

Comparative Governmental Systems:

Executives, Legislatures, Courts, Admin., & Local Govt

I. Overview (Gallagher, Laver, Mair, chs. 2,3,4,6):

1. To compare dem's, asking how diff ways of constructing inst's of dem might affect key soc, pol, & econ outcomes, must first have some grasp range of diff inst'l systems possible
2. Branches of govt: exec, legis, judic, admin (bureauc); plus, some mech's for subdividing jurisdiction: local governance

II. Executive (ch. 2)

A. DEFINE:

1. classically, implements policy set by legislation;
2. in practice, more than that:
 - a. consolidated leadership of government, of country: CEO
 - b. often agenda setter, designer, enforcer of law
 - c. figurehead: personal embodiment of state

B. Key distinctive features of democratic exec's (beyond US)

1. Separation of Powers
 - a. Executive-legislative sep. non-existent in most democracies (parliamentary)
 - b. Head of State (HoS) & Chief Executive (CEO) strongly separated (separation non-existent in US): (historical evolution)
2. Indirect Elect.: Exec's not usu. directly elected, usually indirectly from legis

C. Head of State

1. Types of Head of State (where differ, usu. longer term than CEO):
 - a. Const'l Monarchies: CA, AL, NZ (Queen rep. by Gov.-Gen.), JA (Emp.), BE, DE, LU (GrDuke), NE, NO, SP, SW, UK

b. Republics (Pres. HoS):

- (1) Direct Election: US*, AU, FI, FR, IC, IR, PO
- (2) Election by Legislature: GE, GR, IT, MA, SZ

2. Roles:

- a. Symbolic: personal embodiment of nation
- b. Procedural: preside@big state events (open parl, ratify laws, etc.)
- c. Diplomatic: greeting visiting dignitaries, attending funerals, etc.

3. Variation in Effective Powers:

- a. Effective influence varies, but **France** (“**Semi-Presidential**” since 1958) a major exception (= > rest, w/ poss. exception Switz., Fin., & 1 or 2 others, more strictly **Parliamentary Democracies**)

- (1) Formal Powers French Pres.: appoint PM, chair cab mtgs, dismiss PM, dissolve parl
- (2) Seems formidable, but w/ parl maj req'd to pass legis & to back a PM...
 - (a) only last much effective when Pres&Parl differ (*cohabitation*: '86-88, '93-5, '97-)
 - (b) & blunt weapon, plus only likely useful when expect could win in elect.

- b. All directly elected pres have at least that potency as (usu.) only leader elected by whole nation, often some other, usu. minor, powers beyond that

- (1) **Fin**: pres ctrl role in for. policy, can lever dom.-policy influence therefrom
- (2) Even **Ire**, where P can't leave or speak any policy issue w/o govt. OK: 2 powers
 - (a) refer bills passed by parl to Supreme Ct for judicial review (see below)
 - (b) refuse petition to dissolve legis. (more later; n.b. weighs against too-freq ele.-calling)

- c. Indirectly elected pres &, *a fortiori*, monarchs lack that adv., but still not wholly powerless; many have some dissolution-refusal and such powers also, plus:

- (1) **Italy**: can refuse diss., +bully pulpit: aloofness from day-to-day pol can be adv.
- (2) Monarchs: some have intervened or spoken too strongly, and many presidents exist today as result, but even there still powerful symbol, which can also matter
 - (a) Belg (King Baudouin, *the only Belgian*): illustrates value in divided ctry
 - (b) Sp (*modernising monarch*): illustrates potential value in emerging dems
 - (c) Elsewhere (SW & NE notably): royalty self-consciously avoids pomp

4. Explaining varying efficacy of Heads of State (to generalize):

- a. Formal powers in constitution,
- b. *Plus* pol.-strategic & social situation (e.g., Fra, Fin, but also, e.g., Ita, Bel, Spa)
- c. Direct election helps

D. Prime Minister (PM)/Chancellor (“political boss” or C.E.O.)

1. Usu. power >> US pres, esp. in 1-prty gov, but in coals too. *Why?*
 - a. Usu. PM obtains position by strong barg power in legislature
 - b. Usu. head of a key, often largest, party as well as head of govt
2. **Aspects/Sources of PM Power**; again, formal description part of it, but key is strategic political position:
 - a. PM=leg’s choice to head govt: tight **party discipline** also key
 - b. Given modest role of HoS, PM=nation’s ctrl pol fig: *Thatcher’s England*, e.g.
 - c. Cab & party leader: *first among equals*—hires & fires cab mins => **gatekeeper** to power (controls careers), so demands & gets strong party loyalty
 - d. At apex of political info, & usu. govt’s **agenda-setter**: which proposals discussed, in what order... **Illustrate Agenda-Setting Power:**

(1) Agenda-Setting Power with naive/sincere voters, extreme example:

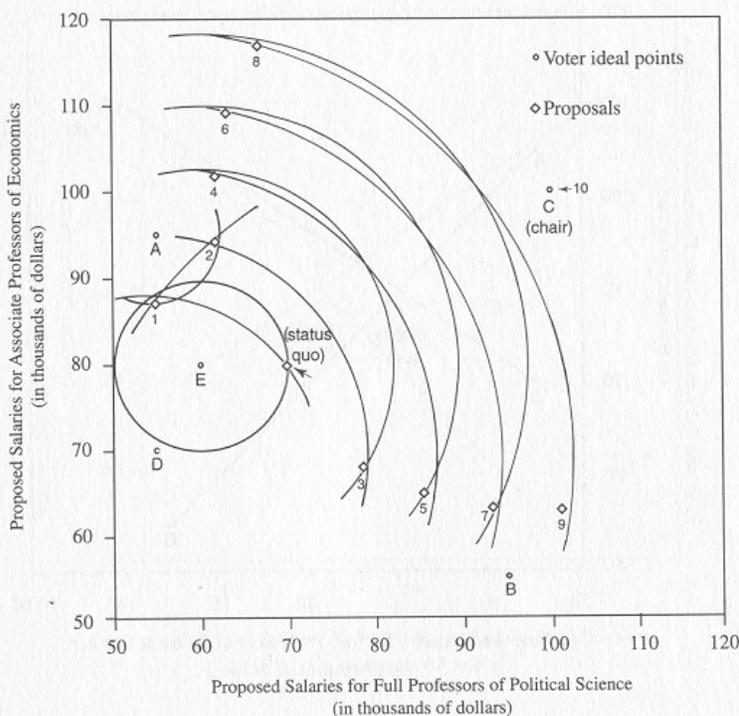


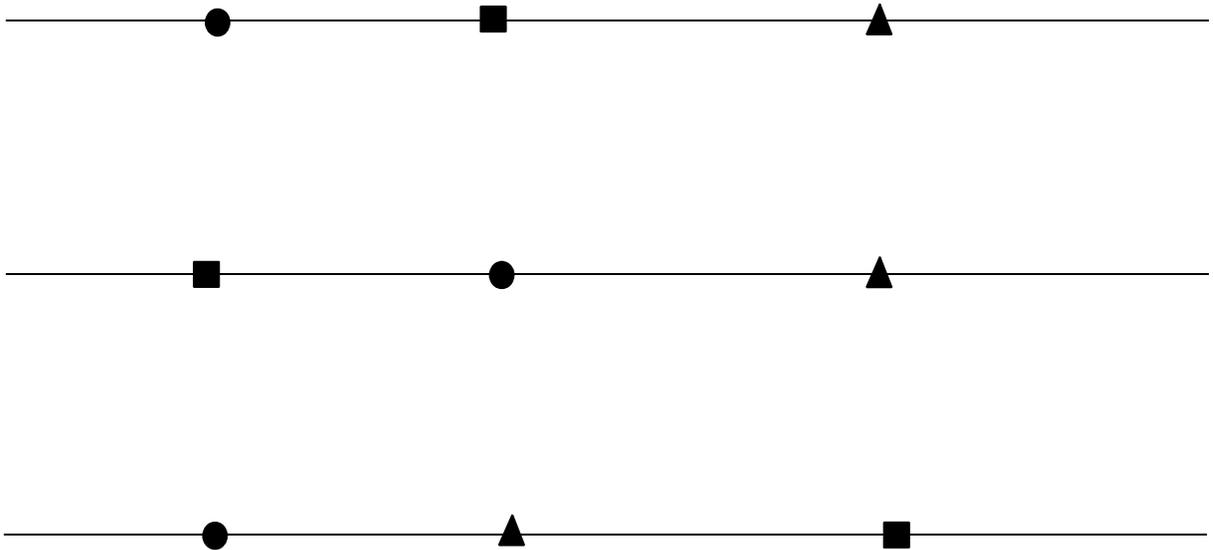
Figure 6.4. Agenda Manipulation and Faculty Salaries

Table 6.1. Preference Schedule for Voters on Faculty Salary Proposals

Professor A	Professor B	Professor C	Professor D	Professor E'
2	9	10	1	1
1	7	Status quo	Status quo	Status quo
4	5	9	3	2
Status quo	3	8	2	4
6	Status quo	7	5	3
8	10	6	4	6
3	2	5	7	5
5	1	4	6	8
10	4	3	9	7
7	6	2	8	10
9	8	1	10	9

(2) Agenda-Setting Power with strategic voters, basic examples:

- Policy Space
- ▲ Status Quo
- Ideal Point of Median Member
- Ideal Point of Proposer



3. **Replacing PM's:** PMs ≠ dictators, can be replaced at any time

a. *Electoral Loss:*

- (1) If party loses enough seats that PM no longer maintain parl maj to retain office
- (2) If loses parl supp b/w mandated elections, or if former supporters thinks may have, opponents (new & old) can force early election...

b. *Legislative-Majority Loss w/o Election:* current supporters can abandon if get better, or begin doubt/dislike current, deal: PM (& cab) serves at will of parl majority

c. *Loss of Own-Party Leadership:* own party could also lose faith & decide replace PM as prty ldr; not *per se* remove PM title, but prty just abandon govt & replace it.

4. Conclusions on PM:

- a. => relatively small # MPs shifting support could topple PM (& cab govt) w/o voters immediate & direct say, but, ultimately, all return to voter for approval, so estimates of voter support continually key
- b. powerful but replaceable
- c. formal powers detailed, but key is political position

E. **Cabinet (Govt):** Cab = Board of Directors; set of ministers that comprise govt & head depts.

- 1. Department Head:
 - a. **portfolio responsibility:** responsible for affairs of dept to cab as a whole, which is responsible to parl, which is responsible to voters
- 2. Government Member
 - a. **collective responsibility:** may debate issues in cab, but once decided, they're unanimous & sink/swim together (n.b., distinguishes cab in parl. from in pres.)
 - b. *collective responsibility* often taken to => secrecy of cab discussion, but veterans know how to leak strategically (personally, collectively) & how to read tea leaves
 - c. *ministers w/o portfolio:* rare, have only this second role
- 3. *Ministerial Autonomy:* GLM arg. ministerial sys exhibits strong division lab.
 - a. Complexity of modern policymaking means only dept has expertise & resources to create, to amend, etc. policy in its area =>
 - b. Minister generates policy in his/her area for cab disc. => choice structured on dept'l lines (n.b., this claim key to L&S model of govt form., later). Agenda Setter

F. Making and Breaking Governments (first look)

- 1. **Fundamental Principle of Parliamentary Democracy:** Exec. (PM & Cab) responsible to Legis. (Parl)
- 2. Govt cannot form, survive, or act w/o parl-maj supp. Key tools:
 - a. *Vote of Investiture:* DEF; even if not explicitly req'd, must survive votes *ab initio*
 - b. *Vote of (No) Confidence:* DEF
 - (1) in almost all, govt must resign if lose [SZ: govts not face => not strictly Parl Dem]
 - (2) opp. may propose vote of no confidence at any time [Why would they?]

- (3) govt may convert no-conf into conf vote or call conf vote at will [Why would they?]
 - (4) budgets often formally, &, if not, informally, votes of confidence
3. (some major) Consequences:
 - a. Govt's do not have fixed terms
 - b. Major source of parliamentary power over government
 4. Caretaker Governments: DEFINE
 - a. Can last indef., sometimes act'ly long (months in Bel & Neth not uncommon)
 - b. By convention, usu. not initiate new legis agendas or implement new policies
 5. HoS, Formateurs, & Informateurs: the logistics of the process
 - a. Formateur: DEFINE; Informateur: DEFINE
 - b. HoS role usu. to name Form or Inform, sometimes mech'ly prescribed choice
 - c. Form. names (proposes) PM & cab & portfol. alloc., for parl vote
 - (1) Form. only names; parl (party) leaders bargain & make the decision
 - (2) Ministries are career goals of parliamentarians—key prize & pow, so much sought
 - (3) b/c, once installed, policy control only re-arranged by reforming govt (*ministerial autonomy* again), portfolio allocation central to debate & bargain over new govt
 6. Party Leaders (PM) Choosing Cabinet Members; characteristics sought/rewarded, punished (WHY?):

<ol style="list-style-type: none"> a. Party loyalty (key tool maintain party discipline) b. Represent prty strands (WHY?) c. PM internal-party supporters and/or opponents (WHY?) 	<ol style="list-style-type: none"> d. Seniority (WHY?) e. Ability (WHY?) f. Typ. must be MP's, but not always, & some even prohib. both at same time
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 7. Civil Service: politicized v. depoliticized (DEF & DISC)
 8. **Minority Govts:** DEF; how maintain pow? one key: maj. coal. may vary from policy to policy; something less possible within majority-govt model
 9. Defeat in Conf Vote: often not played to end-game, govt resigns before, but sometimes is to force public play
 10. Summary Conclusion: 2 paragraphs on p. 38 (4th ed.)

CTRY	ID	LSEATS	LPO	USEATS	UPO	BICAM1	BICAM2	LEFORM	LMAG	PRES1	PRES2	SECGOV	TERGOV	QUAGOV
US	1	435	2	100	6	1	1	1	1	1	1	50	2992	78200
JA	2	512	4	252	6	1	1	1	3.9	0	0	47	.	900
GE	3	520	4	45	Varies	1	1	0 / 1	1 / 260	1	0	11	8502	.
FR	4	577	5	319	9	1	0	1	1	1	1	22	421	37108
IT	5	630	5	323	5	1	1	0	20.3	1	0	20	94	8075
UK	6	650	5	1180	Life	1	0	1	1	0	0	65	422	11000
CA	7	195	5	104	Until Retire	1	0	1	1	0	0	12	.	3217
AU	8	183	4	63	5 / 6	1	0	0	20.3	1	0	9	.	2300
BE	9	212	4	183	4	1	1	0	7.1	0	0	12	44	596
DE	10	179	4	.	.	0	0	0	9.7	0	0	14	.	275
FI	11	200	4	.	.	0	0	0	13.3	1	1	12	.	461
GR	12	300	4	.	.	0	0	0	5.4	1	0	52	.	6023
IC	13	60	4	.	.	0	0	0	6.7	0	0	8	23	216
IR	14	166	5	60	5	1	0	0	4	1	0	4	38	75
LU	15	60	5	.	.	0	0	0	14.8	0	0	.	.	118
NE	16	150	4	75	4	1	1	0	150	0	0	12	.	714
NO	17	165	4	.	.	0	0	0	8.2	0	0	19	.	454
PO	18	250	4	.	.	0	0	0	12.5	1	0	20	305	4050
SP	19	350	4	257	4	1	0	0	6.7	0	0	17	50	8056
SW	20	349	3	.	.	0	0	0	12	0	0	24	.	284
SZ	21	200	4	46	4	1	1	0	7.7	1	0	26	.	3029
AL	22	148	3	76	6	1	1	1	1	0	0	6	.	900
NZ	23	97	3	.	.	0	0	1	1	0	0	22	.	224

III. Legislatures (Parliaments): (GLM ch. 3)

A. Legislatures in Presidential & Parliamentary Systems:

1. Pres sys (US + many Lat.Am., few other dev'ing-ctry & new dem's):
 - a. Legislature usu. pow to create & enact legislation, including, critically, budgets
 - b. Presidents usu. pow to ratify or veto leg., to implement & monitor/enforce it
2. In parliamentary systems:
 - a. **Govt** (PM & Cab) *the* decisive power: creates, implements, monitors/enforces,
 - b. Legislature (parl): merely enacts/ratifies, *but* parl can usu. dismiss govt at any time
=> "Government responsible to Parliament"
 - c. Key to govt dominance of parl in practicality: **party cohesion & discipline**

B. Parliamentary Chambers: Unicameral v. Bicameral

1. *Char's*: Most bicam, w/ lower direct elect & upper, usu. less pow, otherwise
2. Bicameralism and Upper Houses
 - a. Methods of Selecting Upper Houses
 - (1) Heredity, (Lifetime) Appoint: UK House Lords, LU Council State; CA Senate; these sorts usu. have least power
 - (2) Direct Election, approx. same system as lower: most of IT, SP, & BE Senates; among most powerful. Indeed, IT & SP selection & powers mirror lower chambers' => point of such bicameralism obscure
 - (3) Direct Election, diff. sys (dist's, terms) than lower (usu. geographic basis rep):
 - (a) examples: US, AL, JA, SZ
 - (b) notable, but usu. lesser, pows; diff intrsts/org than lower => these most interesting
 - (4) Indirect Election or Appointment by Local Govt:
 - (a) selected differently than lower House, have appreciable powers, but usu. lesser => these also typ. more interesting
 - (b) E.g.: GE, NE, AU, plus IR and FR (although these complicated mix)
 - b. Typ Powers of Upper Houses: (Italy exceptional: same as lower)
 - (1) Delay implement leg enacted by lower (usu. const'ly lmted; cannot overturn)
 - (2) Obstruct certain types leg (veto, or indef delay): usu. on const'l grnds, sometimes +

(a) E.g., GE *Bundesrat* Veto

(b) Stronger still in some: can initiate & approve legis: US, IT, others

(3) Often controlled by diff block (b/c diff. sel. meth, terms) than lower \Rightarrow check on govt

3. Unicameral: DE, FI, GR, IC, MA, NO, PO, SW, NZ (& Nebraska), but even these often have some mech that partly simulates bicameralism: Norway lower house divides itself, FI & PO has one large permanent committee, acts somewhat like U.H.

C. *Lower House Roles: Make & Break Govts; Legislating; Govt Oversight*

1. Appointing and Dismissing Governments

a. Parl sys: legis usu. power to remove govt & usu. to call elections

(1) Exceptions:

(a) SZ neither power; many say \therefore not parliamentary;

(b) NO fixed 4-yr ele. cycle;

(c) GE&SP constructive vote no confidence

(2) Stronger than legis. in pres. sys. in this way: important implications

b. \Rightarrow Govt responsiveness to legis; govt requires legis majority

(1) Prop Rep \Rightarrow multiparty parl, & govt \therefore often relies on parl coalition

(2) \Rightarrow shifts in power, expects can induce sudden Δ in govt, *without direct electoral input*

c. Govt usu. converse power to dissolve parl. & call new elections

(1) \Rightarrow Elect timing = strategic var. (n.b. max inter-elect period always const'ly fix)

(2) \Rightarrow Govt & Parl *gun to each other's head*, but party disc. \Rightarrow govt usu. leads

d. Partisan Balance Pow reflected in 1 ntnl arena (*but not much action there usu.*)

2. Legislating

a. Party disc + Govt'l leg. maj \Rightarrow Gov can usu. pass program w/o much/any drama

b. + Govt controls civ. serv. \Rightarrow plans, implements, monitors, enforces legis.

c. Little committee development or resources in most \Rightarrow little parl ability to design legis, although trend of \uparrow resources & stronger committee systems

d. Representation:

(1) Unlike sys where reps legislate effectively, & where party discipline weaker, MP's see selves less as legislators, less as rep's elect dist, more as of (partisan) interests

(2) Provisions for *private-member bills* usu. exist, & can intro & pass if govt not oppose

e. Still, enough variation that not all parl simply rubber stamp:

(1) *Majoritarian (Westminsterian) systems:*

(a) Single-party govt typ., strong party disc. => little role for *backbenchers*

(b) But PM & Cab must keep prty supp, so even here must keep eye to maintain prty unity

(c) opp sees role more as vocal critic; offering *shadow (alternative) govt*

(2) *Proportional & Consensual systems:*

(a) multiparty govt norm; more explicit give & take among gov'ing parties

(b) SZ, by convention, explicitly consensus; others varyingly operative consensual norms

f. Role of Opposition:

(1) Obstruct as much as can in majoritarian:

(a) Filibuster or equivalent: GR

(b) Speeches against govt plans: embarrass govt, offer alternative

(2) Stronger role w/ more bargaining w/ government in consensual:

(a) govt negotiation with opposition plays stronger role

(b) more dev'd committee sys, although role more in details than policy per se; bills often to committee for negotiation & compromise before to floor (as opp. to majoritarian)

(c) some can even set own agenda & timetable & sometimes amend bills

g. Examples of parliamentary roles:

(1) Scand. parl's closest to congressional model:

(a) rel. strong committees w/ stable membership, often govt commissions to form policy

(b) parl arranged by geog rather than party=>more cross-party barg, esp. regional issues

(c) FI (repealed '92): almost all bills req'd 2/3 maj=>more compromise

(d) *DE: minority govt. illustrates strength of parl. function of govt's strategic position in parl*

(2) IT at one far extreme:

(a) party ldrs set policy agenda; much policy even designed in party comm

(b) secret ballot in legis. through '88 => harder to enforce party discipline => more govt.-opp. and govt.-backbench negotiation and compromise

(c) parl. comm's very strong: explicit lawmaking powers to scrutinize all legis. & even finalize and approve some without going to floor!

(d) but even so: *leggine* [DEFINE] and *partitocrazia* [DEFINE]

3. Govtl Oversight: watchdog role, background question of degree replaced

by media in this role; methods differ across systems:

a. *Question Time* [DEFINE]:

(1) frequency and required response time varies

(2) cat & mouse game of words with opp. trying to embarrass govt, govt trying not to give too much away while not lying

(3) Pattern: ↑↑# Q's⇒more effective oversight? or still no bite, or devalued by use?

b. Interpolation: like Q time, except response debated in parl if sufficient # ask

c. Oversight comm's: exist, but not near as dev'd as pres sys [*Why?*]

D. ***Party Discipline*** (e.g., one study: 99.8% party-line votes in Nor.):

1. The Centrality of Party Discipline to Governmental Dominance:

a. MP virt'ly must vote party line + Gov must have parl maj⇒*Gov passes its agenda*

b. => "legislature" acts as grp of parties, not some large # individs

2. Sources of Party Disc (discussed above, & more later, for now):

a. Party ldrs have *unpleasant punishments* for backbenchers [*e.g.?*]

(1) Party label needed for election, can be denied

(2) Ambitious MP's must note leaders gatekeepers to pow positions (ministries *etc*)

b. Positive reinforcements:

(1) Sense of i.d., loyalty to common purpose: e.g., share party ideology

(2) Opt-out provisions often exist for individ MP's on key issues [*when more, when less?*], but, n.b., usu. not to any effect on vote pass [in PO, MP steps aside, replaced by other party mem to take vote]

(3) Decision w/in party on its govt'l program may be fairly democratic

(4) Some negotiation (degree hard to ascertain) occurs *before* bill proposed to floor

c. Some evidence backbenchers ↑'ly assertive (i.e., party discipline ↓)

3. P.D. key to dem responsibility in parl sys: Govt resp. to Parl. resp. to Voters, w/ clear links on whom to blame/credit (easy for voters)

a. => Voters vote for Parties (smaller "personal vote")

b. => MP's think of selves as rep'ing block of interests behind party

c. 1+2 => less distributive and more national politics

d. $1+2 \Rightarrow$ less incumbent advantage

e. $1+2 \Rightarrow$ party label, w/ disc. to ensure its full meaningfulness, valuable to MPs, backbenchers & leaders (so maintain it), & voters (so demand it)

E. Summary Assessment:

1. Role of Parliaments \uparrow or \downarrow ?

a. Arguments for \downarrow :

- (1) \uparrow tech sophist. & complexity legis. & policymaking; parl lacks resources, org.
- (2) \uparrow # grps in compromise (*follows from above*) \Rightarrow \downarrow gov willing to allow parl. amend
- (3) \uparrow scrutiny role replacement by media
- (4) \uparrow casework workloads \Rightarrow \uparrow casework workloads \Rightarrow \downarrow time for signif leg?, but...

b. Arguments for \uparrow

- (1) \uparrow casework workloads \Rightarrow \uparrow citizen appreciation of parl role?
- (2) \uparrow professional MP
- (3) \uparrow resources of common MP

c. GLM say seems parliaments on rise despite all the critics

2. *Variation in parl pow: function of rules, but also of strategic position of govt in leg.*

3. Centrality of PARTY DISCIPLINE

IV. Courts and Constitutions: Gallagher, Laver, Mair ch. 4

A. Background:

1. Constitution (“Basic Laws”) = Rules of Game; Courts & Judges = Refs
2. As \uparrow edu. & \uparrow single-issue politics, \uparrow # issues taken not to legis (seen as slow, ineffective) but to courts [DISC].
3. Cts once ignored in discussing most dems’ politics, but now judicial review important everywhere, and central in many places

B. Common Law and Civil Law traditions

1. Civil Law (Roman sys): Most Eur. (+ Lat.Am., Louisiana, & parts Can.)
 - a. Laws of parl are the law—every legal decision begins w/ legal code, not precedent
 - b. Two strands/sources: Code Napoléon (BE,LU,NE,IT,SP,PO), German Civil

Code (GE,NO,SW,DE,FI,IC)

- c. Judges apply, they do not make, law; see selves & are seen as more civil servants
 - d. Parl is supreme; indeed, judges often search *travaux préparatoires* to aid interp.
2. Common Law (British sys.): UK, most US, most CA, AL, NZ, IR, MA)
 - a. Less emph. on “laws” of parl, more on “The Law” of accumulated precedent: previous judgements (& constitution) are *the* law, until explicitly overwritten (by some hard process specifically described)
 - b. Judges interpret, but only final law as written (not *travaux préparatoires*) is usu. base
 - c. => greater judicial-legislature conflict potential under Common Law
 3. Much evidence convergence; ° Civil Law converging toward Common partly *f*(declining specificity (i.e., rising vagueness) in laws as written
- C. Judge Appointment Procedures: in almost all places, top judges appointed by govt &, to varying degree, removable by parl majority
1. Can & do appoint in partisan way, but also difficult to keep in line b/c:
 - a. Strength of removal provisions varies +
 - b. Legal tradition/strong norm of judicial independence +
 - c. Strong public opinion against partisan-eering of judges =>
 2. Results:
 - a. No UK judge removals since 19th C
 - b. Publics gen’y strong belief in indep.(e.g., re: US Sup. Ct.; but Gore v. Bush...)
 - c. Accusations of partisan bias abound [DISC why in appoint sys; & elected judges]
 - d. Esp. IT case cited for partisan judges—much more overt there => IT (&US?) most highly politicized judges (?)
- D. Judicial Review: DEFINE
1. *Extent of Judicial Review Varies*: non-existent; in reg. cts; in “supreme” cts; both (US, PO, etc.)
 2. European Court of Justice (ECJ) has judicial review over any mem’s domestic laws for accord w/ EU constitution

3. No Explicit Judicial Review

- a. UK: no written constitution => vague => “unconstitutionality” doesn’t arise, or diff. guise; *ultra vires* [DEFINE] exists, but no stop parl write any law wants
 - (1) constitution from: statute law (written laws accepted as the biggies)...
 - (2) ...common law (customs of basic government forms and processes)
 - (3) ...convention (elite accepts some set of implicit prohibitions)
 - (4) ...works of (scholarly) authority
- b. NE: courts expressly forbidden judicial review (undermines parl. supremacy)

4. Limited judicial review

- a. SZ: court can strike down *canton* but not federal law
- b. BE: only those laws concerning balance of powers b/w levels of govt reviewable
- c. Traditionally weak in Scandinavia:
 - (1) only NO long history w/ review, not much significant;
 - (2) SW strong constitutional provisions for review, but not much used (seen to undermine parl. supr.)
 - (3) FI: pres. may refuse to ratify legis. as unconst., but parl. uses legal advisors to pre-vet

5. Explicit, extensive judicial review: 75 of 160 constitutions in world; many use separate constitutional courts

- a. Types of Review:
 - (1) *Concrete v. Abstract* review [DEFINE]
 - (2) *A Priori v. A Posteriori* review [DEFINE]

6. Strength of Const’l Cts:

- a. Strong: US, CA, FR, GE, IT, AU, SP, PO
- b. Weaker: JA; Moderate-to-Weak: AL, NZ
- c. All appointed by gov’t, usually to longer terms than govt and hard to remove
- d. All are highly political appointments, and likely becoming more so
- e. Recall: in many sys, some of pres. pow. stems from being able to call for review.
- f. French Const’l Council illustrates many further points about strong const’l cts:
 - (1) Courts are inherently weak political actors:

- (a) often decisions only declaratory;
- (b) enforcement always lacking;
- (2) So courts rely for their efficacy on
 - (a) moral (and intellectual) authority
 - (b) public support
 - (c) political-elite willingness to follow its decisions.
- (3) Most adopt several strategies to accommodate this weakness:
 - (a) if they can, delay addressing politically contentious issues until attention fades
 - (b) sometimes disting. b/w *unconst'l* and *null&void*
 - (c) rel'ly few laws revoked (e.g., French C.C. about 5%)—this partly b/c govt's pre-vet bills)
 - (d) conditional constitutionality: if bill means X, then const'l, taking most const'l view of what law means, which may dampen lawmakers' intent without outright revoking it.

V. We skip GLM ch. 5 on the EU because too big and other courses here spend whole semester on EU

VI. Administration (Bureaucracy) and Local Government: Gallagher, Laver, Mair ch. 6

A. Administration

1. Background:

- a. *Bureaucrats* do most day-to-day implement of most of what vital to Joe/Jane Cit
- b. Ideal of *depoliticized bureaucracy*: admin. merely a technical prob, not political...

2. Two key factors in *Political* relation Civil Service & Pol-makers/Politicians

- a. Civil Service “Culture”: Generalist (e.g., UK, IR, IT, SP, PO) v. Technocratic (e.g., FR, GE) Civil Service

- (1) Assessed on general administrative & managerial skills (human skills, liberal arts) v. specialist, technical training (economist, lawyer, engineer)
- (2) Occurs through and matters because training & recruitment, socialization differ
- (3) Why some technocratic others generalist? one influential argument: naval v. land-army based territorial domination implies different needs for domestic organization

- b. Politicization of Senior Civil Service (mostly via appoint/promote processes)

- (1) *Spoils system* [DEFINE] most dev'd in US, but general to all dems, perhaps growing

- (2) Anglo-world (except US) at one end: staunchly non-partisan bureaucracy the norm
 - (3) Continental Europe b/w: Francophone world—ministerial *cabinets*: teams of trusted upper civil servants brought w/ minister, far less formalized elsewhere in Europe
3. Policy/Political Implications of Self-Interested Bureaucracy:
 - a. Budget and size maximization (Niskanen; Wildavsky)
 - b. *Bureau-shaping*: making job more congenial \Rightarrow , *inter alia*, SQ bias (Dunleavy)
 4. Other key Q in comparative pub admin: (relative) bureaucratic autonomy
 - a. *Yes, Minister!* [great show, catch an episode]: view that b-crats know what's really happening, pol's not, so b's great latitude to make *effective* policy what they want (or at least not to move if don't want).
 - b. Ministerial (political) power: opposite view that ultimate responsibility is p-m's, p-m's=complete authority & real pow over b's *quality of life* \Rightarrow b's marginal
 - c. Obviously, matter of degree, and it varies [hypothesis?]
 5. **Principal-Agent Situations:** [Discuss]

principal would like: $y_p^* = p(\mathbf{X}_p)$

agent would instead prefer: $y_a^* = a(\mathbf{X}_a)$

p must pay cost that depends on \mathbf{C} to force a do y_p^* , or, to fire a & pick $a=p$

$\Rightarrow y_*^* = p(\mathbf{X}_p) \cdot [1 - f(\mathbf{C})] + f(\mathbf{C}) \cdot a(\mathbf{X}_a)$

with $0 \leq f(\mathbf{C}) \leq 1$ and $f' \geq 0$.

B. Local Governance: *Federal v. Unitary States*; Systems of Local Gov't

1. **Federalism**: constitutional entrenchment of some level of local/regional govt in national policymaking.
 - a. Examples (in rough order of degree): SZ, US, now BE, ({order uncertain} AL, CA, GE), AU, (now UK?)
 - b. Most have bicam legislatures w/ upper house rep's regions & signif pows, e.g. veto
 - c. Fed local govts gen'ly more powerful than unitary, even if explicit powers at any moment were less, b/c fed localities have const., cts., & Upper-House protection

d. Sources “degree of fed”, i.e., varying power regions v. center in fed sys?

(1) Constitutional provisions:

- (a) residual powers to whom,
- (b) power of the purse,
- (c) constitutionally ensconced protectors like courts, upper houses, etc.

(2) Strategic sit at national level, & among set of local levels—complicated interplay here

(3) Social structure, history, and jurisdictional map overlay:

- (a) SZ cantons date to 13th C, language homog./relig. nearly/some by canton not nation, strong ID, etc.
- (b) [...to...Italian history, language/cultural homog. by *regione*; *Italia* born 1860's; common lang & pub schools not until Mussolini.]
- (c) ...to...US history, some ID...to...
- (d) Germany: fed more-recent political construct (some historical root, but match poor)

e. Exogenous Ctrl- v. dectrl-izing pressures? What logical issues involved in power alloc across levels? [DISCUSS]

2. Local Government:

a. Federal or unitary, all: at least one level local govt (commune, municipality), most have one intermed level (province, region); in unitary, though, local only has whatever power center chooses to give

b. Degree of local accountability—election v. appointment; budgetary control—varies

c. Relation across levels not usu. strictly hierarchical; separate duties/powers: in federal, constitutionally defined, in unitary, by legislation, so more easily changed

d. typical local powers:

- (1) nearly all: land use & environ control, services to property (fire, garbage, utilities)
- (2) some: police but varies widely, usu. several law-enforcement divisions at mult. levels
- (3) often: some combo local pub trans, roads, schools, health&hum serves, pub housing

e. Sev. unitary ctrys *special regions* w/ more fed-like prescribed pows: UK, SP, IT, DE

f. Key to local autonomy is budgetary control, esp. on revenue side:

- (1) sources: local prop, bus, & inc taxes; local service charges; transfers from other levels
- (2) most argue: greater reliance on first two and less on last => more effectively auton