

THE GRAMMAR OF MODERN  
POLITICAL ORDER: INSTITUTIONS, AUTHORITY,  
AND GOVERNMENT SYSTEMS

AUTHOR  
Deniz ALCA



Karabük Üniversitesi Yayınları

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# **THE GRAMMAR OF MODERN POLITICAL ORDER: INSTITUTIONS, AUTHORITY, AND GOVERNMENT SYSTEMS**

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## PREFACE

This book approaches modern government systems not as abstract constitutional templates, but as historically produced institutional outcomes shaped by a wide and interrelated set of forces. Parliamentary, presidential, and semi-presidential systems are treated here as the visible surface of deeper structural processes in which production relations, geography, political culture, historical experience, and institutional path-dependence intersect. Government systems, in this sense, are neither neutral technical choices nor universally transferable models; they are the cumulative result of long-term social, economic, and political formations.

Rather than asking which system is normatively superior, this book advances a different and more analytically grounded question: under what conditions does a particular government system function effectively, and under what conditions does it generate tension, instability, or authoritarian drift? The central claim developed throughout the book is that no system functions independently of the society in which it is embedded. Institutional arrangements that produce stability and accountability in one context may generate fragmentation or crisis in another. What matters, therefore, is not the formal label of a system but its compatibility with the historical, cultural, and structural characteristics of the political community in which it operates.

Modern political order is constituted through the institutionalization of authority. This process involves the monopolization of legitimate coercion by the state, the legal codification of political power, and the differentiation of governing functions among legislative, executive, and judicial institutions. These developments mark the historical transition from feudal and corporatist orders—where authority was fragmented, personalized, and often grounded in economic coercion—toward modern statehood, in which political power is exercised through formally defined institutions operating within a legal framework. Government systems emerge from this transformation as specific configurations of authority, responsibility, and restraint.

The book proposes that the structure and functioning of government systems cannot be understood without situating them within broader historical and social processes. Patterns of economic organization, territorial structure, social stratification, and collective identity shape how institutions are designed and how they operate in practice. Geography influences centralization and decentralization; production relations affect state capacity and social bargaining; political culture shapes expectations of authority, compromise, and conflict; historical legacies constrain or enable institutional reform. Government systems are therefore analyzed as outcomes of processes, not merely as formal constitutional designs.

Methodologically, the book adopts a comparative and layered analytical framework. It distinguishes between the form of state, the form of administration, and the form of government, and examines how these dimensions interact to produce distinct political orders. This approach allows for a systematic comparison across cases while avoiding institutional determinism. Parliamentary, presidential, and semi-presidential systems are examined in relation to party systems, electoral rules, territorial organization, and mechanisms of accountability, revealing how similar institutional forms can generate divergent outcomes across societies.

A key implication of this analysis is that the success or failure of a government system cannot be explained solely by constitutional design. Institutional performance is inseparable from political culture, historical experience, and social structure. Systems function well when institutional arrangements resonate with societal expectations and power relations; they malfunction when imposed or maintained in tension with these underlying conditions. The study of government systems must therefore move beyond ideal-type classification toward a contextual understanding of institutional compatibility.

This book is intended for readers seeking a deeper understanding of how political order is constructed, maintained, and transformed in contemporary states. By focusing on the grammar of political order—the rules, structures, and relationships that organize political authority—it offers a framework for interpreting government systems not as fixed models, but as historically contingent and socially embedded configurations of power.



# INTRODUCTION: Understanding Modern Political Systems

In Leo Tolstoy's monumental *War and Peace*, the narrative unfolds not merely as a chronicle of individual destinies but as a profound meditation on the nature of power, the relationship between rulers and ruled, and the hidden forces shaping historical events. Prince Andrei's philosophical reflections on authority, Pierre Bezukhov's search for moral order amid political chaos, and Napoleon's misguided belief in his own omnipotence illuminate fundamental questions about political legitimacy and the limits of human agency in shaping collective fate. Yet beneath these individual dramas lies a deeper transformation: the novel captures Russian society at the moment when feudal production relations—the agrarian economy based on serfdom and noble landholding—confront the pressures of modernization, commercial expansion, and centralized state power. Tolstoy challenges the “great man” theory of history, suggesting instead that vast impersonal forces—social, economic, and institutional—determine political outcomes far more than individual leaders' decisions. His epic grapples with the collective trauma and civilizational stakes of decisions about war and peace—decisions that, prior to the emergence of the modern state, could be undertaken by competing nobles or dynastic factions. Modernity centralizes these decisions in a single sovereign authority precisely as changing production relations demand new forms of political organization (Tolstoy, 1869).

Similarly, Fyodor Dostoevsky's *Crime and Punishment* explore not only the relationship between individual conscience and state authority but also the social dislocation produced by Russia's traumatic modernization. Raskolnikov, the impoverished former student, embodies the contradictions of a society caught between traditional moral frameworks and emerging capitalist relations. His tortured reasoning about moral law, legal punishment, and the psychological burden of transgressing social order reflects the broader crisis of legitimacy accompanying the transformation from agrarian feudalism to urban commercial society. The novel dramatizes the psychological, philosophical, and institutional processes through which guilt is determined, and punishment is imposed in a world where old certainties—noble privilege, Orthodox authority, communal solidarity—are dissolving under the pressure of new economic relations. Raskolnikov's attempt to place himself above conventional morality and law ultimately fails not through external coercion alone but through internal moral collapse, revealing how legitimate authority operates not merely through physical force but through internalized norms and shared moral frameworks. His confession and acceptance of

punishment demonstrate that political order rests fundamentally on legitimacy—the belief that authority is rightful—rather than pure domination. In pre-modern societies, the right to judge crime and met out punishment often belonged to families, clans, guilds, religious courts, or feudal lords. In the modern age, this authority becomes exclusively the prerogative of the state, reflecting the monopolization of internal coercion demanded by new production relations requiring uniform legal frameworks, predictable property rights, and centralized enforcement (Dostoevsky, 1866).

Taken together, these masterworks illuminate the two foundational monopolies of the modern state: the authority to decide matters of war and peace, and the authority to define crime and administer punishment. Yet they also reveal the social transformation underlying these political changes. Both novels depict societies in the throes of transition from feudal to capitalist production relations—a transformation that generates profound social pressures demanding new political forms. The fragmented authority of the feudal-corporatist order, where economic power directly translated into political jurisdiction, becomes untenable when commercial exchange, wage labor, urbanization, and industrial production create new social classes and economic relationships requiring centralized legal frameworks, uniform taxation, and institutionalized coercion. Literature thus mirrors political-economic evolution: the modern state emerges not from ideas alone but from the material transformation of production relations that render old political forms obsolete and generate pressures for institutional centralization, legal rationalization, and territorial sovereignty. These literary works illuminate core questions that animate comparative political analysis: What is the nature of legitimate political authority? How do changing material conditions shape institutional development? Why do some political orders command voluntary obedience while others require constant coercion? What explains the remarkable diversity of governmental forms across human societies? How do economic structures, culture, history, and institutional design interact to produce stable or unstable political systems? These questions transcend particular times and places, representing enduring challenges for understanding political life (Anderson, 1974).

### **The Modern State: Material Foundations and Conceptual Architecture**

The modern state distinguishes itself through several interlocking characteristics that fundamentally separate it from earlier political forms. Chief among these is the monopolization of legitimate coercion. Although Max Weber formulated this principle in its most famous modern expression—defining the state as “a human community that successfully

claims the monopoly of the legitimate use of physical force within a given territory”—the idea reaches back to early modern theorists of sovereignty (Weber, 1946, p. 78). Jean Bodin, writing in the sixteenth century, defined sovereignty as the “absolute and perpetual power” of a political community, insisting that such power must be indivisible and located in a single authority capable of enforcing obedience uniformly. His argument directly targeted the feudal-corporatist world, where coercion was scattered among nobles, clerics, guilds, and autonomous communities. Bodin understood that the very notion of sovereignty collapses when authority is fragmented; only a unified locus of coercion can constitute a true state (Bodin, 1576).

Yet this consolidation of coercion did not emerge from theoretical arguments alone. It reflected a deeper transformation in the structure of production and the social relations derived from them. The decline of feudalism marks a transition from economic coercion to political coercion, from production relations where political loyalty derived directly from material dependence to relations where coercive capacity becomes institutionalized and separated from immediate economic control. In the feudal world, control of land, rents, and productive resources directly translated into political authority—to command economic resources was to command political obedience. Lords exercised juridical power over peasants because they controlled the means of production. The fragmentation of political authority into countless jurisdictions reflected the fragmentation of economic power among landlords, ecclesiastical estates, and corporate bodies (Anderson, 1974).

Modernity fundamentally transforms this relationship. As commercial societies expand through long-distance trade, urban manufacturing, and eventually industrial production, economic relations become increasingly depersonalized and rationalized. Wage labor replaces serfdom, market exchange replaces feudal obligation, mobile capital replaces fixed landholding, and contractual relationships replace status hierarchies. These new production relations create bourgeois classes whose economic power derives from commerce, manufacturing, and finance rather than landed property—classes demanding legal predictability, property security, uniform regulations, and centralized enforcement that fragmented feudal jurisdictions cannot provide. Simultaneously, the fiscal demands of military competition among territorial states require taxation systems that can extract resources from commercial activity, necessitating administrative penetration and legal standardization (Tilly, 1990).

Coercive capacity shifts from private landlords and corporate estates to public institutions as the state becomes the sole agent authorized to compel obedience. This coercive authority is abstracted from direct economic control, becoming institutional and political in nature. The

modern state monopolizes violence not because rulers suddenly conceived the idea but because changing production relations demanded centralized, rationalized, territorially bounded political authority. The bourgeoisie required protection for commercial property and contract enforcement; centralized states needed fiscal extraction to fund militaries; monarchs sought to eliminate rival power centers; and all these interests converged in creating modern state structures. Yet the result was not simply the triumph of any single class but the creation of relatively autonomous political institutions mediating among social forces through legal frameworks claiming to stand above particular interests (Skocpol, 1979).

Crucially, modern political coercion is not legitimized merely through laws understood as commands issued by rulers. Instead, it is grounded in law as a normative legal order—a constitutional framework that stands above both rulers and ruled. In a modern state, coercion is lawful not because it is decreed but because it is constrained, justified, and rendered predictable by a higher-order legal system rooted in principles of generality, rationality, and equality. This distinction between positive law and legal order—between law as command and law as principle—is fundamental. It is what makes the modern state a *Rechtsstaat*, a state governed through law rather than personal will. This legal-rational authority emerges not from pure ideology but from the material requirements of capitalist production relations requiring predictable legal frameworks for property, contract, and commercial exchange (Dyzenhaus, 1997).

This normative order depends upon the existence of a human-made constitution. Unlike sacred legal codes that claim divine origin, modern constitutions derive legitimacy from deliberate human authorship, popular consent, and rational institutional design. They articulate rights, distribute powers, and define the limits of authority in generalizable terms. The shift from divine to human authority reflects not merely philosophical enlightenment but the social transformation accompanying new production relations. When political authority served to maintain fixed agrarian hierarchies justified by religious cosmology, divine legitimation proved functional. When commercial societies required adaptable legal frameworks responsive to changing economic conditions, human-made constitutions subject to revision became necessary. For this reason, political formations that root legitimacy in divine sovereignty rather than popular authorship—such as the Islamic Republic of Iran—fall outside the analytical category of modern constitutional statehood employed in this book. Iran possesses institutions that resemble those of modern states, yet its ultimate basis of legitimacy is theological rather than human-made; sovereignty does not reside in the people or their representatives but in

clerical guardianship claiming divine authority. Modern constitutionalism, by contrast, presupposes that authority is created by human agents, subject to revision, contestation, and legal limitation—reflecting the dynamic, changing character of capitalist social relations (An-Na'im, 2008).

### **Intellectual Foundations and Material Transformations**

The emergence of the modern state was not merely institutional but philosophical, yet these philosophical developments themselves responded to material transformations. A lineage of thinkers reconceived political authority in human, rational, and secular terms, breaking decisively with medieval traditions that grounded authority in divine will or natural hierarchy. However, these intellectual innovations emerged from and addressed the concrete problems generated by changing production relations and the social conflicts they produced.

Niccolò Machiavelli broke with the tradition of divine or moralized politics by treating political action as governed by human prudence, contingency, and strategy. His *Prince* (1532) analyzed power in instrumental terms, focusing on what rulers must do to maintain authority rather than what they ought to do according to theological or ethical principles. This secular realism emerged in Renaissance Italy where commercial city-states, mercenary armies, and dynastic conflicts created political environments demanding pragmatic analysis. Machiavelli's thought reflected the breakdown of feudal certainties and the emergence of political orders based on calculated interest rather than inherited status (Machiavelli, 1532).

Thomas Hobbes argued in *Leviathan* (1651) that sovereign power arises from the collective decision of individuals to escape the perils of the state of nature—a condition of perpetual insecurity and violence—by authorizing a central authority to act on their behalf. Written amid England's Civil War, Hobbes's contractarianism responded to the crisis produced when traditional legitimacy collapsed but new political forms remained contested. His work addressed the fundamental problem of establishing authority when religious warfare and social transformation had destroyed consensus about political foundations. Hobbes grounded political authority in human choice and mutual agreement rather than divine right, though his absolutist conclusions privileged order over liberty. The sovereign, once established through social contract, possessed unlimited authority to maintain peace and security—reflecting the desperate need for stability in societies torn by conflicts generated by religious reformation and emerging commercial relations (Hobbes, 1651).

John Locke challenged Hobbes's absolutism in his *Two Treatises of Government* (1689), arguing that political power exists to secure natural rights including life, liberty, and property. Unlike Hobbes's unlimited

sovereign, Locke's government operates under law and remains accountable to the people who retain ultimate sovereignty. When governments violate these rights or exceed their authority, the people possess the right to withdraw consent and establish new governments. Locke's emphasis on property rights reflected the interests of England's commercial classes seeking protection against arbitrary royal power and traditional aristocratic privilege. His limited government theory provided philosophical justification for the Glorious Revolution's constitutional settlement, profoundly influencing liberal constitutionalism and democratic revolutions while articulating the political requirements of emerging capitalist property relations (Locke, 1689).

Jean-Jacques Rousseau advanced the idea of the general will as the only legitimate foundation of sovereignty in *The Social Contract* (1762). Laws are binding only when they express the collective moral purpose of the community—the general will—rather than particular interests of rulers or factions. Rousseau's popular sovereignty doctrine held that legitimate authority requires active citizen participation in lawmaking, influencing republican and democratic theory. Yet his work also reflected anxieties about commercial society's corrupting effects on civic virtue and political equality, attempting to imagine political forms that could preserve communal solidarity amid individualizing market relations. Rousseau's contradictions—advocating popular sovereignty while fearing majority tyranny, celebrating equality while accepting substantial property differences—reflected the tensions inherent in reconciling democratic ideals with capitalist social relations (Rousseau, 1762).

Montesquieu provided the structural framework of modern constitutionalism through his theory of the separation of powers in *The Spirit of the Laws* (1748). He contended that political liberty is possible only when legislative, executive, and judicial functions are institutionally separated and mutually checked. Concentrating these powers in single hands or institutions inevitably produces tyranny regardless of whether authority is monarchical, aristocratic, or democratic. This institutional theory directly influenced constitutional design in the United States and subsequently in numerous modern democracies. Montesquieu's analysis reflected commercial society's need for legal predictability and protection against arbitrary power, providing institutional mechanisms to balance competing social interests while preventing any single group from dominating state apparatus (Montesquieu, 1748).

Together, these thinkers articulated the conceptual rupture that separates modern statehood from all earlier political forms. Authority becomes secular rather than sacred, institutional rather than personal, legal rather than patrimonial, and territorial rather than feudal. The modern

state supersedes the corporatist order not only by consolidating power but by redefining the very basis of political legitimacy. Sovereignty derives from human agreement and constitutional law rather than divine ordination or traditional hierarchy. Yet this philosophical transformation cannot be understood apart from the material transformations that generated new social classes, undermined feudal production relations, created pressures for legal rationalization and administrative centralization, and demanded political forms compatible with commercial and eventually industrial capitalism (Skinner, 1978; Anderson, 1974).

### **Legitimacy Crises and Material Transformations**

The transformation from feudal to modern political forms generated profound legitimacy crises as old justifications for authority lost credibility while new bases of legitimacy remained contested. These crises reflected not merely ideological conflicts but fundamental contradictions in production relations and the social structures they sustained. When commercial expansion, urbanization, and proto-industrialization created new social classes whose economic power derived from non-agrarian sources, traditional legitimations based on hereditary hierarchy, religious cosmology, and landed privilege became increasingly untenable (Moore, 1966).

The French Revolution exemplified this crisis most dramatically. Ancien régime France combined absolute monarchy claiming divine right with a society divided into juridically distinct estates—clergy, nobility, and commoners—whose privileges and obligations derived from feudal tradition. Yet by the late eighteenth century, France's economy featured substantial commercial activity, proto-industrial production, and a wealthy bourgeoisie whose economic significance vastly exceeded their political status. The fiscal crisis of the state, produced by expensive wars and inability to tax privileged estates, revealed the ancien régime's political structures as incompatible with its economic foundations. The Revolution destroyed feudal privileges, declared popular sovereignty, rationalized legal codes, centralized administration, and established principles that would shape modern statehood—all driven by contradictions between emerging capitalist relations and feudal political superstructures (Skocpol, 1979).

Similarly, the English Civil War and Glorious Revolution reflected conflicts between commercial interests demanding parliamentary authority over taxation and traditional monarchy claiming divine right and prerogative powers. The constitutional settlement establishing parliamentary sovereignty, rule of law, and protection for property rights created political frameworks compatible with commercial capitalism's requirements. The American Revolution extended these principles while rejecting monarchical authority entirely, establishing republican

institutions and written constitutions that would influence subsequent constitutional developments worldwide (Palmer, 1959).

These revolutionary transformations demonstrate that changing production relations generate pressures demanding new political forms. When economic power shifts from landed aristocracy to commercial bourgeoisie, when production moves from manorial agriculture to urban manufacturing, when social relationships become increasingly based on contract rather than status, political institutions must adapt or face revolutionary transformation. The modern state emerges not from philosophical arguments alone but from material contradictions demanding institutional solutions. Legal-rational authority, constitutional frameworks, bureaucratic administration, and territorial sovereignty become necessary when production relations require predictable legal environments, uniform regulations, centralized enforcement, and rationalized taxation (Anderson, 1974).

### **Institutional Diversity within Modern Statehood**

Despite their shared foundations in transformed production relations and legal-rational legitimacy, modern states develop divergent constitutional and institutional arrangements producing remarkable variety in governmental forms. Parliamentary systems fuse executive and legislative authority with governments emerging from and remaining accountable to parliaments. Presidential systems separate powers through independently elected presidents and legislatures serving fixed terms. Semi-presidential systems combine elements of both through dual executives sharing power. These different executive-legislative configurations create distinct incentives for political actors and produce varying patterns of governance, stability, and accountability (Lijphart, 2012).

Federal systems divide sovereignty between national and regional governments with constitutional protections ensuring subnational autonomy, accommodating territorial diversity while complicating governance. Unitary states concentrate sovereignty in central governments exercising ultimate authority over regions and localities, enabling policy uniformity but potentially frustrating regional preferences. These territorial arrangements fundamentally affect how diverse societies manage pluralism and distribute power across geographic space (Watts, 2008).

Legal traditions shape the organization of courts, rights protection, and constitutional review. Common law systems rely on judicial precedent and incremental development, while civil law systems emphasize comprehensive codes and systematic legislation. Some systems vest courts with robust constitutional review authority enabling judicial invalidation of legislative and executive actions, while others limit judicial power or deny



constitutional review entirely. These variations affect rights protection, governmental accountability, and the balance between democratic majorities and constitutional constraints (Ginsburg and Dixon, 2011).

Yet these differences operate within the common framework established by modern statehood: a unified sovereign authority claiming territorial monopoly over legitimate coercion, a legally constituted order grounding authority in human-made constitutional frameworks rather than divine command or traditional hierarchy, and an institutionalized bureaucratic capacity enabling effective governance throughout territories. Modern states share these fundamental characteristics—themselves reflecting the requirements of capitalist production relations for legal predictability, centralized enforcement, and rationalized administration—while exhibiting enormous variation in specific institutional arrangements, political cultures, developmental trajectories, and regime types—from consolidated democracies to competitive authoritarian systems to party-state dictatorships (Mann, 1984).

### **The Comparative Endeavor**

This book examines modern political systems through systematic comparative analysis, exploring how different institutional arrangements organize power, structure relationships between rulers and ruled, and produce varying patterns of governance, stability, and change. The analysis encompasses six representative political systems—the United Kingdom of Great Britain and Northern Ireland, the United States of America, the French Republic, the Federal Republic of Germany, the Russian Federation, and the People's Republic of China—each illustrating a distinct trajectory of modern state development and institutional configuration shaped by particular patterns of production relations, social class formations, and historical trajectories.

Understanding this diversity requires moving beyond superficial institutional labels to examine how formal constitutional structures interact with material foundations, social class relations, historical legacies, political culture, and economic development patterns. The same institutional form—parliamentary government, presidential system, or semi-presidential arrangement—operates differently across contexts depending on underlying production relations, class configurations, party systems representing different social interests, and the balance of power among competing groups. Russia and France both possess semi-presidential constitutions, yet one functions as competitive authoritarianism reflecting oligarchic capitalism and weak civil society while the other operates as consolidated democracy with developed bourgeois institutions and organized working-class movements. The United Kingdom and Germany both feature parliamentary systems, yet their institutional specifics

including federal structures, electoral systems, and constitutional review mechanisms differ substantially, reflecting distinct paths of capitalist development and class compromise (Elgie, 2011).

The comparative study of political systems serves multiple crucial purposes. First, it reveals that no single institutional arrangement proves universally superior—parliamentary, presidential, and semi-presidential systems each involve trade-offs among competing values including governmental efficiency, political representation, institutional stability, and democratic accountability. These trade-offs reflect not merely design choices but underlying social configurations and class relations that institutional forms must accommodate. Recognizing these material constraints enables more realistic assessment of institutional performance and more informed constitutional design (Sartori, 1997).

Second, comparative analysis illuminates how institutions shape political behavior and outcomes through creating incentives, constraining choices, and structuring conflict among social forces. Electoral rules affect not only party systems but the representation of different class interests and social groups. Governmental forms influence not merely executive-legislative relations but the balance between capital and labor, central and peripheral regions, and majority and minority populations. Federal structures impact not just territorial management but the distribution of resources and power among regions with different economic bases. Judicial arrangements determine not simply rights protection but the capacity of subordinate groups to challenge dominant interests. Understanding these institutional effects requires analyzing how formal structures interact with underlying material conditions and social relations (Shugart and Carey, 1992).

Third, comparison demonstrates that successful political systems achieve congruence between formal institutions, material conditions, and political culture. Constitutional structures imposed on societies with incompatible class structures or production relations often function poorly despite technically sound design. Institutions requiring compromise prosper in societies where no single class dominates absolutely and competing interests must negotiate, but generate deadlock in polarized environments where class conflict remains acute. Federal arrangements work better in societies with genuine regional economic differences than in homogeneous ones. This material dimension means effective institutional analysis requires attention to underlying social and economic structures as well as formal rules and cultural norms (Almond and Verba, 1963; Moore, 1966).

Fourth, studying diverse systems reveals both universal patterns and contextual variations in political development. Capitalist

modernization creates common pressures including demands for political participation from newly mobilized classes, challenges of managing market economies, needs for administrative capacity to regulate complex societies, and requirements for legitimation when traditional justifications collapse. However, societies respond to these pressures through different institutional pathways shaped by timing of industrialization, patterns of class formation, strength of pre-capitalist institutions, international pressures, and revolutionary versus evolutionary transitions. Path dependence means that early decisions reflecting initial class configurations create lasting consequences, making political development historically contingent rather than following universal stages (Pierson, 2000; Moore, 1966).

Finally, comparative analysis in the contemporary era must grapple with challenges transcending traditional institutional boundaries while reflecting continuing transformation of production relations and social structures. Digital transformation fundamentally alters not only governmental operations but production processes, labor relations, and class formations. Populist movements questioning established institutions reflect partly economic dislocations produced by deindustrialization, globalization, and technological change affecting working-class communities. Economic globalization constrains national policy autonomy while creating new transnational capitalist classes whose interests diverge from territorially-bound populations. Climate change, generated by particular production and consumption patterns, creates pressures requiring collective responses that challenge state sovereignty and existing institutional arrangements. These contemporary challenges affect all political systems while eliciting varied institutional responses depending on regime type, class configurations, state capacity, and the balance of social forces (Diamond, 2019).

### **Organization of the Book**

This book proceeds through systematic examination of major regime types and institutional arrangements. Chapter 1 establishes conceptual foundations by examining the nature of states, sovereignty, legitimacy, institutions, and political culture—the building blocks for comparative analysis grounded in understanding how material conditions and social relations shape political forms. Chapter 2 develops analytical frameworks for comparing governmental systems, exploring executive-legislative relations, party systems representing different social interests, electoral rules affecting class representation, judicial power and constitutional review, and federalism versus unitary structures. These foundational chapters provide theoretical tools for understanding institutional variations and their consequences while remaining attentive to

material foundations and social dynamics.

Chapters 3 through 8 present detailed case studies examining six major political systems. Chapter 3 analyzes the United Kingdom as the archetypal parliamentary democracy, tracing Westminster's evolution from aristocratic dominance through democratic reforms reflecting working-class mobilization and examining how parliamentary sovereignty, cabinet government, and unwritten constitutional traditions shape British politics. Chapter 4 explores the United States as the paradigmatic presidential system, examining separated powers, checks and balances, federalism, and the tensions between constitutional design reflecting eighteenth-century agrarian republic and contemporary monopoly capitalism. Chapter 5 investigates France's semi-presidential democracy, analyzing the dual executive, cohabitation experiences, and how institutional flexibility accommodates shifting class alliances and political configurations from Gaullism through contemporary challenges. Chapter 6 examines Germany's federal parliamentary system, exploring cooperative federalism, coalition governance reflecting multiparty representation of diverse interests, and the Federal Constitutional Court's role in managing social conflicts through legal frameworks. Chapter 7 analyzes Russia's semi-presidential authoritarianism, revealing how formally democratic institutions operate under authoritarian control reflecting oligarchic capitalism, weak civil society, and the failure to establish stable bourgeois-democratic institutions during post-Soviet transition. Chapter 8 investigates China's party-state system, examining Communist Party dominance, institutional penetration, and authoritarian resilience through state-directed capitalism, repression of independent working-class organization, and sophisticated control mechanisms.

Chapter 9 synthesizes comparative lessons by examining key institutional dimensions across systems: executive-legislative relations comparing parliamentary fusion, presidential separation, and semi-presidential hybrids while analyzing how these forms mediate class conflicts and social interests; judicial power and constitutional review assessing variations in courts' authority while examining their roles in managing social conflicts; federalism versus unitarism exploring territorial organization's effects while considering regional economic differences; party systems and political competition analyzing how electoral and party configurations represent different class interests in democratic and authoritarian contexts; and authoritarian resilience versus democratic performance examining regime trajectories and stability in relation to underlying social and economic structures. This thematic analysis draws on case study evidence while developing general insights about institutional effects, material conditions, and social dynamics.

Chapter 10 concludes by examining the future of modern states facing contemporary challenges rooted in continuing transformation of production relations and social structures. Digital governance transforms not only governmental operations but fundamental aspects of capitalism including surveillance capitalism and platform monopolies. Populism and executive aggrandizement reflect partly economic dislocations and class dealignments produced by neoliberal globalization. Global pressures including economic integration creating transnational capital flows, climate change generated by particular production patterns, migration driven by uneven development, and pandemics revealing public health infrastructure inadequacies all test state capacity and existing institutional arrangements. The chapter assesses prospects for institutional adaptation, democratic consolidation or erosion, and authoritarian transformation while recognizing that political trajectories depend fundamentally on evolving social relations, class conflicts, and the balance of forces among competing interests rather than institutional design alone.

### **Conclusion**

The study of modern statehood is therefore not simply a matter of political history or institutional mechanics; it is an inquiry into how material transformations generate political forms, how changing production relations demand new bases of legitimacy, and how social conflicts shape institutional development. Throughout this analysis, we recognize that political systems are human creations serving human purposes while remaining grounded in material conditions and social relations that constrain possibilities and shape trajectories. Like Tolstoy's characters navigating the turbulent landscape of Napoleonic Europe amid Russia's transformation from feudal empire to modern state, societies must construct institutional frameworks enabling collective action while managing conflicts generated by changing economic structures and social relations. Like Raskolnikov confronting the moral and legal consequences of transgressing social order in a society where traditional certainties dissolve under modernization pressures, political systems must establish legitimate authority generating voluntary compliance rather than relying solely on coercion—legitimacy that must adapt as material conditions and social relations transform.

These fundamental challenges—organizing power, establishing legitimacy, managing diversity, ensuring representation, and adapting to change—animate political life across all systems and eras. Yet they take different forms and admit different solutions depending on production relations, class structures, developmental trajectories, and historical legacies. The stakes of institutional design and political development are profound because they determine not merely governmental efficiency but

the distribution of power and resources among social groups, the capacity of subordinate classes to advance their interests, the protection of rights against dominant interests, and the possibilities for human flourishing within particular social and economic systems.

Well-functioning political systems enable collective management of social life through maintaining order, protecting rights, providing public goods, managing conflicts peacefully, and adapting to changing circumstances. Dysfunctional systems generate oppression, instability, poverty, violence, and human suffering—outcomes reflecting not merely poor institutional design but often incompatibilities between political forms and underlying material conditions or irreconcilable conflicts among social forces. Understanding what makes political systems succeed or fail requires analyzing not only formal institutions but the material foundations on which they rest, the social interests they serve or constrain, the class conflicts they mediate or suppress, and the historical trajectories shaping their development.

Comparative analysis cannot provide simple blueprints or universal formulas because political development remains historically contingent, materially grounded, and shaped by particular configurations of social forces. However, systematic examination of diverse systems can illuminate patterns, reveal how institutional choices interact with material conditions, identify how different class configurations shape regime trajectories, and deepen understanding of political possibilities and constraints within particular historical contexts. This knowledge, though incomplete and subject to continuing refinement, provides essential foundation for citizens, leaders, and scholars grappling with enduring challenges of political order and change while remaining attentive to the material conditions and social relations that ultimately determine what political forms prove viable and what transformations prove necessary.

The pages that follow invite readers to journey through diverse political landscapes—from Westminster's parliamentary traditions evolving through class struggles and democratic reforms to Washington's separated powers designed for agrarian republic but adapted to industrial and post-industrial capitalism, from Paris's alternating governmental configurations reflecting shifting class alliances to Moscow's authoritarian consolidation amid oligarchic capitalism, from Berlin's cooperative federalism managing regional economic differences to Beijing's party-state discipline directing state capitalism. Each system reflects distinct historical trajectories, material conditions, class configurations, and institutional choices. Each offers lessons about politics' possibilities and perils while revealing how formal institutions interact with underlying social and economic structures. Together, they demonstrate both the remarkable

adaptability of human political organization and the enduring constraints imposed by material conditions, the centrality of social conflicts in shaping institutional development, and the complex relationships among economic structures, class relations, and political forms. Understanding these systems in their material complexity and historical context constitutes the essential task to which this book is dedicated.

# **CHAPTER 1 — FOUNDATIONS OF POLITICAL SYSTEMS**

## **1.1 Concept of the State**

Any comparative analysis of government systems must begin with a clear understanding of the state, the primary unit of political organization in the modern world. Max Weber's classic formulation defines the state as "a human community that successfully claims the monopoly of the legitimate use of physical force within a given territory" (Weber, 1946). This definition highlights three core elements: territory, population, and the legitimate monopoly of coercion.

Modern states also embody what Tilly (1990) describes as the historical consolidation of coercion, administration, and taxation. The shift from feudal, corporate, and ecclesiastical authorities toward centralized statehood marked a transformation in political authority and institutional capability. Mann's (1984) distinction between despotic and infrastructural power further clarifies how modern states extend authority not only by coercion but through administrative penetration of society.

Sovereignty—both internal and external—remains foundational. Internal sovereignty refers to the state's supreme authority within its borders, while external sovereignty implies independence and legal equality within the international system. Although globalization has complicated practical sovereignty, the concept continues to anchor modern political and legal orders.

Citizenship defines the reciprocal relationship between individuals and the state. Modern citizenship includes civil, political, and increasingly social rights, marking a shift from subjects under monarchic rule to rights-bearing citizens embedded in popular sovereignty (Marshall, 1964). This transformation underpins contemporary democratic legitimacy and connects constitutional authority to societal expectations.

## **1.2 Sovereignty and Legitimacy**

Understanding why people obey the state requires exploring legitimacy—the belief that authority is rightful. Weber's triad of traditional, charismatic, and legal-rational authority offers a foundational framework (Weber, 1946). Modern states rely predominantly on legal-rational legitimacy: power exercised through law-bound institutions and procedures.

Sovereignty itself takes various forms. Popular sovereignty situates ultimate authority in the people; parliamentary sovereignty places supreme authority in the legislature; national sovereignty emphasizes independence from external actors. These forms coexist and overlap, shaping distinct



constitutional traditions.

Easton (1965) distinguishes between specific and diffuse political support: specific support refers to satisfaction with current authorities, while diffuse support reflects deep-rooted confidence in the legitimacy of the system. Democratic stability depends more on diffuse support, making legitimacy a long-term sociopolitical resource rather than merely an electoral outcome.

Modern scholarship adds institutional and sociocultural layers to legitimacy. Skocpol (1979) demonstrates that states are not merely reflections of social forces but autonomous actors capable of shaping social orders. Lipset (1959) further argues that democratic legitimacy is reinforced through economic development and social modernization. These perspectives reveal legitimacy as a multidimensional phenomenon produced by history, performance, and shared norms.

### **1.3 Authority, Power, and Institutions**

Authority and power, though related, are analytically distinct. Power refers to the ability to influence outcomes, while authority refers to legitimate power—commands accepted as rightful. Legal-rational authority emerges through institutions designed to constrain and structure political behavior.

Institutions, defined by North (1990) as the formal and informal “rules of the game,” shape political incentives and outcomes. They channel conflict, reduce uncertainty, and stabilize expectations. March and Olsen’s (1984) “new institutionalism” emphasizes that institutions do not merely aggregate preferences; they shape identities, interests, and patterns of behavior. State capacity—the ability to implement decisions effectively—is a central theme in institutional analysis. Mann’s (1984) concept of infrastructural power and Evans and Rauch’s (1999) work on bureaucratic professionalism illuminate how administrative strength underpins policy success and regime legitimacy.

Institutions interact with political agency. While institutional design creates constraints and incentives, political actors adapt, innovate, and sometimes subvert the rules. Pierson (2000) highlights path dependence: early institutional choices create long-term trajectories that become difficult to reverse. Thus, institutions produce both stability and rigidity, shaping how states evolve over time.

### **1.4 Political Culture and Institutional Performance**

Institutions operate within—and are deeply influenced by—the political cultures of the societies they govern. Political culture refers to shared orientations, values, and expectations about political life. Almond and Verba’s (1963) seminal study identifies three ideal types of political

culture—parochial, subject, and participant—and demonstrates that a balanced “civic culture” supports democratic stability.

Political culture affects trust in institutions, willingness to participate, perceptions of legitimacy, and tolerance for opposition. Inglehart (1997, 2005) shows that cultural change—particularly the rise of post-materialist values—shapes democratic attitudes and institutional performance. Societies with strong interpersonal trust and norms of cooperation tend to produce more stable and effective democracies.

Institutional performance also shapes political culture. Democratic institutions can generate democratic habits; federalism can cultivate tolerance for diversity; judicial review can internalize norms of legality. This reciprocal relationship explains why identical institutions succeed in some contexts but fail in others.

Therefore, evaluating government systems requires attention not only to constitutional design but also to the cultural environment in which these systems operate.

### **1.5 Constitutional Design and Executive–Legislative Models**

The organization of executive–legislative relations defines the structural core of government systems. Comparative politics scholarship—particularly Lijphart (1999), Linz (1990), Shugart and Carey (1992), and Duverger (1980)—clarifies why different systems produce different political incentives and governing patterns.

#### **Parliamentary systems**

Parliamentary systems are characterized by a fusion of powers and the principle of cabinet responsibility to the legislature. Rather than maintaining strict institutional boundaries between executive and legislative branches, parliamentarism integrates these functions: the executive emerges from and remains accountable to the legislative majority. This represents a soft separation of powers—functional differentiation exists, but without rigid institutional division. The prime minister and cabinet hold office only so long as they command parliamentary confidence, creating a dynamic relationship where executive authority flows directly from legislative support.

This institutional architecture emphasizes collective governance through cabinet decision-making and flexible leadership selection through parliamentary votes of confidence. The absence of fixed terms allows rapid adaptation to changing political circumstances: governments facing loss of parliamentary support can be replaced without constitutional crisis, either through votes of no confidence or through dissolution and new elections. Such flexibility requires disciplined political parties capable of maintaining coherent legislative majorities and a cooperative political culture that

accepts the legitimacy of parliamentary supremacy. When these conditions obtain, parliamentary systems demonstrate considerable capacity for stable, responsive governance (Lijphart, 2012).

### **Presidential Systems**

Presidential systems embody a hard separation of powers based on the principle of dual democratic legitimacy. Both president and legislature derive authority directly from separate popular elections, creating institutionally independent branches with distinct constitutional mandates. This rigid institutional division aims to prevent concentration of power by ensuring that executive and legislative functions remain separated, each branch checking the other through constitutionally defined powers. The president cannot be removed by legislative vote (except through impeachment for specified offenses), nor can the president dissolve the legislature.

This sharp institutional demarcation creates strong executives with independent authority and popular mandates, but also generates significant risks. Linz (1990) identifies fundamental tensions inherent in presidentialism: the rigidity of fixed terms prevents adaptation when presidents lose public support or political effectiveness, forcing systems to endure failed leadership until term expiration. Presidential elections become zero-sum contests where winner takes all executive power, intensifying political conflict and reducing incentives for compromise. When presidents face opposition-controlled legislatures—a frequent occurrence given separate elections—institutional deadlock threatens governance, as neither branch can compel the other's cooperation and no constitutional mechanism exists for resolving fundamental disagreements. These structural features make presidential systems particularly vulnerable to constitutional crises and democratic breakdown (Linz, 1990; Shugart and Carey, 1992).

### **Semi-Presidential Systems**

Semi-presidential systems occupy a middle ground, combining elements of both parliamentary and presidential logic through a dual executive structure. Following Duverger (1980) and Elgie (2011), these systems feature a directly elected president with significant constitutional powers coexisting alongside a prime minister who depends on parliamentary confidence. This creates a hybrid form of separation of powers—softer than pure presidentialism through the parliamentary accountability of the prime minister, yet harder than pure parliamentarism through the president's independent electoral mandate and constitutional authority.

The distribution of executive power between president and prime

minister varies considerably across semi-presidential cases and depends critically on party alignment and constitutional design. When the president commands a parliamentary majority (unified government), presidential dominance typically characterizes the system, with the prime minister functioning as the president's agent. When opposition controls parliament (cohabitation), power shifts toward the prime minister and cabinet, with the president's role becoming more constrained. This flexibility allows semi-presidential systems to adapt to different political configurations, but also generates ambiguity about authority and accountability. Outcomes depend heavily on constitutional clarity regarding executive powers, the strength and discipline of political parties, and whether political culture supports cooperative power-sharing or generates conflict between competing sources of executive authority (Elgie, 2011; Shugart and Carey, 1992).

### **1.6 Toward a Comparative Framework**

Effective comparison requires distinguishing between four analytical dimensions:

- Form of State – republic vs. monarchy; secular vs. religious
- Governance Style – democratic vs. authoritarian
- Territorial Structure – unitary vs. federal
- Government System – parliamentary, presidential, or semi-presidential

This layered approach prevents conceptual confusion and enables more precise analysis. For example, the United States is federal-presidential; Germany is federal-parliamentary; France is unitary-semi-presidential.

Comparative analysis also requires attention to context, path dependence, political culture, and institutional complementarities. As Lijphart (1999) and Sartori (1997) emphasize, no governmental system is universally superior; each involves trade-offs between efficiency, accountability, stability, and representativeness.

By integrating institutional design with cultural and historical context, this book adopts a multidimensional comparative framework capable of explaining why government systems function as they do—and why they succeed, adapt, or fail across different political environments.

## **CHAPTER 2. THE MODERN STATE AS A MULTI-LAYERED ANALYTICAL CONSTRUCTION**

The modern state is not a monolithic or naturally given entity; it is an historically assembled institutional configuration composed of legal, territorial, administrative, and ideological layers (Weber, 1978) 1978; Tilly, 1990; Mann, 1984). Although political discourse often treats “the state” as a unified actor, scholarly analysis demonstrates that modern statehood is the contingent product of centuries of institutional consolidation, coercive centralization, and ideological transformation. Understanding the modern state requires analytically disaggregating this entity into its core conceptual dimensions.

Classical political theorists already recognized that the state is not reducible to its ruler. Machiavelli (1531/1998) envisioned the stato as an institutionalized arena shaped by conflict, contingency, and virtue. Bodin (1576/1992) provided the first systematic definition by grounding the state in the concept of sovereignty—an absolute, perpetual, and indivisible authority. Hobbes (1651/2012) transformed sovereignty into a philosophical principle, describing the state as an artificial “Leviathan” created by individuals seeking protection from the state of nature. Montesquieu (1748/1989) expanded this framework by analyzing the internal distribution of authority, while Rousseau (1762/2017) tied legitimate political order to popular sovereignty and the general will.

Twentieth-century scholarship further refined these foundations. Weber (1978) defined the modern state as the human community that claims the monopoly of legitimate violence. Tilly (1990) argued that states emerged through processes of war-making, extraction, and protection, leading to the famous dictum that “war made the state and the state made war.” Mann (1984) distinguished between despotic and infrastructural power, emphasizing the territorial penetration of authority. Poggi (1990) mapped the institutional logics—administrative, legal, coercive, and symbolic—that together constitute modern state capacity.

Despite these contributions, comparative political analysis requires a structured conceptual grammar. Four analytical components have become foundational: (1) the form of state, which identifies the bearer of sovereignty; (2) the style of governance, which describes how authority is exercised; (3) the territorial structure of the state, which explains the constitutional distribution of sovereignty across space; and (4) the system of government, which defines the relationship between the executive and the legislature. Together these dimensions allow scholars to

explain the great diversity of modern political systems.

This chapter develops each of these components in depth and serves as the conceptual foundation for the country analyses that follow.

## **2.1 Form of State**

The form of state addresses the foundational constitutional question: where does sovereignty reside, and on what grounds is political authority justified? This dimension identifies the constitutional identity of the political community and distinguishes between republics and monarchies based on the symbolic location of supreme authority. Importantly, the form of state is conceptually independent from governance style, territorial structure, and system of government. A state may be monarchical or republican regardless of whether it is democratic or authoritarian, unitary or federal, parliamentary or presidential.

### **2.1.1 Form of State (Regime): Constitutional Identity and the Location of Sovereignty**

The form of state addresses the foundational constitutional question: Where does sovereignty reside, and on what grounds is political authority justified? The distinction between republics and monarchies is not about how power is exercised—that is the domain of governance style—nor about how power is territorially distributed—that pertains to state structure. Rather, the form of state concerns the constitutional identity of the political community and the holder of supreme authority.

The idea dates back to classical political theory. Aristotle's analysis of *politeia* defined political forms according to who rules and for what ends (Aristotle, trans. 1996) 1996). Polybius elaborated a theory of mixed constitutions combining monarchical, aristocratic, and democratic elements (Polybius, trans. 2010) 2010). Cicero conceptualized *res publica* as a community bound by shared law and common interest (Cicero, trans. 1998) 1998). These early frameworks sought to categorize political order, legitimacy, and authority.

Early modern theorists transformed these debates through the language of sovereignty. Bodin (1576/1992) identified sovereignty as the defining feature of the state—absolute, perpetual, and indivisible—and distinguished republics and monarchies based on the holder of this authority. Hobbes (1651/2012) reframed sovereignty in contractual terms, arguing that political order emerges when individuals collectively authorize a sovereign—whether monarchic or republican—to impose peace. Montesquieu (1748/1989) analyzed the animating principles of different state forms, while Rousseau (1762/2017) grounded sovereignty in the general will and collective self-rule.

In contemporary constitutional analysis, a republic is defined by

sovereignty residing in the people and exercised through elected representatives; a monarchy is defined by sovereignty symbolically embodied in a hereditary figurehead. Crucially, form of state does not determine democracy or authoritarianism. A republic may be authoritarian (e.g., China; Iran), and a monarchy may be democratic (e.g., the United Kingdom; Sweden). Thus, form of state is a constitutional identity rather than a measure of political quality.

### **2.1.2 The Republic as a Form of State**

The modern republic, though commonly associated with popular rule and democratic institutions, is in fact a constitutional form whose essential feature is the location of sovereignty in a non-hereditary authority. The republic is not, strictly speaking, a governance style but a constitutional identity. It affirms that supreme political authority originates from the people, either directly or indirectly, but it does not specify how inclusively that authority is exercised. The historical evolution of the republican form—from its classical origins to its modern institutionalization—illustrates the distinction between constitutional form and political practice, a distinction that is essential for comparative state analysis.

The genealogy of the republic begins with the Roman *res publica*, which Cicero defined as a *res populi*, a political community held together by common interest, shared norms, and a collective commitment to law (Cicero, trans. 1998) 1998). In this early conception, the republic was not inherently democratic; Roman political life was shaped by aristocratic dominance and restricted participation. What mattered was not the universality of citizenship but the principle that the state did not belong to a single individual or dynasty. This early civic conception would later inform Renaissance republicanism, where figures such as Machiavelli argued that the republic was superior to principalities because it allowed conflict to be institutionalized rather than suppressed (Machiavelli, 1531/1998) 1531/1998). Machiavelli's analysis was unusually modern in its understanding that political stability arises not from the elimination of faction but from institutional arrangements that channel conflict into productive forms.

Early modern theorists reframed the republic in the language of sovereignty. Bodin (1576/1992) conceptualized a republic (*res publica*) as any political community governed by sovereign authority, regardless of whether that authority is exercised by one, few, or many. For Bodin, a state was a republic as long as it possessed a sovereign power that was absolute, perpetual, and indivisible. This is a striking departure from contemporary usage, where “republic” is often treated as synonymous with democracy. Bodin's model shows that the category of “republic” is structurally independent from the category of “democracy.” A republic may be

aristocratic, oligarchic, or authoritarian as long as sovereignty is not hereditary. This definitional clarity remains crucial for modern comparative analysis, where states like the Islamic Republic of Iran or the People's Republic of China are constitutionally republics despite their nondemocratic character.

The Enlightenment introduced a powerful normative reimagining of republicanism. Rousseau (1762/2017) argued that legitimate political order arises when individuals collectively constitute the sovereign through the general will, making the people not just the source but the substance of sovereignty. Rousseau's theory transformed the republic from a structural form into a democratic ideal, one in which citizens are collectively involved in self-rule. Yet modern mass societies could not embody Rousseau's ideal directly; they required representation, bureaucracy, and indirect forms of political participation. This tension between the normative and empirical dimensions of republicanism is still evident in contemporary political systems.

Modern constitutional republics institutionalize sovereignty through elections, representative institutions, and codified constitutions. But these features do not determine whether a republic is democratic, liberal, authoritarian, or theocratic. The constitutional form of a republic merely establishes the absence of hereditary rule and affirms that political authority derives from a non-dynastic source. The People's Republic of China, the Russian Federation, and the Islamic Republic of Iran illustrate how republics can operate under authoritarian or hybrid governance styles. Conversely, democratic republics such as France and Germany demonstrate how popular sovereignty can coexist with strong constitutional checks, judicial review, and parliamentary or semi-presidential government systems.

The core analytical insight is that the republic is a container concept—a constitutional vessel whose internal content may vary dramatically depending on governance style, state structure, and political culture. This is why the modern republic cannot be equated with democracy, liberty, or representation, even if these norms historically developed within republican discourse. The republic is, above all, a constitutional identity: a polity in which sovereignty belongs to the people, whether or not that sovereignty is exercised democratically.

### **2.1.3 The Monarchy as a Form of State**

Modern constitutional monarchies represent one of the most durable institutional forms in political history. Unlike republics, monarchies locate the symbolic unity of the state in a hereditary figure. Yet the evolution from absolute to constitutional monarchy dramatically altered the meaning of the form, making contemporary monarchies



compatible with democratic governance, parliamentary sovereignty, and robust civil liberties. The monarchy today is not primarily a governing institution but a constitutional symbol that anchors national identity and ceremonial authority.

The theoretical origins of monarchy lie in ancient and medieval legitimations of rulership. Bodin (1576/1992) defined monarchy as a form in which sovereignty is vested in a single individual, ruling perpetually and indivisibly. Monarchic authority was justified through divine sanction, dynastic inheritance, or historical continuity. Hobbes (1651/2012) provided a secular defense of absolute monarchy, arguing that unity of command minimizes factionalism and produces stability. For Hobbes, the sovereign—whether monarch or assembly—must possess undivided authority, but monarchy was pragmatically superior because it avoided internal conflict. Montesquieu (1748/1989) refined these distinctions by defining monarchy as rule according to law and tradition, differentiating it from despotism, which is animated by fear and arbitrary rule.

The transformation from absolute to constitutional monarchy in the eighteenth and nineteenth centuries fundamentally reshaped the form. Revolutions, social change, and the rise of representative government forced monarchies to relinquish political authority while retaining symbolic and ceremonial functions. In constitutional monarchies such as the United Kingdom, Sweden, and Japan, the monarch no longer wields political power. Instead, the monarchy embodies national identity, historical continuity, and cultural symbolism while executive authority is exercised by elected officials.

This evolution underscores a central analytical principle: the monarchy, like the republic, is a form of state, not a style of governance. A monarchy may be democratic (e.g., the United Kingdom), authoritarian (e.g., pre-2002 Nepal), or hybrid. The presence of a monarch does not determine the character of political authority; it merely defines the constitutional locus of symbolic sovereignty. The British monarch, for instance, is the legal head of state but does not govern; political authority is exercised by the cabinet responsible to Parliament. In Japan, the Emperor is “the symbol of the State and of the unity of the people,” with no governing power under the 1947 Constitution. These examples highlight the analytical separation between the form of state and governance style.

In comparative terms, monarchies and republics share a functional similarity: both are capable of hosting a wide range of political regimes, governance styles, state structures, and government systems. Their difference lies in the symbolic and constitutional identity of the state, not in its institutional functioning.

## **2.1.4 Republic and Monarchy: A Comparative Reflection**

The distinction between republics and monarchies is often misunderstood in both public discourse and comparative politics. Both are commonly associated with particular normative or institutional attributes—republics with democracy and monarchies with tradition—yet such associations lack analytical precision. Both forms of state have historically hosted democratic, authoritarian, theocratic, liberal, and hybrid regimes. Both may be unitary or federal. Both may operate parliamentary or presidential government systems. Neither form predetermines the governance style or institutional architecture of political authority.

What the form of state does determine is constitutional identity. A republic establishes popular sovereignty as the foundation of authority; a monarchy locates the symbolic identity of the state in a hereditary office. These identities shape political culture, national narratives, and in some cases the symbolic legitimacy of institutions. But they do not dictate political outcomes.

This analytical separation is essential because it prevents conceptual conflation and clarifies comparative analysis. By distinguishing between form of state, governance style, territorial structure, and regime system, scholars can account for the coexistence of diverse institutional configurations. For instance, the United Kingdom combines a democratic monarchy with a unitary-parliamentary system; Germany operates as a democratic republic within a federal-parliamentary framework; China represents a socialist republic organized through a unitary one-party system; and Russia can be understood as a federal semi-presidential republic undergoing a contested transition toward liberal democratic norms. Such variation becomes analytically intelligible only when these dimensions are treated as distinct yet interrelated components of state systems.

## **2.2 Governance Style**

Governance style concerns the modality of rule—the normative, institutional, and coercive principles through which political authority is exercised and justified. While the form of state identifies who symbolically holds sovereignty, governance style explains how rulers govern, legitimize their authority, manage dissent, and structure state-society relations. This dimension encompasses democratic governance characterized by electoral accountability and constitutional liberalism; authoritarian governance marked by restricted competition and elite control; theocratic governance grounded in religious authority; one-party governance organized around monopolistic party structures; and hybrid systems combining elements of multiple styles.

### **2.2.1 Governance Style as the Modality of Rule**

While the form of state identifies the constitutional location of sovereignty, the style of governance concerns the *modus operandi* of political authority: the normative, institutional, and coercive principles through which rule is exercised and justified. Governance style is therefore distinct from both the form of state and the system of government. It reflects neither who symbolically holds sovereignty nor how executive and legislative institutions interact, but rather how rulers govern, legitimize their authority, manage dissent, shape political participation, and structure state–society relations. It is the lived political experience of the state.

In modern political theory, governance style builds on foundational insights concerning legitimacy and authority. Weber (1978) identified three ideal types of legitimate domination—traditional, charismatic, and legal-rational—each associated with different forms of obedience and institutionalization. Arendt (1958) distinguished power from violence, arguing that stable governance relies not on coercion but on the capacity to generate consent and collective action. Easton (1965) conceptualized political systems as structures that convert societal demands into authoritative decisions, relying on diffuse and specific forms of support. These frameworks emphasize that authority must be justified and sustained, not merely imposed, even in nondemocratic contexts. Governance style therefore captures the normative, ideological, and institutional patterns that characterize how political authority is produced, maintained, and contested.

Importantly, governance style is not reducible to single institutional features such as elections or constitutions. Two states with identical formal institutions may have radically different governance styles if one incorporates pluralism, transparency, and accountability while the other maintains coercive dominance, patronage networks, and ideological control. Governance style emerges from the interaction of institutions, coercive apparatuses, political culture, and elite strategies. It therefore requires a holistic analytical approach.

### **2.2.2 Democratic Governance**

Democratic governance is grounded in the principle that political authority derives from the consent of the governed, expressed through free, competitive, and periodic elections. The normative and philosophical roots of democratic governance extend deep into early modern political theory. Locke (1689/1980) argued that legitimate authority arises from the voluntary consent of rational individuals who enter political society to preserve their natural rights. Rousseau (1762/2017) radicalized this insight by conceptualizing popular sovereignty as a collective act of self-legislation guided by the general will. Montesquieu (1748/1989) introduced the

separation of powers as the constitutional architecture through which liberty could be secured by preventing the concentration of authority.

Modern democratic governance draws upon these traditions but incorporates additional elements developed in the twentieth century. Dahl (1971) articulated the concept of polyarchy, emphasizing inclusive participation, competition among elites, and institutional guarantees such as freedom of expression, associational autonomy, and alternative information sources. Contemporary democratic governance therefore entails both electoral accountability and constitutional liberalism. Levitsky and Way (2010) argue that where these institutional safeguards erode, states may transition into competitive authoritarianism even if elections formally persist.

Democratic governance requires more than the existence of elections. It requires that electoral processes be meaningful, that political competition be genuine, and that legal and institutional protections shield citizens from arbitrary coercion. As scholars of democratic backsliding have noted, the erosion of judicial independence, restrictions on civil liberties, and executive aggrandizement can degrade democratic governance while institutions remain formally intact (Bermeo, 2016; Waldner & Lust, 2018). The essence of democratic governance lies in its procedural openness, pluralistic contestation, and institutional constraints on arbitrary power.

### **2.2.3 Authoritarian Governance**

Authoritarian governance, in contrast, centralizes political authority, restricts competition, and maintains power through combinations of coercion, patronage, surveillance, and ideological control. Linz (2000) defined authoritarian regimes as systems characterized by limited pluralism, low mobilization, and ill-defined but predictable constraints on executive authority. Unlike totalitarian regimes, which seek to control all aspects of social life, authoritarian systems generally permit limited social and economic freedoms while tightly controlling political expression.

The mechanisms of authoritarian governance vary across contexts. In personalist regimes, authority is centralized in an individual ruler whose power is embedded in patronage networks and security institutions (Geddes, 1999). Military regimes derive authority from the organizational structure of armed forces and legitimize themselves through claims of order and guardianship. One-party regimes—most prominently the Chinese Communist Party (CCP)—maintain political monopoly by fusing state and party institutions, controlling elite recruitment, and shaping ideological narratives (Dickson, 2016). Authoritarian systems employ “soft coercion” through regulatory restrictions, media control, and legal repression while preserving the outward appearance of institutional order.

Contemporary authoritarian governance is marked by increasing sophistication. Digital surveillance, algorithmic censorship, and data-driven monitoring have enhanced the state's capacity for control while reducing reliance on overt coercion (Greitens, 2020). Hybrid authoritarian systems maintain competitive elections but manipulate media environments, judicial institutions, and electoral processes to ensure incumbent dominance (Levitsky & Way, 2010). These variations illustrate that authoritarian governance, like democratic governance, is not a monolithic category but a spectrum of institutional arrangements and elite strategies.

#### **2.2.4 Theocratic Governance**

Theocratic governance rests on the principle that ultimate political authority derives from divine law and is interpreted or mediated by religious elites. Theocracy is not defined by the mere presence of religion in public life but by the institutional fusion of religious authority and political sovereignty. In such systems, religious doctrine forms the constitutional foundation of political order, shaping legislation, executive authority, and judicial interpretation.

The Islamic Republic of Iran represents the most fully developed contemporary example of theocratic governance. Its constitutional doctrine of *Velayat-e Faqih* (Guardianship of the Jurist) places supreme political authority in the hands of a religious scholar responsible for ensuring that state institutions conform to Islamic law. This structure creates a dual system in which elected republican institutions coexist with overarching clerical oversight. As Arjomand (1988) has argued, this produces a “clerical guardianship state” in which democratic representation is permanently subordinated to religious authority.

Theocratic governance differs fundamentally from religious influence in democratic or authoritarian systems. Many democratic republics incorporate religious values into political discourse, and many authoritarian regimes utilize religious institutions to legitimize power. However, only in theocratic systems does religious authority constitute the ultimate source of sovereignty and legal legitimacy. This makes theocratic governance a distinct category of political order, analytically separate from authoritarianism or democracy.

#### **2.2.5 One-Party Governance**

One-party governance forms an institutional configuration in which a single political party maintains exclusive control over political competition, elite recruitment, and policy direction. While one-party systems are typically associated with authoritarian rule, they constitute a distinct governance style because the party itself is the primary organizational vehicle of political authority.

Leninist party-states represent the archetype of one-party governance. In these systems, the ruling party is not merely a political organization but a hierarchical apparatus that penetrates state institutions, mobilizes society, and controls ideological discourse (Schurmann, 1968). The Chinese Communist Party exemplifies this model. The CCP monopolizes political authority, manages cadre promotion, and controls the military, media, and judiciary. Through mechanisms such as the Organization Department, party discipline inspections, and united front strategies, the CCP maintains institutional coherence and elite loyalty (Dickson, 2016).

One-party governance differs from authoritarian models because it relies less on personalist authority or military coercion and more on bureaucratic integration, ideological legitimacy, and elite circulation. Party-states tend to be more durable than personalist regimes due to institutionalized leadership succession, collective decision-making norms, and organizational control over coercive apparatuses (Geddes, 1999). However, their stability depends on the party's capacity to adapt, co-opt, and discipline elites while maintaining ideological coherence.

### **2.2.6 Military and Hybrid Governance**

Military governance arises when the armed forces assume direct political authority, either through coups or constitutional mandates. Huntington (1957) distinguished between professionalized militaries focused on defense and politicized militaries that view themselves as guardians of the nation. Military regimes typically justify their rule through claims of restoring order, combating corruption, or safeguarding national identity. Their governance style emphasizes hierarchy, discipline, and command, often resulting in restricted political participation and curtailed civil liberties.

Hybrid governance styles have become increasingly common in the twenty-first century. These systems combine democratic institutions with authoritarian practices, creating ambiguous political orders that defy traditional classification. Levitsky and Way (2010) describe such systems as "competitive authoritarian," where elections exist but are systematically manipulated through media control, judicial interference, and regulatory pressure. Hybrid regimes maintain institutional facades—parliaments, courts, political parties—while eroding checks and balances. They frequently rely on a mix of patronage, selective repression, and legal engineering to maintain power.

Hybrid governance reveals the limitations of dichotomous categories such as democracy vs. authoritarianism. It demonstrates that governance style is best understood as a continuum shaped by elite strategies, institutional legacies, and international pressures. As Bermeo

(2016) observes, contemporary democratic erosion rarely involves abrupt breakdowns; instead, it unfolds through incremental institutional distortions that hollow out democratic norms without formally abolishing them.

## **2.3 Territorial Structure**

The territorial structure of the state concerns the constitutional and institutional distribution of authority across space. It determines whether sovereignty is organized as a unitary system with centralized authority or as a federal system with constitutionally guaranteed subnational autonomy. This dimension profoundly shapes political stability, institutional capacity, democratic representation, and center-periphery relations. Territorial structure is analytically distinct from form of state, governance style, and system of government; a state may be unitary or federal regardless of whether it is a monarchy or republic, democratic or authoritarian, parliamentary or presidential.

### **2.3.1 The Territorial Structure of the State: Why It Matters**

The territorial structure of the state concerns the constitutional and institutional distribution of authority across space. It addresses not the symbolic identity of the state—as in the form of state—nor the style of governance, nor the relationship between the executive and legislature; rather, it concerns how sovereignty is organized territorially. This dimension of statehood is frequently overlooked in public discourse, which tends to assume that political authority is spatially homogeneous. Yet, as modern political theory and comparative institutional analysis demonstrate, the territorial distribution of authority profoundly shapes political stability, institutional capacity, democratic representation, and state–society relations (Riker, 1964; Watts, 2008).

The importance of territorial structure can be traced to early modern debates on sovereignty. Bodin (1576/1992) insisted that sovereignty must be indivisible, arguing that fragmented medieval jurisdictions had undermined political unity. This principle was essential for dismantling the feudal–corporatist order, in which authority was dispersed among guilds, estates, nobility, religious institutions, and local lordships. The emergence of the modern state required the consolidation of authority within a singular legal and political framework. Weber (1978) similarly conceptualized the modern state as an administrative organization with a unified territorial reach. From this perspective, territorial integration is central to state-building, modern bureaucracy, and administrative rationalization.

However, the development of federal systems in the eighteenth and nineteenth centuries complicated the Bodinian notion of indivisible sovereignty. The American and later the German constitutional traditions

reinterpreted sovereignty not as indivisible unity but as constitutionally structured plurality. As Elazar (1987) argued, federalism established a form of “non-centralization,” a constitutional dispersion of authority across levels of government that share sovereignty. This development revealed that modern statehood need not rely exclusively on centralization; rather, it can integrate diversity, identity, and territorial pluralism within a unified constitutional order.

Territorial structure therefore shapes the state’s political architecture in fundamental ways. Unitary states centralize legislative and executive power within national institutions while delegating authority downward through administrative acts. Federal states constitutionally distribute sovereignty across national and subnational governments, creating legal and political systems that coexist within the same constitutional framework. These models differ not only in institutional design but also in political dynamics, identity management, policy-making capacity, and democratic representation. Understanding these differences is crucial for analyzing both domestic political outcomes and international behavior.

### **2.3.2 Unitary States**

A unitary state is a political system in which sovereignty is constitutionally vested in a single national authority. Unlike federal systems, which recognize constitutionally autonomous subnational units, unitary states maintain the principle of hierarchical authority, where all lower levels of governance derive their powers from national legislation rather than constitutional status. This form of territorial organization is the most common globally, reflecting both historical state-building processes and administrative rationality.

The constitutional logic of the unitary state rests on the idea of unity and indivisibility of sovereignty. Bodin’s (1576/1992) foundational argument for the indivisibility of sovereign authority laid the intellectual groundwork for later centralized states in France, Spain, and Japan. Weber’s (1978) theory of bureaucratic administration further reinforced the logic of centralized governance by emphasizing the efficiency and predictability of unified administrative structures.

In unitary systems, national institutions—typically the parliament and the executive—possess ultimate legislative authority. Subnational entities such as municipalities, provinces, or regions perform administrative functions, but their powers are delegated, not inherent. This delegation can be extensive or minimal, but its source remains national legislation. The national government may create, modify, or abolish subnational jurisdictions, demonstrating the hierarchical nature of unitary systems.



There are, however, significant variations among unitary states. Highly centralized unitary states—such as France before the 1982 decentralization reforms, or Türkiye for much of its republican history—maintain tight national control over subnational administration, budgeting, personnel appointments, and policy implementation. More decentralized unitary states, such as Japan, permit substantial local autonomy in policy implementation and administrative management, but this autonomy remains delegated, not constitutionally guaranteed.

A particularly interesting variant of the unitary state is the devolved system, exemplified by the United Kingdom. Formally a unitary state, the UK has enacted substantial devolution to Scotland, Wales, and Northern Ireland, granting them legislative autonomy in areas such as education, health, and local governance. Yet the UK Parliament retains the legal authority to revoke or alter devolved powers. Thus, even deep devolution does not transform a unitary state into a federal one. The constitutional supremacy of the national legislature remains intact.

The distinction between decentralization and federalism is therefore fundamental. Decentralization in unitary systems is administrative or political, not constitutional. Its permanence depends on legislative will, not constitutional entrenchment. This difference shapes center–periphery relations, identity politics, and the stability of territorial arrangements.

### **2.3.3 Federal States**

Federal states constitute a qualitatively different form of territorial organization. In a federal system, sovereignty is constitutionally shared between national and subnational governments. Subnational units—states, provinces, or *Länder*—possess constitutionally guaranteed powers that cannot be unilaterally revoked by the national government. This constitutional dualism creates a political order in which multiple levels of government coexist, each with its own institutions, competencies, and political legitimacy (Elazar, 1987; Riker, 1964).

The conceptual foundations of federalism challenge Bodin's insistence on the indivisibility of sovereignty. The framers of the United States Constitution articulated a system in which certain competences—such as foreign policy, currency, and national defense—were assigned to the federal government, while others remained with the states. This dual allocation created a complex but stable form of shared authority. The German *Bundesstaat* model, developed in the nineteenth century and refined after World War II, similarly distributes legislative competences between the federal government and the *Länder*, with the *Bundesrat* representing regional interests at the national level.

Federal systems rely on the principle of constitutional entrenchment. The powers of subnational units cannot be altered without constitutional amendment, often requiring subnational consent. This structure protects regional autonomy and prevents centralization through ordinary legislation. It also generates legal pluralism, as subnational units may enact their own laws, maintain their own courts, and in some cases possess their own constitutions. The United States and Germany illustrate how dual or cooperative federalism operates through judicial review, intergovernmental negotiation, and constitutional mechanisms that coordinate policy-making across levels.

Not all federations are symmetrical. Symmetrical federations, such as the United States or Australia, grant equal status and powers to all constituent units. Asymmetrical federations, such as Russia or Canada, allocate different degrees of autonomy to different regions. In Russia, republics theoretically enjoy a distinct constitutional status compared to oblasts and krais, reflecting ethnic and historical diversity. In practice, however, the centralization of authority under the Putin regime has significantly weakened subnational autonomy (Hale, 2008). Asymmetrical federalism often emerges in diverse or multinational societies where uniform territorial arrangements cannot accommodate linguistic, ethnic, or historical differences.

Federal systems offer advantages such as accommodation of diversity, protection of minority identities, and policy experimentation across regions. However, they also present challenges, including coordination problems, uneven service provision, and potential tensions between national and subnational authorities. The balance between unity and diversity is therefore a defining tension of federalism.

#### **2.3.4 Unitary and Federal Systems in Comparative Perspective**

The comparison between unitary and federal systems reveals the profound impact of territorial structure on political outcomes. Unitary states prioritize national cohesion, uniformity of law, and administrative efficiency. They are well suited to countries with relatively homogeneous populations or strong traditions of centralized authority. Federal systems prioritize territorial pluralism, regional autonomy, and consensual politics. They are often adopted in large, diverse, or historically fragmented societies where centralized authority would be politically or administratively untenable.

These structural differences influence political behavior, public policy, and democratic representation. For example, federal systems often produce multiple veto points, slowing policy reform but enhancing consensus and negotiation. Unitary systems can enact reforms more quickly but may generate dissatisfaction among regional minorities.

Federalism can mitigate separatist pressures by institutionalizing regional autonomy, but it can also empower regional elites who challenge national authority. Conversely, excessive centralization in unitary states may spark regional grievances or demands for autonomy.

Importantly, neither system guarantees democratic outcomes. Democracy can flourish or erode in both territorial arrangements. Germany represents a stable federal democracy, while Russia demonstrates authoritarian centralization within a formally federal constitution. Likewise, democratic governance can thrive in unitary states such as Japan, while authoritarian rule can occur in unitary systems such as China. Territorial structure shapes political dynamics but does not determine governance style.

In international politics, territorial structure affects foreign policy behavior as well. Federal systems may require intergovernmental coordination on defense, trade, or treaty implementation, potentially complicating foreign policy decision-making. Unitary systems typically act with greater central coherence. These differences are not merely administrative; they reflect deep constitutional architectures that influence the state's identity, capacity, and strategic behavior.

## **2.4 Government Systems**

The system of government structures the institutional relationship between the executive and legislative branches. It determines how governments are formed, maintained, and removed, and how executive authority interacts with representative bodies. This dimension shapes political accountability, executive stability, legislative efficiency, and party dynamics. Government systems are conceptually independent from other dimensions of statehood; parliamentary, presidential, and semi-presidential systems can operate within monarchies or republics, under democratic or authoritarian governance, and within unitary or federal structures.

While governance style concerns how authority is exercised, and territorial structure concerns where authority is located, the system of government concerns the institutional relationship between the executive and legislative branches. It determines how governments are formed, how they are maintained, how they can be removed, and how executive authority interacts with representative bodies. This dimension is crucial because it shapes political accountability, executive stability, legislative efficiency, party dynamics, and constitutional equilibrium.

Duverger (1954/1980) provided the foundation for modern typologies of government systems by distinguishing among parliamentary, presidential, and semi-presidential forms of executive–legislative relations.

Lijphart (1999) expanded this framework through his distinction between majoritarian and consensual democracies, highlighting how electoral and party systems interact with governmental structures to produce different patterns of political competition and policy-making. Contemporary comparative politics builds on these insights, showing that government systems shape not only domestic politics but also international engagement, crisis management, and institutional resilience.

Government systems are conceptually distinct from both governance style and form of state. A state may be democratic or authoritarian, unitary or federal, monarchy or republic, but these characteristics do not determine whether its government system is parliamentary, presidential, or semi-presidential. The United Kingdom is a democratic constitutional monarchy with a parliamentary system; the United States is a democratic republic with a presidential system; France is a semi-presidential republic; Russia is an authoritarian republic operating under a semi-presidential constitution; China is a one-party authoritarian republic with a system that does not fit within the classical tripartite categorization. These examples demonstrate why government systems must be analyzed as an independent dimension.

#### **2.4.1 Parliamentary Government**

Parliamentary government is characterized by the fusion of executive and legislative authority. The government (the cabinet) is selected from, and remains politically accountable to, the legislature. Unlike presidential systems, where the executive is independently elected, parliamentary executives depend on legislative confidence for survival. The core mechanism is the vote of confidence, through which the legislature can remove the government (Lijphart, 1999). This relationship results in a dynamic interaction between parliamentary majorities and executive leadership.

The orthodox model of parliamentary government is exemplified by the United Kingdom. Under the Westminster system, the government is formed by the leader of the parliamentary majority party, and the cabinet collectively exercises executive authority. The Prime Minister's power derives not from direct popular mandate but from their capacity to command a majority in the House of Commons. Legislative and executive branches thus operate in a highly interdependent manner. Judicial oversight and constitutional constraints exist, but parliamentary sovereignty—rather than separation of powers—constitutes the central organizing principle of the system.

Germany represents a different variant: the parliamentary–federal model with a “constructive vote of no confidence.” Introduced in the Basic Law of 1949 to avoid instability experienced during the Weimar Republic,

this mechanism requires that the Bundestag not only dismiss a Chancellor but simultaneously elect a successor. This procedural innovation enhances executive stability and prevents opportunistic political fragmentation.

Parliamentary systems often produce strong party discipline, as the survival of the government depends on legislative cohesion. Party organizations control candidate selection, legislative agendas, and cabinet appointments, creating integrated patterns of governance. Yet parliamentary systems vary widely. Coalition-based parliamentary systems (e.g., the Netherlands, Sweden) emphasize negotiation and consensus, whereas majoritarian parliamentary systems (e.g., the UK, former New Zealand electoral system) concentrate power in single-party governments. These variations demonstrate that parliamentary government cannot be reduced to a single institutional model.

Parliamentary systems are particularly sensitive to party system fragmentation. When party fragmentation is high, coalition negotiations become complex, and governments may be less stable. When fragmentation is low, executives may dominate the legislature. Thus the functioning of parliamentary government depends on the interaction between constitutional rules and the party system (Sartori, 1976).

#### **2.4.2 Presidential Government**

Presidential government is defined by the separation of powers between the executive and the legislature. The president is directly elected by the people for a fixed term and does not depend on legislative confidence to remain in office. This creates an independent executive with legitimacy equal to that of the legislature. The United States represents the archetypal presidential system, originating from the constitutional debates of 1787, where the framers sought to prevent executive tyranny while also resisting parliamentary dominance (Hamilton, Madison, & Jay, 1788/2003).

In presidential systems, ministers (or secretaries) are appointed by the president and are accountable solely to the executive, not the legislature. This creates a clear institutional separation: the president cannot dissolve the legislature, and the legislature cannot remove the president except through extraordinary procedures such as impeachment. Impeachment is a legal-constitutional process rather than a political mechanism of routine accountability. This provides executive stability but can also lead to executive–legislative deadlock when opposing parties control different branches of government.

Presidential systems can concentrate significant authority in the executive, especially when constitutional checks are weak or when informal institutions empower the presidency. Latin American presidentialism illustrates the risks of presidential dominance, including executive

aggrandizement, decree powers, and erosion of legislative oversight (O'Donnell, 1994; Mainwaring & Shugart, 1997). Yet presidential systems can also be stable and liberal-democratic when supported by independent courts, robust federalism, and strong civil society.

One core advantage of presidentialism is the clarity of electoral accountability. Citizens directly choose the executive, creating a transparent chain of responsibility. However, this clarity can become a liability when polarization intensifies, as the executive becomes the focal point of political conflict. Moreover, fixed terms limit flexibility; unlike parliamentary governments, presidents cannot be removed easily even when political deadlock paralyzes governance.

The separation of powers, presidential veto, bicameral legislative design, and judicial review together shape the dynamics of presidential government. The balance among these institutions determines whether presidentialism operates consensually (as in the United States) or becomes prone to hyper-presidentialism (as in several contemporary Latin American cases).

#### **2.4.3 Semi-Presidential Government**

Semi-presidential government combines elements of presidential and parliamentary systems. Duverger (1954/1980) defined it as a system in which a directly elected president coexists with a prime minister and cabinet responsible to the legislature. This dual executive structure creates both opportunities and tensions. The president possesses independent legitimacy derived from direct election, while the prime minister depends on parliamentary confidence. This division of authority results in a flexible but potentially conflictual system.

France under the Fifth Republic is the quintessential semi-presidential model. The French president wields significant constitutional powers, including appointment of the prime minister, dissolution of the National Assembly, and leadership in foreign and defense policy. Yet the prime minister remains accountable to Parliament. When the president's party holds a parliamentary majority, the president dominates the political system. When the president faces an opposing majority, cohabitation occurs. Under cohabitation, the president loses control over domestic policy, while the prime minister governs through parliamentary support. This variation demonstrates the system's responsiveness to electoral outcomes.

Semi-presidentialism has spread widely, particularly in post-authoritarian Europe and parts of Africa and Asia. Its appeal lies in its hybrid nature: it promises the stability of a directly elected presidency while retaining parliamentary accountability mechanisms. However, semi-

presidential systems are vulnerable to executive conflict, especially when constitutional provisions are ambiguous or political parties are weak (Elgie, 2011). Russia, for example, nominally operates under a semi-presidential constitution, but presidential dominance has transformed the system into a centralized authoritarian regime (Hale, 2008).

Semi-presidentialism thus represents a dynamic equilibrium between presidential and parliamentary logics. Its performance depends heavily on party systems, constitutional court strength, political culture, and elite strategies. When these align, semi-presidentialism can operate effectively; when they diverge, it can destabilize governance or enable executive overreach.

#### **2.4.4 Why the Government System Is Independent from State Form, Governance Style, and Territorial Structure**

One of the central analytical insights of modern comparative politics is that systems of government constitute an autonomous dimension of the state (Cheibub, 2007; Lijphart, 2012; Stepan & Skach, 1993). Although form of state, governance style, territorial organization, and regime type interact in practice, none of these dimensions mechanically determines how a government system functions (Sartori, 1994; Tsebelis, 2002). This autonomy explains why states sharing similar constitutional identities may nevertheless operate according to fundamentally different political logics (Duverger, 1980; Elgie, 1999; Shugart & Carey, 1992).

Government systems matter precisely because they structure the allocation and exercise of political authority (Lijphart, 2012; Tsebelis, 2002). They define the relationship between executive and legislative power, shape the role of judicial institutions, condition mechanisms of accountability, and influence the patterns through which political conflict is managed (Linz, 1990; Mainwaring & Shugart, 1997; Stepan & Skach, 1993). When government systems are not analytically distinguished, comparative analysis becomes conceptually blurred, leading to false equivalences—such as equating democracy with parliamentarism, republics with presidentialism, or monarchies with institutional rigidity (Cheibub, 2007; Elgie, 2011; Sartori, 1994).

Systems of government emerge through historically contingent processes rather than abstract design (Linz, 1994; Shugart & Carey, 1992; Stepan & Skach, 1993). Revolutions, constitutional bargaining, elite competition, and institutional learning all leave durable imprints on how authority is organized (Duverger, 1980; Tsebelis, 2002). For this reason, government systems should be understood as a distinct dimension of statehood, operating according to its own internal logic while interacting with, but not reducible to, other constitutional and political features

(Cheibub, 2007; Elgie, 1999; Lijphart, 2012).

## **2.5 Conclusion: Integrating the Four Dimensions of Modern Statehood**

The analysis developed throughout this chapter demonstrates that the modern state is not a singular or self-evident entity but the product of layered historical, legal, and institutional transformations. Modern statehood emerged through the gradual dissolution of feudal and corporatist authority structures, the concentration of coercive capacity, and the constitutional rationalization of political power. Weber (1978) defines the modern state as the human community that claims the monopoly of legitimate violence over a population within defined territorial boundaries. Yet the subsequent conceptual refinement in political theory shows that such authority is neither natural nor uniform but institutionally differentiated.

Understanding the modern state requires distinguishing among the form of state, the style of governance, the territorial structure of authority, and the system of government. These four analytical dimensions together provide the conceptual grammar of statehood. Crucially, they do not overlap; each captures a different constitutional or political property. This analytical separation is not merely a pedagogical convenience but a theoretical necessity.

The form of state identifies where sovereignty is symbolically and constitutionally located—whether in a hereditary monarch or in the people. But this identity does not determine political practice. Being a republic does not guarantee democracy; being a monarchy does not mandate authoritarianism. Contemporary examples confirm this principle: democratic monarchies (United Kingdom, Sweden, Japan) coexist alongside authoritarian republics (China, Iran, Russia). The form of state provides constitutional symbolism but not political substance.

The style of governance concerns how authority is exercised—whether through procedural openness, competitive elections, and legal constraint, or through coercion, patronage, religious doctrine, or party control. The authority of the state rests on law; the rule of law is the foundation of legitimacy. Democratic governance institutionalizes accountability and limits arbitrary rule (Dahl, 1971). Authoritarian governance relies on constrained pluralism and coercive enforcement (Linz, 2000). Hybrid systems manipulate democratic procedures while maintaining incumbent dominance (Levitsky & Way, 2010). Governance style thus describes the lived experience of political authority.

The territorial structure of the state, whether unitary or federal, determines how authority is geographically allocated. Unitary systems



centralize legal authority, even when they implement extensive devolution, as in the United Kingdom. Federal systems constitutionally entrench subnational autonomy and create dual channels of legitimacy, as in the United States or Germany. The distribution of authority across territorial levels directly shapes political decision-making. Territorial structure influences representation, identity politics, and administrative capacity but does not dictate governance style.

Finally, the system of government structures the relationship between the executive and the legislature, shaping political accountability and executive stability. Parliamentary systems fuse executive authority with legislative confidence; presidential systems separate them; semi-presidential systems combine both logics (Duverger, 1980; Elgie, 2011). The system of government does not determine democracy or authoritarianism; it merely organizes executive-legislative relations. A parliamentary monarchy can be deeply democratic; a presidential republic can be authoritarian. Government systems shape institutional mechanics, not normative character.

Bringing these four dimensions together reveals a crucial theoretical insight: no single element of statehood—neither form, nor governance style, nor territorial structure, nor government system—can independently explain political outcomes. The modern state is the intersection of constitutional identity, modes of authority, territorial organization, and executive design. Its empirical behavior emerges from the interaction of these institutional layers. As Tilly (1990) argued, state formation is a dynamic process shaped by coercion, capital, negotiation, and historical contingency; its institutional configuration cannot be reduced to any single dimension.

The state is the highest political authority regulating social life; yet the source, limits, and exercise of this authority rely on distinct institutional dimensions. This holistic understanding captures the essence of the framework developed in this chapter.

In conclusion, the modern state is best understood as a multi-layered institutional complex whose analytical architecture rests on four independent but interrelated dimensions. The conceptual clarity provided by distinguishing among regime, governance style, territorial structure, and government system enables more precise comparative analysis, avoids category errors, and provides the intellectual foundation for examining the six country cases that follow. By applying this multi-dimensional framework to the United Kingdom, the French Republic, the United States of America, the Federal Republic of Germany, the Russian Federation, and the People's Republic of China, the subsequent chapters will demonstrate how different combinations of these four dimensions produce distinct

political systems, institutional behaviors, and international postures.

The framework developed in this chapter reveals that the modern state is not a singular, homogeneous entity but an institutional constellation composed of historically distinct layers of authority. State formation occurred through the consolidation of coercive capacity, the emergence of territorial sovereignty, and the institutionalization of legal and administrative structures. Weber (1978) defined the state as the supreme political authority responsible for regulating social life and exercising legitimate coercive power within clearly defined territorial boundaries. While this definition captures the core of modern sovereignty, it leaves unanswered how such authority is internally structured and politically enacted.

By analytically distinguishing the form of state, style of governance, territorial structure, and system of government, this chapter has shown that political systems must be examined through multiple institutional lenses. The form of state provides the constitutional identity of political authority but does not determine democratic or authoritarian outcomes. Governance style reflects how rulers govern, how they secure compliance, and how legitimacy is constructed. Territorial structure distributes authority across geographic units and shapes the relationship between center and periphery. The system of government regulates executive–legislative relations and determines mechanisms of accountability and political stability.

These dimensions interact rather than operate in isolation. Political outcomes are produced by the combinations of these institutional layers rather than by any single component in isolation. This insight aligns with contemporary scholarship emphasizing that states evolve through historical layering, conflict, negotiation, and adaptation. Understanding the modern state as a multidimensional structure is therefore essential for analyzing domestic politics and explaining state behavior in international relations.

The framework developed here provides the analytical basis for the country studies that follow. By applying it to the United Kingdom, France, the United States, Germany, Russia, and China, subsequent chapters will show how different combinations of institutional components generate diverse forms of political authority, state capacity, and governance.

## **CHAPTER 3. THE UNITED KINGDOM: A PARLIAMENTARY MODEL IN PRACTICE**

The United Kingdom represents the classical parliamentary model from which many modern democracies have drawn inspiration. The Westminster system demonstrates how parliamentary government operates in its original form, featuring fusion of executive and legislative powers, cabinet government, and the sovereignty of parliament (Bagehot, 1867). Understanding the UK system is essential for comparative constitutional analysis because it established institutional templates that have been adapted worldwide, from Canada and Australia to India and numerous post-colonial states (Lijphart, 2012).

The UK's distinctiveness lies in its uncoded constitution—constitutional rules exist but are dispersed across statutes, common law, conventions, and authoritative texts rather than consolidated in a single document (King, 2007). This evolutionary approach to constitutional development contrasts with revolutionary constitutional founding moments seen in other democracies. The system has adapted incrementally over centuries, preserving historical forms while incorporating democratic principles (Bogdanor, 2009).

This chapter examines how British institutions function and interact to create a working constitutional democracy. We analyze the historical foundations, governmental structures, and practical mechanisms that define the Westminster model, providing the foundation for understanding parliamentary systems more broadly.

### **3.1 Historical Background of Political Institutions**

British constitutional development proceeded gradually rather than through revolutionary transformation. Several historical moments shaped the modern system, each building incrementally on previous institutional arrangements. Magna Carta in 1215 established the principle that even monarchs are subject to law and that taxation requires consent. While originally protecting baronial privileges rather than establishing democracy, it provided rhetorical and conceptual foundations for later constitutional limitations on executive power (Loughlin, 2013).

The English Civil War from 1642 to 1651 and the subsequent Commonwealth period demonstrated that monarchical power could be fundamentally challenged. Though the monarchy was restored in 1660, the Civil War established that parliamentary consent was essential for legitimate governance. The execution of Charles I represented a dramatic assertion of parliamentary authority over royal prerogative (Jennings, 1959).

The Glorious Revolution of 1688 resolved longstanding tensions between Crown and Parliament by establishing constitutional monarchy. When James II's Catholic sympathies and authoritarian tendencies threatened Protestant ascendancy and parliamentary rights, Parliament invited William of Orange and Mary to assume the throne. Their acceptance of the Bill of Rights in 1689 formalized parliamentary supremacy: the monarch could not suspend laws, levy taxation, or maintain armies without parliamentary consent (Dicey, 1915). Regular parliaments would meet, elections would be free, and parliamentary debate would enjoy privilege. These developments established parliamentary sovereignty as the foundation of British constitutionalism.

Democratization occurred incrementally through franchise extensions in the nineteenth and twentieth centuries rather than through revolutionary transformation. The Reform Acts of 1832, 1867, and 1884 progressively expanded voting rights, though still limiting suffrage to propertied men. Women gained the vote in stages: propertied women over thirty in 1918, universal adult suffrage in 1928. This gradual expansion contrasts sharply with countries achieving universal suffrage through revolutionary change (Norton, 2013).

House of Lords reform has been ongoing for over a century without reaching definitive resolution. The Parliament Acts of 1911 and 1949 limited the Lords' veto power after constitutional crises over budget rejection. The Life Peerages Act of 1958 introduced appointed life peers alongside hereditary peers, creating merit-based membership. The House of Lords Act of 1999 removed most hereditary peers as part of Labour's constitutional reform, though ninety-two hereditary peers were temporarily retained in a compromise. Despite these reforms, comprehensive restructuring of the Lords remains incomplete and politically contentious (Russell, 2013).

Devolution in the late 1990s represented perhaps the most significant recent constitutional change. The Scotland Act, Government of Wales Act, and Northern Ireland Act, all passed in 1998, transferred substantial powers to Scotland, Wales, and Northern Ireland. This transformed the UK from a purely unitary state into a quasi-federal system with asymmetric arrangements reflecting different nations' distinct histories, identities, and demands for autonomy (Bogdanor, 1999). Scottish devolution has been particularly extensive, with the Scottish Parliament exercising primary legislative authority over broad policy areas and possessing significant tax powers.

The British constitution comprises multiple sources rather than a single codified document. Acts of Parliament establish constitutional rules, including the Bill of Rights of 1689, the Acts of Union, the Parliament Acts

of 1911 and 1949, the Human Rights Act of 1998, the devolution acts, and the Constitutional Reform Act of 2005 (Bradley et al., 2018). These statutes have no special legal status distinguishing them from ordinary legislation—Parliament can amend or repeal them through normal legislative procedures, reflecting parliamentary sovereignty.

Common law developed through judicial decisions establishes constitutional doctrines including judicial independence, rule of law, habeas corpus, and fair trial rights. Landmark cases like *Entick v. Carrington* in 1765 established fundamental principles constraining executive power (Wade and Forsyth, 2014). Constitutional conventions are non-legal rules governing constitutional behavior, including ministerial responsibility, royal neutrality, confidence requirements, and various parliamentary practices (Marshall, 1984). Conventions are politically binding but not legally enforceable through courts, creating a distinctive feature of the British constitutional system.

Works of authority comprise scholarly texts explaining constitutional principles. A. V. Dicey's *Introduction to the Study of the Law of the Constitution* published in 1885 remains influential in articulating parliamentary sovereignty and rule of law. Walter Bagehot's *The English Constitution* from 1867 analyzed the distinction between the constitution's "dignified" and "efficient" parts. Erskine May's *Parliamentary Practice* guides parliamentary procedure (Turpin and Tomkins, 2011). This uncodified system provides flexibility enabling constitutional adaptation without formal amendment procedures, but creates ambiguity about precise constitutional requirements and appropriate constitutional behavior.

Parliamentary sovereignty represents the foundational principle of British constitutionalism. As articulated by Dicey, Parliament can make or unmake any law on any subject, no body can override or set aside Parliament's legislation, and no Parliament can bind its successors (Dicey, 1915). This doctrine gives Parliament extraordinary legal authority unmatched in systems with written constitutions constraining legislative power. The rule of law complements parliamentary sovereignty, requiring that government must act according to law and that officials require legal authority for their actions. Everyone, regardless of rank, is subject to ordinary law administered by ordinary courts (Craig, 2003). Courts enforce this principle by requiring government to demonstrate legal basis for actions, establishing that executive power must rest on statutory or common law authorization.

Constitutional monarchy separates head of state from head of government functions. The monarch is head of state but exercises powers only on ministerial advice without personal discretion. The monarch

"reigns but does not rule," performing ceremonial functions while democratic institutions exercise actual political power (Brazier, 1999). Responsible government holds that ministers are accountable to Parliament both collectively through cabinet unity and individually through departmental accountability. Governments must maintain parliamentary confidence or resign, creating the fundamental accountability mechanism distinguishing parliamentary from presidential systems (Norton, 1998).

### **3.2 The Legislature: Westminster Parliament**

The Westminster Parliament embodies the bicameral legislative structure characteristic of parliamentary systems. It comprises two chambers: the House of Commons and the House of Lords. The Commons, directly elected and politically dominant, exercises supreme legislative authority and controls the executive through confidence votes. The Lords, an appointed and partially hereditary chamber, provides legislative revision and scrutiny but possesses only delaying powers over most legislation. This bicameral arrangement reflects both historical evolution and contemporary democratic principles, balancing popular sovereignty with institutional continuity and expertise.

#### **3.2.1 The House of Commons**

The House of Commons is the dominant legislative chamber, comprising 650 Members of Parliament elected from single-member constituencies using the first-past-the-post electoral system. The candidate receiving the most votes in each constituency wins the seat regardless of whether achieving an absolute majority. This electoral system typically produces disproportional results, advantaging major parties and penalizing smaller parties with geographically dispersed support, but usually generates single-party majorities enabling decisive government (Lijphart, 2012).

The Commons exercises supreme legislative authority within the bicameral Parliament. Its powers include passing, amending, or rejecting legislation; granting or withdrawing confidence from government; scrutinizing executive action through questions and debates; controlling taxation and public expenditure; and approving or rejecting government policies. Only the Commons can grant confidence, making it the crucial democratic check on executive power (Russell and Cowley, 2016).

In the legislative process, the Commons exercises decisive authority. Government bills require Commons approval at multiple stages: Second Reading approves principles, Committee Stage examines details, Report Stage considers amendments, and Third Reading provides final approval. The Commons can amend or reject any bill, though party discipline usually ensures government bills pass with modifications negotiated within the governing party. The Commons' confidence power

means governments must maintain majority support to survive, linking legislative and executive authority through the fusion of powers that defines parliamentary systems.

The Speaker presides over Commons proceedings, maintaining order, interpreting rules, and protecting parliamentary privilege. The Speaker must be politically impartial, enforcing parliamentary rules fairly regardless of party affiliation. Once elected, Speakers resign from their party, though they continue representing their constituencies. Party whips organize their parties' MPs, communicate leadership positions on votes, and enforce discipline. The government Chief Whip coordinates government business in Parliament and maintains majority support, wielding significant influence through control over parliamentary time and careers (Cowley, 2002).

Public Bill Committees examine legislation clause-by-clause, conducting detailed scrutiny and proposing amendments. These temporary committees are established for specific bills and disbanded once their work is complete. Committee membership reflects Commons partisan composition proportionally, ensuring government majorities that enable most government amendments to pass while opposition amendments typically fail. Since 2006, committees can hear evidence from experts and stakeholders before examining bill text, though the time allocated remains limited (Russell and Benton, 2011).

Select Committees provide Parliament's most systematic scrutiny of government. Departmental select committees shadow each major government department, examining policies, decisions, and administration. Cross-cutting select committees address issues spanning multiple departments, including the Public Accounts Committee which scrutinizes government spending, the Public Administration and Constitutional Affairs Committee, and various policy-area committees. Since 2010 reforms, select committee chairs and members are elected by MPs rather than appointed through party whips, significantly enhancing committee independence (Kelso, 2009).

Select committees can summon ministers and civil servants to give evidence, request documents, conduct inquiries into specific issues, and publish reports with findings and recommendations. The government must formally respond to committee reports, creating pressure to address identified problems. Committee hearings attract media attention, particularly when investigating scandals or high-profile issues, generating public scrutiny that pressures government. Committees often work consensually across party lines, especially on administrative competence rather than partisan political disagreement, enhancing their credibility and influence (Liaison Committee, 2012).

Party discipline in the House of Commons is remarkably strong by international standards. MPs generally vote with their parties due to career incentives, personal loyalty, peer pressure, and whip enforcement. The whip system uses various mechanisms to maintain discipline, including appeals to party loyalty, reminders of electoral consequences, career advancement opportunities for loyal MPs, and threats of deselection or withdrawal of the party whip for persistent rebels. This discipline enables governments with majorities to pass their legislative programs reliably, making fusion of powers functional (Norton, 2013).

### **3.2.2 The House of Lords**

The House of Lords comprises appointed and inherited members rather than being elected. Life peers constitute the majority of members, appointed for life under the Life Peerages Act of 1958. They include former politicians, public servants, experts in various fields, and representatives of diverse backgrounds. Appointments are recommended by the Prime Minister and an independent Appointments Commission for non-partisan appointments. After the 1999 reform removed most hereditary peers, ninety-two hereditary peers remain, elected by fellow hereditary peers when vacancies arise. Additionally, twenty-six Church of England bishops sit in the Lords as Lords Spiritual. The chamber comprises approximately 800 members, making it one of the world's largest legislative chambers (Russell, 2013).

The Lords' powers are constitutionally subordinate to the Commons, reflecting democratic primacy. Under the Parliament Acts of 1911 and 1949, the Lords can delay non-financial public bills for approximately one year. If the Commons passes a bill in two successive sessions and the Lords rejects it, the bill becomes law without Lords' consent. Money bills concerning taxation and public spending can be delayed only one month. The Lords revises and amends legislation, often improving legislative quality through detailed examination by members with expertise in relevant policy areas. The Commons may accept, reject, or modify Lords amendments. Disagreements trigger "parliamentary ping pong" as bills shuttle between houses until agreement or Parliament Acts invocation (Russell, 2013).

The Lords' role in legislation is primarily revisory rather than obstructive. The chamber conducts detailed scrutiny of bills, often improving legislative quality through technical amendments identified by members with relevant expertise. While the Lords can delay legislation, its power to reject bills permanently was removed by the Parliament Acts. This ensures democratic primacy—the elected Commons ultimately prevails—while allowing the Lords to require the Commons to reconsider decisions and ensuring legislation receives thorough examination. The Lords



particularly scrutinizes constitutional matters, delegated legislation, and bills affecting judicial and legal systems, areas where its membership includes considerable expertise.

The Salisbury Convention holds that the Lords should not reject legislation implementing the governing party's election manifesto commitments, respecting the electoral mandate given by voters. This convention recognizes that an unelected chamber should not obstruct policies explicitly endorsed through democratic elections. However, the convention's precise scope and applicability remain contested, particularly in situations involving coalition governments or minority governments (Bradley et al., 2018).

Government bills follow a structured legislative process through both Houses of Parliament. First Reading involves formal introduction without debate. Second Reading features debate on the bill's general principles followed by a vote on whether to give the bill second reading. Committee Stage involves clause-by-clause examination and amendment, usually in Public Bill Committees for most bills or in Committee of the Whole House for constitutional bills. Report Stage allows the full Commons to consider committee amendments and make further changes. Third Reading provides final Commons debate and vote, typically brief once the bill has survived earlier stages. The bill then moves to the House of Lords for a similar process. If the Lords amend the bill, it returns to the Commons for consideration of amendments, potentially triggering exchanges until agreement is reached. Finally, Royal Assent is given by the monarch, a formality that has not been refused in modern times (Jowell and Oliver, 2015).

Government bills dominate parliamentary time, receiving priority over other business. The government controls most parliamentary time and can impose limits on debate through program motions, ensuring bills are voted on by specific deadlines. This agenda control enables governments to advance their legislative programs while limiting opposition opportunities to delay or obstruct. Private Members' Bills are introduced by backbench MPs rather than government, providing opportunities for individual parliamentarians to propose legislation. However, these bills face severe constraints including limited parliamentary time, lack of drafting and research resources, potential filibustering by opponents, and government indifference or opposition. Most Private Members' Bills fail, though some succeed when addressing uncontroversial matters or gaining government support (Norton, 2013).

### **3.3 The Executive**

The British executive exemplifies the fusion of powers characteristic of parliamentary government. Unlike presidential systems where executive and legislative branches operate independently, the UK executive emerges from and remains accountable to Parliament. The Prime Minister and Cabinet are drawn from the legislature, must maintain parliamentary confidence to govern, and rely on party discipline to implement their legislative agenda. This fusion creates concentrated power when governments command Commons majorities, enabling decisive policy implementation, but also generates accountability through Parliament's capacity to withdraw confidence and force resignations or elections.

#### **3.3.1 The Monarch as Head of State**

The monarchy serves ceremonial head of state functions while remaining politically neutral. Constitutional functions include appointing the Prime Minister following elections, appointing ministers on PM's advice, opening and dissolving Parliament, giving Royal Assent to legislation, and formally exercising royal prerogative powers. All functions are exercised on ministerial advice without personal discretion—the monarch acts as ministers advise. Royal neutrality requires absolute abstention from partisan politics. The monarch cannot express political opinions publicly, engage in partisan activity, or interfere in democratic processes. This neutrality is essential for maintaining monarchy's legitimacy within a democratic system (Brazier, 1999).

The monarch's symbolic role includes embodying national continuity and unity across political changes, providing non-partisan national representation internationally and ceremonially, and performing state occasions and ceremonies. This separation of head of state from head of government allows the monarch to represent national unity while the Prime Minister engages in partisan political leadership. The arrangement has functioned relatively successfully, though debates about monarchy's place in modern democracy continue (Bogdanor, 2009).

The emergence of the symbolic head of state reflects Britain's evolutionary constitutional development. The Glorious Revolution of 1688 established the principle that monarchs reign through parliamentary consent rather than divine right. Over subsequent centuries, the monarch's political role gradually diminished as democratic institutions strengthened. By the nineteenth century, Walter Bagehot's distinction between the constitution's 'dignified' and 'efficient' parts captured this transformation: the monarchy retained ceremonial dignity while political power migrated to elected institutions. This evolutionary process avoided the revolutionary abolition of monarchy seen in some democracies, instead preserving

continuity while adapting the institution to democratic principles. The result is a head of state who symbolizes national unity without wielding political power, separating representation from governance in ways that differ from both presidential and parliamentary republics.

### **3.3.2 The Prime Minister and Cabinet**

The Prime Minister serves as head of government, leading the executive and exercising extensive authority over government operations and policy direction. After elections, the monarch invites the person most likely to command House of Commons confidence to form government. This is typically the leader of the largest party or the person who can assemble a coalition or confidence-and-supply arrangement commanding majority support. The PM's powers include appointing and dismissing all ministers, chairing cabinet and setting its agenda, leading government business in the Commons, representing the nation internationally, controlling extensive patronage including ministerial positions and honors, and managing parliamentary strategy while determining legislative priorities (Hennessy, 2000).

Despite these extensive powers, the Prime Minister faces significant constraints. The PM must maintain Commons confidence—losing confidence requires resignation or calling elections. The PM operates within cabinet and party constraints, needing to manage cabinet colleagues with their own authority and political bases. Parliamentary scrutiny occurs through Prime Minister's Questions, debates, and select committee inquiries. The PM depends ultimately on party support, as parties can remove leaders through internal mechanisms without requiring parliamentary confidence votes. The Conservative Party removed Margaret Thatcher in 1990 and Theresa May effectively forced resignation in 2019 through party pressure (Foley, 2000).

Prime ministerial power varies considerably with political circumstances. Large parliamentary majorities, strong personal authority, and party unity enhance prime ministerial dominance, as seen during Tony Blair's first term with Labour's landslide majority. Small majorities or minority government significantly constrain action, as Theresa May discovered after losing the Conservative majority in 2017. Divided parties reduce prime ministerial control, while united parties enable greater dominance. Personal political skills, media management abilities, and policy successes or failures affect prime ministerial authority (Heffernan, 2006).

The Cabinet comprises senior ministers holding major portfolios, typically including twenty to twenty-three members. Key positions include the Chancellor of the Exchequer responsible for finance and economic policy, the Foreign Secretary handling foreign relations, the Home

Secretary overseeing interior affairs and justice, the Defence Secretary managing military affairs, and heads of other major departments covering health, education, transport, environment, and other policy areas. The cabinet's functions include making key government policy decisions, coordinating action across departments, resolving disputes between ministers or departments, and managing overall political strategy (Rhodes and Dunleavy, 1995).

Cabinet formation involves the Prime Minister selecting members, though various constraints affect choices. In single-party majority governments, the PM balances party factions to maintain internal unity, includes senior party figures who would be dangerous outside cabinet, ensures competence for major portfolios, meets expectations for diversity in gender and ethnicity, rewards loyalty while managing potential rivals, and ensures representation of different party wings. In coalition governments, cabinet positions are negotiated between coalition partners, typically allocated proportionally to parliamentary strength while ensuring both parties hold significant positions (Kavanagh and Seldon, 1999).

Collective cabinet responsibility requires ministers to publicly support all government decisions regardless of private disagreements. A minister who cannot accept a decision must resign rather than publicly dissent. This convention maintains governmental cohesion, enables cabinet confidentiality allowing free discussion before decisions, provides clear parliamentary accountability for government as a whole, and strengthens prime ministerial authority by requiring ministers to support prime ministerial decisions or resign. Individual ministerial responsibility holds ministers accountable for their personal conduct and their departments' actions. Ministers must answer parliamentary questions, explain policies, defend decisions, and account for departmental failures (Brazier, 1999).

Cabinet theoretically operates through collective deliberation where ministers debate issues and reach consensus decisions. Weekly cabinet meetings discuss current issues, though time constraints limit thorough deliberation. In practice, much substantive work occurs in cabinet committees rather than full cabinet. Specialized committees comprising relevant ministers address specific policy areas, making decisions within their remits that become government policy without full cabinet consideration. The Prime Minister determines committee structure, membership, and chairmanship, usually chairing the most important committees personally (Crossman, 1972).

Different Prime Ministers adopt different cabinet styles reflecting personal preferences and political circumstances. Some Prime Ministers emphasize collective cabinet deliberation and genuine discussion. Others

dominate cabinet, making decisions in small groups or bilaterally with relevant ministers and using cabinet primarily for ratification. Margaret Thatcher and Tony Blair were noted for concentrating decision-making, while John Major operated more collegially partly due to weaker political position. Coalition government from 2010 to 2015 required more genuine collective decision-making as coalition partners needed consultation (Foley, 2000).

The civil service constitutes the permanent, professional, politically neutral bureaucracy staffing government departments and implementing policy. Civil service principles include political impartiality, permanence through governmental changes, merit-based appointment through competitive processes, and professionalism maintaining high standards of competence and integrity. Civil servants advise ministers on policy options and implications, implement ministerial decisions, manage departmental operations and personnel, and ensure legal compliance and procedural propriety (Oliver, 2003).

The minister-civil servant relationship theoretically distinguishes policy from administration. Ministers make policy decisions reflecting political priorities and democratic mandates, while civil servants implement policies and advise on feasibility, options, and implications. Permanent Secretaries heading departments manage operations and serve as Accounting Officers responsible for proper spending. If ministers insist on spending Permanent Secretaries consider improper, Accounting Officers can request written ministerial directions formally instructing them to proceed, protecting officials while documenting ministerial responsibility (Wade and Forsyth, 2014).

### **3.4 The Judiciary**

The United Kingdom maintains separate court systems for England and Wales, Scotland, and Northern Ireland, reflecting historical state formation. The UK Supreme Court established in 2009 serves as the final court of appeal for civil matters throughout the UK and criminal matters from England, Wales, and Northern Ireland, though Scotland's High Court of Justiciary remains the final criminal court due to Scotland's distinct legal system. The Supreme Court replaced the Appellate Committee of the House of Lords, enhancing separation of powers by removing the final court from the legislature (Le Sueur et al., 2016).

Judicial independence is protected through multiple constitutional mechanisms. Security of tenure means judges hold office during good behavior and can be removed only through address by both Houses of Parliament, an extraordinarily rare procedure providing effective life tenure subject to retirement age. Financial independence through salaries charged to the Consolidated Fund prevents government

manipulation through salary cuts. Independent judicial appointments through the Judicial Appointments Commission established by the Constitutional Reform Act of 2005 reduced ministerial patronage in selecting judges. Constitutional conventions protect judges from political criticism and pressure, with ministers refraining from public criticism of judicial decisions and judges avoiding partisan politics (Jowell and Oliver, 2015).

Courts exercise judicial review of executive action, ensuring government acts within law and follows proper procedures. Grounds for judicial review include illegality where authorities act beyond legal powers or misinterpret law, procedural impropriety involving failure to follow required procedures or violation of natural justice, irrationality applying the *Wednesbury* reasonableness test where no reasonable authority could reach that decision, and proportionality particularly in human rights cases examining whether measures are suitable, necessary, and proportionate to legitimate aims. Additionally, courts protect legitimate expectations government creates and require human rights compatibility under the Human Rights Act (Wade and Forsyth, 2014).

Parliamentary sovereignty fundamentally constrains judicial power. Courts cannot invalidate Acts of Parliament as unconstitutional or contrary to fundamental law. Parliament's legislation prevails regardless of content, requiring courts to apply parliamentary statutes even when considering them unjust, unreasonable, or rights-violating. This distinguishes the UK sharply from countries with written constitutions enabling constitutional judicial review (Goldsworthy, 1999). However, courts extensively review secondary legislation, executive decisions and actions, prerogative power exercises, and public authority actions for human rights compliance under the Human Rights Act.

The Human Rights Act of 1998 incorporated the European Convention on Human Rights into UK law, creating significant though constitutionally constrained judicial review. Section 3 requires courts to interpret all legislation compatibly with Convention rights so far as possible, creating strong interpretive obligation that sometimes requires strained statutory readings. Section 4 enables superior courts to issue declarations of incompatibility when legislation cannot be read compatibly with Convention rights. These declarations don't invalidate legislation or bind parties—courts must still apply incompatible legislation—but create substantial political pressure for amendment. Parliament usually amends legislation declared incompatible, though it retains authority to maintain incompatible legislation if choosing to do so (Kavanagh, 2009).

Section 6 of the Human Rights Act requires all public authorities to act compatibly with Convention rights, making rights enforceable

against government at all levels. Public authorities include core governmental bodies, courts and tribunals, and private bodies exercising public functions. This extends rights protection broadly across governmental action. The Act significantly expanded judicial review scope and intensity by making human rights considerations central to administrative law while formally preserving parliamentary sovereignty through declarations rather than invalidation (Feldman, 1999).

Judicial review has expanded considerably since the 1960s, with courts reviewing executive action more intensively and developing substantive review grounds beyond narrow jurisdictional questions. The Human Rights Act accelerated this expansion by requiring rights-based analysis. Courts have constrained prerogative powers, previously considered largely unreviewable. The GCHQ case in 1985 established that prerogative exercises are reviewable subject to justiciability limits. The Miller cases in 2017 and 2019 significantly limited prerogative by requiring parliamentary authorization for triggering Article 50 beginning EU withdrawal and ruling that prorogation of Parliament for five weeks was unlawful (Elliott, 2002).

Despite expanded judicial review, courts remain cautious about separation of powers and democratic accountability. Courts decline reviewing certain non-justiciable matters including high policy decisions, matters of political judgment, and parliamentary internal proceedings. Courts defer to administrative expertise and democratic accountability on policy choices, reviewing legality rather than merits. This judicial restraint maintains legitimacy for unelected judges exercising significant power (Craig, 2003).

### **3.5 Checks and Balances**

Parliamentary oversight of the executive operates through multiple mechanisms providing accountability. Prime Minister's Questions occurs weekly for thirty minutes, where the Leader of the Opposition asks six questions and other MPs ask additional questions on various topics. This high-profile session forces the Prime Minister to answer questions publicly and defend policies, though limited time and confrontational nature reduce depth of examination. The PM prepares extensively with briefing materials, enabling deflection of questions or provision of pre-prepared responses (King, 2007).

Select Committees provide systematic executive scrutiny through departmental committees shadowing government departments and cross-cutting committees addressing issues spanning departments. Committees summon ministers and officials for evidence, conduct detailed inquiries into policies and problems, publish reports with findings and recommendations requiring government response, and generate media

coverage particularly for high-profile investigations. The Public Accounts Committee examines government spending based on National Audit Office reports, scrutinizing value for money and financial management. Committee independence enhanced significantly through 2010 reforms making chairs and members elected by MPs rather than appointed through whips (Russell and Benton, 2011).

Ministerial Questions allow MPs to question ministers regularly about departmental actions through both oral questions in the Commons chamber and written parliamentary questions submitted for written responses. Debates in Parliament address government policies, enabling criticism and scrutiny from opposition and backbenchers. Confidence votes represent Parliament's ultimate check, enabling removal of governments through votes of no confidence. Though rare when governments hold majorities, this mechanism makes executives accountable to legislatures, distinguishing parliamentary from presidential systems (Norton, 2013).

Executive influence over Parliament significantly affects the institutional balance. Government dominance of parliamentary time determines what Parliament considers and when, enabling governments to advance legislative programs while limiting opposition opportunities. The government Chief Whip allocates most parliamentary time to government business, with only limited time reserved for opposition days. Strong party discipline through whip systems ensures government backbenchers support leadership on votes. Career incentives, personal loyalty, peer pressure, and potential sanctions including withdrawal of the party whip enforce discipline. This enables governments with majorities to pass legislation reliably, creating efficiency but raising concerns about insufficient independent parliamentary scrutiny (Cowley, 2002).

Majority government with single-party control of Commons majority can implement programs decisively with minimal parliamentary obstruction. The fusion of powers combined with party discipline means parliamentary majorities translate directly into governmental control. This creates what Lord Hailsham termed "elective dictatorship"—governments facing minimal constraints between elections once securing parliamentary majority. Minority government without Commons majority must negotiate support either through confidence-and-supply agreements where other parties support government on confidence votes and budgets without joining government, or through issue-by-issue bargaining building different coalitions for different votes. This significantly constrains executive power and enhances genuine parliamentary influence, as Theresa May's minority government from 2017 to 2019 demonstrated through repeated parliamentary defeats (King, 2007).



Judicial constraints on executive power operate primarily through judicial review of executive action rather than legislation. Courts ensure governmental decisions are legal, procedurally fair, and reasonable, requiring government to demonstrate legal authority for actions. The Human Rights Act strengthened judicial review by requiring courts to assess whether public authority actions comply with Convention rights. Courts can quash unlawful decisions, issue mandatory orders requiring authorities to perform duties, grant declarations stating legal positions including incompatibility declarations, award damages for rights violations, and issue injunctions preventing or requiring specific actions (Wade and Forsyth, 2014).

Prerogative power review has expanded substantially. While courts historically declined reviewing prerogative exercises as non-justiciable, contemporary courts review prerogatives subject to subject-matter limitations. The Miller cases exemplified judicial willingness to constrain prerogative when threatening parliamentary democracy. Miller I in 2017 required parliamentary authorization through statute for triggering Article 50 to begin EU withdrawal rather than permitting prerogative alone. Miller II in 2019 ruled that Prime Minister Boris Johnson's prorogation of Parliament for five weeks was unlawful, an extreme use of prerogative preventing Parliament from exercising constitutional functions during critical Brexit period (Jowell and Oliver, 2015).

Despite expanded judicial review, significant limits remain. Courts cannot invalidate Acts of Parliament, preserving parliamentary sovereignty. Judicial review addresses legality not policy merits—courts examine whether government acted lawfully, not whether policies are wise or desirable. Courts defer to executive expertise and democratic accountability on policy choices, reviewing process and legal authority rather than substantive policy decisions. Certain matters remain non-justiciable including high policy decisions, national security matters, and parliamentary internal proceedings. These limitations reflect judicial recognition that courts are unelected and must respect democratic institutions' authority (Craig, 2003).

Constitutional conventions and political culture fundamentally shape how the system operates. The UK constitution depends heavily on non-legal rules enforced politically rather than judicially. Convention enforcement operates through political criticism and opposition attacks, media scrutiny and public opinion pressure, parliamentary responses including potential confidence withdrawal, and reputational damage to violators. This norm-based system functions effectively when political culture values constitutional compliance, actors respect conventions voluntarily, and violations generate sufficient political costs to deter breach

(Marshall, 1984).

Key conventions include collective and individual ministerial responsibility establishing government accountability despite lacking legal enforcement, royal neutrality requiring the monarch to act on ministerial advice and avoid partisan politics, confidence requirements making governments dependent on Commons support, the Salisbury Convention preventing Lords rejection of manifesto commitments, and Sewel Convention holding that Westminster will not normally legislate on devolved matters without consent. These conventions are crucial for constitutional functioning but vulnerable when actors are willing to accept political costs of violation or when conventions are ambiguous about precise requirements (Brazier, 1999).

Recent years have tested convention resilience. The 2019 prorogation controversy questioned whether suspending Parliament for five weeks was normal prorogation or convention-violating attempt to avoid scrutiny, ultimately resolved through Supreme Court intervention ruling it unlawful. Ministerial Code enforcement has been inconsistent, with Prime Ministers sometimes declining to enforce the Code or finding breaches insufficiently serious to require resignation despite apparent violations. The Sewel Convention faced testing during Brexit when Westminster legislated affecting devolved matters without obtaining consent from devolved legislatures. These examples suggest conventions may be weakening as actors become more willing to test or violate them when politically convenient (King, 2007).

Multiple accountability mechanisms provide overlapping executive oversight. Parliament scrutinizes through questions, debates, select committees, and confidence mechanisms. The National Audit Office examines government spending and value for money, reporting to the Public Accounts Committee which holds Accounting Officers accountable for financial management. The Parliamentary and Health Service Ombudsman investigates complaints about government departments and NHS, examining whether maladministration occurred. Courts review executive action legality through judicial review. The Freedom of Information Act provides citizens access to government information subject to exemptions. These overlapping mechanisms create redundancy designed to catch problems no single mechanism detects (Tomkins, 2005).

### **3.6 Summary: The Westminster Model**

The Westminster parliamentary system exhibits distinctive characteristics that define its operation and distinguish it from other democratic systems. Parliamentary sovereignty establishes Parliament's unlimited legislative authority as the supreme constitutional principle, fundamentally different from systems where written constitutions limit

legislative power. Fusion of powers means the executive emerges from and remains accountable to the legislature through the confidence relationship rather than being separately elected with independent democratic legitimacy. Cabinet government concentrates executive authority in a collective body under prime ministerial leadership, with ministers collectively and individually responsible to Parliament (Bagehot, 1867; Dicey, 1915).

Strong party discipline enables parties to maintain disciplined parliamentary voting, allowing governments with majorities to implement programs reliably. This makes fusion of powers functional by ensuring parliamentary majorities translate into governmental control. Constitutional monarchy separates head of state from head of government, with the ceremonial monarch performing symbolic functions while elected government exercises actual power. The uncodified constitution draws constitutional rules from multiple sources including statutes, common law, conventions, and authoritative texts rather than a single codified document (King, 2007).

Bicameralism with Commons primacy establishes that the elected Commons dominates the unelected Lords, which can delay but not indefinitely block legislation under the Parliament Acts procedures. This reflects democratic principles while maintaining bicameral scrutiny. Majoritarian democracy through the first-past-the-post electoral system typically produces single-party majorities enabling decisive government, though at the cost of disproportional representation. Limited judicial review allows courts to review executive action extensively but not to invalidate Acts of Parliament, preserving parliamentary sovereignty while enabling judicial protection against unlawful executive action. Convention-dependent operation means many crucial constitutional rules are non-legal norms enforced through political rather than judicial mechanisms (Lijphart, 2012).

The Westminster model demonstrates both significant strengths and important vulnerabilities. Its strengths include decisive government where fusion of powers with party discipline enables efficient policy-making and implementation without institutional gridlock common in systems with separated powers. Clear accountability allows voters to hold governing parties responsible for both policy choices and outcomes, avoiding the blame-diffusion possible in systems with divided authority. Flexibility enables governments to respond to changing circumstances rapidly, and the constitution can adapt without formal amendment procedures. Stable government results from the confidence relationship ensuring governments maintain parliamentary support, with replacement possible when support erodes. Programmatic governance allows parties to

campaign on manifestos and implement commitments when elected, providing meaningful electoral choices (Lijphart, 1984).

However, the system exhibits notable vulnerabilities. Executive dominance means governments with majorities face minimal constraints between elections, creating "elective dictatorship" potential where parliamentary majorities concentrate substantial power. Weak checks result from fusion of powers and party discipline limiting effective legislative oversight of the executive. Parliament may function more as government support system than independent scrutiny body. Convention fragility makes constitutional rules depending on non-legal norms vulnerable when actors violate conventions and political enforcement proves insufficient. Minority marginalization can occur as majoritarian features concentrate power without necessarily protecting minority interests adequately. Ambiguity in the uncoded constitution creates uncertainty about constitutional requirements and appropriate behavior. Limited judicial constraint means parliamentary sovereignty restricts courts' ability to constrain legislative and executive action compared to systems with strong constitutional judicial review (King, 2007).

The Westminster model has influenced parliamentary systems globally, though adaptations vary considerably. Westminster variants combine parliamentary government differently with electoral systems, adopting either proportional representation producing multiparty parliaments and coalition governments or maintaining first-past-the-post producing majoritarian outcomes. State structure varies from pure unitary systems to federal arrangements and quasi-federal devolution. Constitutional form ranges from unwritten constitutions to written constitutions codifying parliamentary arrangements. Judicial review strength varies from weak review preserving parliamentary sovereignty to strong constitutional review constraining parliamentary action. Upper house design spans weak and unelected chambers to strong and elected second chambers providing more substantial checks (Lijphart, 2012).

Canada follows the Westminster model closely with parliamentary government, constitutional monarchy with the British monarch as Canadian monarch, and strong party discipline, but adapts it to federal structure and incorporates a written constitution with the Charter of Rights and Freedoms enabling robust judicial review. Australia similarly combines Westminster parliamentarism with federalism and a powerful Senate elected by proportional representation. India demonstrates Westminster functioning in a large, diverse federal democracy with a written constitution and strong Supreme Court. Germany shows parliamentary government combined with proportional representation producing coalition governments, federalism with powerful Länder, and a strong Federal

Constitutional Court. New Zealand reformed from pure Westminster toward consensus democracy by adopting mixed-member proportional representation while maintaining parliamentary sovereignty and cabinet government (Lijphart, 2012).

The UK case demonstrates that successful parliamentary democracy requires not only institutional structures but political culture supporting constitutional norms, disciplined parties enabling fusion of powers to function, and elite respect for conventions that lack legal enforcement. It illustrates both parliamentary government's capacity for decisive action when governments command majorities and its vulnerability to majority dominance when checks are weak. These insights inform analysis of how alternative systems address these strengths and vulnerabilities through different institutional choices, showing that no single system is universally superior but that different configurations suit different contexts (Bogdanor, 2009).

## **CHAPTER 4. THE UNITED STATES: A PRESIDENTIAL MODEL IN PRACTICE**

The United States represents the archetypal presidential system, establishing the model of separation of powers that has influenced constitutional design worldwide. The American system demonstrates how presidential government operates through strict institutional separation between executive and legislative branches, each possessing independent democratic legitimacy and constitutional authority. Understanding the US system is essential for comparative constitutional analysis because it pioneered modern presidentialism and established principles that subsequent presidential systems have adapted, modified, or deliberately rejected (Shugart and Carey, 1992).

The distinctiveness of American presidentialism lies in its rigid separation of powers combined with elaborate checks and balances. Unlike parliamentary systems where executive and legislative powers fuse, the US Constitution deliberately divides governmental authority among three co-equal branches, creating institutional rivalry designed to prevent tyranny through ambition counteracting ambition (Madison, 1788). This separation extends beyond institutional structure to include fixed electoral terms, prohibition on dual office-holding, and independent bases of democratic legitimacy for both president and Congress.

The American experience demonstrates both the advantages and challenges of presidentialism. The system provides stable executive leadership through fixed terms, prevents parliamentary crises through separation of confidence from legislative support, and enables divided government where different parties control different institutions. However, it also creates potential for gridlock when president and congressional majority differ, concentrates substantial power in a single elected individual, and lacks mechanisms for removing ineffective presidents short of impeachment for high crimes (Linz, 1990).

This chapter examines how American institutions function and interact to create the presidential constitutional system. We analyze the historical foundations that shaped the Constitution's design, the structure and powers of each branch, and the practical mechanisms through which separation of powers and checks and balances operate in contemporary American politics.

### **4.1 Historical Background of Political Institutions**

American constitutional development began with colonial experience under British rule and revolutionary rejection of monarchical authority. The colonies operated under royal charters granting limited self-

government through colonial assemblies, creating political experience with representative institutions while remaining subject to British parliamentary authority and royal governors. Growing tensions over taxation without representation, imperial trade restrictions, and perceived violations of traditional English liberties culminated in the Declaration of Independence in 1776, which proclaimed that governments derive their just powers from the consent of the governed and that people possess the right to alter or abolish governments that become destructive of fundamental rights (Wood, 1969).

The Articles of Confederation adopted in 1781 established the first national government as a confederation of sovereign states. The Articles created a weak central government lacking independent executive authority, with a unicameral Congress possessing limited powers and no power to tax or regulate commerce effectively. Executive functions were performed by congressional committees rather than a separate executive branch. This structure reflected revolutionary fears of concentrated executive power resembling monarchy. However, the Confederation's weakness became apparent through inability to pay debts, regulate interstate commerce, conduct foreign policy effectively, or suppress domestic insurrections like Shays' Rebellion in 1786 (Wood, 1969).

The Constitutional Convention convened in Philadelphia in 1787 to address the Confederation's deficiencies, though delegates quickly moved beyond amending the Articles to drafting an entirely new constitution. The Convention debates reflected fundamental disagreements about governmental structure, including representation formulas between large and small states, distribution of powers between national and state governments, and the proper structure of executive authority. The resulting Constitution represented numerous compromises addressing these tensions (Rakove, 1996).

The Virginia Plan proposed by James Madison advocated a strong national government with a bicameral legislature apportioned by population, a national executive elected by the legislature, and a national judiciary. The New Jersey Plan countered with a unicameral legislature with equal state representation and a plural executive. The Great Compromise combined these approaches by creating a bicameral Congress with the House of Representatives apportioned by population and the Senate providing equal representation for each state. Regarding executive power, the Convention rejected both legislative election and direct popular election, instead creating the Electoral College as an indirect election mechanism (Rakove, 1996).

The Constitution established a federal system dividing sovereignty between national and state governments. The national

government received enumerated powers listed in Article I, Section 8, including taxation, commerce regulation, war declaration, and treaty-making. The Tenth Amendment reserved powers not delegated to the federal government to the states or the people. This federalism reflected both practical necessity for accommodating state sovereignty concerns and theoretical commitment to dispersing power to prevent tyranny (Ackerman, 1991).

Separation of powers constituted the Constitution's central organizing principle. Article I vested legislative powers in Congress, Article II vested executive power in the President, and Article III vested judicial power in the Supreme Court and inferior federal courts. This institutional separation aimed to prevent tyranny by dividing governmental functions among different institutions with different constituencies and election methods. Madison articulated in *Federalist* 51 that "ambition must be made to counteract ambition," requiring that each branch possess constitutional means to resist encroachments by the others (Hamilton et al., 1788).

The Constitution's ratification provoked intense debate between Federalists supporting the Constitution and Anti-Federalists opposing it as creating an overly powerful central government threatening state sovereignty and individual liberty. The *Federalist Papers* written by Alexander Hamilton, James Madison, and John Jay defended the Constitution's provisions and explained the theory underlying its institutional design. Anti-Federalist critiques emphasized dangers of concentrated executive power, inadequate representation, and absence of a bill of rights. The promise to add a bill of rights through amendments secured ratification in key states, leading to the first ten amendments adopted in 1791 protecting fundamental rights against federal encroachment (Wood, 1969).

Constitutional development through American history has involved both formal amendment and interpretive evolution. Major formal amendments include the Bill of Rights in 1791, post-Civil War Reconstruction Amendments abolishing slavery and establishing citizenship and equal protection in the 1860s, progressive era amendments establishing income taxation and direct Senate election in the 1910s, women's suffrage in 1920, and various amendments affecting presidential terms and succession. Beyond formal amendment, constitutional meaning has evolved through Supreme Court interpretation, congressional legislation, and political practice (Ackerman, 1991).

The Civil War and Reconstruction represented the most significant constitutional crisis and transformation. Southern secession challenged whether states could leave the Union, ultimately resolved



through military victory establishing that the Union was perpetual and states lacked secession rights. The Thirteenth Amendment abolished slavery, the Fourteenth Amendment established birthright citizenship and equal protection of laws while incorporating federal power to protect civil rights against state action, and the Fifteenth Amendment prohibited racial discrimination in voting. These Reconstruction Amendments fundamentally altered federalism by expanding national power to protect individual rights against state governments (Ackerman, 1991).

The New Deal era in the 1930s produced another constitutional transformation through reinterpretation rather than formal amendment. The Great Depression and President Franklin Roosevelt's response through extensive federal economic regulation initially faced Supreme Court opposition based on restrictive interpretations of federal commerce and taxing powers. After Roosevelt's electoral landslide in 1936 and his controversial court-packing proposal, the Court shifted position in the "switch in time that saved nine," upholding New Deal legislation and adopting expansive interpretations of federal powers. This transformation enabled the modern administrative state with extensive federal economic and social regulation (Leuchtenburg, 1995).

The civil rights movement in the 1950s and 1960s produced significant constitutional change through judicial interpretation, congressional legislation, and political mobilization. *Brown v. Board of Education* in 1954 overturned *Plessy v. Ferguson*'s separate-but-equal doctrine, declaring racial segregation in public schools unconstitutional. Subsequent decisions extended desegregation principles broadly. The Civil Rights Act of 1964 prohibited discrimination in public accommodations and employment, the Voting Rights Act of 1965 protected voting rights against discriminatory practices, and various other statutes implemented civil rights protections. These developments fundamentally altered federalism and individual rights, though implementation and enforcement remain contested (Klarman, 2004).

The Constitution establishes fundamental principles that structure American government. Popular sovereignty holds that governmental authority derives from the people, who retain ultimate political authority and can alter government through constitutional processes. Federalism divides sovereignty between national and state governments, each possessing enumerated powers within their spheres. Separation of powers distributes governmental functions among three co-equal branches to prevent tyranny through institutional rivalry. Checks and balances provide each branch with constitutional means to limit other branches' actions. Limited government emphasizes that government possesses only enumerated powers, with rights retained by the people. Rule

of law requires that government acts according to law rather than arbitrary will, with all persons subject to legal constraints (Ackerman, 1991).

## **4.2 The Legislature: United States Congress**

The United States Congress constitutes the national legislature, comprising two chambers with distinct compositions, constituencies, and constitutional roles. Article I of the Constitution vests all legislative powers in Congress, making it the primary law-making institution while also granting it significant powers over taxation, spending, war, and executive oversight. The bicameral structure reflects both the Great Compromise between large and small states and the framers' desire for deliberation through having legislation pass through two different bodies with different perspectives (Madison, 1788).

### **4.2.1 The House of Representatives**

The House of Representatives comprises 435 members elected from single-member districts apportioned among states by population. Representatives serve two-year terms, with all seats up for election simultaneously in even-numbered years. The Constitution requires that representatives be at least twenty-five years old, American citizens for at least seven years, and residents of the state they represent. The House was designed as the popular chamber, directly elected by citizens and responsive to public opinion through frequent elections. Its members represent relatively small constituencies, creating close connections to local interests and concerns (Davidson et al., 2016).

The Speaker of the House serves as the chamber's presiding officer, elected by the majority party caucus and wielding substantial power over legislative process. The Speaker controls committee assignments, determines which bills reach the floor for consideration, manages floor debate, and shapes legislative strategy. The Speaker is second in the presidential line of succession after the Vice President. Majority and minority leaders coordinate their parties' legislative strategies, while majority and minority whips enforce party discipline and count votes. This leadership structure concentrates significant agenda control in the majority party's hands (Cox and McCubbins, 2005).

In the legislative process, the House plays a crucial initiating role. All revenue bills must originate in the House under constitutional requirement, reflecting the chamber's popular mandate. The House's rules and procedures, controlled by the majority party, enable relatively efficient processing of legislation compared to the Senate's more deliberative procedures. The Speaker's agenda control and the Rules Committee's power over floor consideration allow the majority party to advance its

legislative priorities while limiting minority obstruction.

#### **4.2.2 The Senate**

The Senate comprises 100 members, with each state electing two senators regardless of population. Senators serve six-year terms, with one-third of the Senate up for election every two years, creating a continuously functioning body unlike the House where all members face simultaneous election. The Constitution originally provided for state legislatures to elect senators, but the Seventeenth Amendment adopted in 1913 established direct popular election. Senators must be at least thirty years old, American citizens for at least nine years, and residents of their states. The Senate was designed as the more deliberative, stable chamber, with longer terms insulating senators from immediate popular pressures and providing continuity across electoral cycles (Davidson et al., 2016).

The Vice President serves as President of the Senate but votes only to break ties, which occur infrequently given the Senate's even number of members from two-party competition. The Senate elects a President pro tempore, typically the most senior member of the majority party, who presides in the Vice President's absence. However, junior senators usually perform actual presiding duties on a rotating basis. Majority and minority leaders exercise more substantial power over Senate operations than the formal presiding officers, managing legislative schedules, negotiating unanimous consent agreements, and coordinating party positions (Smith and Gamm, 2009).

Senate rules differ significantly from House rules, particularly regarding debate. The Senate operates under extensive minority rights, most notably the filibuster allowing unlimited debate unless sixty senators vote for cloture to end debate. This effectively creates a sixty-vote threshold for most significant legislation rather than simple majority passage. Individual senators can place holds on nominations or legislation, blocking consideration without formal votes. These rules give individual senators and the minority party substantial power to obstruct majority preferences, creating a supermajoritarian institution despite formally requiring only majority votes for passage (Wawro and Schickler, 2006).

Congress exercises extensive legislative powers enumerated in Article I, Section 8. These include power to lay and collect taxes, duties, and excises; borrow money; regulate interstate and foreign commerce; establish naturalization and bankruptcy rules; coin money; establish post offices; grant patents and copyrights; constitute inferior federal courts; declare war; raise and support armies; provide and maintain a navy; and make all laws necessary and proper for executing enumerated powers. The Necessary and Proper Clause has been interpreted broadly to grant implied powers reasonably related to enumerated powers, significantly expanding

federal legislative authority beyond explicitly listed powers (*McCulloch v. Maryland*, 1819).

Both chambers must pass identical legislation for it to become law, requiring coordination despite different institutional interests and constituencies. The legislative process begins with bill introduction by a member of Congress. Bills are referred to committees based on subject matter jurisdiction. Committees conduct hearings, markup sessions where amendments are proposed and voted on, and decide whether to report bills to the full chamber. Most bills die in committee without further consideration. Bills reported from committee go to the full chamber for debate and amendment on the floor, followed by final passage votes. If both chambers pass different versions, a conference committee comprising members from both chambers negotiates a compromise version that must be approved by both chambers before going to the president (Oleszek et al., 2016).

Congressional committees perform crucial legislative and oversight functions. Standing committees possess continuing jurisdiction over specific policy areas, including powerful committees like House Ways and Means controlling taxation, Senate Finance covering taxation and health programs, House and Senate Appropriations controlling spending, House and Senate Armed Services overseeing military affairs, and House and Senate Judiciary handling legal and constitutional matters. Committee chairs traditionally selected by seniority wield substantial power over their committees' agendas and operations, though seniority rules have weakened somewhat with increased party leadership influence over committee assignments and operations (Deering and Smith, 1997).

Select and special committees address specific issues or conduct investigations, typically with temporary duration. Joint committees include members from both chambers to coordinate on particular matters like taxation or the Library of Congress. Conference committees reconcile differences between House and Senate versions of legislation. Subcommittees within standing committees handle specialized aspects of broader committee jurisdictions, conducting most detailed legislative work and oversight. Committee and subcommittee hearings provide forums for examining policy issues, questioning executive officials, and building public records supporting legislative action (Oleszek et al., 2016).

Congressional oversight of the executive branch constitutes a crucial function beyond legislation. Congress monitors executive implementation of laws, investigates executive actions and potential wrongdoing, holds hearings examining executive policies and programs, requires executive officials to testify and provide information, and uses appropriations power to influence executive behavior. Committee

investigations can expose executive malfeasance, influence policy directions, and generate media attention affecting public opinion. The Government Accountability Office, Congress's investigative arm, audits executive spending and evaluates program effectiveness, providing Congress with independent analysis of executive operations (Aberbach, 1990).

Party organizations significantly influence congressional operations despite the Constitution not mentioning political parties. Members organize into party caucuses or conferences that elect leadership, make committee assignments, develop legislative strategies, and maintain party discipline. Party leaders coordinate legislative activity, negotiate with the president, raise campaign funds for members, and attempt to maintain party unity on votes. However, American parties are relatively weak compared to parliamentary systems, with members retaining substantial independence and frequently voting against party positions on particular issues. This creates more individualistic legislative politics than parliamentary systems' collective party discipline (Cox and McCubbins, 2005).

Divided government occurs when different parties control the presidency and one or both chambers of Congress, a frequent occurrence in American politics. This creates additional challenges for passing legislation, as the president's party cannot rely on party discipline to pass its agenda in Congress. Divided government requires negotiation and compromise across party lines, though increasing partisan polarization in recent decades has made such cooperation more difficult. Divided government can produce gridlock where little significant legislation passes, though some scholars argue it encourages moderation and prevents extreme policies (Mayhew, 1991).

### **4.3 The Executive: The Presidency**

The American presidency combines the roles of head of state and head of government in a single elected official, contrasting with parliamentary systems' separation of these functions. This fusion creates a powerful executive office that embodies national identity while wielding substantial policy-making authority. The presidency has evolved from the relatively modest office the framers envisioned into the most powerful political position in American government, accumulating authority through constitutional interpretation, congressional delegation, and political practice.

#### **4.3.1 The President**

Presidential election occurs through the Electoral College rather than direct popular vote, a compromise reflecting the framers' distrust of direct democracy and concern for state interests. Each state receives

electoral votes equal to its combined Senate and House delegation, with 538 total electoral votes and 270 required to win. States allocate their electoral votes based on the statewide popular vote winner in all states except Maine and Nebraska, which use district methods. If no candidate receives an electoral vote majority, the House of Representatives selects the president with each state delegation casting one vote. The Electoral College system creates possibilities for presidents to win without popular vote pluralities, as occurred in 1876, 1888, 2000, and 2016 (Edwards, 2011).

The Constitution establishes eligibility requirements that the president must be a natural-born citizen, at least thirty-five years old, and a resident of the United States for at least fourteen years. The Twenty-Second Amendment adopted in 1951 limits presidents to two terms or a maximum of ten years if succeeding to office mid-term, responding to Franklin Roosevelt's four-term presidency. The president serves a fixed four-year term that cannot be shortened except through impeachment and removal, resignation, or death. This fixed term provides stability but also rigidity, as ineffective or unpopular presidents cannot be removed through votes of no confidence as in parliamentary systems (Shugart and Carey, 1992).

The president's constitutional powers include serving as commander-in-chief of the armed forces, though Congress retains power to declare war. The president grants reprieves and pardons for federal offenses, makes treaties with Senate advice and consent requiring two-thirds approval, appoints federal judges and executive officials with Senate confirmation, receives foreign ambassadors establishing diplomatic recognition, commissions federal officers, and ensures that laws are faithfully executed. The president also possesses a qualified veto over legislation, requiring two-thirds majorities in both chambers to override. These enumerated powers provide substantial authority, though less than monarchical power the framers rejected (Fisher, 2014).

Executive power has expanded dramatically through implied powers, congressional delegation, and political practice. The Take Care Clause requiring the president to faithfully execute laws has been interpreted to grant broad administrative authority. Emergency powers claimed during wars and crises have sometimes persisted beyond immediate emergencies. Executive orders and proclamations allow presidents to direct executive branch operations without specific congressional authorization, though they cannot create new law beyond statutory or constitutional authority. Executive privilege claims protect confidential communications within the executive branch, though not absolutely as established in *United States v. Nixon* in 1974 (Fisher, 2014).

### **4.3.2 The Executive Branch**

The president's role as chief executive includes directing the vast federal bureaucracy comprising numerous departments, agencies, and regulatory bodies. Cabinet departments headed by secretaries include State, Treasury, Defense, Justice, Interior, Agriculture, Commerce, Labor, Health and Human Services, Housing and Urban Development, Transportation, Energy, Education, Veterans Affairs, and Homeland Security. The president appoints department heads, agency directors, and thousands of other positions, subject to Senate confirmation for senior positions. This appointment power enables presidents to influence policy direction and implementation, though civil service protections and bureaucratic resistance can limit presidential control (Lewis, 2008).

The Executive Office of the President established in 1939 provides institutional support for presidential functions. Key components include the White House Office comprising the president's closest advisers and staff, the Office of Management and Budget overseeing federal spending and regulatory policy, the National Security Council coordinating foreign policy and national security, the Council of Economic Advisers providing economic analysis, and various other offices. This institutional presidency provides presidents with substantial staff resources for developing policies, coordinating administration, and managing relations with Congress and the public (Burke, 2000).

Presidential leadership depends significantly on persuasion rather than command. Richard Neustadt famously argued that presidential power is "the power to persuade" rather than unilateral authority, as presidents must convince other political actors to cooperate despite their independent political bases. Presidents use various tools for persuasion including public appeals mobilizing public opinion, direct negotiation with congressional leaders, patronage through appointments and projects, party leadership coordinating with congressional co-partisans, and agenda-setting through State of the Union addresses and legislative proposals. Effective presidents skillfully employ these tools to build coalitions supporting their objectives (Neustadt, 1960).

The vice presidency has evolved from a largely ceremonial position into a more substantive role. The Constitution assigns the vice president only to preside over the Senate and cast tie-breaking votes, plus succeed to the presidency if the office becomes vacant. Modern vice presidents typically receive significant responsibilities from presidents, including representing the administration publicly, undertaking diplomatic missions, coordinating administration policies, and advising the president on major decisions. The vice presidency's importance has increased as recent presidents have delegated substantial authority to their vice

presidents (Goldstein, 2016).

Presidential succession follows the order established by the Presidential Succession Act. If the presidency becomes vacant, the vice president becomes president. If both offices are vacant, succession passes to the Speaker of the House, the President pro tempore of the Senate, and then through cabinet secretaries in order of department creation. The Twenty-Fifth Amendment adopted in 1967 provides procedures for vice presidential vacancies, allowing the president to nominate a replacement subject to majority confirmation by both chambers. The amendment also addresses presidential disability, allowing the vice president to become acting president if the president is unable to perform duties (Feerick, 1992).

#### **4.4 The Judiciary: Federal Court System**

The federal judiciary constitutes the third co-equal branch of government, exercising judicial power through an independent court system headed by the Supreme Court. The framers created an independent judiciary with life tenure and salary protection to insulate judges from political pressures, enabling them to decide cases according to law rather than popular opinion or political expediency. Through judicial review, the federal judiciary has evolved into a powerful institution capable of invalidating actions by the elected branches, raising fundamental questions about the relationship between constitutionalism and democracy.

##### **4.4.1 The Supreme Court**

The Supreme Court sits at the apex of the federal judicial system, exercising ultimate authority over federal constitutional and statutory interpretation. The Constitution establishes the Supreme Court's existence but leaves its size to congressional determination. Congress has set the number of justices at nine since 1869, comprising the Chief Justice and eight associate justices. Supreme Court justices are nominated by the president and confirmed by Senate majority vote, serving life tenure during good behavior removable only through impeachment. This appointment process makes Supreme Court nominations highly contentious, as justices typically serve decades and significantly influence constitutional development (Epstein and Segal, 2005).

The Supreme Court possesses both original and appellate jurisdiction. Original jurisdiction applies directly to cases affecting ambassadors, public ministers, and consuls, and cases where states are parties, though the Court hears few such cases. Appellate jurisdiction dominates the Court's docket, hearing appeals from lower federal courts and state supreme courts on federal questions. The Court exercises discretionary review through the writ of certiorari, choosing which cases to hear from thousands of petitions annually. The Court typically grants cert



to approximately seventy to eighty cases per term, focusing on cases involving important federal questions, conflicting lower court interpretations, or significant constitutional issues (Epstein and Segal, 2005).

Judicial review represents the federal judiciary's most significant power, enabling courts to invalidate legislative and executive actions as unconstitutional. While not explicitly mentioned in the Constitution, Chief Justice John Marshall established judicial review in *Marbury v. Madison* in 1803, reasoning that the Constitution is supreme law and courts must apply the Constitution when it conflicts with statutes. Judicial review has become a defining feature of American constitutionalism, giving courts substantial authority to enforce constitutional limits on political branches. However, judicial review remains controversial, raising questions about democratic legitimacy when unelected judges override elected officials' decisions (Bickel, 1962).

#### **4.4.2 Lower Federal Courts**

Lower federal courts include district courts serving as trial courts for federal cases, courts of appeals hearing appeals from district courts, and specialized courts addressing particular subject matters. The United States contains ninety-four district courts, with at least one per state. District courts conduct trials, hear evidence, apply law to facts, and issue judgments in federal criminal prosecutions, civil cases involving federal law or diversity jurisdiction where parties are from different states, and various other federal matters. Thirteen courts of appeals hear appeals from district courts within their geographic circuits, plus the Federal Circuit handling specialized appeals including patent cases. Courts of appeals review district court decisions for legal errors rather than reconsidering facts, typically sitting in three-judge panels (Carp et al., 2014).

Federal judges receive life tenure during good behavior, removable only through impeachment by the House and conviction by the Senate. This security of tenure aims to ensure judicial independence, preventing political retaliation for unpopular decisions. Federal judicial salaries cannot be reduced during judges' tenure, providing financial security reinforcing independence. These protections have largely succeeded in insulating federal judges from direct political pressure, though judicial appointments have become increasingly politicized as presidents recognize the long-term policy impacts of judicial decisions (Epstein and Segal, 2005).

Constitutional interpretation involves several methodological approaches with significant jurisprudential and practical implications. Originalism interprets constitutional provisions according to their original public meaning when adopted, emphasizing text and historical

understanding. Living constitutionalism treats the Constitution as a living document whose meaning evolves with changing societal values and circumstances. Textualism focuses on constitutional and statutory language, applying ordinary meaning without resort to legislative history or purposes. Pragmatism emphasizes practical consequences of interpretations rather than abstract principles. Different justices and judges adopt different interpretive approaches, though most employ eclectic combinations rather than pure methodologies (Fallon, 2013).

The Supreme Court's role in American politics extends beyond resolving individual cases to shaping public policy through constitutional interpretation. Landmark decisions have affected fundamental aspects of American society, including *Brown v. Board of Education* ending school segregation in 1954, *Miranda v. Arizona* establishing criminal procedure protections in 1966, *Roe v. Wade* recognizing abortion rights in 1973, *District of Columbia v. Heller* establishing individual gun rights in 2008, and *Obergefell v. Hodges* recognizing same-sex marriage rights in 2015. These decisions demonstrate judicial power to effect significant social change, though implementation depends on political acceptance and enforcement (Rosenberg, 2008).

Judicial activism versus judicial restraint represents an ongoing debate about appropriate judicial roles. Judicial activism involves courts actively intervening to protect rights or check other branches, potentially striking down laws frequently and interpreting the Constitution expansively. Judicial restraint emphasizes deference to elected branches, striking down laws rarely and interpreting the Constitution narrowly to avoid substituting judicial preferences for democratic choices. These concepts are contested and politically charged, with different observers characterizing the same decisions differently depending on whether they agree with outcomes. Most judges likely view themselves as appropriately balancing activism and restraint rather than adhering strictly to either pole (Bickel, 1962).

The federal judiciary faces ongoing challenges regarding its role in the political system. Countermajoritarian difficulty questions how unelected judges can legitimately override democratic majorities' decisions. Docket management challenges arise from increasing caseloads and limited judicial resources. Political polarization affects judicial appointments, with increasingly contentious confirmation battles. Questions about judicial independence persist despite constitutional protections, particularly regarding Supreme Court nominations as political events and debates about court-packing or term limits. These challenges highlight tensions inherent in combining constitutional democracy with judicial review (Whittington, 2007).

## 4.5 Checks and Balances

Separation of powers establishes the constitutional structure distributing governmental authority among three branches, but checks and balances create the mechanisms enabling each branch to limit others. The framers designed an intricate system of overlapping powers and mutual constraints, ensuring that ambition would counteract ambition and preventing any single branch from dominating. These mechanisms operate through both constitutional provisions and political practice, creating a complex web of interbranch relations (Madison, 1788).

Presidential legislative powers provide significant checks on Congress despite separation of powers formally vesting legislative authority in Congress alone. The veto power requires that legislation passed by Congress be presented to the president, who can sign it into law or return it with objections. Congress can override vetoes only by two-thirds majorities in both chambers, a difficult threshold requiring substantial bipartisan support. Presidents use veto threats strategically to influence legislative negotiations, often achieving preferred outcomes without actually vetoing bills. Pocket vetoes occur when Congress adjourns before the president can return vetoed bills, preventing override opportunities (Cameron, 2000).

The president's legislative agenda-setting power shapes congressional deliberations through State of the Union addresses, legislative proposals, and public advocacy. While presidents cannot introduce legislation directly, they work with congressional allies to advance their priorities. Modern presidents maintain extensive legislative liaison operations coordinating with Congress. Presidential success in Congress depends on various factors including party control of chambers, presidential popularity, political skills, and issue salience. Presidents typically achieve greater legislative success when their party controls Congress, though divided government doesn't prevent all presidential achievements (Edwards, 2012).

Congressional checks on the presidency operate through multiple mechanisms. The Senate confirmation power requires majority approval for cabinet appointments, federal judges, and various other executive positions. This enables the Senate to reject nominees it considers unqualified or objectionable, though most nominees are eventually confirmed. Confirmation battles have intensified in recent decades, particularly for Supreme Court nominees. The Senate's treaty ratification power requires two-thirds approval for treaties, giving the Senate substantial influence over foreign policy. Presidents sometimes circumvent this requirement through executive agreements not requiring Senate approval, raising separation of powers questions (Fisher, 2014).

Congressional appropriations power provides perhaps the most potent check on the executive. The Constitution grants Congress exclusive power over federal spending, requiring that no money be drawn from the Treasury except through appropriations made by law. Congress uses appropriations to fund or defund executive priorities, attach conditions to spending, and limit executive discretion. Presidents cannot spend money Congress hasn't appropriated or refuse to spend appropriated funds, though impoundment battles have created tensions. The power of the purse enables Congress to influence executive policy implementation substantially (Fisher, 2014).

Congressional oversight scrutinizes executive actions through hearings, investigations, reports, and informal monitoring. Committees routinely question executive officials about policies and programs, often generating media coverage affecting public opinion. Special investigations examine alleged wrongdoing or major failures. The impeachment power provides the ultimate congressional check, allowing the House to impeach and the Senate to remove executive officials including the president for treason, bribery, or other high crimes and misdemeanors. Impeachment is rare and politically difficult, used against two presidents (Andrew Johnson and Bill Clinton), neither of whom were removed, plus Richard Nixon who resigned facing likely impeachment, and Donald Trump who was impeached twice but not removed (Fisher, 2014).

Judicial checks on both political branches operate primarily through judicial review. Courts invalidate congressional statutes and executive actions as unconstitutional, preventing enforcement of measures violating constitutional provisions. Courts interpret statutes, often resolving ambiguities in ways affecting policy implementation. Courts issue injunctions preventing executive actions, order compliance with legal requirements, and provide remedies for unlawful governmental conduct. These judicial powers constrain both Congress and the president, though courts must rely on political branches for enforcement and cannot themselves implement policies (Whittington, 2007).

Political branch checks on the judiciary aim to constrain judicial power despite judicial independence. Presidential appointment of federal judges enables presidents to influence judicial philosophy over time by selecting judges sharing their legal views. Senate confirmation provides additional political control over judicial selection. Congressional control of judicial jurisdiction allows Congress to limit federal court authority over particular issues, though Congress rarely exercises this power. Congress can override statutory interpretations through new legislation, though constitutional interpretations require constitutional amendment. Impeachment allows removal of judges for serious misconduct, though

judicial impeachments are rare (Tushnet, 1999).

The federal structure provides additional checks through dividing sovereignty between national and state governments. States possess reserved powers under the Tenth Amendment, maintaining authority over matters not delegated to the federal government. States can resist federal policies through non-cooperation, litigation challenging federal authority, and political mobilization. State governments serve as laboratories of democracy experimenting with different policies, providing models for national adoption or cautionary examples. Federalism creates vertical separation of powers complementing horizontal separation among federal branches (Bednar, 2009).

Informal checks and balances supplement formal constitutional mechanisms. Public opinion constrains all branches as officials respond to popular sentiments and electoral pressures. Media scrutiny exposes governmental actions and failures, creating accountability pressure. Interest groups mobilize supporters, litigate, lobby, and campaign, affecting governmental decisions across all branches. Political parties coordinate their members' actions across institutions, though American parties' relative weakness limits this coordinating function. Professional norms within institutions encourage self-restraint and respect for other branches. These informal mechanisms operate alongside formal checks, creating multiple accountability pressures (Neustadt, 1960).

Contemporary challenges to checks and balances include increasing partisan polarization reducing cross-party cooperation, making interbranch checks less effective when partisanship aligns with institutional interests. Executive power expansion through broad statutory delegations, executive orders, and emergency claims has shifted power toward the presidency. Congressional dysfunction through gridlock and internal divisions has reduced legislative capacity to check executive power effectively. Judicial deference to executive authority in national security matters creates areas of reduced accountability. These developments raise concerns about whether checks and balances continue operating as intended or whether institutional balance has shifted problematically (Levinson and Pildes, 2006).

#### **4.6 Summary: The American Presidential Model**

The American constitutional system exhibits distinctive characteristics defining presidentialism and distinguishing it from parliamentary alternatives. Separation of powers distributes governmental authority among three co-equal branches with different constituencies and election methods, preventing concentration of power in any single institution. The system creates dual democratic legitimacy, with both the president and Congress claiming direct electoral mandates, unlike

parliamentary systems where only the legislature possesses direct democratic legitimacy and the executive derives authority from legislative confidence (Linz, 1990).

Fixed terms provide stability by ensuring presidents and legislators serve predetermined periods regardless of political fortunes. Presidents cannot dissolve Congress, and Congress cannot remove presidents except through impeachment for serious wrongdoing rather than policy disagreements or loss of confidence. This prevents parliamentary-style crises where governments fall mid-term but creates rigidity when presidents become ineffective or unpopular, as the system lacks mechanisms for removing unsuccessful presidents through ordinary political processes (Shugart and Carey, 1992).

Winner-take-all presidentialism concentrates executive authority in a single elected individual rather than distributing it among a collective cabinet. The president exercises extensive unilateral powers, making the office powerful but also creating risks of authoritarian tendencies or poor judgment affecting the entire executive branch. This contrasts with parliamentary collective leadership where cabinet members share executive authority and can constrain prime ministerial dominance (Linz, 1990).

Checks and balances create elaborate mechanisms enabling each branch to limit others, preventing tyranny through institutional rivalry. The president can veto legislation, but Congress can override vetoes and controls appropriations. The president appoints judges and officials, but the Senate must confirm. Courts can invalidate actions by both political branches, but the president appoints judges and Congress controls court jurisdiction and can override statutory interpretations. These overlapping powers require cooperation and compromise for effective governance (Madison, 1788).

Divided government frequently occurs when different parties control the presidency and one or both congressional chambers, creating additional challenges for passing legislation and implementing consistent policy. The American system must accommodate divided government without parliamentary options for forming coalition governments or calling new elections. This requires negotiation across party lines, though partisan polarization increasingly complicates such cooperation (Mayhew, 1991).

Federalism divides sovereignty vertically between national and state governments, creating additional separation of powers beyond horizontal separation among federal branches. States retain substantial authority over domestic policy areas including education, criminal law, family law, and general police powers. Federalism provides opportunities for policy experimentation and variation but also creates complexity and potential conflicts between national and state authority (Bednar, 2009).

The American presidential system demonstrates both notable strengths and significant vulnerabilities. Its strengths include stable executive leadership through fixed terms providing predictability and preventing parliamentary crises, separation of powers preventing concentration of authority and requiring consensus for major actions, dual democratic legitimacy enabling both executive and legislative branches to claim direct electoral mandates, and federalism accommodating diverse preferences across states while enabling policy experimentation (Shugart and Carey, 1992).

However, the system exhibits important vulnerabilities. Gridlock potential arises when president and congressional majority differ, creating difficulty passing legislation or implementing coherent policy. The lack of mechanisms for resolving executive-legislative deadlock short of waiting for scheduled elections can prolong governmental dysfunction. Winner-take-all executive authority concentrates substantial power in a single individual, creating risks if that person lacks judgment or democratic commitment. Fixed terms create rigidity, preventing removal of ineffective presidents except through extraordinary impeachment. Dual legitimacy can generate conflicts when president and Congress both claim electoral mandates supporting different policies, with no clear mechanism for resolving such conflicts (Linz, 1990).

The presidential model has influenced constitutional design worldwide, though with varying success. Latin American countries predominantly adopted presidential systems following American independence, often with problematic results including military coups, presidential authoritarianism, and institutional instability. Some scholars argue presidentialism is particularly problematic when combined with multiparty systems, as presidents struggle to build stable legislative majorities, though others contend that institutional design variations and political context matter more than the presidential form itself (Mainwaring, 1993).

Successful presidentialism appears to require several supporting conditions. Strong party systems providing stable legislative support help presidents govern effectively. Political culture accepting democratic norms and institutional constraints prevents authoritarian tendencies. Constitutional design features including congressional authority over appropriations, effective judicial review, and federal structures create meaningful checks on executive power. Economic development and social conditions affect whether institutional arrangements function as intended. These contextual factors suggest that presidentialism's success depends significantly on surrounding circumstances rather than inherent system characteristics (Cheibub, 2007).

Understanding American presidentialism provides essential foundation for analyzing alternative systems. Chapter 5 examines semi-presidential systems combining directly elected presidents with prime ministers accountable to parliaments, showing how dual executives attempt to balance presidential and parliamentary features. Chapter 6 addresses how federal structures interact with presidential systems, comparing American federalism with alternative federal arrangements. Chapter 7 analyzes how electoral and party systems affect presidential governance, examining how electoral rules shape party systems and how party systems influence presidential relations with Congress. Chapter 8 synthesizes comparative lessons about institutional design, examining trade-offs between different governmental forms and contextual factors affecting institutional success (Shugart and Carey, 1992; Linz, 1990).

The American case demonstrates that presidentialism can function successfully in appropriate contexts but faces inherent challenges regarding executive-legislative relations, concentrated executive power, and inflexibility during crises. Recent American experience with increasing partisan polarization, executive power expansion, and institutional gridlock raises questions about presidentialism's continued viability even in its birthplace, highlighting that no system is immune to political culture deterioration or partisan bad faith. These challenges inform comparative analysis of how different systems address similar problems through alternative institutional arrangements (Levinson and Pildes, 2006).



## **CHAPTER 5. FRANCE: A SEMI-PRESIDENTIAL MODEL IN PRACTICE**

France represents the archetypal semi-presidential system, pioneering a governmental form that combines elements of both parliamentary and presidential models. The Fifth Republic, established in 1958, created a distinctive constitutional architecture featuring both a directly elected president with substantial powers and a prime minister accountable to parliament. This dual executive structure has influenced constitutional design in numerous countries, particularly in post-communist Europe, post-colonial Africa, and various other regions seeking to balance executive stability with parliamentary accountability (Elgie, 1999).

The French semi-presidential system emerged from specific historical circumstances and constitutional crises that discredited both pure parliamentarism and presidentialism as viable alternatives. The Fourth Republic's parliamentary instability, characterized by weak governments and frequent cabinet collapses, convinced many French leaders that pure parliamentarism was insufficient for effective governance. Simultaneously, France's republican tradition and memories of authoritarian rule made pure presidentialism politically unacceptable. Charles de Gaulle's constitutional vision synthesized these concerns, creating a hybrid system designed to provide executive stability while maintaining democratic accountability (Duverger, 1980).

The distinctiveness of French semi-presidentialism lies in its flexible institutional arrangements. The system operates differently depending on whether the president and parliamentary majority belong to the same political coalition. When they align, the president dominates, approximating a presidential system with enhanced powers. When they differ—a situation known as cohabitation—power shifts toward the prime minister, resembling a parliamentary system. This adaptability represents both a strength, enabling the system to accommodate different political configurations, and a potential weakness, creating ambiguity about power distribution and accountability (Elgie, 2011).

This chapter examines how French institutions function and interact to create the semi-presidential constitutional system. We analyze the historical development that produced the Fifth Republic's distinctive features, the structure and powers of the dual executive, the role of parliament and political parties, and the practical mechanisms through which semi-presidentialism operates under different political configurations.

## 5.1 Historical Background of Political Institutions

French constitutional development has been marked by regime instability and periodic revolutionary transformations, contrasting sharply with the evolutionary continuity of British constitutionalism or the stability of American institutions. Since the 1789 Revolution, France has experienced multiple republics, two empires, restored monarchies, and occupation, each leaving institutional legacies that continue shaping contemporary politics. This turbulent history reflects ongoing tensions between republican and monarchical traditions, between centralization and regional autonomy, and between executive authority and parliamentary control (Hazareesingh, 1994).

The French Revolution of 1789 overthrew the absolute monarchy, establishing revolutionary principles of popular sovereignty, individual rights, and constitutional government. The Declaration of the Rights of Man and of the Citizen proclaimed fundamental rights and rejected divine right monarchy. However, the Revolution's constitutional experiments proved unstable, cycling through constitutional monarchy, radical republican rule during the Terror, and eventually the Directory. Napoleon Bonaparte's coup in 1799 established the Consulate and then the First Empire, combining revolutionary rhetoric with authoritarian personal rule (Furet, 1981).

The nineteenth century witnessed oscillation between republics, monarchies, and empire. The Bourbon Restoration following Napoleon's defeat reestablished limited constitutional monarchy. The July Monarchy of Louis-Philippe represented a more liberal constitutional monarchy. The Revolution of 1848 established the Second Republic with universal male suffrage, but Louis-Napoleon Bonaparte's coup in 1851 created the Second Empire. Each regime left institutional traces—plebiscitary democracy, centralized administration, and tensions between executive authority and parliamentary control—that would resurface in later constitutional arrangements (Hazareesingh, 1994).

The Third Republic established in 1870 following the Second Empire's collapse in the Franco-Prussian War proved France's longest-lasting regime until the Fifth Republic. The Third Republic featured a parliamentary system with a weak president elected by parliament, a prime minister leading government accountable to the Chamber of Deputies, and frequent cabinet instability. Governments averaged eight months' duration, as shifting parliamentary coalitions repeatedly brought down cabinets. Despite this instability, the Third Republic survived World War I and governed for seventy years, though critics considered it ineffective and dysfunctional (Elgie, 2003).

The Third Republic collapsed in 1940 following military defeat by Nazi Germany. The Vichy regime that governed unoccupied France collaborated with German occupation and discredited itself through authoritarianism and complicity in atrocities. Liberation in 1944 required constitutional reconstruction. General Charles de Gaulle led provisional government and advocated strong executive authority, but his constitutional proposals were rejected in favor of parliamentary government resembling the Third Republic (Jackson, 2001).

The Fourth Republic established in 1946 repeated many Third Republic features including parliamentary supremacy and weak executive authority. A president elected by parliament exercised largely ceremonial functions. The prime minister and cabinet required parliamentary confidence from the National Assembly. Proportional representation produced fragmented multiparty parliament making stable majorities difficult. Governments again proved unstable, averaging six months' duration over the Fourth Republic's twelve years. The regime achieved significant economic reconstruction and European integration but struggled with colonial crises, particularly in Indochina and Algeria (Williams, 1964).

The Algerian War crisis of 1958 proved fatal for the Fourth Republic. Military and settler revolt in Algeria threatened civil war and possible military coup in metropolitan France. Political leaders, unable to resolve the crisis, recalled Charles de Gaulle to power. De Gaulle demanded constitutional reform as the price for his leadership. The constitution of the Fifth Republic drafted under his supervision and approved by referendum in September 1958 fundamentally restructured French government, creating a semi-presidential system designed to overcome parliamentary instability while preserving democratic legitimacy (Williams and Harrison, 1971).

The Fifth Republic constitution establishes institutions reflecting de Gaulle's constitutional philosophy emphasizing strong executive authority, stable government, and national unity. Key innovations included a directly elected president with substantial powers, a prime minister leading government accountable to parliament but also dependent on presidential confidence, a rationalized parliament with limited powers and constrained ability to overthrow governments, and constitutional provisions facilitating governmental stability. The system was designed to function under presidential dominance when political circumstances permitted, while maintaining parliamentary mechanisms as fallback arrangements (Duverger, 1980).

Constitutional practice under the Fifth Republic has evolved significantly through political experience and institutional adaptation. The

1962 constitutional amendment establishing direct presidential election by popular vote rather than electoral college fundamentally altered the system by giving presidents direct democratic mandates rivaling parliament's. The experience of cohabitation from 1986 to 1988, 1993 to 1995, and 1997 to 2002 demonstrated that the system could function with divided executive authority when president and parliamentary majority differed. The 2000 constitutional amendment reducing presidential terms from seven to five years and aligning presidential and parliamentary electoral cycles aimed to reduce cohabitation likelihood (Elgie, 2003).

The Fifth Republic represents France's most stable constitutional regime since the Revolution, surviving over sixty-five years through various political challenges. The system has accommodated alternation in power between left and right, managed cohabitation periods, adapted to European integration, and responded to social movements and economic changes. This longevity suggests that the semi-presidential model, whatever its limitations, has provided workable institutional arrangements for French political conditions (Knapp and Wright, 2006).

## **5.2 The Dual Executive: President and Prime Minister**

The defining feature of French semi-presidentialism is the dual executive comprising both a president and a prime minister, each possessing significant constitutional powers and political authority. This institutional arrangement distinguishes semi-presidential systems from pure presidential systems where the president is sole chief executive and from parliamentary systems where the prime minister leads government without presidential competition. The relationship between president and prime minister varies significantly depending on whether they belong to the same political coalition, creating flexibility but also potential ambiguity (Duverger, 1980).

### **5.2.1 The President**

The president of the French Republic serves as head of state with substantial executive authority. The president is directly elected by the people through two-round majority voting if no candidate wins an absolute majority in the first round. This direct popular election, established by the 1962 constitutional amendment, provides presidents with democratic legitimacy rivaling parliament's, fundamentally altering power dynamics from the Fourth Republic where parliament elected the president. Presidents serve five-year terms following the 2000 constitutional reform that shortened terms from seven years, with the possibility of one immediate reelection following the 2008 constitutional amendment limiting presidents to two consecutive terms (Elgie, 2011).

Presidential powers under the Fifth Republic constitution are extensive, though their practical scope depends on political circumstances.

Constitutional powers include appointing the prime minister, presiding over the Council of Ministers, promulgating laws and potentially requesting parliamentary reconsideration, referring legislation to the Constitutional Council, dissolving the National Assembly once per year, conducting referendums on certain matters, negotiating and ratifying treaties, serving as commander-in-chief of armed forces, exercising emergency powers under Article 16 during serious crises, and appointing numerous officials including three Constitutional Council members. These formal powers provide substantial authority, particularly during periods of unified government when president and parliamentary majority align (Duverger, 1980).

Beyond formal constitutional powers, presidents exercise considerable informal authority through political leadership, agenda-setting, public communication, and partisan coordination. Presidents dominate media attention, shape national political discourse, and represent France internationally. During unified government periods, presidents effectively lead government despite the prime minister formally heading the cabinet, determining major policy directions and making key decisions. Presidential staff in the Élysée Palace develop policy initiatives and coordinate government action. This informal presidential power, sometimes termed the "reserved domain," particularly affects foreign policy, defense, and European affairs (Cole, 2008).

### **5.2.2 The Prime Minister and Government**

The prime minister heads the government, directing administration and coordinating policy implementation. The president appoints the prime minister, but the choice is constrained by parliamentary arithmetic—the prime minister must command National Assembly confidence or at least avoid censure. During unified government, presidents select prime ministers sharing their political orientation and serving essentially as presidential agents. During cohabitation, presidents must appoint prime ministers from the parliamentary majority even when they belong to opposing political camps (Elgie, 2003).

Prime ministerial powers are substantial though often overshadowed by presidential authority during unified government. Constitutional responsibilities include directing government action, ensuring law execution, exercising regulatory power, appointing most civil and military officials, and countersigning presidential acts requiring prime ministerial approval. The prime minister chairs the Council of Ministers when the president is absent, represents government before parliament, and coordinates among ministries. The government that the prime minister leads is collectively responsible to the National Assembly, which can overthrow it through censure motions (Knapp and Wright, 2006).

The cabinet comprises ministers heading various governmental departments appointed by the president on the prime minister's proposal. Cabinet size and structure vary across governments, typically including fifteen to twenty ministers plus junior ministers. Major ministries include Interior, Foreign Affairs, Defense, Finance and Economy, Justice, and Education. Cabinet meetings occur weekly at the Élysée Palace under presidential chairmanship during unified government, though prime ministerial authority increases during cohabitation. Collective cabinet responsibility exists but operates differently than in parliamentary systems—government is responsible to parliament but also subject to presidential direction when political circumstances permit (Cole, 2008).

The relationship between president and prime minister fundamentally depends on political configurations. During unified government when president and parliamentary majority share political orientation, the president dominates. Presidents in these circumstances determine major policies, lead cabinet meetings effectively, direct government through prime ministers serving as subordinates, and exercise extensive informal authority. Prime ministers implement presidential directives, manage administration, handle parliament, and take political responsibility for unpopular measures while presidents claim credit for successes. This dynamic resembles presidential systems with enhanced executive power (Duverger, 1980).

Cohabitation occurs when president and parliamentary majority belong to opposing political camps, forcing power-sharing between political opponents. During cohabitation, constitutional ambiguities about executive power distribution become explicit. Presidents retain constitutional prerogatives particularly in foreign and defense policy, but their domestic policy authority diminishes substantially. Prime ministers gain effective control over domestic policy, leading government more independently. Cabinet composition reflects parliamentary majority preferences rather than presidential choices. Cohabitation demonstrates the system's flexibility but also creates coordination challenges and unclear accountability (Elgie, 1999).

France experienced three cohabitation periods under the Fifth Republic. The first from 1986 to 1988 occurred when Socialist President François Mitterrand confronted a right-wing parliamentary majority led by Prime Minister Jacques Chirac. The second from 1993 to 1995 again involved Mitterrand with Prime Minister Édouard Balladur leading a right-wing government. The third from 1997 to 2002 reversed partisan alignment when right-wing President Jacques Chirac faced Socialist Prime Minister Lionel Jospin after snap elections produced an unexpected left-wing majority. Each cohabitation period functioned relatively smoothly

through pragmatic power-sharing, though tensions arose over policy priorities and political credit (Elgie, 2003).

The 2000 constitutional reform aligning presidential and parliamentary terms to five years aimed to reduce cohabitation likelihood. Previously, seven-year presidential terms combined with five-year parliamentary terms created temporal misalignment increasing cohabitation chances. The reform scheduled presidential elections shortly before parliamentary elections in the same year, making split outcomes less likely given voters' tendency to provide newly elected presidents with parliamentary majorities. Since this reform, no cohabitation has occurred, suggesting the institutional change succeeded in its objective (Elgie, 2011).

Executive authority in foreign affairs and defense constitutes an informal "reserved domain" where presidents exercise particular authority. Constitutional provisions make the president guarantor of national independence and territorial integrity, presiding over defense councils, and serving as commander-in-chief. Treaties require presidential signature. These constitutional bases plus political tradition establish presidential dominance in foreign policy and defense even during cohabitation. Prime ministers accept presidential leadership in these areas, focusing instead on domestic policy. European policy occupies ambiguous space between domestic and foreign policy, sometimes creating conflicts during cohabitation (Cole, 2008).

Emergency powers under Article 16 grant the president extraordinary authority during grave crises threatening national institutions, territorial integrity, or treaty obligations. The president can take necessary measures after formal consultations, effectively assuming dictatorial powers. Article 16 was used only once, by de Gaulle during the 1961 Algerian putsch. Its existence reflects Gaullist concern for executive authority during crises but remains controversial as potentially authoritarian. Constitutional amendments in 2008 added safeguards including automatic Constitutional Council review after thirty days and parliamentary capacity to terminate emergency after sixty days (Knapp and Wright, 2006).

### **5.3 The Legislature: Parliament**

The French Parliament comprises two chambers: the National Assembly and the Senate. Unlike Westminster parliamentarism where Parliament is sovereign, the Fifth Republic deliberately constrains parliamentary powers to prevent Fourth Republic-style instability. The National Assembly, directly elected and politically dominant, can be dissolved by the president and must approve government through confidence votes. The Senate, indirectly elected and representing territorial collectivities, reviews legislation and represents continuity but possesses

subordinate powers. This rationalized parliamentarism reflects Gaullist design to ensure executive stability while maintaining democratic accountability.

### **5.3.1 The National Assembly**

The National Assembly comprises 577 deputies elected from single-member constituencies through two-round majority voting. If no candidate wins an absolute majority in the first round, a second round occurs between candidates receiving votes exceeding twelve and a half percent of registered voters, with plurality winning. This electoral system encourages two-bloc competition, as candidates withdraw between rounds to consolidate support behind leading candidates from their political camps. Deputies serve five-year terms coinciding with presidential terms following the 2000 constitutional reform (Cole, 2008).

The National Assembly exercises primary legislative authority including passing laws, approving budgets, and overseeing government. The constitution establishes domains of law requiring parliamentary legislation, including civil rights, nationality, criminal law, taxation, elections, major organizational matters, and other specified subjects. Executive regulations govern matters outside parliament's legislative domain, representing significant limitation compared to parliamentary systems where parliamentary competence is unlimited. Parliamentary sessions are constitutionally limited, though the 2008 constitutional reform extended session duration (Knapp and Wright, 2006).

### **5.3.2 The Senate**

The Senate comprises 348 senators elected indirectly by electoral colleges in each department comprising deputies, regional councilors, departmental councilors, and municipal delegates. This indirect election favors rural areas and conservative political forces, making the Senate consistently more right-wing than the National Assembly. Senators serve six-year terms with half the Senate renewed every three years, providing continuity. The Senate reviews legislation, can propose amendments, and must approve constitutional amendments, but the National Assembly can override Senate objections on ordinary legislation through procedures favoring the lower chamber (Mastias and Grange, 1987).

Parliamentary powers under the Fifth Republic are deliberately constrained compared to Fourth Republic parliamentarism. The constitution rationalizes parliamentary activity through various mechanisms limiting parliament's capacity to obstruct government or act independently. Government controls parliamentary agenda, with priority given to government bills and government-determined order of business. Amendments are limited, with package voting allowing government to force votes on bills as amended by government without separate votes on



individual amendments. The government can declare bills matters of confidence, making them adopted without vote unless censure motion passes. These provisions reflect Gaullist concern to prevent Fourth Republic-style parliamentary obstruction (Huber, 1996).

Legislative procedure follows structured processes managed largely by government. Bills are introduced by government or parliamentary members, though government bills receive priority and comprise most significant legislation. Bills are examined in committee, debated in plenary session, and voted upon. If the two chambers pass different versions, a joint committee attempts reconciliation. If reconciliation fails, government can request the National Assembly decide definitively, overriding Senate objections. Government uses various procedural mechanisms to expedite passage and limit amendments, creating efficient law-making but reducing parliamentary deliberation (Huber, 1996).

Parliamentary committees play important roles in legislative scrutiny and oversight despite constrained parliamentary powers. The constitution limits the National Assembly to eight permanent committees plus special committees for specific issues. Committees examine legislation in detail, hear testimony, and propose amendments. Key committees include Finance, Foreign Affairs, Defense, Constitutional Laws, Cultural Affairs, Social Affairs, Economic Affairs, and Sustainable Development. Committee positions are allocated proportionally to parliamentary groups, with majority party members chairing most committees. The 2008 constitutional reform enhanced committee powers including systematic committee review before plenary consideration (Knapp and Wright, 2006).

Parliamentary questions allow deputies and senators to scrutinize government. Weekly question time features oral questions with immediate government responses, televised and resembling British Prime Minister's Questions though typically involving relevant ministers rather than the prime minister for all questions. Written questions receive written government responses published in official journals. Questions create accountability opportunities and generate publicity, though government controls whether and how to respond substantively. The 2008 constitutional reform strengthened question mechanisms including guaranteeing opposition and minority groups weekly question time (Rozenberg, 2009).

Censure motions provide the National Assembly's ultimate check on government. The constitution allows deputies to introduce censure motions signed by at least one-tenth of members. A censure motion passes only if receiving absolute majority of all deputies, not just those voting—

abstentions count against censure. If censure passes, government must resign. The high threshold and severe consequences make censure rare. Additionally, government can make bills matters of confidence under Article 49.3, making them adopted unless censure passes. This reversed procedure allows government to overcome parliamentary opposition by risking its survival, though the 2008 constitutional reform limited Article 49.3 use except on budget matters (Huber, 1996).

Parliamentary oversight of government extends beyond questions and censure to include investigative committees, evaluation missions, and budget scrutiny. Committees of inquiry examine specific matters, summoning witnesses and gathering evidence. Parliamentary evaluation missions assess policy implementation and effectiveness. Budget review allows parliament to scrutinize government spending and hold officials accountable. The Cour des Comptes, an independent audit body, assists parliament in financial oversight by examining government accounts and program evaluation. These oversight mechanisms provide accountability despite constrained parliamentary legislative powers (Rozenberg, 2009).

Political parties and parliamentary groups structure parliamentary politics. Deputies and senators organize into parliamentary groups requiring minimum membership sizes. Group membership determines committee assignments, speaking time, question opportunities, and leadership positions. Major political families include the right (Republicans and allies), center (various centrist formations), left (Socialists and allies), far-right (National Rally), and far-left (France Unbowed and allies). Party discipline is significant though weaker than in Westminster systems, with deputies retaining some voting independence while generally supporting their parliamentary groups (Cole, 2008).

The 2008 constitutional reform attempted to rebalance institutions by strengthening parliament relative to executive. Reforms included extending parliamentary sessions, enhancing committee powers, limiting government decree authority, reducing restrictions on amendments, constraining Article 49.3 usage, creating parliamentary evaluation capacity, and strengthening opposition and minority rights. These changes responded to criticisms that the Fifth Republic excessively marginalized parliament. Whether the reforms substantially altered power dynamics remains debated, as governmental dominance continues through political mechanisms beyond constitutional provisions (Rozenberg, 2009).

#### **5.4 The Constitutional Council and Judicial Review**

The Constitutional Council occupies a distinctive position in French constitutionalism, exercising constitutional review powers while remaining separate from the ordinary judicial hierarchy. Created in 1958 primarily to police parliament and prevent parliamentary encroachment on

executive prerogatives, the Council has evolved into a significant protector of rights and constitutional principles. Its structure, appointment process, and jurisdiction distinguish it from both German-style constitutional courts and American-style judicial review, reflecting France's unique constitutional tradition that historically rejected judicial power to invalidate legislation.

#### **5.4.1 The Constitutional Council**

The Constitutional Council comprises nine members serving nine-year non-renewable terms, with one-third replaced every three years to ensure continuity. Three members are appointed by the president of the Republic, three by the president of the National Assembly, and three by the president of the Senate. These appointing authorities exercise unrestricted discretion in selections, making appointments political rather than based on judicial qualifications. Members need not be lawyers or judges, though recent appointments increasingly include legal professionals. Former presidents of the Republic serve as ex-officio life members, though this provision's future is questioned. The Council's composition reflects political balance across appointing authorities rather than judicial independence (Bell, 2000).

Constitutional Council jurisdiction includes both a priori review of legislation before promulgation and limited a posteriori review through priority questions of constitutionality. Prior to 2008, the Council reviewed legislation only before promulgation and only when referred by authorized political actors. The 2008 constitutional reform introduced priority questions of constitutionality allowing parties in litigation to challenge already-promulgated laws' constitutionality if relevant to their cases and not previously reviewed. This reform significantly expanded constitutional review by enabling individuals to challenge laws affecting them, moving France toward more robust constitutional protection (Favoreu, 2010).

A priori review occurs after parliament passes legislation but before presidential promulgation. Constitutional amendments, organic laws implementing constitutional provisions, and parliamentary standing orders are automatically reviewed. Ordinary laws are reviewed only if referred by the president, prime minister, president of either parliamentary chamber, or sixty deputies or senators. This referral requirement historically limited review, as only political actors opposed to legislation would refer it. However, the 1974 constitutional reform allowing sixty parliamentarians to refer legislation enabled opposition parties to systematically challenge laws they opposed, dramatically increasing review frequency and making constitutional review more routine (Stone, 1992).

The Council reviews legislation for constitutionality based on constitutional text, the Declaration of the Rights of Man and of the Citizen

of 1789, the Preamble to the 1946 Constitution, the Environmental Charter of 2004, and fundamental principles recognized by republican laws. This broad constitutional bloc provides extensive rights protections and principles against which legislation is measured. The Council has invalidated or required modifications to numerous laws for violating constitutional provisions, affecting privacy, property, equality, freedom of association, and various other rights. Decisions are final with no appeal, and unconstitutional provisions cannot be promulgated (Favoreu, 2010).

Priority questions of constitutionality introduced in 2008 created a posteriori review mechanisms allowing parties in litigation to challenge already-promulgated laws' constitutionality. If a party argues that a legal provision applicable to their case violates rights and freedoms guaranteed by the Constitution, courts can refer the question to the Constitutional Council. The Council determines whether the provision is unconstitutional, potentially invalidating laws that had been applied for years or decades. This reform significantly expanded individuals' access to constitutional review and enhanced constitutional protection of rights (Favoreu, 2010).

The Constitutional Council also adjudicates election disputes and referendum results. It validates presidential and parliamentary elections, examining complaints about electoral irregularities and annulling elections when serious irregularities affect outcomes. It determines parliamentary election results and legislator eligibility. It supervises referendum organization and validates results. These functions make the Council guardian of electoral legitimacy beyond its constitutional review role (Bell, 2000).

The Council's jurisprudence has developed constitutional principles beyond express constitutional text. It recognized implied fundamental rights derived from constitutional principles, elaborated equality before law's requirements, established proportionality standards for limiting rights, and developed procedural protections. Landmark decisions include recognizing freedom of association derived from 1901 republican law, establishing privacy rights, protecting property rights while permitting reasonable regulation, and requiring proportionality in criminal penalties. This creative jurisprudence expanded constitutional protection substantially (Stone, 1992).

Critics argue the Constitutional Council's political appointment process and composition undermine judicial independence and legitimacy. Unlike courts with professional judges selected through judicial procedures, Council members are politically appointed without requirements for legal qualifications. This raises questions about whether the Council should be considered a court or a political body. However,

Council practice has generally emphasized legal reasoning and constitutional principle over political preference. Members develop institutional loyalty to the Council and constitutional law rather than acting as agents of their appointers (Bell, 2000).

#### **5.4.2 The Ordinary Judicial System**

The ordinary judiciary remains constitutionally subordinate to legislative and executive authority in ways distinguishing France from common law systems. Administrative courts including the Council of State adjudicate disputes involving government, applying administrative law principles and reviewing administrative action for legality. Ordinary courts handle civil and criminal matters. However, French courts historically could not review legislation's constitutionality, respecting parliamentary sovereignty. The priority questions of constitutionality mechanism created limited indirect review, but ordinary courts still cannot directly invalidate legislation—they can only refer constitutional questions to the Constitutional Council (Bell, 2000).

The 2008 constitutional reform strengthened rights protection and constitutional review while maintaining distinctive French features. Introducing priority questions of constitutionality expanded access to constitutional review and enabled challenging already-promulgated laws. However, the process remains controlled—ordinary courts filter questions, referring only if provisions meet seriousness and novelty standards, and the Constitutional Council decides whether to invalidate challenged provisions. This contrasts with American decentralized judicial review where any court can determine constitutionality, but it represents significant evolution from the pre-2008 purely political review system (Favoreu, 2010).

#### **5.5 Checks and Balances in the Semi-Presidential System**

Checks and balances in the French semi-presidential system operate differently than in presidential systems with rigid separation of powers or parliamentary systems with fusion of powers. The dual executive creates potential for interbranch checking when president and parliamentary majority differ, while unified government concentrates power reducing effective checks. Constitutional provisions, political practice, and institutional dynamics combine to create complex patterns of constraint and cooperation (Elgie, 1999).

Presidential powers face various constraints despite substantial constitutional authority. The requirement that the prime minister command parliamentary confidence limits presidential control over government during cohabitation. When president and parliamentary majority oppose each other, the president must appoint a prime minister acceptable to the majority, reducing presidential control over government

composition and policy. The National Assembly's capacity to censure government creates parliamentary check on executive authority, though high censure thresholds make this power significant primarily during cohabitation (Duverger, 1980).

Presidential dissolution power provides a check on parliament by enabling presidents to resolve executive-legislative conflicts through elections. Presidents can dissolve the National Assembly once per year, calling new elections to potentially change parliamentary composition. This power is significant but constrained—dissolution requires taking political responsibility for the decision and risks producing parliaments even more hostile to presidential preferences, as occurred when President Chirac's 1997 dissolution unexpectedly produced left-wing majority forcing cohabitation. Dissolution thus represents a double-edged sword—potentially resolving conflicts but also potentially backfiring (Elgie, 2003).

Parliamentary constraints on executive authority operate primarily through legislative power and government accountability mechanisms. The National Assembly's legislative authority requires government to secure parliamentary approval for legislation, creating opportunities for parliamentary influence or obstruction. During cohabitation, parliamentary majorities use this authority to constrain presidents by supporting prime ministers pursuing policies opposing presidential preferences. Even during unified government, government must maintain majority support, though this typically poses few difficulties when president and majority align politically (Huber, 1996).

Censure motions provide parliament's ultimate check on government, though their rarity reflects high procedural thresholds. The absolute majority requirement for censure passage combined with severe consequences—government must resign—makes censure difficult and risky. Since 1958, only one censure motion has succeeded, in 1962. However, censure threat influences government behavior particularly during narrow majorities or politically sensitive situations. Government use of Article 49.3 to overcome parliamentary opposition by making bills confidence matters demonstrates censure's implicit influence—government must risk censure to bypass normal legislative process (Huber, 1996).

The Constitutional Council provides judicial checking of both parliamentary and executive action through constitutional review. By invalidating unconstitutional legislation or finding laws require constitutional amendment before passage, the Council constrains both parliament and government. Priority questions of constitutionality introduced in 2008 enhanced this checking function by enabling review of already-promulgated laws. However, the Council's political appointment

process and limited jurisdiction constrain its checking capacity compared to courts in systems with stronger judicial review (Stone, 1992).

Cohabitation creates the strongest interbranch checking by dividing executive authority between president and prime minister from opposing political camps. During cohabitation, each executive authority constrains the other. The president retains constitutional prerogatives particularly in foreign policy but cannot control domestic policy absent parliamentary support. The prime minister leads government on domestic matters but must accommodate presidential authority in foreign and defense affairs. This power-sharing requires negotiation and compromise, reducing governmental cohesion but increasing checks (Elgie, 1999).

Unified government concentrates power by aligning president, prime minister, parliamentary majority, and often senate majority under common political leadership. When these institutions share political orientation, effective checks diminish substantially. The president dominates, directing government through a subordinate prime minister, controlling parliamentary majority through party leadership, and facing minimal constitutional constraints. The Constitutional Council provides some checking through judicial review, but political consensus across institutions limits practical constraints. This concentration explains concerns about executive dominance during unified government periods (Cole, 2008).

Political parties provide informal checking mechanisms by coordinating among institutions and maintaining distinct organizational identities. Even during unified government, prime ministers must manage their party relationships and maintain parliamentary majority support. Parliamentary groups possess some autonomy from executive leadership, occasionally resisting government proposals. Party primaries for presidential nominations, party congresses, and internal debates create accountability pressures beyond constitutional mechanisms. However, party discipline and presidential dominance during unified government limit parties' actual checking capacity (Knapp and Wright, 2006).

Public opinion and media scrutiny create informal checks through political accountability mechanisms. Presidents and governments respond to popular sentiment expressed through polls, protests, elections, and media coverage. Unpopular measures generate political costs even when legally or constitutionally permissible. Strong social movements have forced government retreats on various policies despite government possessing legal authority to proceed. Media investigation exposes governmental actions and failures, creating reputation costs. These informal mechanisms supplement formal constitutional checks (Cole, 2008).

French federalism's absence limits territorial checking mechanisms compared to federal systems. France is a unitary state despite significant decentralization over recent decades. Local governments exercise delegated rather than constitutionally guaranteed authority. This centralization reduces territorial checks on national authority compared to federal systems where state governments possess independent constitutional authority. However, decentralization reforms have created regional and local governments with significant responsibilities, providing some practical though not constitutional limits on central authority (Loughlin and Mazey, 1995).

European integration creates external constraints on French governmental authority through European Union membership. EU law takes precedence over French law in areas of EU competence. EU institutions including the European Commission, European Parliament, and Court of Justice of the European Union exercise authority over policies affecting France. This limits French government's autonomous action in numerous policy areas and subjects French law and administration to European oversight. European human rights conventions also constrain French law through European Court of Human Rights jurisprudence (Milner and Keohane, 1996).

Contemporary challenges to checks and balances include continued executive dominance during unified government, limited effective parliamentary constraint, potential for personal presidential power, and questions about constitutional review adequacy. The 2008 constitutional reform attempted to strengthen checks through enhanced parliamentary powers and priority questions of constitutionality, but whether these reforms substantially altered power dynamics remains debated. The fundamental structure concentrating authority during unified government while dividing it during cohabitation creates asymmetric checking patterns depending on political circumstances (Rozenberg, 2009).

### **5.6 Summary: The French Semi-Presidential Model**

The French semi-presidential system exhibits distinctive characteristics that differentiate it from both pure parliamentary and pure presidential models. The dual executive structure comprising both a directly elected president with substantial powers and a prime minister accountable to parliament creates institutional flexibility enabling the system to function differently depending on political configurations. This flexibility represents both a strength, allowing adaptation to various partisan alignments, and a potential weakness, creating ambiguity about authority and accountability (Duverger, 1980).

Direct presidential election provides democratic legitimacy



rivaling parliament's, enabling presidents to claim popular mandates justifying political leadership. The two-round majority system encourages coalition-building between electoral rounds while ensuring eventual majority winners. Presidential terms of five years aligned with parliamentary terms since 2000 reduce divided government likelihood, though cohabitation remains constitutionally possible if mid-term parliamentary elections produce majorities opposing the president (Elgie, 2011).

Substantial presidential powers enable active executive leadership particularly during unified government. Constitutional authorities combined with informal political power allow presidents to dominate policy-making, direct government, control parliamentary majorities through party leadership, and provide national leadership. The reserved domain in foreign and defense policy grants presidents particular authority even during cohabitation. However, presidential power depends fundamentally on parliamentary support—without compatible majorities, presidential authority diminishes substantially during cohabitation (Cole, 2008).

Prime ministerial leadership of government provides administrative direction and parliamentary management. During unified government, prime ministers serve essentially as presidential subordinates implementing presidential direction while managing day-to-day administration. During cohabitation, prime ministers gain independence and policy control, leading government more autonomously. The prime minister's constitutional responsibility for government action and parliamentary accountability creates formal authority that political circumstances may enhance or diminish (Elgie, 2003).

Rationalized parliamentarism constrains legislative authority compared to classical parliamentary systems. Constitutional provisions limiting parliamentary session length, restricting legislative domain, enabling government agenda control, permitting package votes and confidence procedures under Article 49.3, and establishing high censure thresholds all reduce parliament's capacity to obstruct government or act independently. These restrictions reflect Gaullist concern to prevent Fourth Republic-style parliamentary obstruction and ensure governmental stability (Huber, 1996).

Cohabitation demonstrates the system's flexibility by enabling power-sharing between president and prime minister from opposing political camps. During cohabitation, constitutional ambiguities about authority distribution become explicit, requiring negotiation and pragmatic accommodation. Presidents retain constitutional prerogatives particularly in foreign policy while accepting reduced domestic authority.

Prime ministers lead government on domestic matters while respecting presidential foreign and defense leadership. French cohabitation experience suggests semi-presidential systems can accommodate divided executives through power-sharing, though this creates coordination challenges and accountability ambiguity (Elgie, 1999).

The 2000 constitutional reform aligning presidential and parliamentary electoral cycles aimed to reduce cohabitation likelihood. By scheduling presidential elections shortly before parliamentary elections, the reform exploits voters' tendency to provide newly elected presidents with compatible parliamentary majorities. Since this reform, cohabitation has not occurred, suggesting institutional success though the sample size remains limited. The reform represents conscious institutional choice prioritizing unified government over cohabitation (Elgie, 2011).

Constitutional Council review provides rights protection and constitutional constraint on political branches, though the Council's political appointment process and limited jurisdiction distinguish it from constitutional courts in some other systems. The 2008 introduction of priority questions of constitutionality significantly expanded constitutional review by enabling challenges to already-promulgated laws, moving France toward stronger constitutional protection while maintaining distinctive procedural features (Favoreu, 2010).

The French semi-presidential model demonstrates both notable strengths and significant vulnerabilities. Its strengths include executive stability through presidential fixed terms and constrained parliamentary censure, flexibility to accommodate both unified government and cohabitation, direct democratic legitimacy for the president, and capacity for decisive leadership particularly during unified government. The system has proven stable over sixty-five years, managing alternation in power, cohabitation periods, and various political challenges (Elgie, 2003).

However, the system exhibits important vulnerabilities. Executive dominance during unified government creates limited effective checking of presidential authority. Ambiguity about authority distribution particularly during cohabitation generates coordination challenges and accountability confusion. The potential for personal presidential power raises concerns about excessive executive authority. Constrained parliamentary powers limit democratic deliberation and oversight compared to parliamentary systems. The Constitutional Council's political appointments question judicial independence. Recent experience with declining cohabitation likelihood may reduce flexibility that cohabitation demonstrated (Knapp and Wright, 2006).

The semi-presidential model has influenced constitutional design worldwide, particularly in post-communist Europe, post-colonial Africa,

and other regions. However, transplanting French institutions to different contexts has produced varied results, suggesting that institutional success depends significantly on political culture, party systems, and historical circumstances. Some countries have experienced problematic outcomes including executive authoritarianism, institutional conflicts, and instability, raising questions about semi-presidentialism's general applicability (Elgie and Moestrup, 2008).

Understanding French semi-presidentialism provides essential foundation for analyzing institutional alternatives to pure parliamentary or presidential systems. Chapter 6 examines federal and unitary state structures, analyzing how territorial power distribution interacts with different governmental forms. Chapter 7 explores electoral and party systems, showing how electoral rules and party configurations affect governmental formation and stability. Chapter 8 synthesizes comparative lessons about institutional design trade-offs and contextual factors affecting institutional success (Shugart and Carey, 1992; Elgie, 1999).

The French case demonstrates that semi-presidentialism offers a middle path between parliamentarism and presidentialism, combining elements of both systems in ways that can function successfully under appropriate conditions. However, it also shows that constitutional flexibility creates ambiguity requiring political actors to negotiate power-sharing pragmatically. The system's performance depends fundamentally on whether political culture supports democratic norms, whether party systems enable governmental formation, and whether institutional ambiguity is managed constructively rather than degenerating into constitutional conflicts (Duverger, 1980).

## **CHAPTER 6. GERMANY: A FEDERAL PARLIAMENTARY MODEL IN PRACTICE**

The Federal Republic of Germany (Bundesrepublik Deutschland) represents a distinctive combination of parliamentary government, federal structure, and strong constitutional review. The German system, established through the Basic Law (Grundgesetz) in 1949, demonstrates how parliamentary democracy can function effectively when combined with territorial power division and robust constitutional constraints. Understanding the German model is essential for comparative constitutional analysis because it synthesizes institutional features addressing historical failures while establishing mechanisms for stable democratic governance (Kommers, 1997).

The distinctiveness of German constitutionalism lies in its defensive democracy (*wehrhafte Demokratie*) designed explicitly to prevent the recurrence of totalitarianism. The Basic Law incorporates lessons from the Weimar Republic's collapse and Nazi dictatorship, creating institutional safeguards including strong constitutional review, federal structure limiting central authority, constructive vote of no confidence preventing governmental instability, and fundamental rights protection as inviolable constitutional core. These features reflect conscious institutional choices prioritizing democratic stability and rights protection over governmental efficiency or majoritarian rule (Currie, 1994).

German federalism divides sovereignty between the federal level (Bund) and sixteen states (Länder), each possessing constitutionally guaranteed autonomy within their competence spheres. Unlike unitary systems where subnational authority derives from central government delegation, German Länder exercise original constitutional authority in areas including education, culture, police, and local government. Federal legislation dominates many policy areas through concurrent powers, but Länder retain significant implementation authority and participate in federal legislation through the Bundesrat representing state governments (Gunlicks, 2003).

The parliamentary system features a Chancellor elected by the Bundestag and leading government accountable to parliament, but with crucial modifications distinguishing German parliamentarism from Westminster models. The constructive vote of no confidence requires parliament to simultaneously remove an existing Chancellor and elect a successor, preventing governmental vacuums and reducing instability. The Federal President serves as ceremonial head of state distinct from the

Chancellor as head of government. Party discipline is significant but operates within coalition contexts requiring negotiation and compromise among multiple parties (Saalfeld, 2000).

This chapter examines how German institutions function and interact to create a stable federal parliamentary democracy. We analyze the historical context that shaped the Basic Law's provisions, the federal structure dividing authority between Bund and Länder, the parliamentary system's operation, and the Federal Constitutional Court's central role in German constitutionalism.

### **6.1 Historical Background of Political Institutions**

German constitutional development reflects discontinuous state formation, regime changes, and the traumatic experience of totalitarianism fundamentally shaping contemporary institutional design. Unlike Britain's evolutionary continuity or America's revolutionary founding, German political institutions emerged through unification, defeat, democratic experimentation, totalitarian dictatorship, and post-war reconstruction. This history profoundly influenced the Basic Law's framers, who consciously designed institutions to prevent repeating past failures (Blackbourn, 1997).

The German Empire established in 1871 through Prussian-led unification created a federal structure preserving member states' autonomy within an authoritarian constitutional monarchy. The Empire featured a Reichstag elected by universal male suffrage but lacking full parliamentary control over government. The Kaiser appointed the Chancellor, who was responsible to the Kaiser rather than parliament. Federal structure reflected negotiated unification preserving state identities while creating national institutions. This imperial system combined democratic elements with authoritarian rule, establishing patterns of federalism and parliamentary participation that would influence subsequent constitutional development (Wehler, 1985).

The Weimar Republic established after World War I and the Kaiser's abdication represented Germany's first democratic experiment. The 1919 Weimar Constitution created a parliamentary democracy with a directly elected president possessing substantial emergency powers. The Reichstag was elected through proportional representation, which produced fragmented multiparty parliaments making stable majorities difficult. Governments proved unstable, averaging less than eight months' duration. Economic crisis, political extremism, street violence, and democratic institutions' inability to function effectively undermined the Republic's legitimacy (Peukert, 1991).

Presidential emergency powers under Article 48 of the Weimar

Constitution enabled rule by decree without parliamentary approval during emergencies. Presidents increasingly used these powers during the Republic's final years as parliamentary government became impossible. Between 1930 and 1933, presidential cabinets governed through emergency decrees rather than parliamentary majorities, effectively suspending parliamentary democracy. Hitler's appointment as Chancellor in January 1933 occurred within this constitutional framework, followed by the Enabling Act in March 1933 that granted Hitler dictatorial powers, formally ending the Weimar Republic (Kolb, 2005).

The Nazi dictatorship from 1933 to 1945 represented totalitarian rule characterized by concentration of power in the Führer, elimination of federalism through centralization, destruction of democratic institutions, persecution and genocide, aggressive war, and comprehensive state control over society. The regime demonstrated how democratic institutions could be destroyed legally through constitutional mechanisms, how emergency powers could enable dictatorship, and how rights required protection beyond majoritarian politics. The Holocaust and World War II's devastation created overwhelming imperatives to prevent totalitarianism's recurrence (Kershaw, 2000).

Germany's unconditional surrender in May 1945 ended Nazi rule and established Allied occupation. The country was divided into American, British, French, and Soviet occupation zones. Disagreements among Allies about Germany's future led to separate developments in western and Soviet zones. The western zones evolved toward democracy and market economy, while the Soviet zone became communist dictatorship. This division culminated in 1949 with establishment of two German states: the Federal Republic of Germany in the west and the German Democratic Republic in the east (Fulbrook, 1991).

The Basic Law (Grundgesetz) was drafted by the Parliamentary Council convened in 1948 comprising representatives from western occupation zones' states. The Council's work reflected lessons from Weimar's failure and Nazi dictatorship. Key decisions included creating strong constitutional court, establishing federal structure limiting central authority, adopting constructive vote of no confidence preventing governmental instability, making fundamental rights inviolable constitutional core, limiting emergency powers, and creating defensive democracy mechanisms protecting against anti-democratic movements. The Basic Law was initially conceived as provisional pending German reunification, but it has proven remarkably durable and successful (Currie, 1994).

The Basic Law deliberately avoided calling itself a constitution, using instead Grundgesetz (Basic Law) to emphasize provisional character

pending reunification. However, the Federal Republic's success and stability transformed the Basic Law into Germany's definitive constitution. When reunification occurred in 1990 following the Cold War's end and the GDR's collapse, the Basic Law was extended to eastern states rather than drafting a new constitution. This decision reflected the Basic Law's perceived success and legitimacy (Kommers, 1997).

German reunification in October 1990 incorporated five reconstituted eastern Länder into the Federal Republic under the Basic Law. This expansion tested German institutions' capacity to integrate populations experiencing forty years of communist dictatorship with different political cultures and economic systems. Reunification required massive financial transfers, institutional rebuilding, and social integration. The process demonstrated both German federalism's flexibility and the challenges of incorporating territories with different historical experiences (Fulbrook, 1991).

Post-war German constitutionalism emphasizes defensive democracy (*wehrhafte Demokratie*) actively protecting democratic order against threats. This concept, reflecting determination to prevent another Nazi-style takeover, authorizes banning anti-democratic parties, restricting extremist speech, and protecting the constitutional order even at the expense of unlimited liberty. The Federal Constitutional Court has banned extremist parties and upheld restrictions on anti-democratic activity. This approach contrasts with American constitutional absolutism regarding free speech, reflecting different historical experiences and constitutional priorities (Kommers, 1997).

The Basic Law establishes fundamental principles structuring German government. Human dignity as inviolable (Article 1) places rights protection as the constitutional foundation. The federal principle divides sovereignty between Bund and Länder with constitutionally guaranteed state autonomy. The social state principle requires government to provide social welfare and reduce inequality. Democracy and rule of law require democratic legitimacy and legal constraints on governmental action. These principles form the constitutional core that cannot be amended under the eternity clause (Article 79.3), reflecting determination to protect essential constitutional foundations against change (Currie, 1994).

## **6.2 The Federal Structure: Legislative Institutions**

Germany's federal structure distributes legislative authority between the federal level and sixteen Länder (states), creating a distinctive bicameral system where both chambers represent different constituencies and principles. The Bundestag, directly elected by the people, serves as the primary legislative chamber embodying popular sovereignty. The Bundesrat represents Land governments rather than populations, creating

a federal chamber that ensures state interests influence federal legislation. This structure reflects German federalism's cooperative nature, requiring negotiation between federal and state levels while preventing either from dominating unilaterally.

### **6.2.1 The Bundestag and Federal Competencies**

The sixteen Länder vary significantly in size, population, and resources. The largest Land by population is North Rhine-Westphalia with approximately eighteen million inhabitants, while the smallest city-state Bremen has under 700,000 inhabitants. Bavaria and Baden-Württemberg in the south are economically prosperous, while eastern Länder added through reunification generally have weaker economies requiring financial support. This diversity creates asymmetries requiring equalization mechanisms and complicating federal-state relations (Jeffery, 1999).

The Basic Law distributes legislative competencies among three categories: exclusive federal jurisdiction, concurrent jurisdiction, and residual state jurisdiction. Exclusive federal powers include foreign affairs, defense, citizenship, currency, customs, railways, air traffic, and postal and telecommunications services. These areas are reserved to federal legislation with Länder having no authority. Concurrent powers cover most significant policy areas including civil law, criminal law, economic regulation, labor law, social welfare, environmental protection, and public health. In concurrent areas, Länder may legislate unless and until the federal level exercises its authority. Once federal legislation occupies a field, it preempts state law (Gunlicks, 2003).

The Basic Law originally authorized federal concurrent legislation only when necessary for maintaining legal or economic unity or for ensuring living conditions' equivalence. However, federal legislation expanded substantially over time, occupying most concurrent fields and reducing Länder legislative autonomy. Constitutional reforms in 1994 and 2006 attempted to clarify competence boundaries and reduce federal encroachment, though federal legislation continues dominating many areas. Residual powers not explicitly assigned to federal jurisdiction belong to Länder, including education, culture, police, local government, and media regulation (Scharpf, 2006).

Länder implement most federal legislation through their own administrative structures, creating administrative federalism where federal laws are executed by state bureaucracies. This implementation responsibility gives Länder significant influence over how federal policies are actually applied, creating space for state discretion despite federal legislative dominance. Federal administration is limited to specific areas including foreign service, federal police, armed forces, and certain regulatory agencies. Most domestic policy implementation occurs through



Länder administrations, creating cooperative relationships between federal legislation and state implementation (Gunlicks, 2003).

### **6.2.2 The Bundesrat and Cooperative Federalism**

The Bundesrat represents Länder governments in federal legislation, creating a distinctive federal chamber compared to American or Australian senates representing state populations through direct election. Each Land government appoints its Bundesrat members, who vote as instructed by their governments in bloc rather than individually. Bundesrat representation is weighted by population but not proportionally—larger Länder receive more votes than smaller ones, but the distribution favors smaller Länder relative to their populations. This structure provides small Länder disproportionate influence while acknowledging population differences (Lhotta, 2003).

Federal legislation requires Bundesrat approval for certain categories affecting Länder interests, making the Bundesrat an absolute veto player on substantial legislation. Laws requiring Bundesrat consent (*Zustimmungsgesetze*) include constitutional amendments, legislation affecting Länder finances or administrative procedures, and laws fundamentally concerning Länder interests. When federal government and Bundesrat majority differ politically—a frequent occurrence—this can create deadlock requiring negotiation and compromise. Non-consent legislation can be passed over Bundesrat objections after mediation procedures, though this is politically difficult (Sturm and Kropp, 2005).

The 2006 federalism reform attempted to reduce Bundesrat veto power by narrowing categories requiring consent while clarifying Länder exclusive competencies. This reform aimed to address gridlock resulting from different partisan majorities in Bundestag and Bundesrat. Results have been mixed—consent requirements decreased somewhat, but Bundesrat retains substantial influence and political dynamics continue generating intergovernmental tensions when partisan alignments differ (Scharpf, 2006).

Fiscal federalism allocates revenues and expenditure responsibilities between federal and state levels. The Basic Law requires equitable distribution of tax revenues and financial capacity equalization among Länder. Major taxes are shared between levels: income tax and value-added tax are divided between federal government and Länder according to constitutional formulas, while corporation tax is split equally. Länder receive portions of federal tax revenues, creating financial interdependence. Financial equalization mechanisms redistribute resources from wealthier to poorer Länder, generating political tensions as prosperous Länder resist subsidizing weaker ones (Gunlicks, 2003).

The 2009 debt brake constitutional amendment imposed strict balanced budget requirements on both federal government and Länder, limiting borrowing capacity. This reform responded to excessive deficits and debt accumulation but created fiscal constraints potentially limiting governmental capacity to respond to crises. The COVID-19 pandemic required temporarily suspending debt brake provisions to enable emergency spending, demonstrating tensions between fiscal discipline and crisis response flexibility (Scharpf, 2006).

Cooperative federalism requires extensive intergovernmental coordination through conferences, working groups, and informal negotiations. Ministers from federal and state governments meet regularly in standing conferences addressing education, interior affairs, finance, and other policy areas. These conferences coordinate policies, negotiate compromises, and facilitate information sharing. Joint tasks (Gemeinschaftsaufgaben) in areas like university construction and regional economic development involve formal cooperation between federal and state governments with shared financing. This coordination creates complex intergovernmental relations requiring negotiation and compromise (Gunlicks, 2003).

European integration affects German federalism by shifting competencies to the European Union level, potentially bypassing both federal and state governments. The Basic Law was amended to provide Länder participation in EU affairs affecting their interests, requiring federal government consultation and potentially binding federal negotiators to Länder positions. This attempts to preserve federalism amid Europeanization, though tensions persist about Länder capacity to influence EU policies affecting their competencies (Jeffery, 1999).

### **6.3 The Parliamentary System: Executive Authority**

German parliamentarism combines cabinet government accountable to the Bundestag with distinctive institutional features including the constructive vote of no confidence, separation between ceremonial President and political Chancellor, coalition government as the norm, and strong party discipline operating within multiparty contexts. This system reflects lessons from Weimar instability while establishing effective democratic governance. The Chancellor leads government with substantial policy-making authority, while the Federal President exercises largely ceremonial functions as head of state.

#### **6.3.1 The Chancellor and Government**

The Bundestag is the federal parliament elected by the people through a mixed-member proportional electoral system. Currently comprising 736 members following the 2021 election (though the standard size is 598 with additional overhang and balance seats), the Bundestag

exercises legislative authority, elects the Chancellor, oversees government, and represents the people. Elections occur every four years unless the Chancellor requests and the President grants dissolution following failed confidence votes. The Bundestag meets in plenary sessions and conducts most substantive work through committees (Ismayr, 2000).

The electoral system combines single-member constituencies with proportional representation through party lists. Each voter casts two votes: the first vote (*Erststimme*) for a constituency candidate elected by plurality, and the second vote (*Zweitstimme*) for a party list. Party list votes determine overall proportional distribution of seats, with constituency winners filling some seats and remaining seats allocated from party lists to achieve proportionality. This system aims to combine constituency representation with proportional party representation. Overhang seats occur when parties win more constituencies than their proportional entitlement, with balance seats added to maintain proportionality. A five percent threshold or winning three constituencies is required for party list representation, excluding very small parties (Roberts, 2016).

The Chancellor (*Bundeskanzler*) is head of government elected by the Bundestag without debate on nomination by the Federal President. The Chancellor requires absolute majority of Bundestag members to be elected. If no candidate wins a majority in the first ballot, additional ballots occur until someone receives an absolute majority or, failing that after fourteen days, a plurality in a final ballot. The President may appoint a plurality winner as Chancellor or dissolve the Bundestag and call new elections. In practice, Chancellors are elected on the first ballot with coalition majorities after post-election negotiations (Helms, 2005).

The constructive vote of no confidence distinguishes German parliamentarism from Westminster models. The Bundestag can remove the Chancellor only by simultaneously electing a successor with absolute majority. This prevents negative majorities from overthrowing governments without agreeing on alternatives, addressing Weimar's instability where governments fell without viable replacements. The procedure has been attempted only twice successfully: in 1972 the attempt failed, maintaining Chancellor Brandt, while in 1982 it succeeded, replacing Chancellor Schmidt with Kohl. The constructive vote of no confidence creates governmental stability by requiring opposition unity not just against the incumbent but for an alternative (Saalfeld, 2000).

### **6.3.2 The Federal President**

The Federal President (*Bundespräsident*) serves as ceremonial head of state distinct from the Chancellor as head of government. The President is elected for five-year terms by the Federal Convention (*Bundesversammlung*) comprising Bundestag members and equal

numbers of delegates from Land parliaments. The President represents Germany internationally, accredits ambassadors, signs treaties, appoints federal judges and officials, promulgates laws after Bundestag passage and Bundesrat consent where required, and possesses authority to dissolve the Bundestag under specified circumstances. However, presidential powers are largely ceremonial, exercised on governmental advice (Ismayr, 2000).

Coalition government is the norm given German multiparty system and electoral proportionality typically preventing single-party majorities. After elections, parties negotiate coalition agreements specifying policy programs, ministerial allocation, and decision-making procedures. These agreements establish frameworks for coalition governance throughout the legislative period. Coalition partners must balance maintaining agreements while preserving distinct identities. The Chancellor usually comes from the largest coalition party, with junior coalition partners receiving ministries proportional to their parliamentary strength. Coalition dynamics significantly affect governmental stability and policy-making (Saalfeld, 2000).

Major coalition types include grand coalitions between Christian Democrats (CDU/CSU) and Social Democrats (SPD), center-right coalitions between CDU/CSU and Free Democrats (FDP), and center-left coalitions between SPD and Greens. Coalition negotiations can last weeks as parties reconcile policy differences and negotiate ministerial positions. Coalition breakdowns occur occasionally, potentially triggering early elections if no alternative majority exists. However, German coalitions prove generally stable compared to some parliamentary systems, serving full terms more often than collapsing prematurely (Helms, 2005).

The Chancellor determines general policy guidelines (Richtlinienkompetenz), reflecting strong chancellorship principles. Ministers lead their departments autonomously within policy guidelines but remain bound by Chancellor's overall direction. The Chancellor selects ministers, proposes them to the President for appointment, and can dismiss them. This creates hierarchical authority despite coalition negotiations constraining Chancellor's ministerial choices. Coalition agreements typically specify which parties control which ministries, limiting Chancellor's selection freedom (Helms, 2005).

Federal government comprises the Chancellor and ministers forming the cabinet. Ministers head federal ministries including Foreign Affairs, Interior, Finance, Economics, Justice, Defense, Labor and Social Affairs, and others. Cabinet meetings decide major policies and resolve disputes among ministries. Decision-making operates through consensus when possible, though Chancellor can determine policy when consensus proves impossible. Coalition cabinets require managing relationships

among coalition partners, with mechanisms for addressing intra-coalition disputes (Ismayr, 2000).

Bundestag legislative powers include passing federal legislation, approving budgets, electing the Chancellor, and overseeing government. The legislative process involves committee consideration, plenary debates, and votes. Most significant legislation originates from government proposals, though Bundestag members and Bundesrat can also introduce bills. Committees conduct detailed legislative work, examining proposals, holding hearings, and proposing amendments. Committee assignments reflect party strengths, with coalition parties controlling committee majorities (Ismayr, 2000).

Parliamentary questions allow Bundestag members to scrutinize government. Question time occurs regularly, with ministers answering oral and written questions. Major interpellations address significant issues requiring governmental response. These mechanisms create accountability while enabling opposition criticism. Parliamentary investigative committees examine specific matters, summoning witnesses and gathering evidence. The Federal Audit Office assists parliamentary oversight by examining governmental financial management (Ismayr, 2000).

Party discipline is significant though weaker than Westminster systems. Parties maintain parliamentary groups (Fraktionen) organizing their members, coordinating positions, and enforcing discipline. Coalition agreements bind parliamentary groups to support agreed policies. However, deputies retain voting independence, occasionally defecting on particular issues. Coalition management requires maintaining partner support through consultation and compromise rather than simply imposing majority will. Party whips coordinate but cannot absolutely control member votes (Saalfeld, 2000).

The Bundestag's internal organization includes a President elected by parliament who presides over sessions, maintains order, and represents parliament externally. The Council of Elders comprising party leaders and whips coordinates parliamentary business and sets agendas. Parliamentary groups receive resources proportional to their sizes, enabling staffing and research. These organizational structures facilitate parliamentary operations while reflecting party system characteristics (Ismayr, 2000).

#### **6.4 The Federal Constitutional Court and Judicial Review**

The Federal Constitutional Court (Bundesverfassungsgericht) stands as one of the world's most powerful and influential constitutional courts, exercising robust judicial review over legislative and executive actions. Created by the Basic Law to protect constitutional rights and democratic order after Nazi dictatorship, the Court has evolved into a

central institution of German democracy. Its extensive jurisdiction, individual constitutional complaints mechanism, and authoritative interpretations of the Basic Law make it a significant political actor whose decisions shape policy outcomes across virtually all areas of governance.

#### **6.4.1 The Federal Constitutional Court**

The Court comprises two senates of eight judges each, totaling sixteen judges. The First Senate primarily handles fundamental rights cases, while the Second Senate addresses federalism, constitutional organs' powers, and party bans. This division distributes workload and develops specialized expertise. Each senate can decide cases independently, though plenary sessions resolve conflicts between senates. Judges serve single twelve-year terms without possibility of reelection, retiring at age sixty-eight. These provisions promote judicial independence by preventing political pressure through reelection prospects (Kommers, 1997).

Judicial selection involves both Bundestag and Bundesrat, each electing half the judges. A Bundestag committee comprising twelve members selected proportionally by parliamentary groups elects judges with two-thirds majorities. The Bundesrat similarly requires two-thirds majorities. This selection process necessitates cross-party consensus, preventing any single party from controlling appointments and promoting judicial balance. Major parties negotiate judicial appointments, typically alternating selections and maintaining informal balances among legal philosophies and party affiliations. Judges must possess legal qualifications, typically having served as judges, academics, or practitioners (Vanberg, 2005).

The Court's jurisdiction encompasses constitutional review of legislation, resolution of disputes among federal organs, federalism conflicts between Bund and Länder, constitutional complaints by individuals alleging rights violations, election challenges, and party ban proceedings. This comprehensive jurisdiction makes the Court final arbiter of constitutional questions across diverse areas. The Court exercises both abstract review of legislation without specific cases and concrete review in litigation contexts (Kommers, 1997).

Constitutional complaints (Verfassungsbeschwerde) by individuals constitute the Court's largest docket category. Any person may file complaints alleging that public authority violated their constitutional rights after exhausting other legal remedies. The Court examines thousands of complaints annually, accepting approximately two percent for decision. Successful complaints result in invalidating laws or governmental actions violating rights. This mechanism provides individual access to constitutional review, making the Court accessible beyond elite political actors and enhancing rights protection (Vanberg, 2005).

Abstract judicial review allows federal government, Land governments, or one-third of Bundestag members to request the Court determine legislation's constitutionality without awaiting specific cases. This enables early review of constitutional questions and resolution of political disputes through judicial means. Opposition parties regularly use abstract review to challenge majority legislation, making constitutional litigation extension of political competition. The Court's authority to invalidate laws gives opposition parties alternative venue when lacking parliamentary majorities (Kommers, 1997).

#### **6.4.2 The Ordinary Judicial System**

Concrete judicial review occurs when ordinary courts refer constitutional questions arising in specific cases to the Constitutional Court. If a court considers a law relevant to its decision potentially unconstitutional, it must suspend proceedings and refer the question to the Constitutional Court. This ensures uniform constitutional interpretation while enabling ordinary courts to raise constitutional concerns. The Court's decision binds the referring court and all others, establishing precedent (Vanberg, 2005).

Federalism disputes involve conflicts between federal government and Länder over competence boundaries or procedural requirements. Länder can challenge federal legislation as exceeding federal authority or violating required procedures. The federal government can challenge Land actions as invading federal competence. The Court resolves these disputes by interpreting competence provisions and establishing boundaries between federal and state authority. These decisions significantly shape German federalism's evolution (Kommers, 1997).

Party ban proceedings enable the Court to prohibit parties threatening democratic order. The federal government, Bundesrat, or Bundestag can petition for banning parties. The Court examines whether parties aim to undermine or abolish the free democratic basic order. If so, the party is dissolved and prohibited from reorganizing. The Court has banned two parties: the Socialist Reich Party in 1952 for neo-Nazi orientation and the Communist Party in 1956 during Cold War tensions. Recent attempts to ban the far-right National Democratic Party failed when the Court found insufficient threat despite anti-democratic aims. Party bans reflect defensive democracy principles but raise tensions between democratic protection and political freedom (Thiel, 2009).

The Court's jurisprudence has addressed fundamental constitutional questions shaping German public life. Early decisions established fundamental rights as objective value order permeating all law rather than merely limits on state action. The Court developed proportionality analysis requiring governmental actions limiting rights to

be suitable, necessary, and proportionate to legitimate aims. Major decisions have addressed abortion, university admissions, privacy, freedom of expression, European integration, military deployment, and numerous other issues. These decisions demonstrate the Court's willingness to confront politically sensitive questions (Kommers, 1997).

The Court's public legitimacy and political authority enable it to issue controversial decisions that are generally accepted and implemented despite political disagreement. High public trust and confidence, cross-party consensus supporting judicial review, political culture respecting rule of law and judicial authority, and the Court's careful attention to its legitimacy through reasoned judgments all contribute to its effectiveness. Unlike some constitutional courts facing political resistance, the German Constitutional Court generally sees its decisions implemented even when politically inconvenient (Vanberg, 2005).

The Court faces ongoing challenges including massive caseloads from constitutional complaints, questions about appropriate judicial role versus political decision-making, tensions between constitutional constraint and democratic choice, and managing its relationship with European courts particularly the Court of Justice of the European Union. The Court has asserted authority to review EU law for compatibility with German constitutional fundamentals, creating potential conflicts with EU legal supremacy. These challenges highlight constitutional adjudication's complexity in contemporary governance (Thiel, 2009).

### **6.5 Checks and Balances in the Federal Parliamentary System**

Checks and balances in the German system operate through federalism dividing authority vertically, constitutional review by the Federal Constitutional Court, legislative procedures requiring bicameral agreement, coalition dynamics necessitating compromise, and political culture supporting constitutional constraints. These mechanisms create a system of constrained parliamentarism distinctly different from Westminster majoritarianism while avoiding presidential separation of powers' rigidity (Jeffery, 1999).

Federal structure provides vertical checks by dividing sovereignty between Bund and Länder with constitutional protections for state autonomy. The Bundesrat's legislative participation creates effective bicameralism requiring federal government to accommodate Länder interests. When Bundesrat majorities differ from Bundestag and government, this creates significant checking capacity forcing negotiation and compromise. Approximately half of federal legislation requires Bundesrat consent, giving the chamber absolute veto power over substantial policy. Non-consent legislation can face Bundesrat objections triggering mediation procedures, though ultimately the Bundestag can pass



such legislation over objections (Lhotta, 2003).

Constitutional review by the Federal Constitutional Court provides judicial checking of both federal and state action. The Court can invalidate legislation violating the Basic Law, constrain governmental action through rights protection, resolve competence disputes between federal and state levels, and establish constitutional boundaries for political decision-making. Opposition parties systematically use abstract review to challenge majority legislation, making constitutional litigation an extension of political competition and providing minorities with influence beyond parliamentary votes. Individual constitutional complaints enable citizens to challenge rights violations, creating bottom-up checking mechanisms (Kommers, 1997).

Coalition government creates intra-executive checks requiring negotiation and compromise among coalition partners. Junior coalition partners possess veto power over policies through their capacity to withdraw from coalitions, collapsing governments. This gives smaller parties disproportionate influence despite possessing few parliamentary seats. Coalition agreements establish frameworks but require ongoing management as circumstances change. Disputes among coalition partners must be resolved through negotiation rather than majority imposition. This creates moderation and compromise but can also generate gridlock when partners cannot agree (Saalfeld, 2000).

The constructive vote of no confidence constrains opposition capacity to overthrow governments while ensuring governmental stability. Opposition cannot simply vote down governments without agreeing on alternatives. This protects governments from negative majorities but also means weak or unpopular governments cannot be removed without replacement majorities existing. The confidence vote can be used strategically by Chancellors seeking Bundestag dissolution—Chancellor can deliberately lose confidence votes, enabling Presidents to dissolve parliament and call early elections. Schröder used this mechanism in 2005 (Helms, 2005).

Proportional representation producing multiparty parliaments prevents single-party dominance and ensures minority representation. No party has won Bundestag majorities since the Federal Republic's early years, requiring coalitions and power-sharing. This gives opposition parties representation proportional to their electoral support and ensures diverse viewpoints in parliament. However, it also means governments require coalition negotiations and compromise rather than implementing single-party programs (Roberts, 2016).

Legislative procedures create checking mechanisms through committee scrutiny, debate requirements, and multiple readings.

Bundestag committees conduct detailed examination of legislation, holding hearings and proposing amendments. Opposition parties participate in committees proportionally, enabling minority input. While government coalitions control committee majorities, deliberative processes provide opposition opportunities to influence legislation. Plenary debates air disagreements publicly, creating accountability through transparency (Ismayr, 2000).

Parliamentary oversight operates through questions, interpellations, investigative committees, and budget scrutiny. Opposition parties use these mechanisms to criticize government, expose problems, and generate media attention. Parliamentary investigative committees with opposition participation can examine governmental actions and failures. The Federal Audit Office provides independent assessment of governmental financial management. These mechanisms create ongoing accountability beyond elections (Ismayr, 2000).

European integration creates external constraints on German governmental autonomy through EU law supremacy in areas of EU competence. EU institutions exercise authority over policies affecting Germany, and EU law takes precedence over German law. This limits German government's autonomous action and subjects German law to European oversight. However, the Federal Constitutional Court has asserted authority to review EU law for compatibility with German constitutional fundamentals, creating potential tensions with EU legal supremacy (Thiel, 2009).

Political culture supporting constitutional norms, judicial authority, federal respect, and democratic procedures creates informal checking mechanisms. Political actors generally accept constitutional constraints, respect court decisions even when disagreeing, and value consensus over majoritarian imposition. This cultural foundation enables formal checking mechanisms to function effectively. When political culture weakens or partisan polarization intensifies, formal mechanisms alone may prove insufficient (Kommers, 1997).

Contemporary challenges to checks and balances include European integration potentially centralizing authority and bypassing federal structures, coalition government potentially creating unaccountable compromises rather than clear accountability, grand coalitions between major parties reducing effective parliamentary opposition, populist challenges to establishment consensus and constitutional constraints, and tensions between constitutional judicial review and democratic decision-making. These challenges test whether German institutional arrangements continue providing effective governance while maintaining democratic accountability and

constitutional limits (Scharpf, 2006).

### **6.6 Summary: The German Federal Parliamentary Model**

The German constitutional system exhibits distinctive characteristics combining parliamentary government, federal structure, and strong constitutional review in ways addressing historical failures while establishing stable democratic governance. The system demonstrates that parliamentary democracy can function effectively when combined with territorial power division, robust rights protection, and institutional mechanisms preventing instability (Currie, 1994).

Parliamentary government with constructive vote of no confidence creates stable executive leadership while maintaining democratic accountability. Chancellors require Bundestag confidence but cannot be removed without simultaneous election of successors, preventing governmental vacuums and addressing Weimar instability. This modified parliamentarism balances governmental stability with democratic responsiveness more effectively than Westminster systems' simple confidence votes or presidential systems' fixed terms (Saalfeld, 2000).

Federal structure dividing sovereignty between Bund and sixteen Länder creates vertical checks on central authority while accommodating Germany's historical state diversity. Cooperative federalism emphasizes intergovernmental coordination through the Bundesrat representing Land governments in federal legislation. This creates effective bicameralism requiring federal government to accommodate state interests. Federal legislation dominates many areas through concurrent powers, but Länder retain significant implementation authority and exclusive competencies particularly in education and culture (Gunlicks, 2003).

Coalition government as the norm given multiparty systems and proportional representation requires negotiation and compromise among coalition partners. This creates moderation and inclusiveness but can generate gridlock when partners disagree fundamentally. Coalition agreements establish governmental programs, but ongoing management requires balancing partners' distinct identities with unified governance. German experience suggests coalition government can function stably when political culture supports compromise and parties prioritize effective governance (Saalfeld, 2000).

The Federal Constitutional Court exercises robust constitutional review with remarkable public legitimacy and political authority. Comprehensive jurisdiction including abstract review, concrete review, constitutional complaints, federalism disputes, and party bans makes the Court final arbiter of constitutional questions. Cross-party consensus in judicial selection, reasoned jurisprudence, and political culture respecting

judicial authority enable the Court to constrain political branches effectively. The Court has shaped fundamental aspects of German public life through its decisions on rights, federalism, and democratic order (Kommers, 1997).

Defensive democracy mechanisms protect constitutional order against anti-democratic threats through party bans, restrictions on extremist activity, and the eternity clause preventing amendment of fundamental constitutional principles. This approach reflects determination to prevent another Nazi-style takeover, accepting limits on political freedom to protect democracy itself. The concept contrasts with American constitutional absolutism regarding political freedom, reflecting different historical experiences and priorities (Thiel, 2009).

Proportional representation producing multiparty parliaments ensures diverse representation while preventing single-party dominance. The mixed-member proportional electoral system combines constituency representation with overall proportionality. The five percent threshold excludes very small parties while permitting significant minority representation. This system has generated stable party systems with typically four to six significant parties, requiring coalitions but avoiding extreme fragmentation (Roberts, 2016).

The German federal parliamentary model demonstrates both notable strengths and some vulnerabilities. Its strengths include stable coalition governance balancing multiple political forces, effective federal checks limiting central authority while enabling national coordination, robust constitutional review protecting rights and constitutional fundamentals, defensive democracy preventing extremist threats, and consensus-based decision-making moderating policy through compromise. The system has proven remarkably stable over seventy years, managing reunification, European integration, and various political challenges successfully (Currie, 1994).

However, the system exhibits certain vulnerabilities. Coalition government can obscure accountability by requiring compromises that voters did not explicitly endorse. Grand coalitions between major parties reduce effective parliamentary opposition. Federal complexity and intergovernmental coordination can slow decision-making and create inefficiency. Strong constitutional review raises democratic concerns about judicial power. Proportional representation enables extremist parties to gain parliamentary representation if clearing thresholds. These limitations require ongoing attention and potential institutional adaptation (Scharpf, 2006).

The German model has influenced constitutional design in other countries, particularly in Central and Eastern Europe following communist

collapse. However, transplanting German institutions to different contexts has produced varied results, suggesting that institutional success depends significantly on political culture, party systems, and historical circumstances. The German experience demonstrates that federal parliamentary systems with strong constitutional review can function effectively when supported by appropriate political conditions (Elgie and Moestrup, 2008).

Understanding German federalism and parliamentarism provides essential foundation for analyzing institutional alternatives combining territorial power division with parliamentary governance. Chapter 7 examines electoral and party systems, showing how electoral rules shape party configurations and how party systems affect governmental formation and stability. Chapter 8 synthesizes comparative lessons about institutional design trade-offs, examining different ways to balance executive stability, democratic accountability, federal division of power, and constitutional limits (Lijphart, 2012).

The German case demonstrates that constitutional design responding to specific historical failures and traumas can create durable and effective institutions. The Basic Law's framers consciously learned from Weimar's collapse and Nazi dictatorship, creating mechanisms to prevent recurrence while establishing functional democratic governance. This defensive yet democratic constitutionalism has proven successful, though whether similar institutional arrangements would function equally well in different contexts remains context-dependent (Kommers, 1997).

## **CHAPTER 7. RUSSIA: SEMI-PRESIDENTIALISM IN COMPARATIVE PERSPECTIVE**

The Russian Federation represents a distinctive case of semi-presidentialism that operates within a different political-cultural context than Western European models. The 1993 Constitution establishes both a directly elected president and a prime minister who heads the government, creating the dual executive characteristic of semi-presidentialism. Understanding Russia's political system requires moving beyond binary classifications of 'democratic versus authoritarian' toward more nuanced analysis of how semi-presidential institutions function within specific historical and cultural contexts (Sakwa, 2011).

Russian political development reflects a particular path shaped by historical legacies, security imperatives, and socio-economic conditions distinct from Western experiences. The collapse of the Soviet Union created profound challenges including economic crisis, territorial fragmentation threats, and institutional vacuum. The 1993 Constitution responded to these challenges by establishing a strong presidency capable of maintaining stability and territorial integrity while providing mechanisms for popular participation and institutional checks. This constitutional design reflects Russian political traditions emphasizing strong executive authority and state cohesion (Treisman, 2011).

Russia's semi-presidential system exhibits what scholars term 'executive dominance,' characterized by substantial presidential authority over legislative and judicial branches. This concentration of executive power reflects both constitutional provisions granting extensive presidential prerogatives and political practices that have developed since 1993. The system operates through what Russian political discourse terms 'managed democracy' or 'sovereign democracy'—concepts emphasizing state-led development, stability, and national sovereignty while maintaining electoral competition and constitutional structures (Robinson, 2017).

Comparative analysis of semi-presidentialism reveals significant variation in how presidential and parliamentary powers interact across different political systems. Where France demonstrates alternation between presidential dominance and cohabitation, Russia exhibits consistent executive predominance. These differences reflect not only constitutional design but also broader patterns of state-society relations, political culture, and historical development paths. Scholars increasingly recognize that democratic systems themselves vary considerably—from

liberal pluralist democracies to more state-led or illiberal variants—challenging simplistic classifications (Zakaria, 2003; Merkel, 2004).

This chapter examines Russian semi-presidentialism by analyzing the constitutional framework establishing semi-presidential institutions, the actual operation of presidential power within this framework, parliamentary functions and oversight mechanisms, federal-regional relations, and judicial structures. The analysis employs comparative institutional analysis while recognizing that political systems develop within specific historical contexts and serve different societal priorities. Rather than evaluating Russia against idealized Western models, we examine how semi-presidential institutions function within Russia's particular political environment.

### **7.1 Historical Background and Constitutional Development**

Russia's contemporary political system is the product of a long historical trajectory shaped by imperial legacies, revolutionary rupture, and post-Soviet institutional reconfiguration. From the Tsarist era to the Russian Federation, state authority has been consistently centralized, and political order has largely been constructed around a strong executive core. This historical continuity has profoundly influenced Russia's constitutional development and the functioning of its modern state institutions.

In the Tsarist period, Russia was governed through an autocratic system in which sovereignty was concentrated in the person of the monarch. The absence of constitutional constraints, weak representative institutions, and a fusion of state authority with patrimonial rule produced a political culture that privileged hierarchy, obedience, and centralized control. Although the 1905 Revolution led to the creation of the State Duma and limited constitutional reforms, these changes failed to transform the underlying structure of autocratic governance.

The Bolshevik Revolution of 1917 represented a radical rupture in ideological terms but preserved core features of centralized authority. The Soviet constitutional framework, beginning with the 1918 Constitution and followed by the constitutions of 1924, 1936, and 1977, formally institutionalized socialist legality and collective governance while, in practice, consolidating power within the Communist Party. Constitutional provisions emphasized the leading role of the party, subordinated state institutions to ideological control, and limited genuine separation of powers. As a result, constitutionalism functioned more as a legitimizing instrument than as a mechanism of constraint.

The collapse of the Soviet Union in 1991 marked a critical juncture in Russia's constitutional history. The 1993 Constitution of the Russian Federation, adopted following a severe political crisis between the

executive and the legislature, established a formally democratic framework grounded in popular sovereignty, political pluralism, and fundamental rights. At the same time, it created a highly presidentialized system. The president was endowed with extensive powers, including decree authority, control over key executive appointments, and significant influence over the legislative process.

This constitutional design reflected both the immediate context of political instability and deeper historical patterns favoring executive dominance. While the 1993 Constitution introduced separation of powers and federalism, in practice these principles have been unevenly applied. Subsequent constitutional amendments—most notably those adopted in 2008 and 2020—have further strengthened executive authority, extended presidential tenure possibilities, and redefined the balance between state institutions.

Overall, Russia's constitutional development illustrates a complex interaction between historical legacies and contemporary political choices. Rather than a linear transition toward liberal constitutionalism, the Russian case demonstrates how constitutional frameworks can coexist with centralized power structures, producing a hybrid system in which formal democratic institutions operate within a strongly controlled political environment.

### **7.1.1 From Soviet System to Constitutional Crisis**

Mikhail Gorbachev's reforms from 1985 onward gradually undermined Communist Party control without creating stable replacement institutions. Constitutional amendments in 1988 created a Congress of People's Deputies with contested elections, introducing limited political competition. The 1990 establishment of an executive presidency added new authority structures. However, these reforms fragmented power without establishing clear constitutional frameworks for managing conflicts among competing institutions. The Soviet Union's collapse in December 1991 left Russia with inadequate constitutional foundations for post-communist governance (Brown, 1996).

Post-Soviet Russia inherited Soviet-era constitutional structures ill-suited to democratic governance or market economy. Boris Yeltsin's presidency faced immediate challenges including economic transformation, political restructuring, and management of separatist movements. Tensions between Yeltsin's executive presidency and the Congress of People's Deputies dominated the transition period. The Congress, elected in 1990 before the Soviet collapse, represented communist-era political forces opposing Yeltsin's reforms. Constitutional disputes about power distribution and policy direction generated escalating confrontation (Treisman, 2011).



The October 1993 constitutional crisis arose from irreconcilable conflicts between President Yeltsin and the Congress over authority and policy. When the Congress attempted to limit presidential powers and impeach Yeltsin, he responded by dissolving the Congress through decree that violated existing constitutional provisions. Parliamentary leaders refused to accept dissolution and barricaded themselves in the parliament building. The confrontation escalated into armed conflict when military forces loyal to Yeltsin shelled the parliament building. The violence killed hundreds before ending with Yeltsin's victory and the Congress's dissolution (Sakwa, 2008).

### **7.1.2 The 1993 Constitution: Establishing Semi-Presidentialism**

The 1993 Constitution was drafted under Yeltsin's direction following his victory in the October crisis. The drafting process reflected Yeltsin's determination to create strong presidential authority preventing future parliamentary obstruction. A Constitutional Conference comprising governmental representatives, regional leaders, and political parties produced a draft that was approved through December 1993 referendum. The referendum occurred under controversial circumstances including low turnout, limited debate time, and allegations of result manipulation (Sakwa, 2008).

The Constitution establishes Russia as a semi-presidential system through several key provisions. Article 80 defines the president as head of state who determines basic directions of domestic and foreign policy. Article 81 provides for direct presidential election by popular vote through two-round majority system. Article 83 grants the president authority to appoint the prime minister with State Duma consent. Article 111 allows presidential dissolution of the Duma if it rejects prime ministerial nominees three times. These provisions create the dual executive structure characteristic of semi-presidentialism (Constitution of the Russian Federation, 1993).

The prime minister, according to Article 113, heads the government and determines its basic activities. Article 117 makes government accountable to the State Duma, which can pass no-confidence votes. However, presidential power to dismiss government or dissolve the Duma heavily weights the system toward presidential dominance. The Constitution creates semi-presidential form but with institutional features favoring presidential authority over genuine power-sharing between president and parliament (Sakwa, 2008).

The Constitution's provisions for separation of powers, federalism, fundamental rights, and constitutional review formally establish democratic institutions. Chapter 1 declares Russia a democratic federal state governed by rule of law. Chapter 2 enumerates extensive fundamental

rights. Chapter 3 establishes federalism dividing powers between federal and regional levels. Chapter 7 creates a Constitutional Court for constitutional review. These provisions resemble democratic constitutional systems, distinguishing the 1993 Constitution from Soviet-era documents that proclaimed rights without mechanisms for enforcement (Trochev, 2008).

Critical assessment of the 1993 Constitution identifies features enabling evolution toward executive dominance. The extensive presidential powers combined with weak parliamentary checking mechanisms create opportunities for presidential dominance. The president's decree authority, appointment powers, and capacity to dissolve parliament provide instruments for overwhelming other institutions. Weak constitutional review and limited judicial independence fail to constrain presidential action effectively. The Constitution's design reflects crisis circumstances prioritizing executive strength over balanced powers (Gel'man, 2015).

### **7.1.3 Evolution of the Post-Soviet System**

The 1990s under Yeltsin featured significant democratic elements despite constitutional weaknesses and political instability. Contested elections occurred regularly with genuine competition. Media remained relatively independent and critical of authorities. Regional governments exercised substantial autonomy. Political opposition could organize and challenge the government. Civil society developed with independent organizations. These features, while imperfect, represented democratic practice absent from the Soviet period and from subsequent executive centralization (Treisman, 2011).

However, the 1990s also exhibited serious democratic deficiencies and state weakness. Economic crisis and oligarch influence undermined governmental capacity and legitimacy. The 1998 financial crisis devastated the economy. The Chechen wars demonstrated military weakness and generated human rights abuses. Corruption flourished as elites captured state assets through problematic privatization. These failures discredited democratic institutions in many Russians' perceptions, creating receptivity to alternatives emphasizing stability promising stability and state strength (Treisman, 2011).

Vladimir Putin's ascent to power beginning in 1999 fundamentally altered Russian politics. Appointed prime minister by Yeltsin and becoming acting president upon Yeltsin's December 1999 resignation, Putin won the March 2000 presidential election. Putin's presidency prioritized "strengthening the state" through centralization of authority, subordination of oligarchs to state control, reassertion of federal authority over regions, and suppression of independent media and civil society.

These policies systematically undermined democratic elements while maintaining constitutional continuity and electoral procedures (Gel'man, 2015).

Economic recovery fueled by rising oil prices during the 2000s generated popular support for Putin's leadership and legitimized authoritarian measures. Economic growth enabled increased state spending on salaries, pensions, and social programs, creating material basis for regime support. The contrast with 1990s economic chaos made centralized authority appealing. This economic context facilitated political changes that would have faced greater resistance during economic crisis (Treisman, 2011).

The 2008 presidential term limit prevented Putin from seeking immediate reelection, but constitutional compliance was formal rather than substantive. Dmitry Medvedev won the 2008 presidential election with Putin's endorsement and appointed Putin as prime minister. This "tandem" arrangement maintained Putin's effective dominance despite Medvedev formally holding presidential office. Constitutional amendments during Medvedev's presidency extended presidential terms from four to six years. In 2012, Putin returned to the presidency, formally rotating positions while maintaining continuous authority (Sakwa, 2017).

The 2020 constitutional amendments made extensive changes consolidating centralizing trends. Most significantly, the amendments reset Putin's term limits, enabling him potentially to serve until 2036. Additional changes expanded presidential powers, incorporated conservative social values, asserted Russian constitutional supremacy over international law, and strengthened presidential control over government and judiciary. The amendments were approved through a controversial week-long "popular vote" rather than proper referendum procedures, with manipulation ensuring approval (Galeotti, 2020).

This trajectory from Soviet collapse through democratic experimentation to executive centralization demonstrates how semi-presidential institutions can evolve toward authoritarianism. The 1993 Constitution's semi-presidential structure remains formally in effect, but political practice has transformed institutional operations. Understanding this evolution requires analyzing both constitutional provisions and political developments that have reshaped how institutions actually function.

## **7.2 The Executive: Presidency and Government**

The Russian executive is dominated by an exceptionally powerful presidency established by the 1993 Constitution amid political crisis. Unlike the balanced semi-presidentialism of France's Fifth Republic,

Russian semi-presidentialism concentrates overwhelming authority in presidential hands while maintaining formal structures of parliamentary accountability that function as subordinate instruments rather than genuine checks. The prime minister and government, though constitutionally required, operate under presidential direction without the possibility of cohabitation that characterizes genuinely dual executives. This concentration reflects both constitutional design choices and authoritarian political practice that has transformed formal semi-presidentialism into de facto super-presidentialism.

### **7.2.1 Presidential Powers and Dominance**

The 1993 Constitution grants the Russian presidency extensive formal powers distinguishing it from many semi-presidential systems. Article 80 defines the president as head of state who ensures coordinated functioning of governmental bodies and determines basic directions of domestic and foreign policy. This broad mandate provides constitutional basis for presidential leadership across policy areas (Constitution of the Russian Federation, 1993).

Presidential appointment powers are substantial. The president appoints the prime minister with State Duma consent, appoints and dismisses deputy prime ministers and federal ministers without legislative approval, appoints presidential representatives in federal districts, appoints and dismisses military commanders, appoints diplomatic representatives, and submits candidates for Constitutional Court, Supreme Court, and Prosecutor General to the Federation Council. These appointment authorities give the president control over key governmental positions (Sakwa, 2008).

Presidential legislative powers include decree authority under Article 90, allowing the president to issue binding decrees that theoretically must not contradict federal law or the Constitution. The president possesses veto power over legislation passed by parliament, requiring two-thirds majorities in both chambers to override. The president signs international treaties, some of which require parliamentary ratification. These powers enable presidential participation in legislation beyond executing laws (Huskey, 1999).

Presidential authority over parliament includes the power under Article 111 to dissolve the State Duma if it rejects prime ministerial nominees three times. This dissolution power creates pressure on parliament to approve presidential choices. The president calls parliamentary elections and referendums. The president addresses parliament annually with state-of-the-nation messages outlining policy priorities. These authorities give the president substantial influence over parliamentary operations (Remington, 2001).

Presidential command of security and military apparatus provides crucial power resources. The president serves as commander-in-chief of armed forces. The president chairs the Security Council, the key body coordinating defense, security, and foreign policy. The president appoints security service chiefs. Control over coercive apparatus distinguishes presidents from prime ministers in parliamentary systems and provides instruments for political control (Monaghan, 2016).

Emergency powers under Articles 56 and 88 authorize the president to introduce states of emergency with Federation Council approval. Emergency provisions can restrict rights and normal procedures. While formal emergencies have been rarely declared, emergency power provisions create constitutional basis for exceptional measures. The broad interpretation of presidential authority during crises enables *de facto* emergency powers without formal declarations (Gill, 1994).

Presidential power extends far beyond constitutional provisions through political mechanisms amplifying formal authority. Control over elite recruitment makes political careers dependent on presidential favor. Governors, ministers, parliamentary leaders, business figures, and other elites understand that their positions depend on maintaining presidential confidence. This creates vertical power hierarchy where the president sits at the apex determining elite fates (Hale, 2015).

Resource control provides powerful instruments for presidential dominance. The president influences distribution of state contracts, budget allocations, regulatory decisions, and access to strategic sectors. State control over energy sector, banking, and major industries creates enormous resources subject to presidential direction. These resources enable rewarding loyalists and punishing opponents through economic means (Gel'man, 2015).

Media control extends presidential power through shaping information environment. State ownership of major television networks, pressure on independent outlets through regulatory harassment and ownership changes, and criminal prosecution of critical journalists have created media landscape dominated by pro-governmental messaging. Television remains the primary information source for most Russians, and state control over television enables shaping public opinion and limiting criticism (Lipman and McFaul, 2001).

Party system manipulation strengthens presidential authority through creating and supporting favored parties while obstructing opposition. United Russia operates as a "party of power" created through presidential initiative and sustained through state resources. Opposition parties face systematic barriers including registration obstacles, media access restrictions, harassment of activists, and exclusion of popular figures.

This managed party system prevents genuine electoral competition while maintaining multiparty formalism (Hale, 2006).

Electoral administration influence enables managing electoral outcomes. Central Election Commission leadership appointed with presidential input, regional election commissions staffed by loyalists, and systematic bias in administrative decisions favor incumbents and ruling party candidates. While outright fraud has decreased from earlier periods, administrative manipulation through candidate exclusion, unequal media access, and mobilization of state employees creates unfair competition (White, 2011).

Security services reporting directly to the president provide instruments for coercion and political control. The Federal Security Service (FSB), successor to the KGB, conducts intelligence, counterintelligence, and counterterrorism operations. Security services have been used to investigate and prosecute political opponents, intimidate critics, and enforce loyalty among elites. The president's control over security apparatus creates fear among potential opponents and enables selective application of law for political purposes (Soldatov and Borogan, 2010).

Semi-presidential systems typically accommodate cohabitation when president and parliamentary majority differ politically, requiring power-sharing between president and prime minister from opposing camps. French experience demonstrates cohabitation's viability through pragmatic division of authority. However, Russia has never experienced genuine cohabitation despite formal semi-presidential structure (Elgie, 1999).

Several factors prevent Russian cohabitation. Presidential dissolution power if parliament rejects prime ministerial nominees three times creates overwhelming pressure on the Duma to approve presidential choices regardless of partisan composition. Electoral manipulation ensures parliamentary majorities supporting the president through United Russia's dominance. Opposition parties are fragmented, weakened, and often co-opted, preventing formation of alternative majorities that might support non-presidential prime ministers. Even if opposition parties theoretically commanded majorities, presidential control over resources, media, and security apparatus would make opposition government formation practically impossible (Gel'man, 2015).

The relationship between president and prime minister is heavily hierarchical rather than the power-sharing that semi-presidential theory suggests. Prime ministers serve at presidential pleasure, implementing presidential directives rather than exercising independent authority. Prime ministerial dismissals occur at presidential will without requiring parliamentary processes. Prime ministers manage day-to-day

administration but major policy decisions rest with the president. This contrasts sharply with French cohabitation where prime ministers gain genuine policy authority (Hale, 2015).

Different prime ministers under Putin have exhibited varying degrees of visibility but consistent subordination. Mikhail Fradkov, Viktor Zubkov, Vladimir Putin (during Medvedev's presidency), Dmitry Medvedev (after returning to prime minister position), and Mikhail Mishustin have all operated as presidential subordinates. Some prime ministers handled economic policy with relative independence, but even in these areas presidential preferences determined major directions. Foreign policy and security affairs remain firmly presidential domains regardless of prime ministerial input (Sakwa, 2017).

The Medvedev presidency from 2008 to 2012 formally resembled cohabitation with Medvedev as president and Putin as prime minister. However, this "tandem" did not constitute genuine power-sharing. Putin remained the dominant figure, with Medvedev operating as his lieutenant despite holding presidential office. Major decisions reflected Putin's preferences, with Medvedev implementing Putin's direction. The tandem demonstrated formal compliance with term limits while maintaining continuous Putin dominance, showing how semi-presidential forms can mask personalized executive power (Sakwa, 2017).

### **7.2.2 Presidential Administration and Managed System**

The Presidential Administration constitutes a massive bureaucratic apparatus extending presidential control throughout the political system. Employing thousands of staff, the Administration manages relations with government, parliament, regions, political parties, courts, and civil society. The Administration's influence often exceeds that of formal governmental ministries, as Administration directives carry presidential authority (Huskey, 1999).

Key Presidential Administration departments include the Domestic Policy Directorate managing internal political affairs and regional relations, the Foreign Policy Directorate coordinating international relations, the State-Legal Directorate handling constitutional and legal matters, the Expert Directorate providing policy analysis, and departments managing presidential protocols, communications, and security. These departments develop policy initiatives, coordinate implementation, and monitor compliance (Huskey, 1999).

The Security Council, chaired by the president, coordinates national security policy across governmental agencies. Its permanent members include the prime minister, defense and foreign ministers, security service chiefs, and key presidential advisers. The Security Council

has become increasingly central to Russian governance, making crucial decisions on foreign policy, military operations, and domestic security. Security Council deliberations are confidential and its decisions are implemented through presidential directives, reducing transparency and bypassing formal governmental procedures (Monaghan, 2016).

Presidential representatives in federal districts serve as mechanisms for extending control over regional governments. Russia is divided into federal districts each headed by a presidential representative who monitors regional governments, coordinates federal policy implementation, investigates regional corruption or disloyalty, and reports to the president. These representatives create hierarchical accountability from regions to presidency, undermining federalism's territorial autonomy principle (Ross, 2002).

Presidential advisory councils and commissions on various policy issues provide venues for consultation and expertise while remaining under presidential control. These bodies include business leaders, academics, civil society representatives, and others providing advice on economic policy, human rights, civil society development, and other areas. However, their advisory nature and presidential appointment of members ensure recommendations align with presidential preferences (Sakwa, 2008).

### **7.3 The Legislature: Parliament**

The Russian Parliament comprises the State Duma and Federation Council, forming a bicameral legislature that operates under overwhelming presidential dominance. The 1993 Constitution grants parliament formal legislative authority and oversight powers, but political practice has reduced these chambers to subordinate institutions implementing presidential preferences rather than checking executive power. The dominance of United Russia as a 'party of power' loyal to the president, combined with managed electoral competition and presidential control over regional elites who comprise the Federation Council, transforms constitutional semi-presidentialism into authoritarian super-presidentialism with parliamentary façade.

#### **7.3.1 The State Duma**

The State Duma, as the lower house of Russia's Federal Assembly, possesses significant constitutional authorities that formally create legislative power and governmental accountability. Article 103 grants the Duma authority to approve prime ministerial appointments, decide confidence questions in government, appoint and dismiss officials including the Central Bank Chairman and Human Rights Ombudsman, declare amnesty, and impeach the president. Article 105 establishes the Duma's legislative role passing federal laws. These provisions create formal parliamentary authority resembling democratic legislatures (Constitution



of the Russian Federation, 1993).

However, political practice has transformed the Duma into a largely subordinate institution rubber-stamping presidential and governmental preferences. United Russia's overwhelming majorities since 2003, achieved through electoral manipulation and opposition exclusion, enable passing executive proposals without meaningful deliberation or amendment. Opposition parties possess insufficient seats to block legislation or force genuine debate. The Duma's formal authorities operate within political constraints eliminating effective parliamentary checking of executive power (Remington, 2001).

Legislative procedure formally provides opportunities for parliamentary input through multiple readings, committee consideration, and floor debate. Bills require three readings in the Duma before passage. Committees examine legislation and can propose amendments. Floor debates air different positions before voting. These procedures create appearances of deliberation but typically result in predetermined outcomes favorable to executive preferences given United Russia dominance (Chaisty, 2006).

The Duma's power to approve prime ministerial appointments theoretically creates parliamentary check on executive authority. However, presidential dissolution power if the Duma rejects nominees three times creates overwhelming pressure to approve presidential choices. In practice, Duma approval has been routine, with prime ministerial nominees approved on first votes despite occasional parliamentary grumbling. The threat of dissolution transforms approval authority from meaningful check into formality (Remington, 2001).

Confidence votes in government occur rarely and pose no genuine threat given ruling party dominance. The Duma can express no-confidence in government, but Article 117 allows the president to dismiss government or dissolve the Duma if no-confidence passes. Additionally, confidence requires repeat votes within three months to force presidential response. These provisions, combined with United Russia majorities, make confidence votes impractical. The last serious confidence attempt occurred in the 1990s before Putin-era consolidation (Remington, 2001).

Impeachment procedures establish extraordinarily high thresholds making presidential removal practically impossible. Impeachment requires two-thirds majorities in both chambers, Constitutional Court findings that impeachment procedures were followed, Supreme Court determination that criminal charges exist, and completion within specified timeframes. These requirements ensure impeachment remains theoretical rather than practical constraint. Even during Yeltsin's presidency when parliamentary opposition was stronger,

impeachment attempts failed (Sakwa, 2008).

United Russia emerged in 2001 through merger of pro-governmental parties and has dominated parliamentary elections since 2003. The party functions as a "party of power" created and sustained through presidential support rather than organic social organization. United Russia provides parliamentary support for presidential initiatives, delivers electoral victories through regional machines and state resources, recruits elites into governmental service, and maintains appearance of multiparty system while ensuring governmental control (Hale, 2006).

Electoral manipulation ensures United Russia's parliamentary dominance. Administrative resources including state media coverage favoring United Russia, mobilization of state employees to vote and campaign, regulatory harassment of opposition candidates, use of state funds for United Russia campaigning, and biased election administration decisions all advantage the ruling party. While elections maintain competitive forms with multiple parties, systematic advantages ensure predetermined outcomes (White, 2011).

Party discipline within United Russia is rigid despite the party's ideological amorphousness. United Russia deputies reliably vote for governmental and presidential proposals regardless of personal views. This discipline reflects both career incentives—advancement depends on loyalty—and party organization controlling candidate selection and resources. Deputies who rebel face expulsion, loss of committee positions, and elimination from future candidate lists. This strict discipline enables the executive to treat parliament as reliable support mechanism (Remington, 2001).

Opposition parties including the Communist Party (KPRF), Liberal Democratic Party (LDPR), and A Just Russia operate under significant constraints. These parties receive parliamentary representation but face systematic disadvantages including limited media access with state television largely excluding opposition voices, harassment of activists through spurious criminal prosecutions and administrative pressures, exclusion of popular opposition figures through imprisonment or forced exile, and financial restrictions limiting campaign resources. Additionally, these "systemic opposition" parties often coordinate with authorities rather than providing genuine opposition, supporting key presidential initiatives while maintaining distinct identities (White, 2011).

Genuine opposition parties and movements face exclusion from parliamentary representation. The most significant opposition figures including Alexei Navalny, Mikhail Khodorkovsky, and others have been imprisoned, exiled, or barred from running through administrative decisions. Opposition parties attempting to register face bureaucratic

obstacles and arbitrary rejection. Those managing registration face barriers preventing electoral success including media blackouts, administrative obstruction of campaigns, and ballot irregularities. This exclusion ensures parliament contains only controllable opposition tolerated by authorities (Gel'man, 2015).

Parliamentary committees in both chambers conduct legislative work examining bills, holding hearings, and proposing amendments. The Duma's committees cover policy areas including Defense, Security, International Affairs, Economic Policy, Budget and Finance, and others. Committees examine legislation referred by the speaker, conduct hearings with governmental officials and experts, propose amendments, and make recommendations for floor consideration. Committee work theoretically provides detailed scrutiny improving legislative quality (Remington, 2001).

However, United Russia's dominance extends to committees through proportional allocation giving the ruling party committee majorities and chairs. Opposition committee participation provides some input but rarely affects outcomes on politically significant legislation. Committee chairs coordinate with governmental ministries and presidential administration ensuring committee actions align with executive preferences. Independent committee investigations of governmental actions face obstacles given ruling party control (Chaisty, 2006).

Parliamentary questions allow deputies to question governmental ministers about policies and actions. Question sessions occur regularly with ministers providing responses to written and oral questions. Opposition deputies use questions to publicize issues, criticize governmental actions, and demand explanations. However, unlike Westminster systems where question time creates genuine accountability pressure, Russian parliamentary questions generate limited consequences for the executive. Ministers provide responses often dismissing criticism without addressing substance, and ruling party majorities protect government from parliamentary sanctions (Remington, 2001).

Parliamentary investigative committees can be established to examine specific issues but require majority support unlikely when investigations would embarrass authorities. Occasional investigations of corruption or policy failures occur but typically target safe subjects not challenging core presidential interests. Investigations threatening to expose high-level corruption or policy failures face obstruction, lack of cooperation from governmental agencies, and ultimately produce reports without consequences. Parliament's investigative capacity exists formally but operates under political constraints (Chaisty, 2006).

The Federal Assembly's subordination to executive authority reflects both constitutional design limiting parliamentary powers and political developments creating ruling party dominance and opposition weakness. Constitutional provisions including presidential dissolution power, difficult impeachment procedures, presidential decree authority bypassing legislature, weak parliamentary oversight mechanisms, and broad emergency powers all create structural subordination. Political factors including United Russia's manipulated majorities, opposition exclusion, media control, resource distribution favoring loyalty, and elite dependency on presidential favor compound constitutional weaknesses, producing a legislature exercising formal constitutional functions without genuine capacity to check executive authority (Gel'man, 2015).

### **7.3.2 The Federation Council and Federal Structure**

The Federation Council, as the upper chamber, originally represented regional interests through direct participation of regional executives and legislative leaders. This arrangement, established by the 1993 Constitution, created genuine regional input into federal legislation as regional leaders sat personally in the Federation Council. However, this system proved problematic for presidential authority as strong regional leaders used their Federation Council positions to resist federal policies (Ross, 2002).

The 2000 reform eliminated direct regional participation by requiring regions to delegate representatives rather than having governors and legislative leaders serve personally. This change, promoted as enabling regional leaders to focus on regional governance, actually removed their federal-level political platform and direct influence over federal legislation. Subsequent procedures for selecting Federation Council representatives have increasingly provided presidential influence over appointments (Remington, 2001).

Current Federation Council membership comprises two representatives per federal subject theoretically representing regional executives and legislatures. However, appointment procedures involving gubernatorial nomination subject to regional legislative approval combined with federal pressure ensure loyalty to presidential preferences. Many Federation Council members have no meaningful connection to regions they nominally represent, serving instead as presidential appointees. This transformation has converted the Federation Council from regional representation into an instrument of presidential authority (Ross, 2002).

The Federation Council's constitutional powers include approving presidential appointments of Constitutional Court and Supreme Court judges, approving appointments of the Prosecutor General and Central Bank Chairman, ratifying international treaties, approving

presidential decrees introducing martial law or states of emergency, and scheduling presidential elections. Additionally, the Council must approve federal laws passed by the Duma, though the Duma can override Council objections by two-thirds vote on most legislation (Constitution of the Russian Federation, 1993).

These powers theoretically create checking mechanisms, but the Federation Council's transformed composition eliminates effective constraints. Approval requirements for appointments become formalities when Council members are presidential loyalists. Treaty ratification and emergency approval proceed smoothly given political coordination. The Council occasionally proposes amendments to Duma-passed legislation but lacks capacity or will to block presidential priorities. The body functions as a second rubber stamp rather than meaningful check (Remington, 2001).

The 1993 Constitution establishes Russia as a federation comprising eighty-five federal subjects including twenty-two republics designated as homelands of non-Russian ethnic groups, forty-six regions (oblasts) and nine territories (krais) as predominantly Russian areas, three federal cities (Moscow, St. Petersburg, and Sevastopol), one autonomous region, and four autonomous districts. This complex structure reflects Soviet-era administrative divisions and contemporary ethnic diversity (Constitution of the Russian Federation, 1993).

Article 5 proclaims federalism as a fundamental principle, declares equality of all federal subjects, and recognizes republics' right to have constitutions and official languages alongside Russian. Articles 71-73 divide powers among exclusive federal jurisdiction including foreign policy, defense, and currency, joint federal-regional jurisdiction covering most domestic policy areas, and residual regional jurisdiction theoretically encompassing matters outside other categories. These provisions formally establish federalism with guaranteed regional autonomy (Gel'man and Ross, 2010).

Federal subjects possess constitutions or charters, elected legislatures and executives, their own court systems for regional law, and authority over matters within their jurisdiction. Republics can establish official languages alongside Russian, reflecting their ethnic character. Bilateral treaties between the federal government and individual regions historically specified power-sharing arrangements, creating asymmetric federalism with varying levels of regional autonomy. These features suggest meaningful federal structure dividing authority between federal and regional levels (Ross, 2002).

The 1990s featured genuine regional autonomy approaching confederal arrangements in some areas. Federal weakness following Soviet

collapse enabled strong regional leaders to extract substantial concessions. Republics like Tatarstan and Bashkortostan negotiated bilateral treaties establishing asymmetric power-sharing, gained control over regional resources including oil revenues, obtained exemptions from federal legislation, and retained substantial tax revenues. Regional governors commanded independent political bases through direct election and regional resource control (Stoner-Weiss, 1997).

This asymmetric federalism reflected federal government's limited capacity to enforce uniform rules rather than conscious constitutional design. Regional leaders like Tatarstan's Mintimer Shaimiev and Bashkortostan's Murtaza Rakhimov operated as virtual sovereigns within their regions. Some regions delayed implementing federal laws, refused remitting federal taxes, and pursued independent foreign economic relations. The extreme asymmetry and regional defiance demonstrated state weakness but also provided flexibility accommodating Russia's diversity (Stoner-Weiss, 1997).

Elected regional governors possessed independent political legitimacy and resources enabling resistance to federal pressure. Governors controlled regional administration, influenced local elections, commanded regional media, and distributed patronage. Strong governors like Moscow Mayor Yuri Luzhkov and St. Petersburg Governor Vladimir Yakovlev operated as independent political figures with national profiles. The Federation Council, comprising these governors and regional legislative leaders, provided institutional venue for regional influence over federal legislation (Ross, 2002).

Vladimir Putin's presidency beginning in 2000 systematically dismantled regional autonomy through comprehensive recentralization. Early measures established federal districts headed by presidential representatives monitoring and pressuring regional governments. These representatives, often with security service backgrounds, oversee multiple regions and report directly to the president. They investigate regional officials, coordinate federal policy implementation, and enforce presidential directives, creating hierarchical control from center to regions (Ross, 2002).

The 2004 elimination of direct gubernatorial elections constituted the most significant centralization measure. Presidential appointment of governors, subject to regional legislative approval that federal pressure ensures, replaced direct popular election. This change removed governors' independent electoral mandates, transforming them from autonomous regional leaders into federal appointees serving at presidential pleasure. Governors understand their positions depend on presidential favor rather than regional constituencies, fundamentally altering federal-regional

dynamics (Golosov, 2018).

The 2012 formal restoration of gubernatorial elections did not restore genuine autonomy. The reformed system requires candidates to gather signatures from municipal deputies—typically United Russia members responding to federal pressure—or be nominated by parties represented in regional legislatures—again dominated by United Russia. These "municipal filters" enable federal authorities to screen candidates, excluding opponents while ensuring loyal candidates. Federal resources support favored candidates through administrative pressure, media coverage, and campaign funding. Results produce governors acceptable to the presidency regardless of regional preferences (Golosov, 2018).

Bilateral treaties establishing asymmetric arrangements were systematically eliminated. The federal government revoked or refused renewing treaties, asserting uniform federal authority across all regions. This eliminated special arrangements for Tatarstan, Bashkortostan, and other regions that had negotiated autonomy. Federal law supremacy was asserted across policy areas, overriding regional legislation. This standardization eliminated asymmetric federalism's flexibility while concentrating authority federally (Ross, 2002).

Fiscal recentralization shifted revenue and expenditure authority from regional to federal levels. The federal government retained larger shares of tax revenues while regional spending obligations remained or increased. Regions became dependent on federal transfers for budgetary viability, enabling federal control through conditional funding. Wealthy regions that previously retained revenues now remit funds federally for redistribution. This fiscal dependence reinforces regional subordination to federal authority (Gel'man and Ross, 2010).

Federal intervention mechanisms enable removing governors for "loss of confidence" or other grounds. Prosecutors investigate regional officials with politically motivated corruption charges removing inconvenient governors. Acting governors appointed from outside regions, often with security service backgrounds, replace removed officials. These mechanisms enforce compliance, as governors understand disobedience risks removal. Recent examples include numerous gubernatorial dismissals for performance failures, corruption allegations, or political disloyalty (Ross, 2002).

Contemporary federal-regional relations operate hierarchically rather than through genuine federal bargaining. Regions lack genuine autonomy, resources, or independent political authority. Governors serve as federal agents implementing presidential directives rather than as regional representatives advocating regional interests. Regional legislatures dominated by United Russia support federal policies and gubernatorial

preferences without independent authority (Gel'man and Ross, 2010).

Ethnic republics including Tatarstan, Bashkortostan, Chechnya, and others retain nominal special status as homelands of non-Russian ethnic groups. Their constitutions and official languages reflect ethnic character. However, actual autonomy has diminished dramatically except for Chechnya, which operates under unique arrangements following brutal military conflicts. Ramzan Kadyrov's authoritarian rule in Chechnya enjoys federal tolerance due to his loyalty to Putin and maintenance of stability after devastating wars. Other republics lost meaningful autonomy through centralization (Hale, 2015).

Regional legislatures exercise limited authority over increasingly narrow policy areas. United Russia dominates most regional parliaments through electoral manipulation paralleling federal-level tactics. Opposition parties face similar systematic disadvantages in regional elections as nationally. Regional legislatures function largely as rubber stamps for governors who themselves operate under federal control. Legislative independence or opposition to gubernatorial preferences is rare and typically ineffective (White, 2011).

Local self-government is constitutionally protected as an independent governance level. However, political practice subordinates municipalities through governors' influence over local elections, fiscal dependency on regional transfers, administrative oversight from regional authorities, and pressure on local officials. Municipal autonomy exists minimally, with local governments functioning as administrative extensions of regional and federal authorities rather than independent institutions (Lankina and Getachew, 2006).

The result of these developments is federalism in constitutional form only. Russia maintains federal structure, terminology, and institutions but operates as a highly centralized system where federal authorities, particularly the presidency, exercise determinative control. Regions lack genuine autonomy, resources, or political independence to resist federal direction. Federal-regional relations function hierarchically through presidential dominance rather than through genuine federal negotiation and power-sharing (Gel'man and Ross, 2010).

#### **7.4 The Judiciary: Courts and Constitutional Review**

The Russian judiciary formally exercises constitutional review and judicial independence under the 1993 Constitution, but political practice has subordinated courts to presidential authority. The Constitutional Court, initially designed to protect constitutional rights and check political branches, operates under political constraints that limit its capacity for genuine independence. Ordinary courts function within hierarchical



structures controlled through executive appointment power and political pressure. This gap between constitutional form and executive-dominant practice exemplifies how formal institutional design can be undermined by political dominance, creating judicial institutions that legitimize rather than constrain executive power.

#### **7.4.1 The Constitutional Court**

The Constitutional Court possesses constitutional authority to review legislation and governmental actions for constitutional compliance, resolve disputes among governmental organs and federal levels, and adjudicate individual complaints alleging rights violations. Article 125 grants the Court jurisdiction over constitutionality of federal and regional laws, disputes between federal organs, disputes between federal and regional governments, and individual complaints. These powers theoretically create judicial constraints on political authority (Constitution of the Russian Federation, 1993).

The Court comprises nineteen justices appointed by the president with Federation Council approval for single terms until age seventy. This appointment process, requiring coordination between executive and legislature, theoretically ensures balanced composition. Justices possess legal qualifications and typically have judicial, academic, or high-level legal practice experience. However, presidential influence over both appointment phases—nomination and Federation Council approval—enables shaping Court composition (Trochev, 2008).

The Court's early jurisprudence in the 1990s exhibited some independence, issuing decisions protecting individual rights, supporting federal structure, and occasionally constraining governmental actions. Notable decisions included invalidating restrictions on freedom of movement, protecting property rights, and addressing federal-regional competence disputes. This period suggested potential for meaningful constitutional review constraining political branches (Solomon, 2015).

However, the Court's independence has diminished substantially since 2000. The Court increasingly defers to executive authority on politically sensitive matters, avoiding confrontation with presidential preferences. Decisions on politically significant cases typically support governmental positions while the Court addresses less controversial rights protections. This pattern reflects both political pressure on justices and judicial recognition that opposing the presidency risks court-packing, jurisdiction-stripping, or other retaliation (Solomon, 2015).

The Court cannot review presidential decrees for constitutionality despite their binding legal force. This jurisdictional gap creates significant constitutional oversight weakness, as presidents extensively use decrees for

important policy decisions. The inability to review decrees means major presidential actions avoid judicial scrutiny. This limitation was established through Court interpretation holding that presidential decrees are not justiciable under its constitutional mandate (Trochev, 2008).

Individual constitutional complaints provide citizens access to constitutional review, enabling challenges to laws and actions allegedly violating constitutional rights. The Court receives thousands of complaints annually but accepts approximately one percent for decision. Successful complaints can invalidate laws or governmental actions violating rights. However, political sensitivity affects outcomes—complaints challenging politically significant measures face dismissal or unfavorable rulings while complaints addressing routine matters occasionally succeed (Trochev, 2008).

The 2020 constitutional amendments relocated the Constitutional Court from Moscow to St. Petersburg and added provisions enabling presidential dismissal of Constitutional Court justices for conduct incompatible with judicial status. These changes enhance presidential influence over the Court. The relocation physically distances the Court from federal government, potentially reducing informal contacts and deliberations. The dismissal power creates additional presidential authority over justices beyond appointment, further subordinating judicial independence (Galeotti, 2020).

#### **7.4.2 Ordinary Courts and Judicial System**

Ordinary courts including district courts, regional courts, and the Supreme Court handle civil, criminal, and administrative cases. These courts theoretically operate independently under constitutional provisions protecting judicial tenure, salary security, and immunity. However, political practice subordinates courts to executive authority through multiple mechanisms (Solomon, 2015).

Court administration controlled by executive authorities influences judicial operations. Judicial department heads, often with executive branch backgrounds, manage court budgets, facilities, and administrative matters. This administrative control creates dependencies enabling pressure on judges. Resource allocation decisions can reward compliant judges while punishing independent ones. Administrative influence extends into judicial decision-making through informal pressures and expectations (Solomon, 2015).

The telephone justice (телефонное право) tradition of informal pressure from authorities on judges persists despite formal prohibitions. In politically sensitive cases, judges receive communications from presidential administration, prosecutors, or regional executives indicating preferred

outcomes. While such pressure is not universal and many routine cases proceed without interference, politically significant matters involving regime critics, opposition figures, or governmental interests face systematic bias (Hendley, 2017).

Criminal justice demonstrates particularly problematic judicial subordination. Conviction rates exceeding ninety-nine percent in criminal cases indicate that courts function as prosecutorial instruments rather than impartial adjudicators. Acquittals are extraordinarily rare and typically reversed on appeal. Judges fear professional consequences of acquittals, including overturned decisions damaging their records and informal pressure from judicial administrators. This creates systematic bias toward conviction (Solomon, 2015).

Politically motivated prosecutions target opposition figures, regime critics, investigative journalists, and others challenging authorities. Notable cases include Mikhail Khodorkovsky's prosecution after challenging Putin politically, Alexei Navalny's repeated prosecutions on dubious charges, prosecution of protesters following demonstrations, and criminal cases against investigative journalists. Courts reliably convict in these politically motivated cases, demonstrating judicial subordination to political objectives (Hendley, 2017).

Administrative courts hearing disputes between individuals and governmental agencies operate under particular executive influence. Cases involving politically sensitive matters—protests, media regulation, electoral decisions—typically favor governmental positions. Citizens win some routine administrative disputes, but politically significant challenges face systematic judicial bias supporting authorities. This pattern demonstrates courts' unwillingness or inability to constrain governmental action when political interests are engaged (Solomon, 2015).

The Prosecutor General's office exercises extensive supervisory authority over law enforcement, criminal prosecution, and legal compliance. The Prosecutor General appointed by the president with Federation Council approval reports to the president. Prosecutors investigate officials, oversee police, and ensure legal compliance. However, prosecutorial authority is exercised selectively based on political considerations. Loyal elites enjoy impunity while opponents face investigation. This selective prosecution undermines rule of law (Huskey, 1999).

Russia's relationship with international law and external judicial oversight has evolved from partial acceptance to explicit rejection. During the 1990s and 2000s, Russia participated in the Council of Europe system including accepting European Court of Human Rights jurisdiction. Russian citizens filed thousands of cases with the Strasbourg Court alleging

Convention rights violations. The Court frequently found violations and ordered Russia to remedy them (Bowring, 2013).

However, Russian compliance with European Court judgments was selective. Some decisions were implemented, particularly those not challenging core political interests. Politically sensitive decisions faced non-compliance, with authorities ignoring or explicitly rejecting judgments. This selective compliance demonstrated limits of external oversight when domestic political will to comply is absent (Bowring, 2013).

The 2020 constitutional amendments assert Russian constitutional supremacy over international law and authorize the Constitutional Court to declare international court decisions unenforceable if conflicting with the Russian Constitution. This constitutional nationalism provides legal basis for rejecting external judicial oversight while claiming to protect sovereignty. The amendments formalize rejection of international legal constraints (Galeotti, 2020).

Russia's 2022 departure from the Council of Europe system following the Ukraine invasion eliminated European Court of Human Rights jurisdiction entirely. This removes the last external judicial mechanism for Russian citizens seeking remedies for rights violations. Combined with domestic judicial subordination, this leaves minimal judicial protection for rights against governmental actions (Bowring, 2013).

The judiciary's weakness reflects both institutional design features limiting judicial independence and political developments subordinating courts to executive authority. Constitutional Court's limited jurisdiction, inability to review presidential decrees, appointment processes enabling presidential influence, and political pressure reducing independence all create structural weaknesses. Ordinary courts' administrative subordination, telephone justice, conviction rate pressures, selective prosecution, and resource dependencies compound these problems. The result is a judiciary exercising formal constitutional functions without capacity to meaningfully constrain political authority or protect rights against governmental violation (Solomon, 2015).

## **7.5 Checks and Balances: Institutional Dynamics and Power Distribution**

### **Semi-Presidential Structure, Authoritarian Operation**

Russia's constitutional classification as semi-presidential rests on formal institutional features: a directly elected president possessing substantial powers, a prime minister heading government that is theoretically accountable to parliament, and parliament with constitutional authority over legislation and governmental accountability. These

structural elements match definitional criteria for semi-presidentialism established by comparative institutional scholarship (Elgie, 1999).

However, understanding Russia requires recognizing the profound gap between formal semi-presidential structure and authoritarian political practice. The dual executive operates without meaningful power-sharing—presidents dominate while prime ministers serve as subordinates. Parliament exercises constitutional authorities without genuine capacity to check executive power. Courts review constitutionality without independence to constrain political branches. Federalism exists constitutionally but operates through centralized hierarchy. This divergence between form and function defines Russian politics (Gel'man, 2015).

This gap demonstrates that institutional forms do not determine regime outcomes. France and Russia both possess semi-presidential constitutions, but French institutions operate democratically with functioning checks and balances while Russian institutions enable authoritarian governance. Portugal and Finland successfully transitioned from authoritarianism to democracy while maintaining semi-presidential structures. These comparisons show that political culture, historical legacies, party systems, and elite interests fundamentally shape how institutions actually operate (Elgie, 1999).

The mechanisms producing Russia's authoritarian operation within semi-presidential forms include elite dependency on presidential authority creating vertical power hierarchies, resource control enabling presidential reward and punishment, media dominance shaping information and limiting criticism, party system manipulation preventing genuine electoral competition, electoral administration bias ensuring favorable outcomes, coercive apparatus control providing instruments for political enforcement, weak institutionalization of constitutional constraints enabling their circumvention, and political culture lacking democratic traditions facilitating authoritarian acceptance (Gel'man, 2015).

#### Electoral Authoritarianism and Managed Democracy

Russia exemplifies "managed electoral competition" or "controlled electoral system"—regime types combining regular elections and multiparty competition with systematic manipulation ensuring predetermined outcomes favorable to incumbents. Elections occur on schedule with multiple candidates and parties competing, maintaining democratic formalism. However, unfair competition through media control, opposition harassment, administrative manipulation, and resource advantages produces outcomes lacking genuine uncertainty (Schedler, 2006).

This managed democracy differs from totalitarian dictatorship in important ways. Opposition parties exist and compete in elections, though under severe disadvantages. Some media criticism occurs, though overwhelmingly dominated by pro-governmental messaging. Civil society organizations operate, though constrained by restrictive legislation and harassment. Regional variation in governance exists, though within federal controls. These features distinguish contemporary Russia from Soviet totalitarianism while falling far short of democracy (Gel'man, 2015).

Electoral manipulation operates through multiple mechanisms. Candidate exclusion prevents popular opposition figures from competing through legal barriers, administrative decisions, or imprisonment. Media control ensures state television—the primary information source—favors authorities while restricting opposition access. Administrative resources mobilize state employees to vote and campaign for authorities. Electoral administration makes biased decisions on registration, vote counting, and dispute resolution. These mechanisms create unfair competition enabling electoral victories without outright fraud (White, 2011).

Opposition party weakness reflects both regime pressure and structural factors. Permitted opposition parties including Communists, Liberal Democrats, and Just Russia operate under constraints but maintain parliamentary representation. However, these systemic opposition parties often coordinate with authorities rather than genuinely opposing them, supporting key presidential initiatives while maintaining distinct identities. Genuine opposition parties and movements face exclusion through registration denial, leader imprisonment or exile, and systematic obstruction preventing electoral success (White, 2011).

### The Role of Political Culture and Historical Legacies

Russian political culture shaped by centuries of autocracy and decades of Soviet totalitarianism provides weak foundations for constitutional democracy. Traditions of strong centralized authority, weak legal culture, personalized power, and state dominance over society persist despite formal institutional changes. Public attitudes often prioritize stability and state strength over democratic procedures and individual rights, creating receptivity to authoritarian governance that delivers order and economic improvement (Treisman, 2011).

The Soviet legacy affects contemporary politics through various pathways. Administrative practices, corruption patterns, elite networks, and political techniques continue from Soviet period. Many current elites including Putin himself have Soviet-era backgrounds shaping their worldviews and governing approaches. State economic dominance, security service prominence, and bureaucratic controls reflect Soviet institutional patterns adapted to contemporary circumstances (Gel'man,

2015).

The chaotic 1990s' association with democracy in popular consciousness discredited democratic institutions for many Russians. Economic collapse, social disorder, elite corruption, and state weakness during the Yeltsin period created negative perceptions of democracy. Putin's presidency brought economic recovery, restoration of state authority, and improved living standards, generating popular support for centralized governance. This historical experience shapes public attitudes toward institutional alternatives (Treisman, 2011).

Weak civil society limits societal capacity to demand accountability or resist authoritarian governance. Soviet totalitarianism destroyed independent social organizations, and post-Soviet civil society development has been constrained by restrictive legislation, resource limitations, and governmental harassment. Without robust civil society organizations mobilizing citizens and demanding accountability, executive centralization faces limited resistance (Flikke, 2016).

#### Comparative Implications

The Russian case provides crucial comparative lessons for understanding semi-presidentialism and regime outcomes. Russia demonstrates that semi-presidential institutions can accommodate both democratic and authoritarian regimes depending on political context. Institutional forms alone do not determine whether systems operate democratically or authoritarily—political culture, elite interests, party systems, and societal factors fundamentally shape outcomes (Hale, 2015).

Comparing Russia with democratic semi-presidential systems like France, Portugal, or Poland highlights factors enabling democratic versus authoritarian outcomes. Democratic semi-presidential systems feature independent institutions that effectively check executive authority, balanced party systems preventing single-party dominance, media freedom enabling scrutiny and criticism, civil society capacity to organize and demand accountability, and political cultures valuing constitutional constraints. Russia lacks these supporting conditions, enabling evolution toward executive dominance despite similar formal structures (Elgie, 1999).

Russia's trajectory also demonstrates how semi-presidential systems with excessive presidential powers can evolve toward authoritarianism. The 1993 Constitution's super-presidential features created opportunities for presidential dominance that political developments exploited. Constitutional designs creating stronger parliamentary checks, more robust judicial independence, genuine federalism protections, and balanced power distribution might constrain

authoritarian tendencies better than Russia's president-dominant design (Gel'man, 2015).

However, Russia also shows that institutional redesign alone cannot guarantee democratic outcomes without supporting political and social conditions. Constitutional amendments strengthening parliament, courts, or federalism would face implementation challenges absent political will to respect constraints. Democratic institutions require political cultures valuing constraints, elites accepting limitations, and societies demanding accountability—conditions that cannot be created simply through constitutional text (Sakwa, 2008).

### **7.6 Summary: Semi-Presidentialism Between Democracy and Authoritarianism**

Russia's political system formally constitutes semi-presidentialism through its dual executive structure, direct presidential election, prime minister heading government, and parliament with constitutional authority over legislation and accountability. These institutional features match semi-presidential classification criteria used in comparative institutional analysis. However, this formal classification obscures the profound divergence between constitutional structure and authoritarian political practice (Elgie, 1999).

The Russian presidency operates with overwhelming dominance exceeding constitutional provisions through extra-constitutional political mechanisms. Presidential control over elite recruitment, resource distribution, media, coercive apparatus, and electoral processes creates authority far surpassing formal constitutional powers. Prime ministers serve as presidential subordinates rather than independent executives. The absence of cohabitation despite formally semi-presidential structure demonstrates that Russian institutions do not operate according to semi-presidential democratic patterns observed in France or Portugal (Hale, 2015).

Parliamentary subordination reflects constitutional design limiting legislative authority combined with political developments creating ruling party dominance. United Russia's parliamentary majorities, achieved through electoral manipulation and opposition exclusion, enable rubber-stamping presidential preferences. Parliamentary oversight mechanisms exist formally but lack effectiveness given political constraints. The legislature exercises constitutional functions without genuine capacity to check executive authority (Remington, 2001).

Judicial weakness eliminates rule of law constraints that might limit political authority. Constitutional Court deference on politically sensitive matters, ordinary courts' subordination to political pressure,



prosecutorial politicization, and selective prosecution all undermine judicial independence. The 2020 amendments further subordinating courts through presidential dismissal authority and asserting constitutional supremacy over international law formalize judicial subordination (Solomon, 2015).

Federalism erosion transformed constitutional federal structure into hierarchical centralization. Presidential appointment of governors, federal district oversight, fiscal centralization, and systematic pressure eliminated regional autonomy. Regions retain federal subject status and constitutional protections but lack genuine independence. Federal-regional relations operate through vertical subordination rather than genuine federal bargaining (Gel'man and Ross, 2010).

Electoral authoritarianism maintains democratic forms while systematically manipulating outcomes. Regular elections with multiple parties create appearances of political competition. However, opposition exclusion, media control, administrative manipulation, and resource advantages ensure predetermined outcomes. This managed democracy legitimizes authoritarian governance through electoral procedures lacking genuine competitiveness (White, 2011).

The trajectory from Soviet collapse through democratic experimentation to executive centralization demonstrates how semi-presidential institutions can evolve toward authoritarianism. Constitutional weaknesses including excessive presidential powers and limited checking mechanisms created opportunities for dominance. Political developments including elite consensus supporting centralization, weak opposition and civil society, favorable economic conditions during consolidation, and public support for stability over democracy exploited these constitutional opportunities (Treisman, 2011).

Comparative analysis highlights that institutional forms do not determine regime outcomes. France and Russia both possess semi-presidential constitutions but operate fundamentally differently—French institutions function democratically with effective checks while Russian institutions enable authoritarian governance. This comparison demonstrates that political culture, historical legacies, party systems, civil society strength, and elite interests fundamentally shape how institutions operate. Semi-presidentialism as an institutional form can accommodate both democratic and authoritarian regimes depending on context (Elgie, 1999).

The Russian case provides crucial lessons for understanding institutional design and regime outcomes. Constitutional provisions require supporting conditions including independent institutions, political culture valuing constraints, balanced party systems, media freedom, robust

civil society, and elite acceptance of limitations for effective democratic functioning. Without these conditions, even formally democratic constitutional structures can operate authoritarily. Institutional redesign alone cannot guarantee democratic outcomes absent political will and societal capacity to demand accountability (Gel'man, 2015).

Understanding Russia's semi-presidential authoritarianism provides foundation for analyzing variation within semi-presidential systems and factors determining whether such systems operate democratically or authoritarily. Chapter 8 synthesizes comparative lessons across parliamentary, presidential, and semi-presidential systems, examining institutional design trade-offs, contextual factors affecting outcomes, and principles for evaluating different governmental forms in diverse political contexts.

## **CHAPTER 8. CHINA: THE PARTY-STATE SYSTEM IN COMPARATIVE PERSPECTIVE**

The People's Republic of China operates as a party-state system where the Chinese Communist Party (CCP) exercises comprehensive leadership over governmental institutions. This system represents a distinctive model of governance that emerged from China's particular historical context, combining Leninist organizational principles with adaptations to Chinese conditions. Understanding China's political institutions requires recognizing that the party-state model operates according to different principles than Western parliamentary or presidential systems, emphasizing collective leadership, democratic centralism, and party-led development (Shambaugh, 2008; Heilmann & Perry, 2011).

China's political system is organized around the principle of "democratic centralism," which combines consultation and deliberation with unified implementation once decisions are made. The CCP's leading role is constitutionally enshrined, reflecting the party's historical role in establishing the People's Republic and its continuing responsibility for national development and governance. This institutional arrangement differs from systems where multiple parties compete for governmental control through contested elections, instead establishing a framework where the party guides policy direction while state institutions implement governance functions (Nathan, 2003).

The Chinese political system has demonstrated remarkable adaptability and resilience over seven decades. While maintaining political continuity under party leadership, China has transformed from a centrally planned economy to a market-oriented system that has lifted hundreds of millions out of poverty and achieved unprecedented economic growth. This combination of political stability and economic dynamism distinguishes China's developmental trajectory and has generated significant scholarly attention regarding how party-led governance facilitates different forms of development (Naughton, 2018; Ang, 2020).

Comparative analysis of China requires moving beyond binary classifications toward understanding how party-state institutions function within their own logic. The CCP operates as a highly organized political institution with sophisticated mechanisms for elite recruitment, policy coordination, and adaptive governance. The relationship between party and state institutions, while different from Western separation of powers, creates distinctive patterns of accountability, consultation, and policy implementation that merit analysis on their own terms (Tsai, 2007; Truex,

2016).

This chapter examines Chinese political institutions by analyzing the historical development of the party-state system, the structure and functions of legislative institutions, executive authority exercised through the State Council and presidency, the judicial system and its relationship to party leadership, and the mechanisms through which party-state integration operates. The analysis employs comparative institutional analysis while recognizing that Chinese political development follows a distinct path shaped by historical legacies, revolutionary transformations, and pragmatic adaptations to contemporary challenges.

## **8.1 Historical Background and Constitutional Development**

Understanding contemporary Chinese political institutions requires examining the historical processes through which the party-state system emerged. China's political development reflects millennia of centralized imperial governance, revolutionary transformation in the twentieth century, and pragmatic adaptations during the reform era. The historical legacy shapes contemporary institutional patterns, elite political culture, and governance approaches. This section traces the evolution from imperial collapse through revolutionary establishment to contemporary party-state consolidation.

### **8.1.1 Imperial Legacy and Revolutionary Transformation**

Chinese political development reflects millennia of imperial rule fundamentally shaping contemporary governance patterns. For over two thousand years from the Qin dynasty's unification in 221 BCE through the Qing dynasty's collapse in 1912, China operated under centralized imperial bureaucracy headed by emperors claiming Mandate of Heaven. This imperial system established traditions of centralized authority, bureaucratic governance through examination-selected officials, ideological orthodoxy through Confucian philosophy, and hierarchical social organization that continue influencing contemporary Chinese politics despite revolutionary rejection of imperial forms (Fairbank and Goldman, 2006).

The imperial system collapsed in 1912 following the Xinhai Revolution establishing the Republic of China. However, the Republic proved unable to establish stable governance as competing warlords controlled different regions, foreign powers maintained spheres of influence through unequal treaties, and the Nationalist Party (Kuomintang/KMT) under Sun Yat-sen and later Chiang Kai-shek struggled to consolidate authority. This period of weakness and fragmentation discredited Western-style republican institutions in many Chinese intellectuals' eyes, creating receptivity to alternative revolutionary ideologies (Spence, 1990).

The Chinese Communist Party was founded in 1921 by intellectuals influenced by Marxist-Leninist ideology and the Soviet Union's revolutionary model. The Party initially cooperated with the Nationalists against warlords but the alliance collapsed in 1927 when Chiang Kai-shek massacred communists in Shanghai. This began decades of civil war between Nationalists and Communists interrupted by Japanese invasion and occupation from 1937 to 1945. The CCP survived through guerrilla warfare, base areas in remote regions, and mobilization of peasant support through land reform promises (Spence, 1990).

Japanese defeat in 1945 resumed civil war between Nationalists and Communists. Despite Nationalist advantages in resources and foreign support, Communist forces commanded by Mao Zedong defeated Nationalist armies through superior military strategy, corruption weakening Nationalist forces, and popular support generated by land reform. The Nationalists fled to Taiwan in 1949, where they established a separate government claiming to represent legitimate Chinese government. The Communist victory culminated in Mao's October 1, 1949 proclamation establishing the People's Republic of China (Fairbank and Goldman, 2006).

### **8.1.2 The Maoist Period and Socialist Transformation**

The newly established People's Republic implemented comprehensive socialist transformation eliminating private property and establishing centralized planned economy. Land reform distributed land from landlords to peasants before collectivizing agriculture into communes. Industries were nationalized under state control. The Party established political control through mass campaigns eliminating actual and potential opponents, creating comprehensive party-led system penetrating all aspects of social and economic life (Spence, 1990).

The 1954 Constitution established formal governmental structures including the National People's Congress as parliament, State Council as executive authority, and court system. However, real power resided in the Communist Party rather than these state institutions. Party committees operated within all governmental bodies, making key decisions that state organs implemented. The Constitution proclaimed extensive rights but these existed only within limits defined by Party leadership and socialist system (Peerenboom, 2002).

The Great Leap Forward (1958-1962) represented Mao's attempt to rapidly industrialize China through mass mobilization and commune-based production. The campaign proved catastrophic, with economic disruption and famine killing tens of millions. The failure temporarily reduced Mao's authority as pragmatist leaders including Liu Shaoqi and Deng Xiaoping implemented recovery policies. However, Mao retained

ultimate authority and resented losing influence (Dikötter, 2010).

The Cultural Revolution (1966-1976) resulted from Mao's attempt to reassert control and eliminate perceived capitalist and traditional influences. Mao mobilized Red Guards—young people organized as revolutionary militants—to attack Party and state institutions, educational system, and cultural traditions. The decade-long upheaval devastated governance, education, and economy, with millions persecuted, imprisoned, or killed. The Cultural Revolution only ended with Mao's death in 1976, though its chaos had subsided somewhat earlier (MacFarquhar and Schoenhals, 2006).

### **8.1.3 Reform Era and Contemporary Developments**

Deng Xiaoping emerged as paramount leader following power struggles after Mao's death. Deng initiated fundamental economic reforms beginning in 1978 while maintaining Communist Party political monopoly. The reform program, termed "socialism with Chinese characteristics," introduced market mechanisms, opened China to foreign investment, decollectivized agriculture, encouraged private enterprise, and gradually transformed China from centrally planned to mixed economy with substantial market elements (Vogel, 2011).

Economic reforms generated extraordinary growth transforming China from impoverished agricultural society into the world's second-largest economy. However, political reform remained limited. The 1982 Constitution, which remains in effect with amendments, reestablished state institutions disrupted during Cultural Revolution and proclaimed rule of law, but maintained Party supremacy. Attempts at political liberalization in the 1980s culminated in the 1989 Tiananmen Square protests demanding democracy and anti-corruption measures. The violent suppression of protests, with hundreds or thousands killed, demonstrated Party determination to prevent political challenges to its authority (Nathan, 2001).

Post-Tiananmen leadership under Jiang Zemin and later Hu Jintao continued economic reform while tightening political control. Economic growth generated improved living standards and development, creating performance legitimacy for Party rule. However, corruption, inequality, environmental degradation, and social tensions created challenges requiring ongoing management. The Party adapted through incorporating business elites, expanding membership to include broader social groups, and developing sophisticated governance and control mechanisms (Shambaugh, 2008).

Xi Jinping's accession to Party leadership in 2012 and state presidency in 2013 marked significant developments toward personalized

authority. Xi consolidated power through anti-corruption campaigns targeting potential rivals, ideological campaigns emphasizing Party loyalty, removal of presidential term limits enabling indefinite tenure, and assertive foreign policy. These changes reversed trends toward collective leadership and institutionalization, concentrating authority in Xi personally in ways not seen since Mao (Lam, 2015).

The 2018 constitutional amendment eliminating presidential term limits proved particularly significant. The 1982 Constitution limited presidents to two five-year terms, establishing rotation mechanism preventing personality cults. Removing this limit enabled Xi potentially to serve indefinitely, raising concerns about return to personalistic dictatorship. The amendment demonstrated Party capacity to alter constitutional provisions at will, showing constitutional text subordinate to Party decisions (Lam, 2015).

#### **8.1.4 Constitutional Framework and Party Supremacy**

The 1982 Constitution establishes formal governmental structures and proclaims rights protections. The Preamble explicitly establishes CCP leadership as fundamental principle: "Under the leadership of the Communist Party of China...the Chinese people of all nationalities will continue to adhere to the people's democratic dictatorship." This constitutional enshrinement of Party supremacy distinguishes China from systems where parties compete for control of neutral state institutions (Constitution of the People's Republic of China, 1982).

The Constitution's structure includes chapters on General Principles establishing socialist system and Party leadership, Fundamental Rights and Duties of Citizens proclaiming extensive rights subject to constitutional limits, State Structure establishing governmental institutions, National Flag and National Emblem, and amendment procedures. The Constitution provides framework for state institutions but cannot be understood as limiting document in Western constitutional sense, as Party authority supersedes constitutional provisions (Peerenboom, 2002).

Fundamental rights proclaimed in Chapter II include equality before law, political rights including elections and speech, religious freedom within limits, personal dignity and freedom, social and economic rights including work and education, and duties including defending unity and working for socialist construction. However, Article 51 conditions all rights: "Citizens of the People's Republic of China, in exercising their freedoms and rights, may not infringe upon the interests of the state, of society or of the collective." This provision enables restricting rights when Party determines they threaten state interests (Peerenboom, 2002).

Constitutional amendments require two-thirds majorities in National People's Congress or proposals by one-fifth of deputies. However, Party control over NPC ensures amendments reflect Party decisions rather than independent legislative deliberation. Major amendments occurred in 1988, 1993, 1999, 2004, and 2018, incorporating evolving Party ideology including Deng Xiaoping Theory, Three Represents, Scientific Development Concept, and Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era. These amendments demonstrate Constitution as document reflecting Party ideology rather than limiting Party authority (Saich, 2015).

The relationship between Party and Constitution reveals fundamental characteristics of Chinese governance. The Party created the Constitution, can amend it at will, operates above constitutional constraints, and determines constitutional interpretation. Courts cannot review Party decisions for constitutionality. There is no constitutional court or independent body limiting Party authority through constitutional review. The Constitution legitimizes Party rule but does not constrain it (Peerenboom, 2002).

## **8.2 The Chinese Communist Party: The Paramount Institution**

The Chinese Communist Party constitutes the core political institution in China's governance system. Unlike political parties in competitive electoral systems, the CCP exercises comprehensive leadership over all governmental institutions, military forces, and major social organizations. The Party's organizational structure, personnel management systems, and ideological frameworks shape policy-making processes across all levels of governance. Understanding Chinese politics requires analyzing the Party's internal organization, leadership selection mechanisms, and integration with state institutions.

### **8.2.1 Party Structure and Organization**

The Chinese Communist Party operates through hierarchical structure extending from central leadership to local branches, with approximately 98 million members making it the world's largest political party. Party membership is selective rather than mass-based, requiring application, investigation, and approval. Members are expected to demonstrate ideological commitment, accept Party discipline, and advance Party objectives. Membership provides career advantages and access to opportunities, creating incentives for joining (Shambaugh, 2008).

The National Party Congress is theoretically the Party's supreme body, comprising approximately 2,300 delegates elected through indirect multi-level processes controlled by Party leadership. The Congress meets every five years for approximately one week. Its functions include electing the Central Committee, approving reports on Party work, and amending



Party Constitution. However, Congress sessions are carefully choreographed events that ratify decisions made by top leadership rather than genuine deliberative or decision-making bodies (Shambaugh, 2008).

The Central Committee comprises approximately 200 full members and 170 alternate members elected by National Congress. The Central Committee theoretically directs Party work between Congresses, though in practice it meets only in plenary sessions (plenums) typically twice yearly. These plenums address major policy issues and personnel decisions, but again primarily ratify leadership decisions rather than engaging in genuine deliberation. Central Committee membership includes top Party, state, and military officials, provincial leaders, and representatives from various sectors (Shambaugh, 2008).

The Politburo comprises approximately 25 members selected from Central Committee membership. The Politburo exercises day-to-day leadership over Party affairs, meeting regularly to discuss policy and make decisions. Politburo membership includes the most powerful Party leaders, with positions highly prestigious and influential. The Politburo operates through both formal meetings and informal consultations among members (Saich, 2015).

The Politburo Standing Committee is the Party's apex body comprising seven members (as of the 19th Party Congress in 2017, though this number has varied historically). Standing Committee members hold the most powerful positions including General Secretary, Premier, Chairman of National People's Congress Standing Committee, and other top posts. The Standing Committee makes the most important decisions through consensus, though the General Secretary possesses particular authority. This small group exercises ultimate authority over Chinese politics (Lam, 2015).

The General Secretary serves as Party leader, the most powerful position in Chinese politics. The General Secretary chairs Politburo and Standing Committee meetings, represents the Party nationally and internationally, and exercises paramount authority over major decisions. While theoretically operating through collective leadership, particularly powerful General Secretaries including Mao Zedong, Deng Xiaoping (though he never held the title), and Xi Jinping have dominated decision-making. The General Secretary typically also holds state presidency and Central Military Commission chairmanship, concentrating authority across Party, state, and military (Shambaugh, 2008).

The Central Military Commission controls armed forces, with Party and state commissions having identical membership ensuring Party control over military. The Commission chairman, typically the General Secretary, commands military forces. This unified Party-military leadership

ensures military subordination to Party rather than state, distinguishing China from systems where military answers to civilian state leadership independent of partisan control (Shambaugh, 2008).

The Central Commission for Discipline Inspection enforces Party discipline, investigating corruption and violations of Party regulations. Under Xi Jinping, the CCDI became powerful instrument for anti-corruption campaigns that also serve political purposes by removing officials, enforcing loyalty, and concentrating power. The CCDI can investigate and punish Party members including very senior officials, though top leadership remains insulated from investigation (Saich, 2015).

### **8.2.2 Party Control Mechanisms**

Party control over governmental and social institutions operates through multiple mechanisms ensuring comprehensive authority. Nomenklatura system gives Party authority over personnel appointments across governmental, economic, educational, and other institutional sectors. All important positions require Party approval, with personnel decisions made by Party committees rather than through institutional procedures. This system enables Party to control institutions through determining who occupies key positions (Burns, 1994).

Party groups and Party committees operate within all governmental institutions, state-owned enterprises, universities, and other organizations. These internal Party structures make key decisions that the nominal institutional leadership implements. For example, government ministry Party groups determine ministry policy under Party direction, with ministers implementing decisions despite formal governmental authority. This parallel Party structure within institutions ensures Party control over institutional operations (Lieberthal, 2004).

Democratic centralism is the organizational principle requiring lower levels to obey higher levels, minorities to follow majorities, and entire Party to follow central leadership decisions. While theoretically permitting discussion before decisions, democratic centralism ensures top-down control with dissent suppressed after decisions are made. This principle prevents challenges to leadership authority and maintains hierarchical control (Shambaugh, 2008).

Ideology and propaganda maintain Party legitimacy and control through education campaigns, media control, and political indoctrination. Party ideology currently termed "Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era" provides official worldview that all members must study and accept. Propaganda departments control media content, suppress dissent, and promote Party narratives. Educational curricula incorporate ideological training. These mechanisms shape

information environment and limit alternative ideological sources (Brady, 2008).

Mass organizations including labor unions, youth leagues, and women's federations are Party-controlled organizations mobilizing different social groups under Party leadership. These organizations nominally represent their constituencies but actually transmit Party directives downward and monitor social sentiment upward. They prevent independent organization of workers, youth, women, and other groups while maintaining appearance of representation (Saich, 2015).

### **8.2.3 Leadership Selection and Succession**

Party leadership selection occurs through opaque processes dominated by top leaders rather than transparent competitive elections. The informal rules and factional bargaining preceding formal selection mean outcomes are determined before official procedures occur. Senior leaders including retired Politburo Standing Committee members negotiate leadership composition, balancing factional interests and ensuring acceptable candidates. This process privileges elite consensus over popular input or competitive selection (Bo, 2010).

The generational cohort system historically structured leadership succession, with Jiang Zemin representing third generation leadership, Hu Jintao fourth generation, and Xi Jinping fifth generation. Leaders typically served two five-year terms before retiring, creating predictable rotation. However, Xi's removal of term limits and concentration of authority has disrupted this pattern, raising questions about future succession (Lam, 2015).

Age limits established informal norms that Politburo Standing Committee members reaching age 68 at Congress time would retire. This "seven up, eight down" rule provided mechanism for leadership renewal. However, Xi's extended tenure and personal authority may override these norms, creating uncertainty about succession mechanisms. The absence of institutionalized competitive selection makes succession unpredictable when informal rules are abandoned (Li, 2016).

Factional dynamics influence leadership selection despite official denial of factions' existence. Informal networks based on shared work experience, native place, institutional affiliation, or patron-client relationships affect elite politics. Major factional groupings have included Shanghai faction associated with Jiang Zemin, Communist Youth League faction associated with Hu Jintao, and princelings (children of revolutionary leaders) including Xi Jinping. These factions compete for positions and influence while maintaining public unity (Bo, 2010).

The lack of transparency in leadership selection distinguishes

China from both democratic systems with competitive elections and even some party-led systems with clearer succession rules. The secrecy surrounding leadership deliberations prevents outside observation or accountability. Outcomes emerge from closed-door negotiations without public participation or even knowledge of processes. This opacity creates uncertainty about Chinese politics' future directions (Nathan and Gilley, 2003).

### **8.3 State Institutions: The Formal Governmental Structure**

China possesses formal governmental institutions including a constitution, parliament, executive agencies, and courts. These state structures implement policies, deliver public services, and provide administrative governance. While the CCP exercises leadership over these institutions, state organs possess distinct functions, organizational hierarchies, and operational procedures. The relationship between party leadership and state administration creates a distinctive pattern of governance where party and state institutions operate in coordinated but differentiated roles.

#### **8.3.1 The National People's Congress**

The National People's Congress (NPC) is China's formal legislature and constitutionally the supreme state organ. The NPC comprises approximately 3,000 deputies elected through indirect multi-level processes controlled by Party. Deputies serve five-year terms and represent provinces, autonomous regions, municipalities, armed forces, and special administrative regions. The NPC meets annually in plenary sessions lasting approximately two weeks in March, during which it considers legislation, government work reports, and personnel appointments (Tanner, 1999).

The NPC's constitutional powers include enacting and amending laws, electing and removing state leadership, approving government work reports and budgets, ratifying international treaties, and deciding on war and peace. Article 57 proclaims NPC as "the highest organ of state power." However, these extensive formal powers operate within Party control, constraining genuine legislative authority. The NPC ratifies decisions made through Party processes rather than exercising independent legislative judgment (O'Brien, 1990).

The NPC Standing Committee comprises approximately 175 members, including the chairman, vice-chairmen, and other members, elected by the full NPC from among its deputies. The Standing Committee exercises NPC powers between plenary sessions, meeting bimonthly to enact legislation, interpret laws and the Constitution, supervise government work, and conduct other business. Standing Committee work is more substantive than plenary sessions' choreographed proceedings,

with some genuine deliberation on technical matters, though major political decisions remain Party-determined (Tanner, 1999).

NPC special committees examine specific policy areas, including Constitutional and Legal Affairs, Financial and Economic Affairs, Foreign Affairs, Agriculture, Education, and others. These committees review draft legislation, conduct investigations, and provide specialized expertise. While committees enable technical input from experts and officials, they operate under Party guidance and cannot independently challenge major policy directions. Committee work represents one area where NPC deputies exercise some genuine legislative function within Party-defined parameters (Cho, 2009).

Legislative procedure formally resembles other parliaments with multiple readings, committee review, and floor votes. However, the process is tightly controlled to ensure outcomes align with Party preferences. Draft legislation is prepared by State Council agencies under Party direction, reviewed by committees, modified if technical problems arise, and passed overwhelmingly in plenary votes. Controversial votes or close divisions are rare as Party coordination ensures support before legislation reaches the floor (Tanner, 1999).

Budget approval provides NPC with potentially significant power over government finances. Annually, Premier delivers the Government Work Report and the Finance Ministry presents the budget to the NPC for approval. Deputies question officials, and committees examine spending. However, budget approval remains largely a formal ratification of State Council proposals. Deputies lack detailed information, independent analytical capacity, or political power to reject budgets. Budget debates generate some adjustments, but fundamental decisions are made through Party-state processes before NPC consideration (Ma, 2009).

Supervision of government through questioning officials, examining reports, and conducting investigations provides a limited accountability mechanism. NPC deputies can submit inquiries requiring governmental responses. Committees investigate issues generating critical reports. However, supervision remains constrained by Party control over both NPC and government, preventing genuine accountability. Supervision addresses technical governance problems but cannot challenge Party authority or major policy directions (Cho, 2009).

Deputy composition includes workers, peasants, intellectuals, cadres, military personnel, and representatives from ethnic minorities, Hong Kong, Macau, and Taiwan. This diversity aims to demonstrate inclusive representation. However, deputies are carefully selected through Party-controlled processes, prioritizing political reliability over representative quality. Many deputies are government officials or Party

members whose primary loyalties are to the Party rather than constituents. The selection process prevents genuine opposition figures from becoming deputies (O'Brien, 1990).

### **8.3.2 The State Council**

The State Council is China's central government and executive authority, roughly equivalent to cabinets in other systems. The State Council comprises Premier, Vice Premiers, State Councillors, ministers heading ministries and commissions, auditor-general, and secretary-general. It directs national administration, implements laws, formulates policies, and manages economic and social affairs (Lieberthal, 2004).

The Premier heads State Council and serves as government leader, equivalent to prime minister in parliamentary systems. The Premier is nominated by President and elected by NPC, though in practice Party leadership determines the selection. Premiers serve five-year terms with two-term limit. The Premier directs government work, convenes State Council meetings, signs laws and decrees, and represents government domestically and internationally. Recent Premiers have included Li Peng, Zhu Rongji, Wen Jiabao, Li Keqiang, and Li Qiang (Lieberthal, 2004).

Vice Premiers assist the Premier with specific portfolios, typically covering areas like finance, agriculture, foreign affairs, and others. State Councillors hold rank between Vice Premiers and ministers, handling cross-cutting responsibilities like foreign affairs, national defense, and public security. These senior State Council leaders form a collective leadership managing government operations under the Premier's direction and Party oversight (Lampton, 2014).

Ministries and commissions implement policies in specific sectors. Major ministries include Foreign Affairs, National Defense, Finance, Education, Public Security, and many others, overseeing different government functions. Commissions, including the National Development and Reform Commission, coordinate policy across sectors. Ministers are Party members operating under Party discipline, with ministry Party groups making key decisions that ministers implement (Lieberthal, 2004).

State Council functions include implementing laws and regulations, preparing draft legislation, managing national economic planning, directing the administrative system, protecting citizens' rights, and conducting foreign relations. The State Council issues administrative regulations and decisions binding throughout China. It prepares annual Government Work Reports and budgets submitted to the NPC. State Council meetings decide on policies and coordinate among ministries (Lampton, 2014).

However, State Council authority is constrained by Party oversight. Major policies require Party approval through Politburo or Standing Committee decisions. State Council meetings include Party officials ensuring decisions align with Party direction. Premier and ministers are Party members subject to Party discipline. While the State Council manages day-to-day governance, strategic decisions rest with the Party leadership. This Party-state relationship means the government implements rather than determines fundamental policy (Lieberthal, 2004).

### **8.3.3 The Presidency**

The President of the People's Republic of China is the head of state, performing ceremonial functions and limited substantive powers. The President is elected by the NPC for a five-year term, previously with a two-term limit removed by the 2018 constitutional amendment. Presidential powers include promulgating laws, appointing Premier and State Council members following NPC decisions, issuing pardons, conferring state medals and honors, receiving foreign diplomatic representatives, and engaging in foreign affairs activities (Constitution of the People's Republic of China, 1982).

The presidency's significance derives not from constitutional powers but from the position being held by the Party General Secretary. This combination of Party and state leadership in one person creates informal authority vastly exceeding formal presidential powers. When the General Secretary and the President are different people (as briefly occurred when Jiang Zemin retained Party leadership after passing the presidency to Hu Jintao in 2003), Party position dominates. The presidency matters because it's held by the Party leader, not because of inherent constitutional authority (Lieberthal, 2004).

The Vice President assists the President and performs functions delegated by the President or the NPC Standing Committee. Vice Presidents have included figures like Zeng Qinghong and Wang Qishan, who wielded significant influence through Party positions rather than vice presidential authority itself. The vice presidency can serve as training position for future leaders, though succession is not automatic (Saich, 2015).

Presidential removal of term limits through the 2018 constitutional amendment enables Xi Jinping to potentially serve indefinitely. This change reversed post-Mao institutional development toward limited terms and collective leadership. By enabling indefinite tenure, the amendment personalized authority in ways recalling Mao's

era. The removal demonstrates the constitutional text's subordination to Party leadership's preferences (Lam, 2015).

### 8.3.4 The Judiciary

China's judicial system operates within the framework of party leadership while handling millions of civil and criminal cases annually. Courts at national, provincial, and local levels adjudicate disputes, enforce laws, and implement legal procedures. The judiciary functions differently from Western models emphasizing judicial independence, instead operating through principles of party leadership over legal work and coordination between courts, procuratorates, and public security organs.

The Supreme People's Court heads China's court system, with local people's courts at basic, intermediate, and high levels hearing cases at first instance or on appeal. The Constitution proclaims judicial independence, stating courts exercise judicial power independently without interference from administrative organs, social organizations, or individuals. However, actual judicial practice operates under Party control severely limiting independence (Peerenboom, 2007).

People's courts hear criminal, civil, administrative, and economic cases. Criminal justice emphasizes confession and party control, with high conviction rates approaching 100 percent indicating limited adversarial processes. Civil cases involving contracts, torts, family law, and property provide relative autonomy for courts as political stakes are lower. Administrative cases where citizens challenge governmental actions increased following Administrative Litigation Law enactment, though courts remain reluctant to rule against government in politically sensitive matters (He, 2009).

Judicial appointments occur through nomenklatura system with Party controlling key positions. Court presidents and vice presidents require Party approval. Political legal committees within courts ensure Party direction over sensitive cases. Judges are Party members subject to Party discipline. This appointment and oversight structure prevents genuine judicial independence despite constitutional proclamation (Peerenboom, 2007).

People's procuratorates function as prosecutors and legal supervisors, investigating crimes, prosecuting criminal cases, and supervising judicial activities. The Supreme People's Procuratorate heads procuratorate system with local procuratorates at various levels. Procuratorates operate under Party control similar to courts, prosecuting cases Party authorities prioritize while avoiding politically sensitive prosecutions not approved by leadership (Clarke, 1991).

Legal system development since reform era has created more elaborate laws, legal education, legal profession, and legal institutions.



China has enacted extensive legislation covering commercial, civil, administrative, and criminal matters. Law increasingly structures social and economic relations, providing predictability for business and citizens. However, rule of law remains subordinate to rule by law as instrument of Party governance rather than constraint on Party authority (Peerenboom, 2007).

Human rights protections in law have improved with constitutional amendments incorporating human rights language and legislation protecting various rights. However, practice lags far behind text. Politically sensitive cases including dissident prosecution, suppression of protests, restrictions on speech and assembly, and ethnic minority policies demonstrate that rights yield to political imperatives. Courts cannot provide meaningful protection when Party determines security or stability require rights restrictions (Human Rights Watch, various reports).

Absence of constitutional review means no judicial body can invalidate Party decisions or legislation as unconstitutional. The NPC Standing Committee possesses constitutional interpretation authority, but this is exercised to legitimate rather than constrain Party actions. The absence of constitutional court or similar institution capable of judicial review eliminates judicial checking mechanism present in many constitutional systems (Peerenboom, 2002).

#### **8.4 Party-State Integration and Control Mechanisms**

The distinctive character of China's political system emerges from systematic integration between party and state institutions. This integration operates through multiple mechanisms including overlapping personnel between party and state positions, party committees within all governmental organizations, and hierarchical accountability structures. Understanding how party-state integration functions requires examining specific institutional linkages, coordination mechanisms, and the operational dynamics through which party leadership translates into governmental action.

##### **8.4.1 Overlapping Personnel and Institutional Fusion**

Party-state integration operates primarily through personnel overlap at all levels. Top Party leaders simultaneously hold key state positions: General Secretary serves as State President, Politburo Standing Committee members chair NPC Standing Committee and other state organs, Politburo members head ministries and provincial governments. This dual position-holding means Party and state leadership are identical people exercising authority through both Party and state channels (Lieberthal, 2004).

Provincial and local levels replicate this pattern. Provincial Party

secretaries outrank provincial governors despite governors formally heading provincial governments. Municipal and county Party secretaries similarly outrank mayors and magistrates. At every level, Party position supersedes state position in authority, with Party officials determining policies that state officials implement. This creates unified Party-state hierarchy rather than separation between Party and government (Saich, 2015).

Leading small groups coordinate policy across Party and state institutions on specific issues. These groups comprise top Party leaders and relevant state officials, making decisions that are then implemented through Party and state channels. Groups address major policy areas including economic reform, foreign affairs, Taiwan affairs, and others. Their cross-institutional composition ensures coordination while maintaining Party dominance (Miller, 2008).

#### **8.4.2 Political-Legal Committees**

Political-Legal Committees coordinate law enforcement, prosecutorial, and judicial work under party leadership. These committees exist at all administrative levels and bring together leaders from courts, procuratorates, public security, and related agencies. The committees facilitate coordination among legal institutions, resolve inter-agency disputes, and ensure party policies guide legal work.

Political-Legal Committees at central and local levels coordinate police, procuratorates, and courts, ensuring Party control over law enforcement and justice system. These committees, headed by Party officials, guide criminal prosecutions, security operations, and judicial decisions on politically sensitive matters. While routine cases proceed according to law, politically important cases receive committee direction (Sapio, 2010).

Committee authority over individual cases has varied across periods. Under earlier leadership, committees' case-specific intervention was extensive. Recent reforms aimed to reduce such interference in routine cases while maintaining political guidance on sensitive matters. However, committees retain authority to direct law enforcement and judicial priorities, ensuring legal system serves Party objectives (Trevaskes et al., 2014).

#### **8.4.3 Ideology and Propaganda Control**

Party control over ideology and information prevents emergence of alternative political narratives. The Central Propaganda Department (中央宣传部) directs media content, cultural production, and information flows. All media outlets operate under Party control through ownership, personnel appointments, and content directives. Internet controls through

Great Firewall block foreign websites, censor domestic content, and suppress dissent (Brady, 2008).

Educational content from primary schools through universities incorporates ideological training. Marxism-Leninism and Party history are required subjects. University faculty in political science, history, and related fields face particular scrutiny to ensure teaching aligns with official interpretations. Academic freedom exists for technical subjects but political topics require adherence to Party positions (Shambaugh, 2008).

### **8.5 Checks and Balances in Its Own Way**

While China's party-state system lacks Western-style separation of powers and independent institutional checks, it operates distinctive accountability mechanisms within the framework of party leadership. These mechanisms differ fundamentally from constitutional checks in democratic systems but nonetheless create internal constraints, oversight procedures, and feedback channels that shape governance. Understanding these party-internal checks and balances requires moving beyond Western institutional templates toward recognizing how the Chinese system generates its own forms of constraint and accountability (Tsai, 2007; Truex, 2016).

Collective leadership within the Politburo Standing Committee provides the most significant check on individual authority. Despite recent personalization under Xi Jinping, the Standing Committee historically operated through consensus decision-making requiring consultation and agreement among members. No single leader can entirely disregard Standing Committee consensus on major decisions without risking internal opposition. This collective structure prevents a fully personalized dictatorship and requires building coalitions even within top leadership. Historical experience with Mao's personalized authority generated commitment to collective leadership as a safeguard against individual excess, though Xi's consolidation has tested these constraints (Nathan, 2003; Shirk, 2018).

Factional competition within the party creates informal checks through elite balancing. Major factional groupings, including princelings, Communist Youth League faction, and regional networks, compete for positions and influence. This competition requires top leaders to maintain factional balance in appointments and policies, constraining complete dominance by any single group. While factions compete behind closed doors rather than through public contestation, their existence creates pluralism within authoritarianism, requiring negotiation and compromise among elite groups (Bo, 2010; Shih, 2008).

The Central Commission for Discipline Inspection functions as an

internal accountability mechanism investigating corruption and enforcing party regulations. While CCDI operates under top leadership direction and has been used politically under Xi Jinping, it investigates even senior officials, creating risk for corrupt or abusive behaviours. The CCDI's extensive powers mean officials at all levels face potential investigation, generating a deterrent effect against misconduct. This mechanism represents institutionalized oversight within party structures, though it remains vulnerable to political manipulation with anti-corruption campaigns sometimes targeting rivals rather than pursuing genuine accountability (Wedeman, 2012; Manion, 2016).

Institutionalized term limits and age-based retirement norms historically constrained individual authority and enabled predictable succession. Two five-year terms for President and Premier, the "seven up, eight down" age 68 retirement rules for Politburo Standing Committee members, and generational rotation created expectations limiting personal rule. Xi Jinping's removal of presidential term limits in 2018 and potential violation of age norms have weakened these constraints, demonstrating their informal rather than binding character. Nevertheless, the norms' existence for several decades created institutional expectations that abandoning them generates political costs and internal resistance (Li, 2016; Nathan and Gilley, 2003).

Performance legitimacy creates accountability pressure requiring leaders to deliver economic growth and governance effectiveness. Unlike democratic accountability through elections, China's accountability operates through party evaluation of officials based on GDP growth, social stability, anti-corruption performance, and policy implementation. Officials failing performance metrics face demotion or removal through party discipline. This cadre evaluation system creates incentives for competent governance and responsiveness to local conditions, though it also generates perverse incentives, including falsified statistics, short-term thinking, and prioritization of growth over sustainability (Landry, 2008; Whiting, 2004).

The National People's Congress and local people's congresses provide limited but real oversight mechanisms. While the NPC cannot challenge fundamental party policies, it exercises supervision over government implementation, questions officials, examines budgets, and addresses technical governance problems. NPC Standing Committee reviews legislation and conducts policy investigations. Local people's congresses similarly oversee local governments. This legislative supervision represents institutionalized channel for raising concerns about governmental performance within party-defined parameters (Cho, 2009; Tanner, 1999).

Administrative litigation enables citizens to challenge governmental actions in courts. The 1989 Administrative Litigation Law permits lawsuits against government agencies for illegal administrative acts. Citizens can sue over land takings, business regulations, police actions, and other administrative matters. Courts have limited independence and avoid politically sensitive cases, but administrative litigation provides mechanism for contesting bureaucratic abuse in routine matters. This represents bottom-up accountability channel supplementing party-internal controls (He, 2009; Peerenboom, 2007).

Consultative authoritarianism describes mechanisms through which party leadership seeks input before making decisions. Public consultations on draft legislation, expert advisory committees, policy experiments in local jurisdictions before national rollout, and monitoring of social media sentiment provide information flows informing policy-making. While the party retains ultimate decision authority, these consultative mechanisms prevent entirely closed decision processes and enable adaptation based on feedback. This responsiveness to societal input, even without democratic accountability, represents distinctive feature of contemporary Chinese governance (Teets, 2013; Truex, 2016).

Fragmented authoritarianism characterizes policy implementation requiring coordination among multiple bureaucratic actors with competing interests. Central policies must be implemented through provincial and local governments, various ministries, and state-owned enterprises, each with distinct institutional interests and local constraints. This fragmentation prevents top-down command from translating directly into policy outcomes, creating space for negotiation, adaptation, and resistance. While frustrating central control, fragmentation also prevents concentration of power and generates flexibility in policy implementation (Lieberthal and Oksenberg, 1988; Mertha, 2009).

Petition system (*xinfang*) provides channel for citizens to appeal grievances through bureaucratic hierarchy. Citizens can petition officials at various levels regarding local government abuses, judicial unfairness, land disputes, and other complaints. While the petition system lacks enforcement mechanisms and often fails to resolve grievances, it functions as pressure valve for social discontent and an information channel alerting higher authorities to local problems. The system represents a traditional accountability mechanism adapted to the party-state context (Minzner, 2006).

These mechanisms constitute a distinctively Chinese approach to checks and balances operating within rather than against party authority. They differ from liberal democratic models, emphasizing institutional independence, competitive elections, and constitutional constraints on

government power. Instead, Chinese checks and balances function through party-internal competition, performance-based evaluation, consultative processes, and bureaucratic coordination requirements. These mechanisms can constrain arbitrary governance and generate responsive policy-making, though they remain vulnerable to disruption by powerful leaders, lack independence from party control, and cannot address fundamental challenges to party supremacy (Nathan, 2003; Peerenboom, 2007).

The effectiveness of these internal checks has varied across periods. During the Hu Jintao era (2002-2012), collective leadership, factional balance, and institutionalized norms functioned relatively effectively to constrain personal authority and maintain elite consensus. Xi Jinping's leadership since 2012 has tested these mechanisms through personalization of authority, weakening of collective leadership, removal of term limits, and anti-corruption campaigns targeting factional rivals. Whether China's distinctive checks and balances can survive personalization or whether they represent fragile achievements that powerful leaders can override remains crucial question for understanding the system's institutional development (Shirk, 2018).

Comparative analysis shows that authoritarian systems can develop internal accountability mechanisms differing from but analogous to democratic checks and balances. China's party-internal constraints, performance-based legitimacy, and consultative processes represent sophisticated governance mechanisms transcending simple dictatorship. However, these mechanisms' effectiveness depends on leadership commitment to institutional norms, factional competition preventing dominance, and performance legitimacy requiring responsiveness. The recent trend toward personalization demonstrates these mechanisms' limitations when top leadership chooses to override them (Nathan, 2003; Heilmann and Perry, 2011).

### **8.5 Summary: The Party-State System**

The Chinese political system operates as comprehensive party-state where Communist Party exercises systematic control over all institutions. Unlike democratic systems where parties compete for control of state institutions, China fuses Party and state with Party authority superseding constitutional state structures. This model differs fundamentally from separation of powers in presidential systems, fusion of powers in parliamentary systems, and even from other authoritarian models lacking comparable Party institutionalization (Shambaugh, 2008).

The Chinese Communist Party's leading role is constitutionally enshrined, hierarchically organized through Politburo Standing Committee to local branches, and exercises authority through personnel

control, institutional penetration, ideological dominance, and coercive capacity. State institutions including National People's Congress, State Council, presidency, and judiciary possess formal constitutional authorities but operate under Party control preventing independent action. This party-state integration means understanding Chinese politics requires analyzing Party structures rather than constitutional state institutions (Lieberthal, 2004).

Economic reforms transforming China from centrally planned to market-oriented economy occurred without corresponding political liberalization. The Party adapted to economic changes by incorporating business elites, developing sophisticated governance mechanisms, and delivering economic growth generating performance legitimacy. However, political monopoly remained constant as Party leadership determined that economic opening need not include political opening. This combination of market economy and authoritarian politics distinguishes contemporary China (Dickson, 2003).

Xi Jinping's leadership since 2012 concentrated personal authority through anti-corruption campaigns, ideological education, constitutional changes eliminating term limits, and assertive policies

This centralization reversed trends toward collective leadership and institutionalization, raising questions about succession, policy flexibility, and systemic resilience. The personalization of authority recalls Maoist patterns while operating through more sophisticated institutional mechanisms (Lam, 2015).

Comparative analysis shows China represents distinct political system type. It is neither democratic nor traditionally authoritarian in ways resembling military juntas or personalist dictatorships. The institutionalized Party-state system with comprehensive penetration of society, sophisticated governance mechanisms, and capacity for adaptation distinguishes China from other party-state systems. Whether this model proves sustainable long-term, whether economic development generates pressures for political change, and whether the system can manage succession and policy challenges remain crucial questions (Nathan, 2003).

## CHAPTER 9. COMPARING MODERN STATE SYSTEMS

The preceding chapters have examined diverse political systems including the United Kingdom's parliamentary model, the United States' presidential system, France's semi-presidential democracy, Germany's federal parliamentary system, Russia's semi-presidential authoritarianism, and China's party-state system. These case studies demonstrate that political institutions exhibit enormous variation in structure, operation, and outcomes. This chapter synthesizes comparative lessons by examining key institutional dimensions across systems, identifying patterns and variations, and assessing how different configurations affect governance, democracy, and political stability (Lijphart, 2012).

Comparative analysis reveals that no single institutional arrangement is universally superior. Parliamentary, presidential, and semi-presidential systems each exhibit distinctive strengths and vulnerabilities that manifest differently depending on political context, historical legacies, party systems, and political culture. Federal and unitary structures divide authority territorially in different ways with varying implications for governance and representation. Democratic and authoritarian systems organize power fundamentally differently despite sometimes sharing formal institutional structures. Understanding these variations requires examining how institutions interact with political environments rather than assuming institutional effects are constant across contexts (Shugart and Carey, 1992).

This chapter proceeds thematically rather than country-by-country, analyzing five crucial dimensions: executive-legislative relations examining how different systems structure relationships between executives and legislatures; judicial power and constitutional review assessing variations in judicial authority and constitutional enforcement; federalism versus unitarism comparing territorial power division; party systems and political competition exploring how party configurations affect governance; and authoritarian resilience versus democratic performance examining regime type differences and trajectories. Each section draws on case study evidence while developing general comparative insights (Linz, 1990).

### 9.1 Executive-Legislative Relations

Executive–legislative relations constitute the core axis through which political authority is structured and contested within state systems. The formal distribution of powers between these branches is often clearly defined in constitutional texts; yet, in practice, their interaction reflects



deeper dynamics of political control, institutional capacity, and regime logic.

While legislatures are designed to represent societal interests and exercise oversight, executives tend to dominate agenda-setting, policy formulation, and crisis management. This imbalance is particularly pronounced in systems facing security threats, economic volatility, or fragmented party structures, where executive action is framed as a necessity for stability and efficiency. Over time, such justifications normalize executive expansion beyond formal constitutional limits.

Legislative influence, therefore, depends less on constitutional authority than on political cohesion, organizational capacity, and access to information. Where legislatures are fragmented or subordinated through party discipline, executive power consolidates. Conversely, strong committee systems, institutionalized oversight mechanisms, and independent support structures enable legislatures to act as effective counterweights.

Executive–legislative relations thus reveal the gap between constitutional design and political reality. Rather than a fixed balance, the relationship remains fluid, shaped by contextual pressures and strategic interaction. It is within this space that state systems negotiate the boundaries of authority, accountability, and democratic control.

### **9.1.1 Parliamentary Fusion of Powers**

Parliamentary systems epitomized by the United Kingdom and Germany fuse executive and legislative authority rather than separating them institutionally. Governments emerge from and remain accountable to parliaments through confidence relationships, creating integrated rather than divided authority. This fusion operates through several mechanisms: executive leaders are parliamentary members simultaneously exercising both executive and legislative functions, government survival depends on maintaining parliamentary confidence enabling legislative removal of executives, and party discipline typically ensures parliamentary majorities support their governments' legislative programs (Lijphart, 2012).

Parliamentary fusion creates distinctive governance dynamics. Governments with parliamentary majorities can implement their programs efficiently without institutional deadlock, as the same party controlling government also controls parliament. Legislative-executive coordination occurs through party channels rather than requiring inter-branch negotiation. Policy-making becomes relatively streamlined when governments command disciplined majorities, enabling rapid response to challenges and decisive action (Strøm et al., 2003). The United Kingdom's Westminster model demonstrates these advantages through governments'

capacity to pass comprehensive legislative programs when controlling Commons majorities, as seen during the Attlee government's welfare state creation or Thatcher's economic reforms (Norton, 2013).

However, parliamentary fusion also exhibits vulnerabilities. The concentration of power in majority governments creates "elective dictatorship" concerns where executives face minimal constraints between elections (Hailsham, 1978). Minority rights may receive insufficient protection when majoritarian institutions lack strong checks. Parliamentary oversight often proves weak when government backbenchers prioritize party loyalty over independent scrutiny. The confidence mechanism while enabling governmental removal can also create instability in fragmented parliaments, as Italy's First Republic demonstrated with governments averaging eight months' duration (Bull and Newell, 2005).

Coalition governments modify parliamentary dynamics significantly. German experience shows that coalition requirements force negotiation and compromise among partners, moderating policy and incorporating diverse perspectives. Coalition agreements establish frameworks for governance while preserving partners' distinct identities. However, coalitions can obscure accountability as voters struggle to assign responsibility for outcomes to specific parties, and coalition bargaining may produce incoherent compromises rather than principled policies (Strøm et al., 2003). The constructive vote of no confidence used in Germany stabilizes coalitions by preventing negative majorities from toppling governments without agreeing on successors, addressing instability risks that simple confidence votes create (Roberts, 2016).

### **9.1.2 Presidential Separation of Powers**

Presidential systems like the United States separate executive and legislative authority institutionally through distinct elections, fixed terms, and prohibition on dual office-holding. Presidents and legislators possess independent democratic mandates and cannot remove each other through ordinary political processes. This separation aims to prevent tyranny through divided authority and institutional rivalry, as James Madison articulated in Federalist 51: "Ambition must be made to counteract ambition" (Hamilton et al., 1788).

Presidential separation creates governance dynamics differing fundamentally from parliamentary fusion. Presidents cannot rely on legislative majorities supporting their programs automatically, requiring coalition-building across party lines. Legislative-executive negotiation becomes essential as neither branch can simply impose its will. Divided government when different parties control presidency and Congress occurs frequently in the United States, forcing compromise or producing gridlock

(Mayhew, 1991). Checks and balances operate through overlapping powers including presidential vetoes requiring two-thirds legislative overrides, legislative confirmation of appointments, appropriations power controlling spending, and judicial review invalidating unconstitutional actions (Fisher, 2014).

Presidential systems' strengths include stable executive leadership through fixed terms providing predictability, clear accountability with presidents responsible for executive action, and prevention of parliamentary crises through separation of confidence from legislative support. The separation can protect against executive dominance by requiring inter-branch cooperation for major actions. American experience suggests presidentialism can function effectively when parties compromise, institutional norms are respected, and political culture values constitutional constraints (Neustadt, 1960).

However, presidential systems face serious vulnerabilities. Gridlock potential arises when president and congressional majority differ, creating difficulty passing legislation or implementing coherent policy. The United States has experienced increasing partisan polarization producing dysfunction as inter-branch compromise becomes harder. Winner-take-all presidentialism concentrates substantial power in single individuals, creating risks if presidents lack judgment or democratic commitment. Fixed terms prevent removing ineffective presidents except through extraordinary impeachment, creating rigidity during crises. Dual democratic legitimacy when president and Congress claim competing electoral mandates generates conflicts without clear resolution mechanisms (Linz, 1990).

Latin American presidential systems have experienced particular difficulties combining presidentialism with multiparty systems and weak institutionalization. When presidents lack legislative majorities in fragmented parliaments, they struggle to govern effectively. Some resort to decree powers or extra-constitutional measures, risking authoritarianism. Others face legislative obstruction preventing policy implementation. Military coups, presidential authoritarianism, and institutional instability have plagued many Latin American presidential systems, leading scholars to question presidentialism's viability outside the United States' specific context (Mainwaring, 1993).

### **9.1.3 Semi-Presidential Variations**

Semi-presidential systems like France and Russia combine directly elected presidents with prime ministers accountable to parliaments, creating dual executives sharing power. This institutional form exhibits enormous variation in actual operation depending on whether presidents dominate, power is genuinely shared, or prime ministers lead. The

relationship between president and prime minister, and between executive and legislature, varies with constitutional design and political circumstances (Elgie, 2011).

French semi-presidentialism demonstrates how the system can operate differently under unified government versus cohabitation. When president and parliamentary majority align politically, the president dominates with the prime minister serving as subordinate implementing presidential directives. France approximates a presidential system with enhanced executive power during these periods. However, during cohabitation when president and parliamentary majority oppose each other, power divides with the president retaining foreign policy and defense authority while the prime minister gains control over domestic policy. This flexibility enables accommodation of different partisan configurations through institutional adaptation (Elgie, 1999).

Semi-presidentialism's advantages include combining presidential stability through fixed terms with parliamentary flexibility through confidence mechanisms, providing directly elected presidential leadership while maintaining parliamentary accountability, and enabling both unified and divided government through constitutional frameworks. The system can adapt to different political circumstances through power-sharing arrangements. France's successful management of cohabitation demonstrates this adaptability (Duverger, 1980).

However, semi-presidentialism exhibits significant vulnerabilities particularly in systems lacking democratic consolidation. Russia demonstrates how semi-presidential forms can enable authoritarian concentration of power when checking mechanisms fail. Constitutional provisions establishing dual executives operate within political contexts producing presidential dominance far exceeding formal powers through extra-constitutional mechanisms. The absence of genuine cohabitation despite formally semi-presidential structure shows institutions' subordination to authoritarian politics. Ambiguity about authority distribution can generate conflicts, particularly during cohabitation when constitutional provisions leave power boundaries unclear (Gel'man, 2015).

Comparative semi-presidential analysis identifies design variations significantly affecting outcomes. Premier-presidential systems where prime ministers depend solely on parliamentary confidence tend toward democracy more than president-parliamentary systems where prime ministers answer to both presidents and parliaments. Constitutional provisions regarding presidential powers, dissolution authority, decree powers, and emergency authorities substantially affect whether systems operate democratically or authoritarily. Political culture, party systems, and institutional strength determine whether formal provisions translate

into democratic or authoritarian practice (Elgie, 2011).

#### **9.1.4 Authoritarian Executive-Legislative Relations**

Authoritarian systems including Russia and China maintain formal legislative institutions but fundamentally differ in executive-legislative relations from democracies. Russia's State Duma and China's National People's Congress exercise constitutional authorities formally but lack genuine capacity to check executive power or independently determine legislation. Legislative subordination reflects both constitutional design limiting parliamentary powers and political developments creating ruling party dominance or party-state control (Gel'man, 2015; Lieberthal, 2004).

Russian legislative subordination operates through United Russia's manipulated parliamentary majorities enabling rubber-stamping presidential preferences, opposition exclusion preventing genuine competition, media control limiting parliamentary visibility, and presidential influence over parliamentary leadership. The Duma exercises formal legislative functions including passing laws and approving government appointments but does so under constraints eliminating meaningful oversight or independent policy-making. The confidence mechanism exists constitutionally but remains inoperative given ruling party dominance and presidential authority (Remington, 2001).

Chinese legislative arrangements differ fundamentally through party-state integration. The National People's Congress formally exercises supreme state authority but operates under Communist Party control determining outcomes. NPC deputies are selected through Party-controlled processes prioritizing reliability over representation. Legislative deliberations ratify decisions made through Party mechanisms rather than engaging in genuine independent policy-making. While some technical legislative work occurs through committees, major political decisions remain Party-determined (O'Brien, 1990).

Authoritarian executive-legislative relations reveal that formal institutional structures provide insufficient information about actual power distribution. Constitutional provisions establishing parliamentary authorities mean little when political practice subordinates legislatures through party control, electoral manipulation, or coercion. Understanding authoritarian systems requires analyzing power mechanisms beyond formal institutions, including party organization, elite networks, resource control, and coercive capacity (Brownlee, 2007).

#### **9.2 Judicial Power and Constitutional Review**

Judicial power occupies a paradoxical position within modern state systems. Courts are formally entrusted with upholding constitutional

order and limiting political authority, yet their capacity to act as effective guardians of the constitution depends on institutional autonomy, political context, and compliance by other branches of government. Constitutional review thus represents not only a legal mechanism but also a critical arena of power negotiation.

Through constitutional review, judiciaries interpret foundational norms, define the boundaries of executive and legislative authority, and arbitrate conflicts within the state. In theory, this function anchors the rule of law and protects fundamental rights against majoritarian or executive overreach. In practice, however, judicial authority is uneven and often contested. Courts may be constrained through appointment processes, jurisdictional limitations, or informal pressures that reshape their role without altering formal constitutional provisions.

The effectiveness of constitutional review is therefore closely tied to the broader balance of power. Where executive dominance prevails, judicial institutions risk becoming instruments of legitimization rather than constraint. Conversely, in systems with strong legal traditions and institutionalized independence, courts can emerge as central political actors, shaping policy outcomes and constitutional meaning.

Judicial power, then, should not be understood as inherently neutral or autonomous. It reflects the broader configuration of state authority and the willingness of political actors to accept legal limits. Constitutional review functions as a measure of how deeply constitutionalism is embedded within a given state system, revealing whether the constitution operates as a binding framework or as a symbolic reference.

### **9.2.1 Strong Constitutional Review in Democratic Systems**

Strong constitutional review empowers courts to invalidate legislative and executive actions as unconstitutional, creating judicial checking of political branches. The United States pioneered robust judicial review through *Marbury v. Madison* (1803), establishing that courts must apply the Constitution when it conflicts with statutes. American judicial review operates through decentralized system where all courts can consider constitutional questions with Supreme Court providing ultimate interpretation. This judicial authority substantially constrains political branches through rights protection and federalism enforcement (Whittington, 2007).

Germany's Federal Constitutional Court represents the most powerful and respected constitutional court globally, exercising comprehensive jurisdiction including abstract review, concrete review, constitutional complaints, federalism disputes, and party bans. The Court's

jurisprudence has fundamentally shaped German public life through decisions on abortion, university admissions, privacy, European integration, and numerous other issues. High public legitimacy and cross-party support for judicial review enable the Court to issue controversial decisions that are generally accepted and implemented despite political disagreement (Kommers, 1997).

Strong constitutional review exhibits several advantages for democratic governance. Judicial review protects rights against majoritarian overreach, ensuring minorities receive constitutional protection beyond what electoral politics provides. Courts enforce constitutional limits on governmental power, maintaining separation of powers and federalism against encroachment. Judicial independence insulated from immediate political pressure enables principled decision-making according to constitutional law rather than political expediency. Constitutional adjudication provides peaceful mechanisms for resolving fundamental disputes through legal rather than political or violent means (Vanberg, 2005).

However, robust judicial review faces criticisms regarding democratic legitimacy and institutional balance. The counter-majoritarian difficulty questions how unelected judges can legitimately override democratic majorities' decisions. Judicial policy-making through constitutional interpretation may substitute judicial preferences for democratic choices, raising accountability concerns. Excessive judicial power can inappropriately constrain democratic politics by constitutionalizing issues better resolved through ordinary political processes. Courts may lack expertise, information, or democratic accountability for making complex policy decisions (Bickel, 1962).

Successful constitutional review requires several supporting conditions. Judicial independence through secure tenure, salary protection, and political culture respecting courts enables judges to decide according to law rather than political pressure. Public legitimacy and confidence in courts creates acceptance of judicial decisions even when politically controversial. Reasonable judicial restraint avoiding excessive policy-making maintains appropriate boundaries between legal and political questions. Political culture valuing constitutional constraints and rule of law facilitates implementation of judicial decisions (Vanberg, 2005).

### **9.2.2 Weak or Absent Judicial Review**

Systems with weak or absent constitutional review including the United Kingdom historically and China presently demonstrate alternative approaches to constitutional limits. British parliamentary sovereignty doctrine holds that courts cannot invalidate Acts of Parliament, though courts extensively review executive action and Human Rights Act created

quasi-constitutional review through declarations of incompatibility. This approach prioritizes democratic decision-making through elected Parliament over judicial constraint, relying on political rather than legal mechanisms for constitutional protection (Wade and Forsyth, 2014).

French constitutional review operates distinctively through Constitutional Council reviewing legislation before promulgation rather than after. This *a priori* review prevents unconstitutional laws from taking effect but limits review to pre-promulgation referrals by political actors. The 2008 reform introducing priority questions of constitutionality created limited *a posteriori* review enabling challenges to already-promulgated laws. However, the Council's political appointment process and limited jurisdiction distinguish it from courts with comprehensive constitutional review (Favoreu, 2010).

China lacks meaningful constitutional review despite formal Constitutional provisions and National People's Congress Standing Committee possessing interpretation authority. Courts cannot review Party decisions or legislation for constitutionality. The absence of independent judiciary capable of constraining political authority eliminates judicial checking mechanisms. Constitutional text serves to legitimate rather than limit Party rule (Peerenboom, 2002).

Russia's Constitutional Court theoretically exercises judicial review but operates under political constraints severely limiting independence. Court deference to executive authority on politically sensitive matters removes meaningful constitutional constraints. The 2020 amendments enabling presidential dismissal of judges further subordinates courts. Constitutional review exists formally but provides minimal actual constraint on political power (Solomon, 2015).

Weak constitutional review reflects various philosophical and political considerations. Parliamentary sovereignty traditions emphasize elected legislators' authority to make fundamental decisions without judicial override. Democratic theory suggests majoritarian institutions rather than unelected judges should make value-laden constitutional choices. Concerns about excessive judicial power motivate limiting review authority. Political systems may prefer resolving constitutional questions through political negotiation rather than judicial adjudication (Tushnet, 1999).

However, limited judicial review creates vulnerabilities. Without judicial protection, rights depend on political majorities' willingness to respect them, which may prove inadequate particularly for unpopular minorities. Governmental power faces fewer legal constraints, enabling potential abuse. Constitutional limits may lack effective enforcement mechanisms if courts cannot invalidate violations. The absence of neutral



arbiters for constitutional disputes may generate conflicts lacking peaceful resolution mechanisms (Vanberg, 2005).

### **9.2.3 Judicial Independence and Political Constraints**

Judicial independence constitutes a prerequisite for effective judicial review and rule of law, yet it varies enormously across systems. Democratic systems generally establish formal independence protections including life tenure or long fixed terms, salary security, immunity from suit for judicial actions, and appointment processes insulating judges from direct political control. However, actual independence depends on political culture, institutional strength, and ongoing political pressures beyond formal provisions (Helmke and Rosenbluth, 2009).

The United States federal judiciary enjoys substantial independence through life tenure, salary protection, and cultural respect for judicial authority. However, increasing partisan polarization affects judicial appointments, with confirmation battles intensifying and judges perceived increasingly through partisan lenses. Questions about court-packing or term limits demonstrate tensions between judicial independence and democratic accountability (Epstein and Segal, 2005).

Germany's Constitutional Court maintains remarkable independence through cross-party appointment consensus, twelve-year non-renewable terms preventing reelection pressure, and strong political culture supporting judicial authority. The Court's legitimacy enables it to decide controversial cases with general acceptance. This independence reflects both institutional design and political environment valuing constitutional adjudication (Vanberg, 2005).

Authoritarian systems systematically undermine judicial independence despite formal protections. Russia demonstrates how appointment processes, political pressure in sensitive cases, telephone justice, resource dependencies, and selective prosecution subordinate courts to executive authority. Chinese courts operate under Party control through personnel appointments, political-legal committees, and Party discipline over judges. These mechanisms prevent genuine independence regardless of constitutional proclamations (Solomon, 2015; Peerenboom, 2007).

Maintaining judicial independence requires ongoing vigilance against political pressures. Appointments processes balancing political input with merit considerations, adequate judicial budgets preventing resource manipulation, public support and legal community defense of courts, and judges' commitment to professional norms all contribute to independence. However, these conditions prove fragile when political actors determined to control courts manipulate appointments, threaten

jurisdiction-stripping, or ignore decisions (Helmke and Rosenbluth, 2009).

### **9.3 Federalism vs. Unitarism**

Federalism and unitarism represent alternative strategies for organizing territorial authority within state systems. While federal arrangements emphasize the distribution of power across multiple levels of governance, unitary systems prioritize centralized control and administrative uniformity. The choice between these models reflects not only constitutional design, but also historical legacies, security concerns, and state-building priorities.

#### **9.3.1 Federal Systems and Territorial Power Division**

Federal systems including the United States, Germany, and formally Russia divide sovereignty between national and regional governments with constitutional protections for regional autonomy. Federalism can accommodate territorial diversity, enable policy experimentation, disperse power to prevent tyranny, and provide governance closer to citizens. However, federalism creates complexity, potential conflicts between levels, and coordination challenges (Bednar, 2009).

American federalism features strong state governments retaining significant authority over criminal law, family law, education, and general police powers. The Tenth Amendment reserves undelegated powers to states. Despite federal expansion through broad constitutional interpretation, states remain important policy actors with genuine autonomy within their spheres. American federal structure has enabled policy variation across states while maintaining national unity, though it also permitted state-level rights violations that required federal intervention (Grodzins, 1966).

German federalism emphasizes cooperative federalism (*kooperativer Föderalismus*) through extensive intergovernmental coordination. The Bundesrat representing Land governments participates in federal legislation, requiring federal accommodation of regional interests. Länder implement most federal legislation through their administrations, giving them influence over policy application. However, federal legislative dominance through concurrent powers and fiscal centralization has weakened Länder autonomy over time (Gunlicks, 2003).

Russian federalism exists formally but has eroded dramatically through centralization. The 1990s featured genuine regional autonomy approaching confederation in some areas, with strong governors commanding independent political bases. Putin's recentralization systematically dismantled autonomy through gubernatorial appointments,

federal district oversight, fiscal centralization, and political pressure. Regions retain federal subject status but lack genuine independence, making Russian federalism largely nominal (Ross, 2002).

Federal systems exhibit various configurations regarding power division. The United States allocates enumerated federal powers with residual state authority, Canada enumerates both federal and provincial powers, Germany details concurrent powers extensively, and Russia's constitutional provisions matter less than political practice. These variations affect federal-state balance and governmental capacity (Watts, 2008).

Federalism's effectiveness depends on several factors. Clear constitutional competence boundaries reduce conflicts, though perfect clarity proves impossible given policy complexity. Independent institutions particularly courts capable of adjudicating federal-state disputes provide peaceful conflict resolution. Intergovernmental coordination mechanisms including ministerial conferences, joint committees, and fiscal arrangements facilitate cooperation. Political culture valuing both unity and diversity enables federal systems to balance national and regional interests (Bednar, 2009).

### **9.3.2 Unitary Systems and Centralized Authority**

Unitary systems including the United Kingdom, France, and China concentrate sovereignty in central governments that hold ultimate constitutional authority. Regional and local governments exercise delegated powers that can theoretically be revoked or modified by central authority. Unitary structures enable policy uniformity, clear hierarchical accountability, and efficient coordination. However, they may impose inappropriate one-size-fits-all solutions and frustrate regional preferences (Lijphart, 2012).

The United Kingdom traditionally represented pure unitary system with Westminster Parliament sovereign over entire country. However, devolution to Scotland, Wales, and Northern Ireland created quasi-federal arrangements with significant regional autonomy. While Westminster theoretically retains authority to legislate on devolved matters or abolish devolution, political reality makes such actions extremely difficult. The Sewel Convention holding Westminster won't normally legislate on devolved matters without consent creates quasi-federal constraints despite formal unitary structure (Bogdanor, 2009).

France maintains unitary structure despite significant decentralization over recent decades. Regional and local governments exercise substantial responsibilities but remain legally subordinate to central authority. The French preference for uniform national standards

reflects republican tradition emphasizing equality and centralized authority. However, territorial diversity including overseas territories requires some accommodation of regional specificity (Loughlin and Mazey, 1995).

China's unitary system operates through hierarchical party-state control from central to local levels. While provinces formally exercise delegated authority, Party control mechanisms ensure hierarchical accountability. The absence of genuine federalism reflects both imperial Chinese traditions of centralized bureaucracy and Communist Party organization principles of democratic centralism requiring lower-level obedience to higher authorities (Saich, 2015).

Unitary systems can combine with various degrees of decentralization. Administrative deconcentration transfers implementation to regional offices while retaining central policy control. Administrative decentralization delegates broader responsibilities while maintaining hierarchical oversight. Political devolution as in the UK grants regional governments legislative authority over specified matters, approaching federalism without constitutional entrenchment. These variations enable unitary systems to accommodate diversity while preserving ultimate central authority (Loughlin, 2001).

### **9.3.3 Comparative Assessment**

Federal and unitary structures present trade-offs rather than one being universally superior. Federal systems accommodate territorial diversity, enable policy experimentation through states as "laboratories of democracy," disperse power creating additional checks on central authority, and provide governance closer to citizens sensitive to local conditions. However, federalism creates complexity and duplication, can enable regional dysfunction or rights violations requiring federal intervention, generates coordination challenges across levels, and may frustrate national policy-making (Bednar, 2009).

Unitary systems enable uniform national policies ensuring minimum standards everywhere, create clear accountability through hierarchical authority, reduce duplication and coordination costs, and facilitate decisive national action. However, unitary structures may impose inappropriate uniformity ignoring regional differences, reduce policy experimentation by preventing variation, frustrate regional aspirations for autonomy, and distance governance from citizens through centralization (Lijphart, 2012).

Context determines appropriate territorial structure. Large, diverse countries with regional linguistic, ethnic, or cultural differences benefit from federal accommodation of diversity. The United States' size

and diversity make federalism appropriate for managing territorial variation. Small, homogeneous countries may function effectively as unitary systems without generating strong autonomy demands. However, even relatively homogeneous countries like the UK have experienced regional pressures requiring devolution (Watts, 2008).

Historical legacies significantly affect territorial structure. Countries formed through uniting previously independent territories naturally adopt federal structures preserving component autonomy. States formed through conquest or centralized development more often adopt unitary forms. Path dependency makes changing territorial structures difficult—federal systems rarely centralize completely, and unitary systems rarely federalize thoroughly without major crises (Erk and Anderson, 2009).

#### **9.4 Party Systems and Political Competition**

Party systems structure political competition by shaping how interests are organized, represented, and contested within state systems. The configuration of parties influences government stability, policy outcomes, and the openness of political competition, reflecting broader institutional and societal dynamics rather than merely electoral mechanics.

##### **9.4.1 Party Systems in Democratic Systems**

Party systems profoundly affect how governmental systems operate, influencing coalition formation, policy-making, representation, and accountability. Maurice Duverger's famous law holds that electoral systems shape party systems: plurality single-member district systems tend toward two-party systems, while proportional representation generates multiparty systems (Duverger, 1954). These party system effects interact with governmental forms producing different outcomes.

The United Kingdom's two-party-dominant system features Conservatives and Labour as major parties alternating in power, though smaller parties including Liberal Democrats, Scottish National Party, and others complicate pure two-party characterization. First-past-the-post elections disadvantage smaller parties with dispersed support while rewarding regionally concentrated parties. Two-party dominance combined with parliamentary system and strong party discipline enables single-party majority governments implementing programmatic change decisively (Norris, 1997).

The United States' presidential system operates with two-party competition between Democrats and Republicans. However, American parties are ideologically broader and less disciplined than British parties, reflecting presidential system's separation of powers enabling individual legislators to defect without bringing down governments. Two-party

competition suits presidentialism by simplifying presidential elections and usually producing congressional majorities supporting presidents, though divided government still occurs frequently (Aldrich, 1995).

Germany's multiparty system typically includes Christian Democrats (CDU/CSU), Social Democrats (SPD), Free Democrats (FDP), Greens, and Left Party. Proportional representation through mixed-member system ensures parliamentary representation for multiple parties. Coalition governments become necessary as no party wins majorities. Coalition bargaining produces moderate policies incorporating multiple perspectives while maintaining governmental stability through constructive vote of no confidence. German experience suggests multiparty parliamentarism can function effectively through coalition governance (Saalfeld, 2000).

France's party system operates under semi-presidential institutions, with major parties including Republicans (formerly UMP), Socialists, National Rally (formerly National Front), and La République En Marche. The two-round majority electoral system encourages two-bloc competition with left and right coalitions forming between rounds. Party fragmentation combined with presidential dominance during unified government and power-sharing during cohabitation creates complex dynamics (Cole, 2008).

Effective number of parties provides standardized measure for comparing party systems across countries. This metric weighs parties by electoral or parliamentary strength, enabling comparison beyond simple party counts. Analysis using effective number of parties reveals systematic patterns: plurality electoral systems generate fewer effective parties (UK around 2-3, US around 2), while proportional systems produce more (Germany 4-5, Netherlands 6-7). These patterns confirm electoral system effects on party competition (Taagepera and Shugart, 1989).

Party system consequences extend beyond government formation to accountability and representation. Two-party systems provide clear accountability—voters can attribute outcomes to governing parties and replace them. Multiparty coalition systems obscure accountability through shared responsibility. However, multiparty systems represent diverse viewpoints proportionally while two-party systems exclude significant segments. These trade-offs between accountability and representation reflect institutional choices (Powell, 2000).

#### **9.4.2 Party Control in Authoritarian Systems**

Authoritarian systems exhibit fundamentally different party dynamics than democracies. Russia's managed party system features United Russia as dominant ruling party created and sustained through

presidential support, with systemic opposition parties tolerated but genuine opposition excluded. Electoral manipulation ensures United Russia majorities through media control, administrative resources, opposition harassment, and biased electoral administration. This managed competition maintains multiparty formalism while preventing genuine alternation in power (Hale, 2006).

China represents single-party system where Communist Party monopolizes political authority and competition is prohibited. The CCP's approximately 98 million members make it enormous but selective organization penetrating all governmental and social institutions. Party control mechanisms including nomenklatura appointments, party committees within institutions, and democratic centralism ensure comprehensive authority. No opposition parties exist legally, and attempts to form them face suppression (Shambaugh, 2008).

Authoritarian party systems serve distinct functions from democratic party competition. Ruling parties mobilize supporters, distribute patronage, recruit elites into regime service, extend governmental control through party structures, and maintain appearance of political organization. However, these parties cannot lose power through elections and face no genuine competition threatening their dominance. Party membership provides access to opportunities rather than expressing ideological or policy preferences (Brownlee, 2007).

The distinction between single-party and dominant-party authoritarian systems matters for regime stability and potential democratization. Single-party systems like China where no legal opposition exists and the ruling party thoroughly penetrates state and society tend toward greater stability and resistance to change. Dominant-party systems like Russia where opposition parties exist but face manipulation prove more vulnerable to popular mobilization and elite defection potentially enabling democratization (Levitsky and Way, 2010).

#### **9.4.3 Electoral Systems and Institutional Compatibility**

Electoral systems interact with governmental forms producing different outcomes. Duverger identified that plurality single-member district systems favor two parties, while proportional representation generates multiple parties. These party system effects then interact with presidential versus parliamentary systems (Duverger, 1954).

Presidentialism combines well with two-party systems because winner-take-all presidential elections suit two-party competition and presidents need legislative majorities to govern effectively. The United States' presidential system and two-party competition reinforce each other, with presidential coattails helping congressional candidates and unified

party control enabling governance (Aldrich, 1995). However, combining presidentialism with multiparty systems creates difficulties. Scott Mainwaring identified presidentialism and multiparty systems as a "difficult combination" because presidents struggle to build stable legislative majorities in fragmented parliaments, potentially leading to gridlock, decree governance, or instability (Mainwaring, 1993).

Parliamentarism accommodates multiparty systems through coalition government. Germany, Netherlands, and Scandinavian countries demonstrate that parliamentary systems can function effectively with multiple parties by forming coalition governments that share power. Coalition agreements establish frameworks for governance while preserving component parties' identities. Proportional representation ensures diverse representation while coalition requirements moderate policy through negotiation (Strøm et al., 2003).

However, extreme party fragmentation can undermine even parliamentary systems. Italy's First Republic experienced governmental instability from highly fragmented parliaments making stable coalitions difficult. Israel similarly struggles with extreme fragmentation requiring complex coalition negotiations. Electoral thresholds excluding very small parties help limit fragmentation while permitting multiparty representation (Hazan and Rahat, 2010).

### **9.5 Summary: Lessons from Comparative Analysis**

Comparative institutional analysis reveals several crucial lessons for understanding modern political systems. First, institutional forms alone do not determine regime outcomes—context including political culture, historical legacies, economic development, and international environment fundamentally affects how institutions operate. Semi-presidential systems like France and Russia share formal structures but function entirely differently, demonstrating context's importance (Elgie, 1999).

Second, no single institutional arrangement proves universally superior. Parliamentary, presidential, and semi-presidential systems each exhibit distinctive strengths and vulnerabilities that manifest differently across contexts. Parliamentary fusion enables decisive majority government but risks elective dictatorship. Presidential separation provides checks and balances but risks gridlock. Semi-presidentialism offers flexibility but creates ambiguity. Federal structures accommodate diversity but complicate governance. These trade-offs mean appropriate institutional design depends on specific circumstances rather than universal preferences (Lijphart, 2012).

Third, party systems profoundly affect governmental system operation. Two-party systems combined with parliamentary institutions



create majoritarian democracy with clear accountability but limited representation. Multiparty systems with proportional representation generate consensus democracy through coalition governments with inclusive representation but obscured accountability. Presidentialism combines problematically with multiparty systems lacking majoritarian simplification. Understanding governmental performance requires analyzing party system effects (Powell, 2000).

Fourth, constitutional provisions require supporting conditions for effective operation. Formal constitutional structures mean little without independent institutions capable of enforcing them, political cultures valuing constitutional constraints, elites accepting limitations on their power, and societal capacity to demand accountability. Democratic institutions require more than constitutional text—they need political environments supporting democratic practices (O'Donnell, 1999).

Fifth, non-liberal democratic systems have proven more resilient than early democratization theory anticipated. Party-led regimes grounded in principles such as democratic centralism—supported by strong organizational infrastructure, performance-based legitimacy through economic growth, sophisticated control mechanisms, and adaptive capacity—have demonstrated an ability to persist despite socioeconomic development. While durability varies across cases, some non-liberal democratic arrangements exhibit remarkable institutional staying power (Nathan, 2003).

These comparative lessons inform analysis of contemporary challenges and future trajectories examined in the concluding chapter. Understanding institutional variation and contextual effects provides foundations for assessing how political systems can address emerging challenges including digital transformation, populist pressures, and global integration while maintaining stability and responsiveness.

## **CHAPTER 10. CONCLUSION: THE FUTURE OF THE MODERN STATE**

The comparative analysis of modern political systems across democratic and authoritarian contexts reveals both institutional diversity and common challenges facing contemporary states. Parliamentary, presidential, and semi-presidential democracies operate through distinct institutional arrangements producing different governance dynamics, while authoritarian systems including party-states and competitive authoritarian regimes demonstrate alternatives to democratic governance. Federal and unitary structures divide territorial authority differently, party systems shape political competition and representation, and judicial institutions vary in capacity to constrain political power. These institutional variations reflect historical legacies, cultural contexts, and deliberate constitutional choices responding to specific political circumstances (Lijphart, 2012).

However, all modern states confront emerging challenges that transcend traditional institutional classifications. Digital transformation fundamentally alters how governments operate, citizens engage politically, and information flows through societies. Populist movements questioning established institutions and democratic norms have emerged across diverse political systems, generating pressures for executive aggrandizement and institutional degradation. Global forces including economic integration, climate change, migration, and pandemics create pressures requiring international cooperation while testing state capacity. These challenges raise fundamental questions about institutional adaptation, democratic resilience, and the future trajectory of political systems worldwide (Levitsky and Ziblatt, 2018).

This concluding chapter examines four crucial dimensions shaping the future of modern states. First, digital governance explores how information technology transforms governmental operations, democratic participation, and authoritarian control. Second, populism and executive aggrandizement analyzes threats to democratic institutions from leaders claiming direct popular mandates while undermining checks and balances. Third, global pressures and institutional adaptation assesses how international forces affect domestic institutions and sovereignty. Fourth, continuity and change examines prospects for institutional evolution, democratic consolidation or erosion, and authoritarian transformation. Throughout, the analysis considers how institutional variations examined in previous chapters affect responses to these common challenges (Diamond, 2019).

### **10.1 Digital Governance**

Digital governance marks a qualitative shift in how modern state systems organize authority. Governance is no longer exercised primarily through laws, institutions, and officials, but increasingly through infrastructures of data, codes, and automated decision-making. This transformation does not weaken the state; it redefines its presence by embedding power into digital architectures that operate continuously, often invisibly.

Through digital systems, the state governs not only actions but also patterns of behavior. Algorithms sort, predict, and prioritize, translating political objectives into technical procedures. As a result, governance becomes anticipatory rather than reactive, operating through risk assessment, profiling, and real-time monitoring. Authority is exercised less through direct command and more through calibration—adjusting incentives, access, and visibility within digital environments.

This shift profoundly alters accountability. Decision-making power migrates from formal political arenas to technical domains where responsibility is diffuse and contestation is difficult. While digital governance promises efficiency and transparency, it simultaneously concentrates control in the hands of those who design, manage, and secure digital infrastructures. The line between administrative rationality and political power becomes increasingly blurred.

Crucially, digital governance does not generate uniform outcomes across state systems. It amplifies existing institutional logics. In some contexts, it enhances coordination and participation; in others, it deepens surveillance and executive dominance. Digital governance thus emerges not as a neutral modernization tool, but as a strategic arena in which contemporary states renegotiate authority, legitimacy, and control under conditions of accelerated technological change.

#### **10.1.1 Digital Transformation of Government Operations**

Digital technology fundamentally transforms how governments operate, deliver services, and interact with citizens. E-government initiatives implement digital systems for administrative functions, including tax collection, benefit distribution, licensing, and regulatory compliance. Online portals enable citizens to access services remotely without visiting government offices, increasing efficiency and convenience. Digital record-keeping replaces paper-based systems, facilitating information management and retrieval. Inter-agency data sharing improves coordination across governmental units. These digital transformations can enhance governmental efficiency, reduce corruption through increased transparency, and improve service delivery (Dunleavy et al., 2006).

Estonia exemplifies advanced digital governance through

comprehensive e-government systems. Nearly all governmental services are available online through integrated digital platforms. Digital signatures possess legal validity, enabling electronic contract execution. Blockchain technology secures data integrity. E-residency programs allow non-citizens to access Estonian digital services. This digital infrastructure creates efficient governance while reducing bureaucratic delays and corruption opportunities. Estonia's success demonstrates digital technology's potential for improving governmental performance (Margetts and Dunleavy, 2013).

However, digital governance faces significant challenges. The digital divide, excluding populations lacking internet access or digital literacy, creates inequality in service access. Rural areas with limited connectivity face disadvantages compared to urban centres with robust digital infrastructure. Elderly populations and economically disadvantaged groups may struggle with digital interfaces. Privacy concerns arise from governmental data collection and surveillance capacity that digital systems enable. Cybersecurity vulnerabilities expose government systems to hacking, data breaches, and cyberattacks, potentially disrupting critical functions. These challenges require careful policy responses balancing efficiency gains with equity, privacy, and security considerations (Margetts and Dunleavy, 2013).

Authoritarian systems exploit digital technology for surveillance and control. China's social credit system aggregates data on citizen behaviours across multiple domains, assigning scores affecting access to services, travel permissions, and social standing. This comprehensive surveillance enables social control through rewards for compliant behaviour and punishment for dissent. Facial recognition technology deployed extensively in Chinese cities enables tracking individuals' movements. Internet censorship through the Great Firewall blocks foreign websites and censors domestic content. These systems demonstrate digital technology's potential for authoritarian control as well as democratic governance (Kostka, 2019).

#### **10.1.2 Social Media and Democratic Participation**

Social media platforms, including Facebook, Twitter, Instagram, and various national alternatives, fundamentally alter political communication and democratic participation. Citizens can access diverse information sources beyond traditional media gatekeepers. Political organizing occurs through digital networks, enabling rapid mobilization. Politicians communicate directly with constituents without media intermediation. These developments potentially democratize information access and political participation while creating new challenges for democratic governance (Shirky, 2011).

The Arab Spring demonstrations beginning in 2010 illustrated social media's capacity for political mobilization. Activists used Facebook and Twitter to organize protests, share information, and coordinate actions across countries including Tunisia, Egypt, and elsewhere. Social media enabled rapid information dissemination despite governmental censorship attempts. International attention generated through social media amplified domestic movements. However, the Arab Spring's mixed outcomes with some democratization but also continued authoritarianism and state collapse demonstrate that technology alone cannot determine political trajectories (Howard and Hussain, 2013).

Social media's effects on democracy prove complex and contested. Optimistic perspectives emphasize democratization of information, mobilization capacity, and direct citizen-politician communication. However, serious concerns have emerged regarding misinformation and disinformation spreading rapidly through social networks. False information often spreads faster than corrections, creating epistemic challenges for democratic deliberation. Foreign interference in elections through social media manipulation as documented in multiple countries, raises sovereignty and electoral integrity concerns. Echo chambers and filter bubbles create information silos where citizens encounter only reinforcing perspectives, increasing polarization. Algorithmic content curation prioritizes engagement often through outrage and emotional appeals rather than accuracy or reasoned deliberation (Sunstein, 2017).

Platform governance by private corporations raises democratic accountability questions. Facebook, Twitter, and other platforms make content moderation decisions affecting political speech without democratic oversight. Decisions to ban users, remove content, or algorithmically promote particular material substantially impact political discourse. The tension between private property rights of platform owners and public interest in political speech remains unresolved. Some advocate treating platforms as public utilities requiring content neutrality, while others defend private editorial discretion. This debate intensified following platforms' decisions to suspend political figures including former U.S. President Donald Trump (Gillespie, 2018).

Governmental responses to social media's challenges vary across regime types. Democratic systems grapple with balancing free speech protections with concerns about misinformation, hate speech, and foreign interference. The European Union's Digital Services Act represents a comprehensive regulatory framework requiring platforms to moderate illegal content, provide transparency about algorithms, and enable user appeals. However, such regulation risks empowering governments to define legitimate speech problematically. Authoritarian regimes, including

China, Russia, and others, impose extensive internet controls blocking platforms, censoring content, and punishing online dissent. These contrasting approaches reflect broader regime differences in valuing free expression versus control (Persily and Tucker, 2020).

### **10.1.3 Artificial Intelligence and Automated Decision-Making**

Artificial intelligence increasingly influences governmental decision-making through automated systems processing data and making determinations affecting citizens. AI applications in government include predictive policing identifying crime-prone areas or individuals, welfare eligibility determination through automated assessment, immigration decisions evaluating visa applications, criminal sentencing recommendations based on recidivism predictions, and fraud detection in tax or benefits administration. These systems promise efficiency, consistency, and capacity to process vast data volumes beyond human capability (O'Neil, 2016).

However, AI systems raise serious concerns regarding bias, transparency, and accountability. Algorithms trained on historical data can perpetuate existing biases, including racial, gender, and socioeconomic discrimination. Predictive policing systems may overpoliced minority communities if trained on biased historical enforcement data. Welfare determination algorithms may disadvantage certain groups through design choices or data patterns. The opacity of complex AI systems—the "black box" problem—prevents understanding how decisions are reached, impeding accountability and judicial review. When automated systems make consequential determinations affecting liberty, property, or rights, their inscrutability challenges rule of law principles requiring knowable rules and reviewable decisions (Eubanks, 2018).

China leads in governmental AI deployment, including social credit systems, facial recognition surveillance, and automated content moderation. The social credit system aggregates data from diverse sources, including financial transactions, social media activity, judicial records, and surveillance footage to generate scores affecting citizens' opportunities. Low scores may restrict travel, limit educational or employment opportunities, and subject individuals to public shaming. This comprehensive system enables unprecedented social control through automated monitoring and consequences. While Chinese authorities present social credit as promoting trustworthiness and ethical behaviour, critics identify dystopian surveillance threatening individual autonomy (Kostka, 2019).

Democratic systems face challenges balancing AI's potential benefits with rights protection and accountability. The European Union's GDPR includes provisions for algorithmic transparency and rights to

explanation of automated decisions. Some jurisdictions prohibit certain AI applications, like facial recognition in policing. However, regulatory frameworks struggle to keep pace with rapid technological development. Questions persist about appropriate AI use boundaries, transparency requirements, bias mitigation strategies, and accountability mechanisms when automated systems err (Yeung, 2018).

#### **10.1.4 Digital Challenges to Democratic Institutions**

Digital technology creates both opportunities and threats for democratic institutions. The opportunities include improved governmental efficiency, enhanced citizen participation, greater transparency through digital disclosure, and new forms of democratic innovation like participatory budgeting platforms. However, serious threats require attention, including erosion of shared factual basis for democratic deliberation through misinformation, foreign interference in elections through social media manipulation and hacking, surveillance capacity enabling authoritarian control, and private platform power over political discourse without democratic accountability (Persily and Tucker, 2020).

Addressing digital challenges requires multi-faceted responses. Legal frameworks must balance innovation encouragement with harm prevention through regulation requiring platform transparency, content moderation standards, and algorithmic accountability. Educational initiatives promoting digital and media literacy can help citizens navigate online information environments critically. Technical solutions including improved content moderation systems, authentication mechanisms, and security measures can mitigate some risks. However, technological solutions alone prove insufficient without institutional adaptation and normative commitments to democratic values (Tucker et al., 2018).

The COVID-19 pandemic accelerated the digital transformation of governmental operations and political activity. Remote work, virtual meetings, and digital service delivery became necessary during lockdowns. Elections occurred with expanded mail voting and other adaptations. These crisis-driven changes may produce lasting effects on governance modalities. However, the pandemic also demonstrated digital divide as disadvantaged populations struggled with remote access requirements. The balance between digital innovation and inclusive access remains a crucial challenge (Greer et al., 2020).

#### **10.2 Global Pressures and Institutional Adaptation**

Modern state systems are no longer shaped solely by internal political dynamics; they are continuously exposed to external pressures that challenge established institutional arrangements. Globalization, security interdependence, and technological acceleration do not simply impose

change from the outside. Instead, they act as stress tests that reveal the strengths, limits, and vulnerabilities of existing state structures.

Economic integration constrains state autonomy by narrowing policy choices, yet it also forces governments to develop new regulatory and coordination capacities. Security pressures—ranging from asymmetric threats to hybrid forms of conflict—blur the boundary between internal and external governance, drawing security logics deeper into everyday political decision-making. At the same time, technological transformations reshape how authority is exercised, monitored, and contested, altering the relationship between the state and society.

Institutional adaptation under global pressure is therefore rarely uniform or linear. States selectively absorb external demands, filtering them through domestic power configurations and historical legacies. Global norms may be formally adopted while substantively reinterpreted; international obligations may coexist with localized practices of control. This process often produces hybrid institutional outcomes that combine adaptation with resistance.

Global pressures, then, do not dissolve state systems. They reconfigure them. Institutional adaptation becomes a strategic process through which states seek to remain functional and legitimate in a rapidly changing international environment—adjusting to external constraints without relinquishing core structures of authority.

### **10.2.1 Economic Globalization and State Sovereignty**

Economic globalization through increased trade, capital flows, multinational corporations, and international supply chains constrains state autonomy over economic policy while creating interdependence among national economies. International trade agreements like WTO rules limit tariffs and trade barriers. Capital mobility enables investment flows across borders responding to regulatory and tax differences, creating pressures for competitive liberalization. Multinational corporations operate across jurisdictions with capacity to relocate production, employment, and tax obligations. These dynamics reduce governmental capacity for independent economic policy-making (Rodrik, 2011).

Globalization's political economy generates tensions between international economic integration and domestic political autonomy. Dani Rodrik identifies a "trilemma" where countries can achieve only two of three objectives simultaneously: deep economic integration, democratic politics, and national sovereignty. Full globalization with democratic politics requires relinquishing national sovereignty through supranational governance. Maintaining sovereignty and democracy requires limiting globalization. Combining globalization and sovereignty requires limiting



democracy. This trilemma explains tensions in contemporary politics as citizens demand democratic control over economic outcomes while governments face international constraints (Rodrik, 2011).

Populist movements partly reflect backlash against globalization from populations experiencing economic dislocation from trade, deindustrialization, and immigration. Workers in manufacturing sectors facing import competition or offshoring resent international agreements enabling these processes. "Left behind" regions experiencing economic decline support nationalist and protectionist policies promising restoration. Brexit exemplified this dynamic with "Leave" support concentrated in deindustrialized regions, while cosmopolitan London favoured "Remain." Trump's 2016 victory similarly reflected support from manufacturing regions experiencing trade-related job losses (Colantone and Stanig, 2018).

However, globalization also creates beneficiaries, including consumers accessing cheaper imported goods, exporters reaching international markets, knowledge workers in globally integrated sectors, and urban areas benefiting from immigration and diversity. These divides generate political conflicts over globalization's desirability and appropriate policy responses. Left-behind populations demand protection and redistribution, while integrated populations favour continued openness. Reconciling these competing preferences challenges democratic systems (Goodhart, 2017).

### **10.2.2 Climate Change and Environmental Governance**

Climate change represents profound collective action problem requiring international cooperation while testing domestic institutional capacity. Reducing greenhouse gas emissions necessary to limit warming requires coordinated action across countries, as individual nations cannot solve the problem independently. However, countries face incentives to free-ride on others' mitigation efforts while avoiding their own costs. This creates classic collective action challenges requiring international agreements, monitoring, and enforcement mechanisms (Ostrom, 2010).

The Paris Agreement, adopted in 2015, represents the most comprehensive international climate framework, with nearly all countries submitting nationally determined contributions specifying emission reduction targets. However, the Agreement's voluntary nature and weak enforcement mechanisms limit effectiveness. Countries retain sovereignty over domestic policies and cannot be compelled to meet targets. The United States' withdrawal under Trump and subsequent rejoining under Biden illustrates national sovereignty's continued primacy despite international commitments (Falkner, 2016).

Climate change impacts will stress governmental institutions through multiple pathways. Extreme weather events, including hurricanes, floods, wildfires, and droughts, require emergency response capacity and resilient infrastructure. Sea-level rise threatens coastal populations, requiring managed retreat or expensive protection. Agricultural disruptions from changing precipitation and temperatures affect food security. Climate-induced migration from uninhabitable regions creates refugee crises. These stresses may exceed institutional capacity particularly in developing countries with limited resources (Berrang-Ford et al., 2021).

Political systems vary in capacity to address climate change based on institutional features. Parliamentary systems with majoritarian institutions may implement climate policies decisively when governing parties prioritize action, but policy continuity proves vulnerable to governmental changes. Presidential systems with separation of powers may face gridlock when presidents and legislators disagree, as United States experience demonstrates. Authoritarian systems, including China, can implement policies without democratic constraints but may prioritize economic growth over environmental protection. No system type exhibits clear superiority for climate governance—effectiveness depends on political will, institutional design details, and interest group configurations (Compston and Bailey, 2008).

Intergenerational equity challenges arise from climate change's long time horizons. Current generations bear mitigation costs while future generations receive benefits. Democratic systems responding to current voters may systematically undervalue future interests. Some advocate institutional innovations including future generations commissioners or constitutional provisions protecting long-term interests, to address this temporal mismatch (González-Ricoy and Gosseries, 2016).

### **10.2.3 Migration and Border Control**

International migration creates pressures on states through multiple channels. Refugee flows from conflicts and persecution in Syria, Afghanistan, Myanmar, and elsewhere test asylum systems and generate humanitarian crises. Economic migration seeking better opportunities challenges labour markets and social cohesion in destination countries. Irregular migration across borders raises security concerns and enforcement challenges. These dynamics generate political conflicts over immigration policy, border control, and integration (Castles et al., 2014).

The European migration crisis beginning in 2015 illustrated these tensions. Over one million refugees and migrants arrived in Europe, primarily through Greece and Italy. The Dublin Regulation requiring asylum applications in first-entry countries proved unworkable given uneven burdens on frontline states. Relocation agreements distributing

asylum-seekers across EU members faced resistance particularly from Eastern European countries. Border controls within the Schengen area were temporarily reintroduced despite free movement principles. Migration became politically salient contributing to populist right's rise (Zaun, 2018).

Migration affects party systems and political competition. Right-wing populist parties mobilize support through anti-immigration rhetoric emphasizing cultural threats, economic competition, and security risks. Mainstream parties face difficult trade-offs between accommodating these concerns and maintaining liberal principles. Left parties struggle to balance working-class constituents facing economic competition from immigration with progressive commitments to diversity and rights. These tensions reshape political coalitions and policy outcomes (Dennison and Geddes, 2019).

Institutional responses to migration vary. The United States' federal-presidential system creates conflicts between federal immigration authority and state-level implementation. Sanctuary cities refusing cooperation with federal immigration enforcement demonstrate state-local resistance to federal policy. However, federal authority over borders and immigration ultimately constrains states. The European Union's supranational structure creates tension between EU-level policy coordination and member state sovereignty over borders and security. National governments retain substantial autonomy despite EU frameworks (Zolberg, 2006).

Migration's long-term effects depend partly on integration policies. Countries emphasizing multiculturalism and integration support may successfully incorporate migrants into economic and social systems, while those pursuing exclusionary policies may create marginalized communities, generating long-term social tensions. Labor market flexibility, educational system capacity, housing availability, and anti-discrimination enforcement substantially affect integration outcomes. These domestic policy choices mediate migration's political and social effects (Alba and Foner, 2015).

#### **10.2.4 Pandemics and Public Health Governance**

The COVID-19 pandemic demonstrated both governmental capacity and limitations while testing institutional arrangements globally. Effective pandemic responses required early detection and transparent reporting, aggressive testing and contact tracing, public health interventions including lockdowns and social distancing, healthcare system capacity for treating severe cases, international cooperation on treatments and vaccines, and economic support for affected populations and businesses. Countries varied enormously in performance across these

dimensions (Greer et al., 2020).

Institutional features affecting pandemic responses included executive capacity for decisive action versus legislative and judicial constraints, federal-unitary structures determining policy coordination across levels, public health system capacity including surveillance and healthcare infrastructure, and governmental trust and legitimacy affecting compliance with health measures. No clear pattern emerged linking regime type to performance—some democracies performed well (New Zealand, South Korea, Germany) while others struggled (United States, United Kingdom), and authoritarian systems exhibited similar variation (China succeeded after initial failures, Russia struggled) (Greer et al., 2020).

Democracies faced tensions between public health imperatives and civil liberties during pandemic responses. Lockdowns, business closures, gathering restrictions, and mask mandates limited freedoms in ways unprecedented in peacetime. Courts in various democracies reviewed governmental actions for proportionality and necessity, sometimes invalidating measures deemed excessive. Executive emergency powers expanded in many countries, raising concerns about temporary measures becoming permanent or establishing precedents for future restrictions. Balancing health protection with rights protection proved challenging across democratic systems (Greene, 2020).

Authoritarian systems including China, implemented strict controls including extensive lockdowns, mandatory quarantines, digital surveillance tracking individuals' movements and contacts, and severe penalties for non-compliance. These measures may have reduced transmission at the cost of extensive rights violations. China's approach combined effective public health interventions with authoritarian control mechanisms, demonstrating pandemic response need not follow democratic principles. However, initial information suppression in Wuhan enabled pandemic spread internationally, illustrating authoritarian systems' transparency problems (Kuo and Dai, 2021).

Vaccine development and distribution revealed both international cooperation capacity and limitations. Operation Warp Speed in the United States and similar programs elsewhere achieved unprecedented vaccine development speed through massive public and private investment. However, vaccine nationalism with wealthy countries securing supplies while poor countries struggled illustrated international cooperation failures. COVAX initiative attempted equitable distribution but faced funding and supply limitations. Vaccine intellectual property debates revealed tensions between pharmaceutical companies' patent rights and global health imperatives (Hafner et al., 2020).

The pandemic's long-term institutional effects remain unclear.

Remote work and digital service delivery accelerated may persist post-pandemic. Enhanced public health infrastructure and preparedness may improve future pandemic response. However, pandemic fatigue and economic damage may reduce political willingness for aggressive future interventions. Institutional learning from pandemic experience could strengthen resilience or bitter political conflicts over pandemic responses may obstruct cooperation. How institutions adapt to pandemic lessons will affect future crisis management (Greer et al., 2020).

### **10.3 Continuity and Change in State Systems**

State systems evolve through a dynamic interaction between institutional continuity and adaptive change. While political, economic, and social environments may shift rapidly, core state structures often display strong resilience. This endurance stems from institutional arrangements that shape political behaviour over long periods and constrain the range of viable reform options.

Continuity is largely sustained by path dependency. Constitutional frameworks, administrative traditions, and legal norms generate self-reinforcing mechanisms that privilege existing power distributions. Political elites and bureaucratic actors who benefit from established arrangements tend to defend institutional stability, framing it as a prerequisite for order and governability. As a result, formal reforms frequently coexist with informal practices that preserve established patterns of authority.

Change, when it occurs, is typically incremental rather than transformative. External shocks—such as economic crises, wars, or regime transitions—may trigger institutional adjustment, but their effects are mediated by existing structures. Instead of producing systemic rupture, such moments often lead to selective reconfiguration, including the recalibration of executive power, state–society relations, or governance mechanisms.

Ultimately, continuity and change should be understood as complementary dynamics rather than opposing forces. The durability of modern state systems lies in their capacity to absorb pressures for change while maintaining institutional coherence, allowing adaptation without abandoning foundational structures.

#### **10.3.1 Institutional Persistence and Path Dependency**

Political institutions exhibit strong persistence once established, despite changing circumstances. Path dependency describes how initial institutional choices constrain subsequent development, with early decisions creating self-reinforcing patterns resistant to change. Constitutional structures, governmental systems, federal arrangements,

and electoral rules typically endure across long periods despite altered social, economic, and political conditions. Understanding institutional continuity requires examining mechanisms generating persistence (Pierson, 2000).

Sunk costs and institutional complementarities create barriers to change. Once institutions are established, significant investments occur in training, procedures, and organizational structures adapting to existing arrangements. Changing institutions requires incurring new costs while abandoning sunk investments. Additionally, institutions develop complementarities where multiple features work together, making piecemeal reform difficult without addressing interconnected elements (Hall and Soskice, 2001).

Political power distributions favour existing arrangements by creating stakeholders benefiting from current systems. Officials holding power under existing institutions resist changes threatening their positions. Political parties succeeding under the current electoral rules oppose reforms potentially disadvantage them. Bureaucracies operating under established procedures resist reorganization. These resistance forces make institutional change difficult even when reforms might improve performance (Mahoney and Thelen, 2010).

Constitutional amendment procedures requiring supermajorities or special processes create high barriers to formal institutional change. The United States Constitution's Article V, requiring two-thirds congressional majorities and three-quarters state ratification, makes amendments extremely difficult, with only 27 amendments in over 230 years. Many other constitutions similarly establish heightened requirements for change, though most are easier to amend than the U.S. Constitution. These procedures intentionally create stability but also prevent adaptation to changed circumstances (Lutz, 1994).

However, institutional change does occur through various mechanisms. Exogenous shocks including wars, economic crises, revolutions, or regime transitions, create opportunities for fundamental reforms during critical junctures when normal constraints weaken. Germany's post-World War II constitutional founding, Eastern European post-communist transitions, and Latin American democratizations exemplify critical junctures enabling institutional transformation (Capoccia and Kelemen, 2007).

Incremental change through layering (adding new rules alongside old), drift (allowing institutions to atrophy through non-maintenance), conversion (redirecting institutions toward new purposes), or displacement (slow replacement by new institutions) can cumulatively transform systems without dramatic ruptures. The British unwritten

constitution evolves continuously through these mechanisms including devolution layering onto a unitary structure, convention drift as norms weaken, and institutional conversion like the House of Lords' transformation. These gradual processes can produce substantial change over time (Mahoney and Thelen, 2010).

### **10.3.2 Democratic Consolidation and Reversal**

Democratic consolidation describes processes through which democracies become secure against authoritarian reversal through institutionalized procedures, accepted as the only game in town by all significant political actors, and generating self-reinforcing dynamics supporting democratic continuity. Juan Linz and Alfred Stepan identify consolidation occurring when democracy is behaviourally, attitudinally, and constitutionally consolidated (Linz and Stepan, 1996).

Behavioural consolidation means no significant actors seriously attempt overthrowing democracy or using extra-democratic means for power. Political competition occurs through elections and institutional processes rather than violence, coups, or revolutionary mobilization. Military subordination to civilian control prevents coup threats. Extremist parties either moderate to compete democratically or remain marginal. These behavioural patterns indicate a democratic rule structure political conflict (Linz and Stepan, 1996).

Attitudinal consolidation occurs when vast majorities believe democracy is the best form of government despite dissatisfaction with specific policies or governments. Support for democratic principles, including elections, rights, and rule of law, remains strong even during economic hardship or political dysfunction. Anti-democratic alternatives lack significant support. This normative commitment creates resilience against authoritarian appeals (Norris, 2011).

Constitutional consolidation means governmental institutions, laws, and procedures are habitualized and followed routinely by political actors. Constitutional provisions structure political behavior predictably. Courts enforce constitutional limits. Executives accept judicial review outcomes despite political disagreement. Legislatures exercise oversight authority. These patterns indicate institutionalized democracy rather than merely formal rules (Linz and Stepan, 1996).

However, democratic consolidation is neither automatic nor irreversible. Third wave democratizations beginning in mid-1970s produced numerous democracies, but many experienced difficulties including economic crises, governance problems, corruption, and social conflicts. Some reversed to authoritarianism while others remained unconsolidated with democratic institutions coexisting alongside

authoritarian practices. The assumption that democratization creates one-way ratchet toward consolidation proved overly optimistic (Diamond, 2015).

Democratic deconsolidation describes processes weakening previously consolidated democracies through erosion of behavioral, attitudinal, or constitutional foundations. Rising anti-democratic attitudes among citizens, political actors refusing to accept electoral outcomes or using extra-constitutional means, and weakening of institutional constraints exemplify deconsolidation processes. Some scholars debate whether established Western democracies face genuine deconsolidation or merely temporary turbulence, but warning signs including declining trust, institutional attacks, and norm erosion warrant concern (Foa and Mounk, 2016).

### **10.3.3 Authoritarian Adaptation and Transformation**

Authoritarian systems demonstrate remarkable capacity for adaptation and persistence despite predictions of inevitable democratization following modernization or economic development. Some authoritarian regimes collapsed or democratized, but others adapted to changed circumstances while maintaining political monopoly. Understanding authoritarian persistence requires analysing adaptation mechanisms (Nathan, 2003).

The Chinese Communist Party's survival and strengthened control following Tiananmen Square suppression and the Soviet collapse demonstrates authoritarian adaptation capacity. The Party reformed through incorporating business elites, developing meritocratic promotion systems, fighting corruption selectively, delivering economic growth, and maintaining organizational discipline. These adaptations enabled the Party to benefit from economic transformation rather than being undermined by it, challenging assumptions that development necessitates democratization (Shambaugh, 2008).

Authoritarian learning describes how autocracies study others' failures and successes to improve their survival strategies. Post-Soviet authoritarian regimes learned to avoid liberalizing reforms that enabled democratic transitions in Eastern Europe. They maintain electoral competition but manipulate outcomes through media control and opposition harassment rather than prohibiting elections entirely. They allow limited civil society but restrict politically threatening organizations. These refined authoritarian techniques prove more sustainable than crude repression (Ambrosio, 2010).

Economic performance provides crucial legitimacy for authoritarian regimes lacking democratic justification. The Chinese



Communist Party's legitimacy rests substantially on delivering economic growth and improved living standards. Resource wealth enables rentier states, including Gulf monarchies to provide benefits without taxation, reducing demands for representation. However, performance legitimacy proves vulnerable to economic downturns, potentially generating instability. Reliance on growth creates incentives for unsustainable policies prioritizing short-term outcomes (Zhao, 2009).

Authoritarian regimes face succession challenges given the absence of institutionalized mechanisms for leadership transitions. Personalist dictatorships prove particularly vulnerable to leader death or removal. Single-party regimes can develop succession rules through party congresses and internal elections, though these may produce instability during transitions. Russia's succession when Putin initially stepped down following term limits created uncertainty despite eventual return to presidency. China's succession from Hu Jintao to Xi Jinping proceeded smoothly through party mechanisms, though Xi's removal of term limits creates future uncertainty (Brownlee, 2007).

Prospects for authoritarian transformation toward democracy depend on multiple factors. Economic development creating middle classes may generate democratization pressures, though wealth alone proves insufficient, as Gulf states demonstrate. Regime type affects transformation likelihood—single-party regimes prove more durable than military or personalist regimes. The international environment, including democratic neighbours, international organizations' democracy requirements, and external support or pressure affects regime trajectories. Ultimately, democratization requires elite decisions to accept democratic rules and popular mobilization demanding change (Geddes, 1999).

#### **10.3.4 The Future of Comparative Political Systems**

The future of political systems remains uncertain, given multiple contradictory trends. Pessimistic perspectives emphasize democratic backsliding in established democracies, authoritarian consolidation in China and Russia, populist challenges to liberal institutions, and global power shifts potentially enabling authoritarian models. These developments suggest democracy's "end of history" triumph was premature and authoritarianism may prove more resilient and competitive than anticipated during democracy's post-Cold War zenith (Kagan, 2018).

Optimistic perspectives note democracy's historical resilience through past challenges, continued public support for democratic principles despite institutional dissatisfaction, and authoritarian systems' fundamental weaknesses, including corruption, rigidity, and legitimacy deficits. Democratic systems' capacity for self-correction through elections, free press, and civil society may enable recovery from current difficulties.

Younger generations' values favouring democracy and rights may revitalize democratic politics. Technological changes enabling citizen engagement could strengthen democratic participation (Inglehart, 2018).

Realist perspectives recognize both democracy's strengths and vulnerabilities while avoiding deterministic predictions. Institutional outcomes depend on political choices by elites and citizens rather than on inevitable trajectories. Democracy requires ongoing work maintaining institutions, supporting norms, resisting authoritarian appeals, and addressing citizen concerns. Authoritarian systems face challenges, including succession, adaptability, and managing without democratic feedback mechanisms. The competition between democratic and authoritarian models will continue shaping global politics (Diamond, 2019).

Future research agendas in comparative politics must address emerging questions, including how digital technology affects democratic and authoritarian governance, whether and how democracies can resist populist authoritarian challenges, how international integration affects domestic sovereignty and democracy, what institutional designs best balance effectiveness and accountability, and how political systems adapt to global challenges requiring collective action. These questions will shape scholarly inquiry and practical political development in coming decades (Pepinsky, 2019).

The diversity of political systems examined in this book demonstrates that multiple institutional arrangements can function effectively or fail depending on context. Parliamentary, presidential, and semi-presidential democracies each exhibit distinctive characteristics requiring different supporting conditions. Federal and unitary structures distribute authority differently with varying implications. Authoritarian systems operate through distinct mechanisms than democracies. No universal optimal design exists—appropriate institutions depend on historical legacies, cultural contexts, social cleavages, economic conditions, and international environments. Understanding institutional variation, contextual effects, and adaptive capacity provides a foundation for analysing contemporary challenges and future trajectories of modern states (Lijphart, 2012).

## **CONCLUSION: POLITICAL ORDER AS AN INSTITUTIONAL GRAMMAR**

This book has approached contemporary government systems not as abstract constitutional blueprints, nor as universally transferable models, but as historically embedded institutional grammars through which political authority is produced, organized, and exercised. Parliamentary, presidential, and semi-presidential systems have been examined not as competing ideals in a normative hierarchy, but as distinct configurations emerging from specific social, historical, economic, and cultural trajectories.

The central argument developed throughout this study is that no government system is inherently optimal in the abstract. What determines institutional success or failure is not the formal superiority of a given model, but the degree to which its internal logic resonates with the society in which it operates. Government systems are the outcome of layered processes: modes of production, social cleavages, historical ruptures, geopolitical constraints, state-building trajectories, and long-term patterns of political culture. They crystallize at the intersection of structure and agency, continuity and rupture, institutional inheritance and strategic choice.

From this perspective, executive–legislative arrangements should be understood as products of political order, not merely as technical solutions to governance problems. The allocation of authority among legislative, executive, and judicial institutions reflects deeper assumptions about power, legitimacy, accountability, and social trust. Parliamentary fusion of powers, presidential separation, and semi-presidential dual executives each encode different answers to fundamental questions: How should authority be constrained? How should responsibility be assigned? How should conflict be managed within the political system?

The comparative analysis undertaken in this book demonstrates that institutional configurations cannot be evaluated in isolation. The performance of a parliamentary system varies significantly depending on party system structure, electoral rules, territorial organization, and political culture. Presidential systems exhibit radically different dynamics under two-party versus fragmented multiparty conditions. Semi-presidential systems oscillate between stability and conflict depending on constitutional clarity, balance of executive powers, and patterns of political competition. Institutional outcomes are therefore relational rather than intrinsic.

A recurring theme across chapters has been the concept of institutional fit. Systems function effectively when formal rules align with

informal norms, when constitutional design resonates with societal expectations, and when political actors internalize the logic of the institutions they inhabit. Conversely, institutional mismatch—where imported models collide with local political practices or historical legacies—often produces instability, authoritarian drift, or chronic governance crises. Many of the most persistent political problems in contemporary states arise not from flawed intentions but from misaligned institutional grammars.

This analysis also underscores the limits of institutional engineering. Constitutional design can shape incentives and constrain behaviour, but it cannot fully substitute for political culture, democratic commitment, or historical learning. Institutions evolve over time through practice, interpretation, and adaptation. Successful political systems are rarely the product of perfect initial design; rather, they emerge through iterative processes of correction, contestation, and institutional maturation.

By framing government systems as grammars of political order, this book aims to move beyond both institutional determinism and normative idealism. The objective has not been to rank systems or prescribe universal solutions, but to provide a conceptual framework capable of explaining variation, contingency, and transformation in modern political systems. Comparative analysis, when grounded in historical sensitivity and contextual awareness, offers tools for understanding why similar institutions produce divergent outcomes across societies.

Ultimately, the study of government systems is inseparable from broader questions of political order: how authority is legitimized, how power is constrained, and how collective decisions are made under conditions of pluralism and conflict. Recognizing the contingent and constructed nature of political institutions allows for a more realistic, critical, and responsible engagement with constitutional design and democratic governance. The grammar of political order, once understood, does not dictate a single correct sentence—but it clarifies why some political arrangements speak fluently to their societies, while others remain structurally incoherent.

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