consent orders, senators voluntarily agree to forgo or adjust some aspect of their rights. A single objection bars agreement and forces reliance on senate rules and precedents.

The Senate Parliamentarian

The senate parliamentarian is procedural counselor to the presiding officer. Since it has become a practice to rotate the chair hourly among majority party senators, the parliamentarian’s authority becomes central. Few senators have the knowledge or experience to manage the procedure of the senate, so they often rely heavily on the advice of the parliamentarian.

It is often wrongly stated that the parliamentarians make rules. The presiding officer rules after having received the parliamentarian’s counsel. Even though the presiding officer has the power to take no notice of the parliamentarian’s advice and simply rule on his own, it would be extraordinary for him to do so. If the senate wishes to break new ground, divergent to the parliamentarian’s outlook, it will vote for against an appeal to overturn the presiding officer’s ruling. The presiding officer’s is not frequently overturned.

Senator

The constitution states that a senator must be a citizen of the US for at least nine years, be at least 30 years old and be a resident of the state that he or she represents. For more than a century, senators were selected by their state legislatures, not directly by the voters. Mutually, in law and practice, this excluded many groups, some of whom were African-Americans.

The election of the senators by the people was not necessary until the seventeenth amendment to the constitution was ratified in 1913, one year before the election year of 1914. Until the middle of the 19th century, the system in which the state legislatures selected senators worked proficiently, even though it may have benefited special-interest groups in the state. By 1870, the US Senate had its first African American senator, republican Hiram Rhodes Revels of Mississippi. The first woman senator, Rebecca

Latimer Felton of Georgia, was appointed to fill up the term of her husband, who died in office. She was sworn in on 21 November 1922.

Senate Officers

The constitution states that the president of the senate shall be the vice-president of the US, who supervises over the sessions but votes only in case of a tie. For many years, that remained the vice-president's chief responsibility and his offices were in the US capital. On the other hand, stipulations had to be made for an officer who could take the position in the vice-president's absence thus the constitution provided a second presiding officer, the president pro tempore, also known as the president pro tem.

Party secretaries, elected both by the majority and the minority parties, are employees who are seated at either side of the senate chamber. Their everyday responsibilities include making sure that the pages are in place, scheduling legislation and keeping senators informed about pending business in the session.

Table 9.4 The Party Composition of the Senate after 3 January 2011

<i>Affiliation</i>	<i>Members</i>
Democratic Party	51
Republican Party	46
Independent	3
Total	100

9.3.2 House of Representatives

The legislative processes on the floor of the House of Representatives are governed by numerous rules, practices as well as precedents that are also complex in nature. The House rules mentioned in an official manual run into more than a thousand pages. Additionally, there exists more than 25 volumes of precedents that complement the official rules. Yet, compared to the Senate, the House applies its rules in a more moderately conventional fashion. The rules in themselves are multi-faceted; some are naturally complex and thus difficult to interpret. Therefore, the House does tend to follow parallel procedures under somewhat similar circumstances. Even in cases where, for instance, the House can follow similar pattern of rules tend to differentiate with each other and have limited number of recognizable patterns.

Yet, the fundamental importance of the rules the representatives of the House follow, including its many procedures, cannot be undermined. With time, majority of members are able to use their will on the floor of the House. As per the rules of the House, the minority members cannot intentionally delay voting in the House, for instance, by making long speeches or using such devices, to prevent the majority from making the decisions.

Modes of Procedure

While dealing with a Bill or passing a resolution, the House does not restrict itself to following a single course of action. Different Bills or sets of Bills require usage of certain kinds of House rules and they need to be considered in a particular manner. It is the members who decide which rule will fit the discussion of a particular Bill. This depends on factors like the imminence and estimated cost of the Bill and the contention and arguments over its merits and provisions. The difference between these choices of

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rules depends on many factors, like the time members had to debate over the Bill, the amendments proposed and how promptly the House is able to act on these matters.

Legislative Procedures and Comparisons with the Senate

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The constitution has imposed restrictions on national legislature and on the Congress’s legislative agenda. The Congress has the authority to create laws that provide it with the power that is required for carrying out its numerous functions, apart from the authority that is allocated by the constitution to the federal government.

In constitutional powers, the two houses of Congress are almost equal; each has unique privileges. Both houses must agree on a bill before it becomes a law. Neither house consistently dominates the other; nor is there any authority other than an electorate, to which both are accountable. Each chamber has the constitutional power to select its own officers, devise its own rules and by implication, set its own agenda. There are no Congressional leaders; there are only house leaders and senate leaders, with no formal mechanisms for coordination between them. For many functional reasons, each house is autonomous. The house and the senate classically refer to each other as ‘the other body’, reflecting a sense of separateness between the two. When representatives and senators meet in a conference committee to decide specific legislative differences between them, their discussions can take a characteristic of bilateral treaty negotiations.

A typical Congressional agenda does not exist. Both the houses are authorized to set priorities for matters, which they need to decide upon. The freedom of action is restricted to a certain extent. Certain laws must be passed each year; the activities of the federal government must be funded before the new fiscal year begins. The presidential influence, popular sentiment and national and international emergencies can incite the house and the senate, to give priority to the same matters. In such cases, however, the two houses respond independently to the same requirements, pressures and developments. Neither house has the constitutional power to force the other to act. There is no Congressional agenda; there is a house agenda and a senate agenda, both of which do not always coincide.

Check Your Progress

- 3. Fill in the blanks.
 - (a) The _____ parliamentarian is procedural counselor to the presiding officer.
 - (b) The constitution states that the _____ of the senate shall be the vice-president of the US, who supervises over the sessions but votes only in case of a tie.
- 4. State whether True or False.
 - (a) In 1789, the first senate assumed twenty standing rules.
 - (b) A complex body of rules, precedents and practices governs the legislative process on the floor of the House of Representatives.

Table 9.5 2013 Election Results and Current Party Standings

Affiliation	Members	Delegates/Resident Commissioner (non-voting)	Number of state majorities
Republican Party	234	0	30
Democratic Party	201	6	17
Total	435	6	

9.4 STRUCTURE, FUNCTION AND PROCESS OF LAW-MAKING IN CHINA

The National People’s Congress (NCP) is an essential part of the central government system of the People’s Republic of China. Due to its exclusive nature and importance, it is treated as one of the organs of the Central People’s Government. The constitution of 1954 places the National People’s Congress as the highest wing of the state authority and the only legislative authority of China. The deputies to the Congress, from provinces,

autonomous regions, municipalities directly under the central authority, the armed forces and overseas Chinese are prescribed by the Electoral Law of China for the National People's Congress and Local People's Congresses, at all Levels. This was propagated on 1 March 1953.

The term of office of the deputies is four years, which may be extended in case the election of deputies to a new Congress is not completed. When a deputy is incapable to perform his duties, his electoral unit will hold a by-election to fill the vacancy. The new deputy so elected is to serve the remainder of the unexpired term. The deputies are not arrested or put on trial without the approval of the Congress or else its standing committee, when the Congress is in recess. Moreover, they are supervised by the units which they represent and may be replaced in harmony with law. The deputies may attend the meetings of the people's Congresses or of their local units.

The National People's Congress has a standing committee as well as other committees. The annual session of the Congress is to be convened by the standing committee, which may also call for special sessions of deputies. The meetings of the Congress are controlled by an executive chairman of the presidium, who is elected by the deputies at the beginning of the session. For each session, the Congress sets up a secretariat, under the direction of a secretary general. He conducts the routine business of the Congress.

Functions of the National People's Congress

The National People's Congress has the following authorities and responsibilities:

1. To administer the enforcement of the constitution and amend it
2. To enact laws
3. To elect the chairman and vice-chairman of the People's Republic of China, the president of the Supreme People's Court and the procurator general
4. To decide on the choice of the premier of the state council, vice-chairman and members of the council of national defense, on recommendation of the chairman of the People's Republic of China
5. To decide upon the members of the state council, on recommendation by the premier
6. To remove the officials who are elected or appointed by the Congress, from the office
7. To examine and approve the state budget and the financial report
8. To suspend the responsible officials of the state council or of its ministries and commissions
9. To decide on national economic plans, general amnesties and questions of war and peace
10. To ratify the status and boundaries of provinces, autonomous regions and municipalities which are directly under the central authority
11. To exercise other functions and powers that the Congress may consider necessary

As the highest state authority, the power of the National People's Congress would be almost unlimited; yet, in fact, it is dominated by the Communist Party which actually exerts the ultimate authority of the state.

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The Standing Committee of the National People's Congress

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The standing committee is a permanent body of the National People's Congress to which it is responsible and answerable. It is composed of a chairman and a number of vice-chairmen and members, as well as a secretary general. They are elected by the Congress to perform its functions. The Chairman supervises the meetings of the standing committee. Resolutions may be adopted by a vote of simple majority. The standing committee, elected by the First National People's Congress on 27 September 1954, comprised a chairman, 13 vice-chairmen and 65 members. Liu Shao-chi was elected as its chairman. Political leaders of different parties and groups were represented at the Committee.

The standing committee exercises the following authority and responsibilities:

1. To elect deputies to the National People's Congress
2. To convene the next National People's Congress
3. To construe laws and issue decrees
4. To administer the work of the state council, the Supreme People's Court and the Supreme People Procuratorate
5. To annul decisions and orders of the state council, which are in conflict with the constitution, laws or decrees
6. To amend inappropriate annual decisions of the government authorities of provinces, autonomous regions and municipalities which fall directly under the central authority
7. To decide on the appointment or elimination of the vice-premiers, ministers, heads of commissions or secretary general of the state council, when the Congress is not in session
8. To appoint or remove vice-presidents, judges, deputy procurators general, procurators and other members of the judicial committee of the Supreme People's Court and the procuratorial committee of the Supreme People's Procuratorate
9. To make a decision on the appointment or to recall diplomatic representatives to foreign states
10. To introduce military, diplomatic and other special titles and ranks
11. To institute and decide on the award of state orders, medals and titles of honour
12. To make a decision on the granting of pardons
13. To make decisions on behalf of and when the National People's Congress is in recess
14. To decide on the proclamation of a state of war in the event of foreign invasion or due to treaty obligations for collective defense
15. To decide on general or partial mobilization or enforcement of martial law
16. To exercise such other functions and powers which are authorized by the National People's Congress

9.4.1 Other Committees and Commissions of Inquiry

Besides the standing committee, the National People's Congress has a nationalities committee, a bills committee, a budget committee, a credentials committee and other

necessary committees. Commissions of inquiry for the investigation of specific matters may be instituted by the National People's Congress, or if not in session, by the standing committee. All state organs, people's organizations and citizens concerned are needed to supply necessary information to these commissions, if requested. When the National People's Congress is not in session, the nationalities committee and the bills committee are under the direction of the standing committee. Each committee is composed of a chairman and a certain number of vice-chairmen and other concerned members. Whereas the nature of the committees on bills, budgets and credentials are self-explanatory, the work of the nationalities committee requires additional embellishment; two of the functions of the committees are as follows:

- (i) To examine provisions of the bills that concern the affairs of nationalities, which are referred to it by the Congress or its standing committee
- (ii) To examine laws and regulations concerning the exercise of autonomy, submitted by different autonomous units for approval by the standing committee

9.4.2 The State Council

The state council is the chief administrative authority of the People's Republic of China. Despite the fact that the general organization of the state council is similar to that of the government administrative council, there are certain differences between the two organs. The intermediary committees between the premier and ministers were abolished. Also, there was no provision for council members without portfolio. Differences can also be found in the number of vice-premiers, ministries and commissions. The state council resembles the Soviet Council of the People's Commissars in some respects, but the Chinese Communist Government chooses to retain the traditional pattern of ministries and commissions.

Even though the premier directs the work of the state council, any resolution has to be deliberated and adopted at the Council's plenary or executive meetings. Plenary meetings are usually held once a month. They are attended by the premier, vice-premiers, the secretary general, ministers and heads of commissions. The members who attend the executive meetings are limited to the premier, vice-premiers and the secretary general, who constitute a so-called 'inner cabinet.'

Authority and Responsibilities of the State Council

The authority and responsibilities of the state council are as follows:

1. To adopt measures pertaining to administration and to issue and implement decisions and orders
2. To submit bills to the National People's Congress or its standing committee
3. To organize and direct the work of the ministries and commissions under the council as well as that of local bodies of administration, all over the country
4. To amend or cancel improper directives and instructions issued by ministries, commissions, as well as local administrative organs
5. To implement the national economic plans and provisions of the state budget
6. To direct the external affairs as well as international and national trade
7. To direct cultural, educational and public health work, as well as the affairs concerning national minorities and overseas Chinese

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8. To protect the interests of the state, ensure law and order and protect the rights of the citizens
9. To strengthen the national defense forces
10. To sanction the stages and limits of autonomous prefectures, districts, autonomous districts and municipalities
11. To hire or eliminate administrative staff according to the provisions of law
12. To execute other authority and responsibilities that are vested in the state council by the National People’s Congress or its standing committee
13. According to the Organic Law of State Council of 1954, the state council has the power to appoint and remove the administrative personnel under the following groupings:
 - (a) Deputy secretaries general of the state council, vice-ministers and assistants to the ministers, deputy heads and members and commissions, heads and deputy heads of departments and directors and deputy directors of bureaus under ministries and commissions
 - (b) Heads and deputy heads of boards, directors and deputy directors of bureaus under the people’s councils of provinces and municipalities directly subject to the central authority
 - (c) Commissioners and special administrative offices
 - (d) Officials in autonomous regions with the rank corresponding to those listed under categories a and b
 - (e) Counsellors of diplomatic missions and consul generals
 - (f) Presidents and vice-presidents of national universities and colleges
 - (g) Other officials corresponding to the above ranks

Even though the state council has the vast power of appointment and removal of officials, those on local levels are practically decided upon by the local government councils, which submit them to the state council for verification as a matter of procedural requirement.

Table 9.6 Membership of previous National People’s Congresses

Congress	Year	Total Deputies	Female Deputies	Female %	Minority Deputies	Minority %
First	1954	1226	147	12	178	14.5
Second	1959	1226	150	12.2	179	14.6
Third	1964	3040	542	17.8	372	12.2
Fourth	1975	2885	653	22.6	270	9.4
Fifth	1978	3497	742	21.2	381	10.9
Sixth	1983	2978	632	21.2	403	13.5
Seventh	1988	2978	634	21.3	445	14.9
Eighth	1993	2978	626	21	439	14.8
Ninth	1998	2979	650	21.8	428	14.4
Tenth	2002	2985	604	20.2	414	13.9

Check Your Progress

5. Fill in the blanks.
 - (a) The standing committee is a _____ body of the National People’s Congress to which it is responsible and answerable.
 - (b) The _____ is the chief administrative authority of the People’s Republic of China.
6. State whether True or False.
 - (a) The state council is responsible for strengthening the national defense forces.
 - (b) The National People’s Congress (NCP) is an unnecessary part of the central government system of the People’s Republic of China.

9.5 SUMMARY

- In the beginning, the parliament was an aristocratic and feudal assembly of the king's tenants-in-chief. It met at intervals of perhaps two or three times a year, to advice, sometimes to control or pressurize the king on important matters.
- The British Parliament consists of two houses—the House of Lords and the House of Commons. Another important member of the British Parliament is its speaker. The British speaker holds an important position in the British democracy.
- The House of Lords emerged as a result of the feudal system, which was not fully developed in England, until after the Norman Conquest. But even though 'the conqueror' remodelled the English government on the foreign pattern, he was cautious enough to do so with a distinction. In making grants of lands to his victorious followers, he created several small baronies in favour of each grantee.
- The history of the House of Commons is in fact the history of England, during the last 600 years. The journal of its deeds fills 120 folio volumes. No writer on the historic course of action of the House of Commons can fail to point out its most prominent feature—the great antiquity of forms and rules on which it is based.
- The parties in the House of Commons do not elect the prime minister but still their position is of dominant importance. The prime minister must maintain a good relationship and should support and be answerable to the members of the House of Commons.
- As the 18th century progressed, the British crown and parliament once again began to look to the west.
- The US Constitution was crafted in 1787. It gave the US Congress the power to make laws for the federal government and to check the actions of the US President. The Senate of the US is mainly a legislative body.
- In 1787, when the founding fathers of the US crafted the constitution (a constitution which still carries on today), they chose the US Congress for the very first article.
- There are forty-three standing rules of the Senate, ten of which are codes of ethics. The Vice-President of the US is the President of the Senate.
- The senate of the US is generally known as the greatest deliberative body in the world for a number of reasons.
- The senate's rules and the precedents are nothing less than the institution's genetic material: they have evolved over a period of time; they are entwined and complex.
- Great scholars have anticipated that to understand the senate procedure, is to understand the greatness of America in many respects.
- There are forty-three standing rules of the senate, ten of which are code of ethics.
- The senate parliamentarian is procedural counselor to the presiding officer.
- The constitution states that the president of the senate shall be the vice-president of the US, who supervises over the sessions but votes only in case of a tie.
- A complex body of rules, precedents and practices governs the legislative process on the floor of the House of Representatives.

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- The constitution has imposed restrictions on national legislature and on the legislative agenda of the Congress.
- The most essential part of the central government system of the People's Republic of China is its National People's Congress. The National People's Congress has a standing committee. The main work of this committee is to convene the annual session of the Congress.
- The National People's Congress (NPC) is an essential part of the central government system of the People's Republic of China.
- The National People's Congress has a standing committee as well as other committees. The annual session of the Congress is to be convened by the standing committee, which may also call for special sessions of deputies.
- The standing committee is a permanent body of the National People's Congress to which it is responsible and answerable.
- The chief administrative authority of the People's Republic of China is its state council. Even though the state council has the vast power of appointment and removal of officials, those on local levels are practically decided upon by the local government councils.

9.6 KEY TERMS

- **Rolls of Parliament:** They were the official records of the English Parliament and the subsequent Parliament of the United Kingdom.
- **House of Commons:** It is that part of parliament whose members are elected by the people of the country (in Britain).
- **House of Lords:** It is that part of parliament whose members are not elected by the people of the country (in Britain).
- **House of Representatives:** It is the largest part of Congress in the US, whose members are elected by the people of the country.
- **Republican Party:** It is one of the two main political parties in the US, usually considered to support conservative views and desires limit the power of central government.
- **Cabinet:** It is a group of chosen members of a government, which is responsible for advising and deciding on government policies.
- **State Council:** The state council is the chief administrative authority of the People's Republic of China.

9.7 ANSWERS TO 'CHECK YOUR PROGRESS'

1. (a) member (b) prime minister
2. (a) True (b) False
3. (a) Senate (b) President
4. (a) True (b) True
5. (a) permanent (b) state council
6. (a) True (b) False

9.8 QUESTIONS AND EXERCISES

Short-Answer Questions

1. How did the House of Lords emerge?
2. Write a short note on the House of Commons.
3. What are the pillars on which the US senate procedure rests?
4. Write a short note on the mode of procedure of the House of Representatives.
5. Write a short note on the organization and functions of the National People's Congress of China.

Long-Answer Questions

1. Give an overview of the origin and development of the House of Lords and the House of Commons.
2. Assess the relationship of the House of Commons with the Prime Minister.
3. Explain the working of the Senate in the US.
4. Analyse the role played by the standing committee of the National People's Congress.
5. Discuss the authority and responsibilities of the state council in China.

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UNIT 10 ELECTORAL PROCESS

Structure

- 10.0 Introduction
- 10.1 Unit Objectives
- 10.2 Electoral Process in the UK
 - 10.2.1 Electoral Systems
 - 10.2.2 Plurality Voting and Party Representation
- 10.3 Electoral Process in the United States
 - 10.3.1 Eligibility
 - 10.3.2 Presidential Election
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 - 10.3.4 Electoral College
 - 10.3.5 Presidential Nominating Convention
- 10.4 Electoral Process in China
- 10.5 Summary
- 10.6 Key Terms
- 10.7 Answers to ‘Check Your Progress’
- 10.8 Questions and Exercises
- 10.9 Further Reading

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10.0 INTRODUCTION

Democracy should be defined as a system of representation—of the people, for the people, by the people. This is a broad definition and has some more key principal issues attached to it. There are other certain institutional aspects of democracy which make politicians represent their electorate much effectively. Two factors that explain this representation are—mandate and accountability. A mandate is the will or the command or an authorization of the people, who are also called the political electorate, towards their representative. Accountability should be studied as a vertical accountability granted on the capacity of constituents to reward or authorize.

This unit will introduce you to the electoral process in the United Kingdom, the United States and China. Briefly, in the UK, the House of Commons delegates the assemblies and mayors who are elected using different types of voting systems. The House of Commons and the House of Lords also have their own variety of voting systems for internal polls. The United States has a federal government and the representatives are chosen for the federal (national), state and local levels through elections. On the federal level, the President, who is also the head of the state, is chosen through an electoral college, which is an indirect way of electing people.

Elections in China are based on a hierarchical electoral system, whereby local People’s Congresses are directly elected, and all higher levels of People’s Congresses up to the National People’s Congress, the national legislature, are indirectly elected by the People’s Congress of the level immediately below.

10.1 UNIT OBJECTIVES

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

- Discuss the electoral process in the UK
- Explain the methods of casting vote in the UK

- Discuss people's participation in electing the president of the US
- Assess the voting process in China

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10.2 ELECTORAL PROCESS IN THE UK

The parliamentary system of government has been derived from the Great Britain where it developed gradually under what is known as a non-coded constitution. This constitution is made up of numerous laws, decisions of courts and many diverse as well as unwritten conventions. Presently, the leader of the party which has the majority in the House of Commons represents the government as the prime minister. Naturally, the members of the PM's Cabinet are drawn from the party in power. The prime minister is also the member of House of Commons and so are most members of the Cabinet. To stay in power, the government requires majority in the House of Commons. In case the government loses the vote of confidence in the House of Commons, it is required to put in its papers or seek the dissolution of the Parliament.

The Upper Chamber of the UK Parliament is represented by the House of Lords, which is composed of the Crown, i.e., the Monarch. This House is appointive as compared to the Lower Chamber or the House of Commons. However, it is the Lower Chamber that reigns over the Upper Chamber. In the past, the powers of the House of Lords were equivalent to those of the House of Commons but these were reduced considerably in 1911 and 1949 after the non-money (non-fiscal) bills were delayed. In 1999, it was decided to exclude the country's hereditary peers from membership to the House of Lords. The Monarch was earlier a formidable part of the Parliament. However, since the year 1952, the Monarch plays an almost ceremonial role. The Crown is representative of the unity of the nation and is above party politics. The Monarch also does not exercise any royal right of veto over legislation approved by Parliament.

For the purpose of general elections, the UK has 650 constituencies. Each constituency is represented by one Member of Parliament (MP) in the House of Commons. The term of an MP is for a maximum term of five years. Broadly, there are six kinds of elections in the UK:

- UK general elections
- Elections to devolve parliaments and assemblies
- Elections to the European Parliament
- Local elections
- Mayoral elections
- Police and Crime Commissioner elections

Elections are held on the Election Day which is conventionally a Thursday. General elections are also held on fixed dates. It is a rule to call them within five years of the opening of Parliament, following the last polls. Other elections are also held on fixed dates. In the case of the devolved assemblies and parliaments, early elections can occur in certain situations.

10.2.1 Electoral Systems

Currently, six electoral systems are in place in the UK:

- The single member plurality system (First-Past-the-Post)
- The multi-member plurality system

- Party list
- The single transferable vote
- The Additional Member System
- The Supplementary Vote

First-past-the-post

This system is used in the election of the members of the House of Commons and during other local polls in England and Wales. Under this system, the country or local authorities are divided in a number of voting areas, also known as constituencies or wards. During the time of a general poll, voters mark a cross against the name of the candidate they prefer on the ballot paper. The papers are finally counted and candidates who receive maximum votes in this manner are selected to represent their constituency or ward.

Supplementary Vote (SV)

This system is used to elect the Mayor of London and others in England and Wales. The process of this system is similar to the alternative vote system. Under this, however, voters can only cast a first and second preference vote. Thus, a voter marks against one column for first preference and in the other, for second preference. The second preference is not compulsory.

During the counting, if a candidate receives more than 50 per cent of the first preference votes during the first count, then their selection is made. In case this mark is not reached, then those candidates who poll the highest number of votes are retained and the others are eliminated. Thereafter, from those candidates who are eliminated, the second preference is counted and those votes which are polled in the favour of the first two candidates are transferred in their names. The candidate who receives most votes in this process is declared the winner.

Alternative Vote (AV)

This system is used to choose most of the committees in the House of Commons as well as for the election of the Lord Speaker and during the by poll for hereditary peers. Under this system, voters 'poll' in the manner of ranking. Candidates are ranked in the form of 1, 2 or 3 and so on, on the ballot paper. A voter can rank as many candidates or just one that he/she wants. The final counting is made with the use of these preferences. In case a candidate is polled more than 50 per cent of first preference votes, he/she is elected.

In case no candidate makes it to this mark of 50 per cent, then those with least number of first preference votes are eliminated. Their votes are given to candidates next in the line, i.e., in the second preference. If a stage is reached where a candidate has more votes than all others put together, then he/she is elected. In case this is not reached, candidates are eliminated in the process and the reallocation of preference votes is repeated till the time one candidate who gets the highest number of votes is selected.

Single Transferable Vote (STV)

This system is used for the election of deputy speakers in the House of Commons. It is also practiced in local polls of Scotland and Northern Ireland; for electing the latter's assembly as well as for European Parliament polls in Northern Ireland. To be able to

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follow this system, multi-member constituencies are needed, i.e., those constituencies which are large and elect several representatives. Under this system, the electors rank the candidates in the series of 1, 2, 3 and so on, on the ballot paper. A voter is empowered to rank as many candidates as he/she wants or rank just one. The candidates need minimum votes to be elected. Their numbers are computed according to the number of available seats and the votes polled. This is called a quota. Candidates are ranked according to preference marked by the voters and the candidate who gains this quota is declared elected.

If a candidate has been polled more votes than are required to make it to the quota, then his/her surplus votes are transferred to the other candidates. Thus, the winner's votes go to the person on the second of the preference list. In case the quota is not reached, then the candidate with minimum first preference votes is declared out of the race and the votes are transferred to other candidates. This process is repeated until all the seats are filled.

Additional Member System (AMS)

This kind of system is used for the election of the Scottish Parliament, the National Assembly for Wales and the London Assembly. Under this system, electors are given two votes: one is to be cast for an individual and another for a party contesting the polls. In the first category, candidates are selected for single-member constituencies and the method of first-past-the-post or the second ballot or alternative vote is used. In the party vote, additional members for larger region are chosen according to the proportion. In this category, the percentage of votes polled by each party is used to establish the total number of representatives in each region. This includes those members in single member constituencies for whom votes are cast.

Closed Party List

Such a system is used to choose members of the European Parliament. Exception is made in the case of Northern Ireland where the system of Single Transferable Vote is used. According to this system, a voter is required to mark (in the form of a cross) against the party they choose to support on the ballot paper. After all papers have been counted, each party is given seats proportionate to the votes it receives in each constituency. For such a List, multi-member constituencies are needed. These are those constituencies which are large and elect several representatives.

In such a system, polls are held locally. The polling procedure is looked after by the Returning Officer and the electoral register is made by the Electoral Registration Officer in all the lower-tier local authority. Exception is made in the case of Northern Ireland, where the electoral office of the country holds both the responsibilities. The election body sets principles and issues guidelines to the returning officers and all electoral registration officers even though it is in charge of the polling process in the entire country. The election commission, for instance, also registers political parties and administers the national referendums.

Entitlement to register

Any person who is above the age of 18 years and a national of the UK, the Republic of Ireland, a Commonwealth country (including Fiji, Zimbabwe and the whole of Cyprus) or a European Union member state, can seek to register their names at the Electoral Registration Officer at the district in the UK where they live. Such persons also need to

site a ‘considerable degree of permanence’ in the area’s electoral register. People can also register by providing their address even if they will be away at the time of the polls. This provision can be used in instances of being away for work, on a holiday, a person residing in student accommodation or admitted in hospital. A person with two homes, for instance, a student living in a hostel and having a permanent residential address, can register to vote in either of the booths under the address as long as they do not fall in the same area.

Additionally, to be able to appear on the electoral register, people who are also Commonwealth citizens, have to either enter or remain in the UK for the purpose. Applicants also cannot be registered as a convicted person in prison or a mental hospital or if found guilty of indulging in corrupt or illegal practices.

Electoral Register

An electoral register is maintained by each district council; it is a compilation of all registered voters. It comprises the names, address and the electoral number of every voter; voter registered under any special category, for instance service voters; as well as the electoral number of every anonymous elector. A voter who had not yet reached 18 years of age at the time of registration also has his/her date of birth on the electoral register. The electoral register of each district is further divided into separate registers for all polling districts.

Within individual voters, their franchise can differ. Thus, against the electoral list, a number of markers are made next to a voter’s name to identify in which elections he or she can vote. For instance, citizens of European Union who are not Commonwealth or Irish citizens, have against their names marked either G, which means they are only entitled to vote in government polls, or K, which refers to their eligibility to vote European Parliamentary and local government elections. Voters who live overseas have against their names marked F, indicating their eligibility to cast ballot in European and UK Parliamentary elections. Those members of the House of Lords who live in the UK have their names prefixed with the letter L, indicating that they can only vote European Parliamentary and local government elections. Members who are overseas have their names marked against letter E, meaning that they can only cast ballot in the European Parliamentary polls.

The electoral register is printed each year on December 1, following the ‘annual canvass’ period. Exception is made in case a poll is being held between July 1 and December 1. In this case, the register is published on February 1 the next year. In the year 2012, due to the scheduling of the Police and Crime Commissioner polls on November 15, the annual canvass in England and Wales was held between July and October and the electoral register was published on October 16. The registration periods are between January and September. Notice to alter names in the register is published on the first working day of each month wherein voters can add, remove or amend their names. Such a notice is also made five working days before an election any time of the year or just before a poll is being closed in order to correct any error or in case such an order has been made by the government. Except a person who has died and is automatically removed from the register, anyone who is added or removed from the register has to be notified by the main electoral registration officer.

Two versions of electoral register exist. One is the full register and the other is the edited register. The full register is required to be scrutinized under the supervision of an electoral registration officer. The Returning Officer of a district has to be supplied the

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register free of charge as well as to the British Library, the Electoral Commission, the Office for National Statistics (only English and Welsh Registers), the General Register Office for Scotland (only Scottish Registers), the National Library of Wales (only English and Welsh Registers), the National Library of Scotland (only English and Scottish Registers) and the relevant Boundary Commission.

The edited register, on the other hand, is available for sale at the electoral registration officers and can be used for personal purpose. People can also choose to have their names removed from this register after informing their local electoral registration officer.

10.2.2 Plurality Voting and Party Representation

A significant feature of the polling system in the UK is not the number of votes garnered by a political party but the numbers with which it beats other parties in the poll race. This is particularly true in marginal constituencies, where seats are held by majorities by less than 10 per cent of the vote. Ironically, the final result of the polls is dependent on these seats, and most parties focus on securing their own margins and then capturing those that are held by their opponents.

Methods of casting vote

The UK Constitution allows eligible voters to cast their ballot through these different methods:

(i) In person

On the polling day, booths are open from 7 am to 10 pm. The returning officer of each local authority gives voters their poll card which contains details of polling places allocated to them. Voters are not required to flash their voter cards or any other identification document at the polling booth to be able to vote. In Northern Ireland, one identification document is required at the polling station which can either be an NI Electoral Identity Card, a photographic NI or GB driving licence, a UK or other EU passport, a Translink 60+ SmartPass, a Translink Senior SmartPass, a Translink Blind Person's SmartPass or a Translink War Disabled SmartPass.

On being verified and marked on the voters' list, the presiding officer or poll clerk at each booth issues the ballot paper to each voter. The voter is given an elector number and polling district reference unless he/she is an anonymous elector. Ballot papers are marked with official mark, which can be a watermark or perforation, and also carry a unique identifying number. Papers issued without these two are declared invalid and not counted during the final calculation. There is also a separate list, called corresponding number list, where the officer presiding over the polls writes a voter's elector number next to the unique identifying number of the ballot paper. In order to maintain secrecy of the ballot, this paper is sealed and is only opened if the election result is challenged.

The ballot paper is marked in a private corner of the polling booth. In case the paper is spoiled, the official can issue a new one to the voter and cancel the old one. Before submitting the marked paper in the ballot box, a voter is required to show the presiding official the official mark or the unique identifying number given on the backside of the ballot paper. The law also has provision for tendered ballot. This service can be used, for instance, if a voter seeks a ballot paper even though his/her name has been marked on the voters' list. While this will mean that the voter has already cast his/her vote even though he/she may not have done so and been a victim of impersonation, he/she is allowed to cast a tendered ballot. This provision is also allowed in case a voter,

having applied for postal ballot, turns up at the polling booth. In such cases, after having marked the ballot paper, the voter cannot put it inside the ballot box but is required to return it to the presiding official who marks it with the voters' name, elector number and polling district reference. It is then placed inside a special envelope. The voter's details are then noted in the 'List of Tendered Votes'. Tendered ballots are not counted in the final count of votes but they are part of the record that the voter tried and was unable to cast vote. It is also an evidence that the voter is concerned about the polls. In case a voter wants to complain, a tendered ballot needs to be marked first.

After the polling is concluded, the top of the ballot box is sealed by the official presiding over the elections and are transported to the central counting location, where the final count is made.

(ii) By post

As per law, eligible persons can receive ballot by post either for one election or for all elections for life without citing any reason. In Northern Ireland, however, voters are expected to explain the reason for their absence to get this service. Applications for this service are required to be made before 5 pm, 11 working days before the official polling day. This is also the time when the postal ballots can be dispatched. Such ballots can also be sent outside of the country. In case they are not to be sent to the address registered by the voter, a reason needs to be provided to the EC as to why they should be sent to the alternative address.

Voters are required to return their postal ballots after having filled all the necessary details, including their date of birth, and also put in their official signatures. Then, it is dispatched to the returning officer either by hand or by post on the polling day or at the booth situated within the constituency/ward. The address of the constituency/ward is printed on the return envelope sent to the voter. For the postal ballot to be counted as vote, it has to be received at the polling booth by the person in charge of such an exercise before the polling is wrapped, which is usually 10 pm of the day.

(iii) By proxy

A unique feature of the UK voting pattern is proxy voting. This means that any person who is eligible to vote but cannot do so can appoint anyone else to vote for him/her. However, to appoint a proxy, an application has to be filled and dispatched to the local Electoral Registration Officer and it should be received by the EC six days before the polling is due. The proxy person, on the other hand, can vote in person or apply for a postal proxy vote. The postal proxy vote application should be received by the EC 11 days before the polling is due. A voter who cannot vote, for instance, in case of an emergency, can file an emergency petition with the local EC body any time before 5 pm on the voting day.

Except in case of a family member, a person is entitled to vote as a proxy for only two voters in each election in the said person's constituency. If a person applies for proxy for more than one election, he/she is required to attach an attested copy and justify his/her case on one of these basis: blindness, disability, employment, out of country on an education course, registered as a service, overseas or an anonymous elector. However, if proxy is being applied for only one poll, the person has to explain the reason why he/she cannot appear in person. Attestation is not required in this case. In case the polling booth is approachable only by air or sea, an elector is also eligible to apply for permanent proxy without an attestation.

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But this law differs for people in other regions. In Northern Ireland, for instance, voters are required to explain their absence from the polling booth if they seek to appoint another person as a proxy.

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Accessibility

As per law, all polling booths have to be made accessible to the physically disabled and equipped with PD-friendly devices. One large print display also needs to be kept for the visually impaired. It can be used for reference. Service to the PD and VI is also provided in the form of Presiding Officer to assist in voting or can even bring along a family member for help. If a person cannot enter a poll booth due to disability, the Presiding Officer is required to take out the ballot paper to the voter. Electoral registration forms are provided by the election commission in foreign languages but as per law, all voting material like ballot papers are only printed in English and in Welsh in Wales.

Post-election

Polling generally concludes at 10 pm. In most constituencies, votes are counted immediately. At the earliest, the results are declared by eve within an hour at 11 pm. Results have also been declared well into the night at 3 or 4 am. Some constituencies declare it the next day. At the time when the declaration happens and one party achieves absolute majority in the House of Commons, a public statement is made by the outgoing prime minister. In case the majority is received by the same party who had been in power earlier, they continue to hold office without making a reconfirmation or reappointment. The start of their term is not marked. If a new party achieves majority, then the outgoing prime minister submits resignation to the Monarch. Then the Monarch calls upon the leader of the party that has achieved majority to form the government. The constitution gives prime minister the option to attempt to hold power even if his/her party's seats have been lost. This is followed by the *Queen's Speech*, wherein the details of the next legislative programme are presented. This process gives a chance to the House of Commons to give a confidence or a no-confidence motion by either accepting or rejecting the Queen's Speech.

The Queen has the power to dismiss the serving prime minister and seek a replacement since there are no constitutional guidelines on the matter, though precedents are available. The last such incident was the dismissal of Lord Melbourne in 1834. It can trigger a crisis as it did in 1975 and led to the Australian constitutional crisis. Recent prime ministers who chose to not resign despite not winning a majority are Edward Heath in 1974 and Gordon Brown in 2010. After negotiations with the Liberal Party failed to culminate into a deal in 1974, Heath put in his papers following which Queen II asked Labour leader Harold Wilson to form the government. Therefore, it is incumbent on the serving prime minister to react to the poll results, either by deciding to resign or to continue. The Monarch plays no role till this point. Only after the prime minister decides to resign, the Monarch asks the leader of the other party to form a government. For instance, despite being prime minister from 1979-1990, Margaret Thatcher was only asked once to form the government. Tony Blair too was asked to form a government once in 1997. While the prime minister can order the reshuffle of ministers anytime, after each election too, a prime minister can engage in a major or minor reshuffle of ministers.

After taking over the government, the largest party who could not achieve majority becomes the Opposition party. It is also known as *Her Majesty's Loyal Opposition*. All other small parties too who could not form government are known as just 'opposition'.

Vacancies in the House created due to death, ennoblement, or resignations of members are filled through by-election. There is no fixed timeframe for by-election and they can be held months after the creation of the vacancy. They cannot be filled at all if the general elections are due in near time. The dissolution of Parliament means that all seats are vacant and polls have to be held.

How often are general elections held?

As mentioned earlier, under this Act, polls are held on the first Thursday of the month of May every five years. Under the following two provisions, polls can be held on occasions other than the said five years:

- When a no confidence motion is passed in Her Majesty's government by a simple majority and 14 days elapse without the House having passed a confidence motion in any new government.
- When a motion for the general polls is agreed by two-third of the total number of seats in the House of Commons. This includes vacant seats, which stand at 434 out of 650 at present.

Before this Act was put into place, the Parliament was conceived for five years despite the fact that many were dissolved before the said period. This was always done at the request of the PM to the Monarch.

10.3 ELECTORAL PROCESS IN THE UNITED STATES

Two parties have dominated the US political scene for a long time — the Republican or Democrats. Since 1852, every president elected in the US has belonged to either of the two parties. As per the US system, a 'single-member district system' applies in the country. The candidate who is polled the highest number of votes in his/her state is elected as president. Thus, the voters poll for electors in their state. The leader of the country is thus indirectly elected. In total, there are 538 electors in the Electoral College. To win the presidential polls, it is important to win in most populated states. From all electoral votes cast nationwide, a candidate needs to earn an absolute majority at least 270 of the 538.

There exists a federal government in the US and members are elected at the national, state and local levels. At the federal or the national level, President is the head of the state and, as mentioned above, is indirectly elected through an electoral college. In the present times, the citizens almost vote with the votes being cast in their states. The federal legislature is also called the Congress and all its members are directly elected. At the state level, many elected offices exist and many states have an elective governor and legislature. Similarly, at the local level and the counties, there are many elected offices. As per an estimate, nearly one million offices are filled in every electoral cycle in the US.

The elections are regulated through the state laws which often go beyond many constitutional definitions. The state laws decide on issues like the eligibility of the voters, ways in which each state's Electoral College is run and on the local and state elections. Articles I, II and the many amendments of the US Constitution pertain to the federal elections. On its part, the federal government has been trying to stimulate the voters' turnout through measures like the National Voter Registration Act, 1993.

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Check Your Progress

1. Where did the parliamentary system of governance originate?
2. What is the composition of the UK Parliament?
3. Name the six types of elections held in the UK.

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Issues related to the financing of the elections have always been surrounded in controversy because of high amounts provided by the private sector especially towards the federal polls. Cap on public funding from volunteers towards candidates' campaign was introduced in the year 1974 for presidential primaries and elections. In 1975, a Federal Elections Commission was formed through an amendment to the Federal Election Campaign Act. This body has the responsibility to release all information about financing of campaigns so that legal provisions like the limits and prohibitions on contributions and public funding of the presidential elections are adhered to.

10.3.1 Eligibility

As mentioned above, the eligibility of a person to vote is mentioned in the Constitution and also decided by the states. As per the Constitution, the right to vote cannot be denied on the basis of sex, race or colour and everyone above 18 years of age can vote. Issues other than these are decided by state legislatures. States can prevent, for instance, convicted criminals, especially felons, from voting for a fixed period or forever. Some states also prevent 'insane' or 'idiot' persons from voting. These terms are generally considered derogatory and steps are on in the US to review these terms or remove them wherever they appear.

10.3.2 Presidential Election

The president and the vice-president of the US are indirectly elected; citizens cast their vote for a number of members to form the US Electoral College. The College then directly elects the president and the vice-president. Elections for the president are held quadrennial, starting from the year 1792. Votes are polled on the Election Day, which is traditionally a Tuesday between November 2 and 8. Polls are held simultaneously in various states and local counties. The last election was held in 2016 on November 8. The next polls are due on 3 November, 2020.

The elections are regulated by both the federal and state laws. Each state is given a number of Electoral College electors equal to the number of senators and representatives it has in the US Congress. Washington D.C. is also provided electors equal to the numbers held by the smallest state. Electoral College has no representation from the US territories.

The US Constitution empowers each state to decide how it will choose its electors. Therefore, on the Election Day, the popular vote is held by various states and not the government at the centre. Electors can independently vote once they are chosen; there have been exceptions such as unpledged or faithless electors who vote for their own candidates. Their votes are confirmed by the Congress who is the final judge of electors, two months after the voting.

The process of nomination, including those for the federal elections, has not been specified in the Constitution and is developed by various states and political parties. This is also an indirect process and voters cast their ballot for a number of delegates who are chosen to represent their states at their party conventions. Delegates then cast their vote in favour of one candidate for the post of the president.

10.3.3 History

It is in Article II of the US Constitution that the method of presidential elections has been detailed. This includes selection of the Electoral College. Article II and its contents are the result of deliberations and compromises between one section of constitution of framers who wanted to rest the power with the Congress for choice of president even as the

other section favoured national voting. Later, each state was given the number of electors equal to the size of its members in the two houses of Congress. The process to choose electors is decided by each state through its legislature. In 1789, when the first presidential elections were held, only six of the then existing 13 states chose electors through voting. Later, however, most states following the method of popular voting choose their slate of electors. This resulted in a nationwide indirect polling system as it is today.

As established originally under Article II, electors were allowed two votes for two different presidential candidates. The candidate who polled the highest number of votes was elected the president and the second polled candidate was appointed the vice president. However, this system had its own problems. For instance, in the 1800 presidential elections, Aaron Burr was polled the equal number of votes as Thomas Jefferson. Jefferson was allegedly selected for the top post job under the influence of Alexander Hamilton in the House of Representatives. Burr challenged Jefferson's selection and this led to deep rivalry between the two, resulting in their famous duel in 1804.

The 12th amendment to the US Constitution was passed in response to the polls in 1800. It required voters to cast two distinct votes, one for the president and another for the vice president. The amendment also provided rules in case no candidate won a majority in the Electoral College. After the presidential election of 1824, Andrew Jackson registered plurality but not majority. Then, the House of Representatives was given charge of the polls and John Quincy Adams was elected as the president. Again, this led to deep rivalry between Jackson and the then speaker of the House, Henry Clay, who was one of the candidates in the polls.

10.3.4 Electoral College

As an institution, the US Electoral College is in charge of officially electing the president and vice president every four years. As mentioned earlier, people indirectly elect them through popular vote in each state. All states also have own electors which is equal to the number of members they have in the Congress. The 23rd amendment gave the District of Columbia three electors. At present, there are 538 electors in the US. Of these, 435 are representatives and 100 senators, including three electors from the District of Columbia.

Except the states of Maine and Nebraska, electors are chosen in all others on 'winner-take-all' basis. Electors who support the presidential candidate who is polled most votes become electors for him/her. The states of Maine and Nebraska use the 'congressional district method' wherein one elector is chosen by popular vote and the remaining two are selected through nationwide voting. The federal law does not seek that an elector honours a pledge but there have been instances where electors voted against the pledge they had taken. As per the 12th amendment, each elector had to cast two votes, one for the president and another for the vice president. The candidate who receives most votes—the current majority is 270—for both the offices of the president or the vice president is elected to that office.

The 12th amendment also specified on measures to be taken if the Electoral College failed to choose a president or vice president. In case no candidate receives majority for the post of the president, then the House of Representatives selects a candidate wherein each state has one vote each. In case no candidate receives majority for vice president, then the Senate selects him/her, with each senator having one vote.

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Critics of the system contend that the system of Electoral College is inherently undemocratic and gives states undue influence in choosing the heads of the country. This is because the Electoral College provides for numerical majority in the presidential election to small states as minimum electors from such states are three. On the other hand, the winner-take-all method of voting favours the larger states. Many constitutional amendments have sought modifications to the Electoral College and its replacement with popular vote.

10.3.5 Presidential Nominating Convention

The country holds a presidential nominating convention every four years. It is held by parties who want to field their candidates in the presidential elections. The purpose of each such convention is to choose a party's nominee for the post of the president. It also seeks to adopt a statement of party principles and goals known as the *platform* and set rules for party's activities, including the process to choose the presidential nominee for the next polls. Owing to changes in the poll laws and the process of running campaigns, such conventions since the latter half of the 20th century have nearly renounced their original goals and are merely ceremonial affairs at present. Today, such conventions refer to the quadrennial events of two dominating parties, and are called the Democratic National Convention and the Republican National Convention. Other smaller parties also hold such conventions. Few examples are those of the Green Party, Socialist Party, Libertarian Party, Constitution Party and Reform Party.

Nominating process

The process of nominating a candidate in the present times is divided into two parts: state-wise presidential primary elections and caucuses and the nominating conventions held by each political party. This process finds no mention in the US Constitution and has evolved over the time by participating political parties.

The primary polls are held by the state and local government. Caucuses are held by political parties directly. While some states organize only primary polls, some hold caucuses while others hold both the processes. These processes are generally held between January and June before the federal elections are due. Traditionally, the states of Iowa and New Hampshire hold the state caucus and primary first.

Presidential caucuses or primaries are indirect elections like general polls. It is at their respective nominating conventions that major political parties vote for the presidential candidate. These are usually held in the summer before the federal elections are due. Each state or political party has a different rule wherein voters cast ballot to choose presidential caucus or primary. With such an exercise, the voters could be voting to award delegates who will in turn vote for a particular candidate at the presidential nominating conventions or voters could be only expressing their opinion which a party is not bound to follow at the national convention. Voters in territories are also empowered to choose delegates to the national conventions.

Along with these, political parties also include 'unpledged' delegates who can vote for whoever they want. For the Republicans, top party officials comprise this list while for the Democrats, these are usually the party leaders and elected officials. The presidential candidate for each party also chooses a vice-presidential candidate who runs with him/her on the same ticket. Their choice is always approved by the convention.

10.4 ELECTORAL PROCESS IN CHINA

The National People's Congress (NPC) is an essential part of the central government system of the People's Republic of China. Due to its exclusive nature and importance, it is treated among the organs of the Central People's Government. The constitution of 1954 places the National People's Congress as the highest wing of the state authority and the only legislative authority of China. The deputies to the Congress, from provinces, autonomous regions, municipalities directly under the central authority, the armed forces and overseas Chinese are prescribed by the Electoral Law of China for the National People's Congress and Local People's Congresses, at all levels. This was propagated on 1 March 1953.

The term of office of the deputies is four years, which may extend in case the election of deputies to a new Congress is not completed. When a deputy is incapable of performing his duties, his electoral unit will hold a by-election to fill the vacancy. The new deputy so elected is to serve the remainder of the unexpired term. The deputies are not arrested or put on trial without the approval of the Congress or its standing committee, when the Congress is in recess. Moreover, they are supervised by the units that they represent and may be replaced in harmony with law. The deputies may attend the meetings of the people's Congresses or of their local units.

The National People's Congress has a standing committee as well as other committees. The annual session of the Congress is to be convened by the standing committee, which may also call for special sessions of deputies. The meetings of the Congress are controlled by an executive chairman of the presidium, who is elected by the deputies at the beginning of the session. For each session, the Congress sets up a secretariat, under the direction of a secretary general. He conducts the routine business of the Congress.

10.5 SUMMARY

- Democracy should be defined as a system of representation—of the people, for the people, by the people. This is a broad definition and has some more key principal issues attached to it. There are other certain institutional aspects to democracy which make politicians represent their electorate much effectively. Two factors that explain this representation are—mandate and accountability.
- The parliamentary system of government is derived from the Great Britain where it developed gradually under what is known as a non-coded constitution. This constitution is made up of numerous laws, decisions of courts and many diverse as well as unwritten conventions.
- For the purpose of general elections, the UK has 650 constituencies. Each constituency is represented by one Member of Parliament (MP) in the House of Commons. The term of an MP is for a maximum term of five years. Broadly, there are six kinds of elections in the UK:
 - o UK general elections
 - o Elections to devolve parliaments and assemblies
 - o Elections to the European Parliament
 - o Local elections
 - o Mayoral elections
 - o Police and Crime Commissioner elections

NOTES

Check Your Progress

4. How many electors are there in the electoral college of the US?
5. What type of a government does the United States have?
6. Which Article of the United States Constitution originally established the method of presidential elections?
7. What is the term of office of the deputies in China?

NOTES

- There are two main types of electoral systems in the UK:
 - First Past the Post (FPTP)
 - Proportional Representation (PR)
- FPTP is an electoral system used for electing MPs to ‘seats’ in the UK Parliament. It is a procedure in which the ‘winner gets everything’ and generally gives an absolute majority at both, constituency and national levels.
- In PR systems there are no exhausted votes in elections. Consequently, there is a much higher degree of proportionality; the number of seats more precisely mirrors the number of votes won by each party.
- An electoral register is maintained by each district council; it is a compilation of all registered voters. It comprises the names, address and the electoral number of every voter; voter registered under any special category, for instance service voters; as well as the electoral number of every anonymous elector.
- A significant feature of the polling system in the UK is not the number of votes garnered by a political party but the numbers with which it beats other parties in the poll race. This is particularly true in marginal constituencies, where seats are held by majorities by less than 10 per cent of the vote.
- The United States is a republic. This indicates that the people have the entitlement and they elect representatives of their choice.
- Two parties have dominated the US political scene for a long time—the Republican or Democrats. Since 1852, every president elected in the US has belonged to either of the two parties. As per the US system, a ‘single-member district system’ applies in the country.
- US also a federal nation, which means that power is shared between the central government and the individual states.
- Federal power is shared by three different branches of government—the president and his cabinet (the Executive), the two chambers of the US Congress (the Legislature) and the courts (Judiciary).
- The president and the vice-president of the US are indirectly elected; citizens cast their vote for a number of members to form the US Electoral College. The College then directly elects the president and the vice-president.
- It is in Article II of the US Constitution that the method of presidential elections has been detailed. This includes selection of the Electoral College.
- As an institution, the US Electoral College is in charge of officially electing the president and vice president every four years. People indirectly elect them through popular vote in each state. All states also have own electors which is equal to the number of members they have in the Congress.
- Elections in China are based on a hierarchical electoral system, whereby local People’s Congresses are directly elected, and all higher levels of People’s Congresses up to the National People’s Congress, the national legislature, are indirectly elected by the People’s Congress of the level immediately below.
- The deputies to the Congress, from provinces, autonomous regions, municipalities directly under the central authority, the armed forces and overseas Chinese are prescribed by the Electoral Law of China for the National People’s Congress and Local People’s Congresses, at all levels. This was propagated on 1 March 1953.

- The term of office of the deputies is four years, which may extend in case the election of deputies to a new Congress is not completed. When a deputy is incapable of performing his duties, his electoral unit will hold a by-election to fill the vacancy.

10.6 KEY TERMS

- **Mandate:** It is a command or an approval given by a political electorate to its representative.
- **Electoral College:** It is a body of electors chosen or appointed by a larger group.
- **Cabinet:** It is a body of advisers to the President, composed of the heads of the executive departments of the government.
- **Caucus:** In some US states, it is a meeting at which local members of a political party register their preference among candidates running for office or select delegates to attend a convention.
- **Supplementary vote:** It is an electoral system used to elect a single winner, in which the voter ranks the candidates in order of preference.
- **Alternative vote:** It is a voting system designed to elect one winner.
- **Single transferable vote:** It is a voting system based on proportional representation and preferential voting.
- **Additional member system:** It is a branch of voting systems in which some representatives are elected from geographic constituencies and others are elected under proportional representation from a wider area, usually by party lists.
- **Electoral register:** It is a listing of all those registered to vote in a particular area.
- **Plurality voting:** It is a vote of one or more than the number received by any other candidate or issue in a group of three or more.

10.7 ANSWERS TO ‘CHECK YOUR PROGRESS’

1. The parliamentary system of government originated in Great Britain, where it has gradually developed under a non-coded constitution defined by a vast body of laws, court decisions and diverse unwritten conventions.
2. The UK Parliament is composed of the Crown that is the monarch, the House of Lords, an appointive and hereditary upper chamber and the popularly elected lower chamber, the House of Commons.
3. There are six types of elections held in UK. These are:
 - UK general elections
 - Elections to devolved parliaments and assemblies
 - Elections to the European Parliament
 - Local elections
 - Mayoral elections and
 - Police and Crime Commissioner elections

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4. All together there are 538 electors in the Electoral College of the US.
5. The United States has a federal government, with elected officials at the federal (national), state and local levels.
6. Article Two of the United States Constitution originally established the method of presidential elections, including the Electoral College.
7. The term of office of the deputies in China is four years, which may extend in case the election of deputies to a new Congress is not completed.

10.8 QUESTIONS AND EXERCISES

Short-Answer Questions

1. What is the role of the Queen in the British Parliament?
2. State the functioning of the six electoral systems used in the UK.
3. What is an electoral register?
4. List the various methods of casting vote that the UK Constitution allows its eligible voters.
5. What is an electoral college?

Long-Answer Questions

1. Give a detailed account of the electoral process in the UK.
2. Critically evaluate the various types of voting systems used in the UK.
3. Discuss the process of presidential elections in the US.
4. What is the presidential nominating convention in the US?
5. How are the deputies in China elected? Describe.

10.9 FURTHER READING

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