Chapter 15

Assemblies
‘A Parliament is nothing less than a big meeting of more or less idle people.’

Walter Bagehot The English Constitution (1867)
Role of Assemblies

- A variety of terms: congress (USA), national assembly (France), house of representatives (Japan), parliament (Singapore), congress of deputies (Spain).
- Assembly has come to be associated with representation and popular government, an assembly, certainly in the French tradition, being viewed as a surrogate for the people.
- Assembly is used interchangeably with the terms legislature and parliament.
Three distinct branches of government can be identified:

- Legislatures make law; they enact legislation.
- Executives implement law; they execute law.
- Judiciaries interpret law; they adjudicate on the meaning of the law.
Parliamentary systems vs. Presidential systems

**Parliamentary Government**

A parliamentary system of government is one which the government governs in and through the assembly or parliament, thereby ‘fusing’ the legislative and executive branches. Although they are formally distinct, the assembly and the executive are bound together in a way that violates the doctrine of the separation of powers, setting parliamentary systems clearly apart from presidential ones.
The chief features of a **parliamentary system** are as follows:

- Governments are formed as a result of assembly elections, based on the strength of party representation; there is no separately elected executive.
- The personnel of government are drawn from the assembly, usually from the leaders of the party or parties that have majority control.
The government is responsible to the assembly in the sense that it rests on the assembly’s confidence and can be removed (generally by the lower chamber) if it loses that confidence.

The government can, in most cases, dissolve the assembly meaning that electoral terms are usually flexible within a maximum limit.

As the head of government (usually the prime minister) is a parliamentary officer, there is a separate head of state: a constitutional monarch or a non-executive president.
Parliamentary system of government

Executive → Assembly → Electorate

Presidential system of government

Executive

Checks and balances

Judiciary → Assembly
Presidential systems

- Based on the strict application of the doctrine of the separation of powers. This ensures that the assemblies and executives are formally independent from one another and separately elected.

- A network of checks and balances
Functions of Assemblies

- Legislation
  Legislation is often seen as the key function of assemblies, as is clearly implied by their common classification as legislatures. Assemblies or parliaments are typically vested with legislative power in the hope that the laws thus made will be seen to be authoritative and binding.

  - An assembly is a forum in which proposed laws can be openly discussed and debated.
  - Second, assemblies are constituted so as to suggest that the people make the laws themselves.
Representation
Assemblies play an important representative role in providing a link between government and the people.

Scrutiny and oversight
Greater emphasis has been placed on the ability of assemblies to constrain or check executive power. Scrutiny and oversight requires full and accurate information, resources and expert advice.
Political recruitment

Assemblies often act as major channels of recruitment, providing a pool of talent from which leading decision-makers emerge.

Legitimacy

The final functions of assemblies is to promote the legitimacy of a regime by encouraging the public to see the system of rule as ‘rightful’.
Structure of Assemblies

**One chamber or two?**

- Single chamber or unicameral, assemblies have been common in much of Africa, in communist states such as China, and in post-communist states.

- Unicameral assemblies are more streamlined and effective than bicameral ones, especially in terms of responding to the needs of small and relatively cohesive societies.

- About half the world’s states retain two-chamber, or bicameral, assemblies.
Bicameralism: strengths and weaknesses

Strengths:

- Second chambers check the power of first chambers and prevent majoritarian rule.
- Bicameral assemblies more effectively check the power of the executive, because there are two chambers to expose the failings of government.
- Two-chamber assemblies widen the basis of representation, allowing each house to articulate a different range of interests and respond to different groups of voters.
- The existence of a second chamber can ensure that legislation is more thoroughly scrutinised, as it can relieve the legislative burden of the first chamber and rectify its mistakes and oversights.
- Second chambers can act as a constitutional safeguard, delaying the passage of controversial legislation and allowing time for discussion and public debate.
Weaknesses:

- Unicameral assemblies are more efficient, because the existence of a second chamber can make the legislative process unnecessarily complex and difficult.

- Second chambers often act as a check on democratic rule, particularly when their members are non-elected or indirectly elected.

- Are a recipe for institutional conflict in the legislature, as well as for government gridlock.

- May narrow access to policy-making by placing final legislative decisions in the hands of joint committees.

- Second chamber introduce a conservative political bias by upholding existing constitutional arrangements and, sometimes, the interests of social elites.
Performance of Assemblies

Do assemblies make policy?

- Policy-making assemblies, which enjoy significant autonomy and have an active impact on policy
- Policy-influencing assemblies, which can transform policy but only by reacting to executive initiatives
- Executive-dominated assemblies, which exert marginal influence or merely rubber-stamp executive decisions
Why are assemblies in decline?

- The emergence of disciplined political parties (undermined the ability of individual members to respect constituents as trustees by exercising their own judgement and conscience)
- The growth of ‘big’ government (growing size of bureaucracies and increasing process of policy initiation and formulation)
- The organisational weaknesses of assemblies (lack leadership)
- The rise of interest-group and media power