

Contemporary Political Systems

Elżbieta Kużelewska

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1. The Political System of United States of America

BASIC DEFINITIONS:

Impeachment - is the first of two stages in a specific process for a legislative body to remove a government official without that official's agreement. The second stage is conviction. In the USA impeachment can occur both at the federal and state level. The Constitution defines impeachment at the federal level and limits impeachment to "The President, Vice President, and all civil officers of the United States" who may only be impeached and removed for "treason, bribery, or other high crimes and misdemeanors."

Separation of powers - a term coined by the Montesquieu, is a model for the governance of democratic countries. According to this model the state is divided into three estates (Executive, Legislative and Judicial) and each estate of the state has separate and independent powers and areas of responsibility.

Amendment - an alteration or addition to a legal document which, when properly signed, has the same legal powers as the original document.

INTRODUCTION:

The United States of America is a federal country consisting of 50 states (and the District of Columbia). It is a presidential republic whereby the President of the USA is the head of state and the head of government. Due to the separation of powers rule, the executive branch is headed by the President and is independent of the legislature. Legislative power is vested in the two chambers of Congress: the House of Representatives and the Senate. Judicial power is exercised by the judiciary composed of the Supreme Court and lower federal courts.

1.1. The Constitution of 1787

The US Constitution is the first written constitution in the world. It consists of 7 main articles and 27 amendments. At the heart of the US Constitution is the principle known as “separation of powers”, which means power is spread between three institutions of government - the executive, the legislature and the judiciary - and no institution has too much power and no individual can be a member of more than one institution. This principle, also known as “checks and balances”, means that each of the three branches of government has some authority to act on its own (regulated by the other branches) and some authority to regulate the other two branches. Moreover, not only power is spread between the different branches:

The Constitution deliberately grants the members of the branches with different terms of office, which further slows the process of rapid, political changes. Thus, the President performs his/her tasks for a term of four years, while members of the Senate serve for six years and members of the House of Representatives for two years. Members of the Supreme Court effectively serve for life.

1.2. The President of USA

The President is elected for a fixed term of four years and may serve for maximum two terms. Technically, the President is not elected directly by the voters but by an Electoral College, representing each state on the basis of a combination of the number of the Senate members and the House of Representatives (the District of Columbia, which has no voting representation in Congress, has three electoral votes making the total Electoral College vote 538).

National presidential elections in the United States play a significant role in citizens’ lives. Election Day is the first Tuesday after the first Monday in November. Anyone who is an American citizen, at least 18 years of age, and is registered to vote is eligible to vote. National presidential elections consist of two separate campaigns: one for the nomination of candidates at national party’s conventions, the other is

for competing in the elections. If the majority of the popular votes go to the Presidential candidate of one party, then that person is supposed to receive all of the state's "electoral votes". The candidate with the largest number of these electoral votes wins the elections.

The President is both the head of state and the head of government, as well as the military commander-in-chief and chief diplomat. Within the executive branch, the President has broad constitutional powers to manage national affairs and the activities of the federal government; in addition, s/he may issue executive orders to affect internal policies.

The President may sign or veto legislation passed by Congress and has the power to recommend measures to Congress. The Congress may override a presidential veto but only by a two-thirds majority in each house.

The President has the power to enter into treaties (with the "advice and consent" of the Senate) and the power to nominate and receive ambassadors. The President may not dissolve Congress or call special elections, but does have the power to pardon criminals convicted of offences against the federal government, to enact executive orders, and (with the consent of the Senate) to appoint the Supreme Court justices and federal judges.

The President may be impeached by a majority in the House and removed from the office by a two-thirds majority in the Senate for "treason, bribery, or other high crimes and misdemeanors".

1.3. The Congress

The Congress is based on a bicameral legislature. It comprises the Senate and the House of Representatives. The Senate is composed of 100 Senators, two from each state. One third of the Senators are elected every two years for six year terms of office. The Senators represent all of the people in a state. The House of Representatives (representing the people) is composed of 435 members. They are elected every two years for 2 year terms. The number of Representatives from each state

is based on its population. There is no limit to the number of terms a Senator or a Representative may serve.

1.3.1. The House of Representatives

The House of Representatives is the lower chamber in the bicameral legislature. The founders of the United States intended the House to be the politically dominant entity in the federal system and, in the late 18th and early 19th centuries, the House served as the primary forum for political debate. However, the Senate subsequently has been the dominant body. The House consists of 435 members, each of whom represents a congressional district and serves for a two-year term. Representatives must be 25 years old, have been a citizen of the United States for seven years, and live in the state they represent. The House seats are apportioned among the states by population according to each decennial census.

1.3.2. The Senate

The Senate is the upper chamber in the bicameral legislature. The original intention of the authors of the US Constitution was that the Senate should be a regulatory group, less politically dominant than the House. However, since the 19th century, the Senate has been the dominant chamber and indeed today it is perhaps the most powerful upper house of any legislative body in the world. The Senate consists of 100 members, each of which represents a state and serves for a six-year term (one third of the Senate stands for election every two years). Senators must be 30 years old, have been a citizen for nine years, and live in the state they represent. Each state has two Senators, regardless of the population, and, since there are 50 states there are 100 senators. This equality of Senate seats between states has the effect of producing huge variations in constituency population with a gross over-representation of the smaller states and serious under-representation of racial and ethnic minorities.

1.4. The Supreme Court

The Supreme Court consists of nine Justices: the Chief Justice of the United States and eight Associate Justices. They have equal weight when voting on a case and the Chief Justice has no casting vote or power to instruct colleagues. The Justices are nominated by the President and confirmed with the “advice and consent” of the Senate. As federal judges, they serve during “good behavior”, which actually means that they serve for life and can only be removed by resignation, or by impeachment and subsequent conviction. The Supreme Court is the highest court in the United States. The court deals with matters pertaining to the federal government, disputes between states, and interpretation of the Constitution. It can declare legislation or executive action performed at any level of the government as unconstitutional, nullifying the law and creating a precedent for future law and decisions. The Supreme Court, in practice, plays a much more “political” role than the highest courts of European democracies.

Useful links:

The Constitution of the USA

<http://www.law.emory.edu/index.php?id=3080>

2. The Political System of the United Kingdom

BASIC DEFINITIONS:

Common law - is a law developed through court decisions and similar tribunals, rather than through legislative statutes or executive action. In common law legal systems, law is created and/or refined by judges: a decision in the case currently pending depends on decisions in previous cases and affects the law to be applied in future cases. When there is no authoritative statement of the law, common law judges have the authority and duty to make law by creating a precedent.

Precedent - is a legal case establishing a principle or rule that a court or other judicial body adopts when deciding subsequent cases with similar issues or facts.

A constitutional convention - is an informal and uncodified procedural agreement that is followed by the institutions of a state. In the Westminster system most of the functions of government are guided by constitutional convention rather than by a formal written constitution.

INTRODUCTION:

The United Kingdom is a constitutional monarchy, in which the Monarch is the head of state and the Prime Minister is the head of government. This means that the official head of state is the monarch, but his or her powers are limited by the constitution. The British constitution is not written in any single document. Only some of the rules are written down in the form of ordinary laws passed by the Parliament at various times. Legislative power is exercised by the United Kingdom government and the devolved government of Scotland, and Executives of Wales and Northern Ireland.

2.1. The Constitution of the United Kingdom

The Constitution is uncodified, specific, being made of constitutional conventions, common law, precedents and written law (statutes). There is no single codified documentary constitution, so it is often said that Great Britain has an “unwritten constitution”. However, the majority of the British constitution does exist in the written form of statutes, court judgments and European treaties. The Constitution does have some unwritten sources, including parliamentary constitutional conventions.

2.2. The Parliament

The UK Parliament is the centre of the political system in the United Kingdom. It is the supreme legislative body. The Parliament is bicameral. It consists of the House of Commons and the House of Lords.

2.2.1. The House of Commons

The House of Commons is chaired by the Speaker. The House of Commons currently comprises 646 seats (the number varies slightly from time to time reflecting the population changes). This is a large legislature taking into consideration international standards. Each seat in the House of Commons represents a geographical constituency. There are not fixed parliament terms. A General Election – that is, a nationwide election for all 646 seats – is held when the Prime Minister calls it, but the election cannot be more than five years after the previous one, and is usually about four years after the last.

2.2.2. The House of Lords

This is an upper chamber, chaired by the Lord Chancellor. It is a peculiar institution that has no equivalent anywhere in the democratic world. There is no fixed number of members in the House of Lords, but currently there are 747 members. Historically most members of the House of Lords have been hereditary peers. This means that in the past a king or queen nominated a member of the aristocracy to be a member

of the House and, since then, the right to sit in the House has passed through the family from generation to generation. Almost all the other members of today's House of Lords are life peers (temporal lords). This means that they have been chosen by the Queen, on the advice of the Government, to sit in the House for as long as they live, but afterwards no member of their family has the right to sit in the House. There is no fixed number of life peers, but the current number is 629. Many are former senior politicians. Others are very distinguished figures in fields such as education, health and social policy. A small number of other members - 26 - are Archbishops and Bishops of the Church of England (Lords Spiritual). There are also 20 Law Lords.

The House of Lords is currently also the final court of appeal on civil cases within the United Kingdom and criminal courts in England, Wales and Northern Ireland. Only the Lords of Appeal (Law Lords) take part in judicial proceedings.

2.2.3. Parliamentary control measures:

- Debate on the Speech from the Throne
- Budget expose
- Government report concerning public expenses
- Parliamentary debate
- Inquiries
- Special commissions
- Controlling the acts of delegated legislation

2.3. The Monarch

The present monarch is Queen Elizabeth II, who has reigned since 6 February 1952. The Queen is the Head of State and the Head of Church. Today, the monarch's role is constitutional, and limited to non-partisan functions such as bestowing honours. Despite this, the ultimate executive authority over the government of the United Kingdom is still, by and through, the monarch's royal prerogative. Such powers include the dissolution of parliament, and establishing rules for the government

and regulation of the civil service and the armed forces. Nowadays, the monarch continues to exercise three essential rights: the right to be consulted, the right to advise and the right to warn. According to the rules: “the Queen cannot act on her own” and “the Queen cannot do wrong” – the Monarch is not politically accountable to the Parliament.

2.4. The Government

The Monarch appoints a Prime Minister as the head of Her Majesty’s Government, guided by the strict convention that the Prime Minister should be the member of the House of Commons to be able to form a Government with the support of the House. This means that the leader of the political party with an absolute majority of seats in the House of Commons is chosen to be the Prime Minister. The Prime Minister then selects the other Ministers which compose the Government. About twenty of the most senior government ministers form the Cabinet.

Useful links:

The House of Commons

<http://www.parliament.uk/commons/index.cfm>

3. The Political System of France

BASIC DEFINITIONS:

Semi-presidential system - a system of government that features both a Prime Minister and a President who are active participants in the day- to- day functioning of government. It differs from the parliamentary system in that it has a popularly elected President who is not a ceremonial figurehead and it differs from the presidential system in that it has an executive Prime Minister who is accountable to the legislature.

Cohabitation - the situation when the President is from a different political party than the majority of the members of Parliament.

Incompatibilis - a principle which forbids an individual to hold two or more official administrative positions.

INTRODUCTION:

The political system of France is called a semi-presidential system. It is different from both the parliamentary and presidential systems due to a two-part executive branch and a central role of the President. In France the President is responsible for foreign policy and the Prime Minister for domestic policy. In this case, the division of power between the Prime Minister and the President is not explicitly stated in the Constitution, but has evolved as a political convention. The French political system is typified by periods of *cohabitation*, in which the Prime Minister and the President are elected separately, and often from rival parties.

The French political system sits between that of a presidential and a parliamentary system. There are shared features of a presidential and a semi-presidential system: a powerful role for the President, a common

election of the Head of State, *Incompatibilitas* and a constitutional term and position of the President.

There are also shared features of parliamentary and semi-presidential systems: a two-part executive branch, constitutional accountability of the President and no political accountability, a presidential right to shorten the Parliament's term and political accountability of the government to the Parliament.

3.1. The Constitution of the V French Republic

The Constitution of 4 October 1958 was approved by the French nation in a popular referendum. Its Preamble mentions that France should follow the principles of the Declaration of the Rights of Man and of the Citizens of 1789, confirmed and complemented by the preamble to the Constitution of 1946, and the rights and duties as defined in the Charter for the Environment of 2004.

Article 1: France shall be an indivisible, secular, democratic and social Republic. It shall ensure the equality of all citizens before the law, without distinction of origin, race or religion. It shall respect all beliefs. It shall be organised on a decentralised basis.

Article 2: The motto of the Republic shall be "Liberty, Equality, Fraternity". Its principle shall be: government of the people, by the people and for the people.

Article 3: National sovereignty shall belong to the people, who shall exercise it through their representatives and by means of referendum.

There are anti-parliamentary features of the French Constitution due to:

- the way the outline is prepared
- the layout of the contents
- laconism and the vagueness of the resolutions
- the way the Constitution is approved

3.2. The President of France

3.2.1. General remarks

Under the Constitution, the President was originally elected for a seven year term. In 2002 this was reduced to five years. There is no term limit. In the original 1958 Constitution, the President was elected by an electoral college of elected officials. General de Gaulle obtained, through referendum, an amendment to the Constitution whereby the President would be directly elected by citizens. The first common election took place in 1965.

3.2.2. Presidential jurisdiction towards the Parliament:

- initiative of constitutional changes
- addresses
- summoning special sessions
- act promulgation
- motions to the Constitutional Council
- legislative veto
- referendum
- dissolution of the National Assembly

3.2.3. Presidential jurisdiction towards the Government:

- the government formation
- dismissing members of the government
- dismissing the Prime Minister
- chairing the sessions of the Council of Ministers
- signing decrees-law and ordinances
- authority over armed forces
- managing international affairs

3.2.4. Taking over the entire authority by the President (Article 16)

Where the institutions of the Republic, the independence of the Nation, the integrity of its territory or the fulfilment of its international commitments are under serious and immediate threat, and where the proper functioning of the constitutional public authorities is interrupted, the President of the Republic shall take the measures required by these circumstances, after formally consulting the Prime Minister, the Presidents of the assemblies and the Constitutional Council. He shall inform the Nation of these measures in a statement. The measures must stem from the desire to provide the constitutional public authorities, in the shortest possible time, with the means to carry out their duties. The Constitutional Council shall be consulted in regard to such measures. The Parliament shall convene as of right. The National Assembly shall not be dissolved during the exercise of the emergency powers.

3.3. The Government

The President appoints the Prime Minister who then appoints the ministers, the ministers appoint delegates and secretaries. The government is headed by the Prime Minister. Traditionally, the government comprises of members of three ranks. Ministers are the most senior members of the government; delegates assist ministers in particular areas of their portfolio, secretaries of state assist ministers in less important areas and attend cabinet meetings only occasionally. The French government is accountable to the Parliament. The National Assembly may pass a motion of censure, forcing the resignation of cabinet.

3.4. The Parliament

The French Parliament is bicameral, composed of the National Assembly (a lower chamber) and the Senate (an upper chamber). Each house has its own internal rules and procedure.

3.4.1. The National Assembly

The National Assembly is the principal legislative body. 577 deputies are directly elected for a five year term. The National Assembly may force the resignation of the executive cabinet by voting a motion of no confidence. Due to this fact, the Prime Minister and his cabinet should form the dominant party or coalition in the National Assembly by necessity.

3.4.2. The Senate

There are 321 senators. Senators are chosen by an electoral college for a six year term (one half of the Senate is renewed every three years). 304 senators represent the metropolitan and overseas departments, 5 the other dependencies and 12 senators represent the French established abroad. The Senate's legislative powers are limited. On most legislative matters, the National Assembly has the last word in the event of a disagreement between the two houses.

3.4.3. Functions of the Parliament:

- legislative function (limited)
- supervisory function: control measures of the government by the Parliament:
 - Special and standing committees
 - Investigative Commissions
 - Inquiries
 - Vote of confidence
 - Vote of no confidence

3.5. Cohabitation

Cohabitation means the situation when the President is from a different political party than the majority of the members of the Parliament. It occurs if the political situation forces the President to name the Prime Minister that will be acceptable to the majority party

sitting in Parliament. Thus, cohabitation occurs because of the duality of the executive: an independently elected President and a Prime Minister who must be acceptable both to the President and to the Parliament. There have been only a few periods of cohabitation: Mitterrand – Chirac Period (1986-88), Mitterrand – Balladur Period (1993-95) and Chirac – Jospin Period (1997-2002). Cohabitation used to happen before 2002 because the mandate of the President was of a seven year term and the mandate of deputies to National Assembly was a five year term. Nowadays, as the mandate of the President was shortened to five years, and that elections are separated by only a few months, cohabitation is less likely to happen.

Useful links:

The Constitution of France

<http://www.assemblee-nationale.fr/english/8ab.asp>

4. The Political System of Germany

BASIC DEFINITIONS:

Constructive vote of no confidence - the Federal Chancellor (head of government) may only be removed from office by a majority of votes in Parliament (the *Bundestag*) if a prospective successor also has the support of a majority.

Legislative state of emergency - If the Federal Chancellor has no vote of and the Bundestag is not dissolved, the Federal President, at the request of the Federal Government and with the consent of the Bundesrat, may declare a state of legislative emergency with respect to a bill, if the Bundestag rejects the bill although the Federal Government has declared it to be urgent. If, after a state of legislative emergency has been declared, the Bundestag again rejects the bill or adopts it in a version that the Federal Government declares unacceptable, the bill shall be deemed to have become law to the extent that it receives the consent of the Bundesrat. The same shall apply if the Bundestag fails to pass the bill within four weeks after it has been reintroduced. During the term of office of a Federal Chancellor, any other bill rejected by the Bundestag may become law.

INTRODUCTION:

Germany is a representative democratic republic. It is a federal republic, which consists of 16 *Länder* (states). At the Potsdam Conference, Germany was divided into four military occupation zones by the USA, Great Britain, France and the Soviet Union. The three western zones formed the Federal Republic of Germany (commonly known as West Germany), while the part of the Soviet zone became the German Democratic Republic (commonly known as East Germany),

both founded in 1949. The reunification of Germany came into force on 3 October 1990.

4.1. The Constitution of 1949

German Constitution is a Basic Law for Federal Republic. The Basic Law emphasizes the protection of individual liberty, and divides powers between both the federal and state levels. There are regulations of special character in the Constitution: the rule of social state, federalism, democracy (sovereignty of a nation), the separation of powers, and law and order.

Article 20 (Basic principles of state order, right to resist): The Federal Republic of Germany is a democratic and social federal state. All state authority derives from the people. It is exercised by the people by means of elections and voting and by separate legislative, executive and judicial bodies. Legislation is subject to the constitutional order; the executive and the judiciary are bound by the law. All Germans shall have the right to resist any person seeking to abolish this constitutional order, if no other remedy is possible.

4.2. The Parliament

At the federal level Germany has a bicameral Parliament (Federal Assembly), which is composed of two houses: the Bundestag and the Bundesrat.

4.2.1. The Bundestag

The Bundestag is the German lower chamber of parliament. Nominally it has 598 deputies, elected for a four year term: 299 members are elected in single-seat constituencies by means of a first-past-the-post election system, while a further 299 members are allocated from statewide party lists to achieve a proportional distribution in the legislature. Elections are conducted according to a system of mixed member proportional representation. Voters have two votes. They

cast a vote once for a constituency representative, and subsequently for a party, and the lists are used to make the party balances match the distribution of the second votes. Members of the Bundestag are the only federal officials directly elected by the public.

4.2.2. The Bundesrat

The Bundesrat is the German upper chamber of parliament. This is the representation of state governments at the federal level, which consists of 69 members who are delegates of 16 *Bundesländer* and usually include the 16 Minister Presidents themselves. Every *Land* has from three to six votes in the Bundesrat dependent on its population. Members of the Bundesrat receive voting instructions from their state governments.

4.3. The President

The President of the Federal Republic of Germany is the head of state. The President is elected, without debate, by the Federal Convention comprising all Bundestag members as well as an equal number of delegates chosen by the legislatures of the *Länder* (states). The President is elected for a five year term, and s/he is not politically accountable to the Parliament. Presidential functions are mainly representative. He appoints the Federal Government, has a right to dissolve the Federal Parliament in the case a vote of confidence is not passed. The President promulgates the law, grants pardon and confers decorations and honours. In event of a national crisis, the emergency law reforms of 1968 designate the President as a mediator. If the Bundestag rejects a motion of confidence, but neither the chancellor is dismissed nor the Bundestag is dissolved, the President may, by request of the cabinet, declare a “legislative state of emergency”, which is quite different from a conventional state of emergency: If it is declared, for a limited period of time, those bills proposed by the cabinet and designated as “urgent”, are rejected by the Bundestag but passed by the Bundesrat, become law nonetheless,. (Basic Law, Article 81).

4.4. The Government

A Federal Chancellor and other Ministers are appointed by the Federal President. The Federal Chancellor has a very powerful role. He is a constitutional superior to ministers. As the head of government is politically and constitutionally at a higher rank above other members of the government, the Chancellor defines the guidelines of policy on her/his own. The Chancellor cannot be removed from the office during a four year term unless the Bundestag has agreed on a successor (a constructive vote of no confidence). As far as political accountability to Parliament is concerned- only the Chancellor individually bears it.

Useful links:

The Constitution of Germany

<http://www.iuscomp.org/gla/statutes/GG.htm>

5. The Political System of Switzerland

BASIC DEFINITIONS:

Direct democracy - is a political system where the citizens participate in the decision-making process personally, contrary to relying on intermediaries or representatives.

Referendum - is a direct vote in which an entire electorate is asked to either accept or reject a particular proposal.

Landsgemeinde - is one of the oldest and purest forms of direct democracy. Eligible citizens meet on a certain day in the open air to decide on laws and expenditures by the council. Everyone can debate an issue. Voting is accomplished by those in favour of a motion raising their hands.

INTRODUCTION:

The Confederation of Switzerland is a federal republic consisting of 26 cantons. These are the original cantons which joined together in 1848 to form the Confederation to which they ceded part of their sovereignty. Each canton has its own constitution, parliament, government and courts. Switzerland is multilingual and has four national languages: German, French, Italian and Romansh. Switzerland has a long history of neutrality. The Federal Council of Switzerland is the head of government. Executive power is exercised by the government. Federal legislative power is vested in both the government and the two chambers of the Federal Assembly of Switzerland. For any change in the constitution, a referendum is mandatory. For any change in a law, a referendum can be requested. Switzerland is called a “motherland” of direct democracy. Direct democracy in the form of the “*Landsgemeinde*”, or open-air people’s assemblies, is now confined to Appenzell, Innerrhoden and Glarus. In all other cantons the people cast their votes at the ballot box. Switzerland is not only one of the oldest

democracies in the world, but also an enduring model of a peaceful multiethnic policy.

5.1. The Constitution of 1999

The constitution established the Swiss Confederation as a federal republic of 26 cantons, contains a catalogue of individual and popular rights (including the right to call for popular referenda on federal laws and constitutional amendments), delineates the responsibilities of the cantons and the Confederation and establishes the federal authorities of government. The Constitution contains an enumeration of the constituent Cantons, affirms Cantonal sovereignty within the bounds of the Constitution and list the national languages – German, French, Italian and Romansh (Rhaeto-Romanic).

5.2. The Parliament

Switzerland has a bicameral parliament, called the Federal Assembly, made up of the National Council representing the people, and the Council of States representing the cantons. The composition of the Assembly reflects the desire to balance the interests of the cantons, to ensure that smaller ones are not dominated by larger ones. The two chambers are of equal power. Both the chambers are directly elected by the people. The role of the two chambers includes approving every federal law and supervising the government. A member can also propose a new law or decree. The Federal Assembly is responsible for electing the Federal Council, the Federal Chancellor, and federal judges. The Assembly also appoints a General in the case of crisis or war. The two chambers gather to elect the President of the Confederation and Vice-President of the Federal Council for the following year, as well as the heads of other state bodies.

5.2.1. Functions of the Parliament:

- Legislative
- Supervising and inspiring the government

- Administrative board
- Scrutinising (superior supervision of the parliament)
- Quasi-judicial (settling disputes)
- Applying the power of pardon
- Elective

5.2.2. The National Council

The National Council is the larger chamber of the Parliament. It consists of 200 members elected by popular vote on a basis of proportional representation for a four year term. The National Council is dominated by the four parties which form the government, but an examination of voting patterns within the parliament show that, on specific issues, members follow their personal convictions rather than the party line. Elections to the Council take place every four years.

5.2.3. The Council of States (Cantons)

The Council of States is the smaller chamber, has two members for each canton, and one for each *half canton*, making a total of 46. All twenty of the country's cantons send two Councillors. Each of the smaller cantons of Obwalden, Nidwalden, Basel-Stadt, Basel-Landschaft, Appenzell Ausserrhoden and Appenzell Innerrhoden send one Councillor. The latter six have traditionally been considered as "half-cantons", due to their smaller area and population, but operate as full cantons in practice according to the new Constitution. The rules on electing the members are made under cantonal legislation, so may differ from canton to canton. A majority of cantons elects their members of the Council of States every four years on the same day as the members of the National Council.

5.3. The Federal Government

The Federal Council is a collegial body of seven members, elected for a four year term by the Federal Assembly according to parities of party, religion, language and representation of the biggest population.

The government cannot be dismissed by the Parliament. The Federal Assembly cannot give the government a vote of no confidence or vote of confidence.

5.4. The President

The President of the Confederation is elected by the Federal Assembly from the Federal Council for a one year term. The President is the presiding member of the Swiss Government. S/he chairs the meetings of the Federal Council and undertakes special representation duties. *Primus inter pares*, the President has no powers above the other members of the government and continues to head his /her department. The President of the Confederation is not considered the Swiss head of State. Rather, the entire Federal Council is considered a collective Head of State. The Swiss Federal Constitution defines neither a Head of State nor a Head of Government. All of these functions are administrated by the Federal Council collectively. The President carries out some of the representative duties of a Head of State. The President gives speeches on the New Year and the Swiss National Holiday. Switzerland has no single Head of state so the country also carries out no state visits. When travelling abroad, the President does so only as an ordinary Minister of a Government Department.

Useful links:

Swiss Government

<http://www.admin.ch/>

Swiss Parliament

<http://www.parlament.ch/E/Pages/welcomepage.aspx>

The Constitution of Switzerland

http://www.servat.unibe.ch/icl/sz00000_.html

6. The Political System of Italy

BASIC DEFINITIONS:

A senator for life - is a member of the Senate elected or appointed for lifetime.

Perfect bicameralism - (called also symmetrical) when two chambers of the Parliament have equal powers and competences, and neither of the chambers is dominant.

INTRODUCTION:

Italy is a parliamentary democratic republic. It has been a democratic republic since 2 June 1946, when the monarchy was abolished by popular referendum. Italy is divided into twenty regions.

6.1. The Constitution of 1947

The Constitution of Italy was adopted on 22 December 1947, being effective since 1 January 1948. The Constitution declines fundamental principles. Italy is a democratic republic based on labour. Sovereignty belongs to the people who exercise it in the forms and limits of the Constitution.

6.2. The Parliament

The Parliament consists of two chambers: the Chamber of Deputies and the Senate of the Republic. The Parliament is a representative body of the citizens in the republican institutions. The two Houses of the Italian Parliament possess the same rights and powers. This particular form of parliamentary democracy is so-called “perfect bicameralism”. The two Houses are independent from each other and never meet jointly except under circumstances specified by the Constitution. The Chamber of Deputies and the Senate are elected for a term of five years.

6.2.1. The House of Deputies

It is the lower chamber of the Parliament. It consists of 630 members. The voters who have reached the age of twenty-five years on the day of the election may be elected as deputies.

6.2.2. The Senate

It is the upper chamber of the Parliament. It consists of 315 elected members. Senators are elected in a universal and direct ballot by voters over twenty-five years of age. All voters over forty years of age may be elected to the Senate. The President of the Republic may appoint, as senators for life, five citizens who have brought honour to the Nation through their exceptional accomplishments in the social, scientific, artistic, and literary fields.

6.3. The Government

The Government of the Republic consists of the President of the Council and of the ministers, which jointly constitute the Council of Ministers. The President of the Republic appoints the President of the Council and, on his/her advice, the ministers. Usually the leader of the coalition winning the elections becomes the Prime Minister. The government must receive a support vote by both Houses before being officially in power, and the Parliament can request a new vote of support at any moment if a quota of any House so requests. If the government fails to obtain a vote, it must resign. If it does, either a new government is formed or the President of the Republic can dissolve the Houses and new elections are held. The government has the power to issue decrees. Decrees have to be ratified by parliament.

6.3.1. The President of the Council of Ministers (the Prime Minister)

The Italian Prime Minister holds specific powers, the most notable of which include the nomination of a list of cabinet ministers to be appointed by the President of the Republic and the countersigning of all legislative instruments having the force of law that are signed by the

President of the Republic. Article 95 of the Italian constitution provides that “the prime minister directs and coordinates the activity of the ministers”. This power has been used to a quite variable extent in the history of the Italian state, as it is strongly influenced by the political strength of individual ministers and thus by the parties they represent. Often the prime minister’s activity consists more of mediating between the various parties in the majority coalition, rather than managing the activities of the Council of Ministers. In addition, the prime minister’s supervisory power is further limited by the fact that, at least formally, he or she does not have the authority to dismiss the ministers with whom he or she might be in disagreement.

6.4. The President

The President of the Republic is elected by an electoral college consisting of both houses of the Parliament and 58 regional representatives for a seven year term. His/her election needs a wide majority that is progressively reduced from two-thirds to one-half plus one of the votes as the ballots progress. Any citizen over 50 who enjoys civil and political rights may be elected as the President of the Republic. The office of the President of the Republic is incompatible with any other. Usually, the President tries to stay out of the political debate, and to be an institutional guarantee for all involved in the political process. The President can also reject openly anti-constitutional laws by refusing to sign them, since he acts as the *guardian* of the Constitution of Italy. The President of the Republic is the head of the State and represents the unity of the Nation. The President of the Republic may dissolve one or both Chambers having consulted with their Speakers.

Useful links:

The Constitution of Italy

<http://www.vescc.com/constitution/italy-constitution-eng.html>

7. The Political System of Sweden

BASIC DEFINITIONS:

Fundamental law - a law or laws, as a constitution, regarded as basic and, often, irrevocable by ordinary judicial or legislative action; organic law.

INTRODUCTION:

Sweden is a parliamentary democracy with a Monarchy, in which King Carl XVI Gustaf is the head of state, but royal power has been limited to official and ceremonial functions. Throughout the 20th century, Swedish foreign policy was based on the principle of non-alignment in peacetime, neutrality in wartime. Since 1995 Sweden has been a member of the European Union, and as a consequence of the new world security situation the country's foreign policy doctrine has been partly modified, with Sweden playing a more active role in European security cooperation as well. Sweden has a written Constitution which sets out the rules on how society should be governed. The Constitution, therefore, has a special position in the society.

7.1. The Constitution of Sweden

The Swedish Constitution consists of four fundamental laws: The Instrument of Government (1974), The Act of Succession (1810), The Freedom of the Press Act (1949), The Fundamental Law on Freedom of Expression (1991). There is also a law on the working order of the Parliament with a special status but does not qualify as a "fundamental law", although certain parts of it are harder to alter than ordinary laws: The *Riksdag* Act (1974).

The Swedish Constitution is rigid. To amend or to make a revision of a fundamental law, the Parliament needs to approve the changes twice in two successive terms, with a general election having been held in between. The change can be rejected but not formally approved by a popular vote coinciding with such a general election, although this option has never been used. If the people do not reject a change, it still has to be ratified by a newly elected Parliament.

7.2. The Parliament

Since 1971, Sweden has had a unicameral Parliament (*Riksdag*) - one chamber created by 349 members. The deputies to *the Riksdag* are elected in a common election on a proportional basis for a four year term. The elections, in the election year, are held on the third Sunday of September. The chairman of the Parliament is the Speaker. The duties of the Speaker are stipulated by the Instrument of Government.

7.2.1. The Speaker of the Riksdag

The Speaker, as the head of the *Riksdag*, coordinates the work that takes place in the *Riksdag*. Some of his tasks were previously handled by the Monarch of Sweden. However in 1974, with the new Instrument of Government, the monarch was deprived of all political powers, many of which were transferred to the Speaker. The monarch remained the head of state with only ceremonial duties. The position of the Speaker is the highest ranking position a person may be elected to in Sweden. Only the monarch who is the head of state outranks the Speaker as his position is hereditary and nobody can be elected to become the monarch. The Speaker outranks the Prime Minister of Sweden. In the event when the entire Swedish Royal Family is abroad, the Speaker usually serves the role of the head of state. The Speaker neither takes part in the parliamentary debates, nor participates in the committee work of the *Riksdag*. As the Speaker is one of the elected representatives of the *Riksdag*, he is expected to remain unbiased and objective in regard to the political issues that are processed there. The Speaker has no vote in the *Riksdag*, but uses his vote as a member of

the *Riksdag* if a tie appears. One of the most important aspects of the Speaker's work is to head negotiations concerning the formation of a new government in case of an electoral swing of power. The speaker proposes the new Prime Minister.

7.3. The Government

The Parliamentary Instrument of Government of 1974 grants Parliament the power to appoint a Prime Minister nominated by the Speaker of the *Riksdag*. This means that the Prime Minister is first appointed by the Speaker of Parliament and then endorsed (with the cabinet ministers) by the Parliament. The Prime Minister appoints the members of Cabinet including the heads of ministries. The Prime Minister is the Head of Government. The Swedish Constitution requires that the Prime Minister appoints one of the ministers in the cabinet as the Deputy Prime Minister, in case the Prime Minister for some reason cannot perform his or her duties. However, if a Deputy Prime Minister is absent or has not been appointed, the minister in the cabinet who has served the longest time – and if there are several with equal experience, the eldest – takes over the position of the head of the government. The Cabinet decides collectively on governmental matters after the report by the Head of Ministry in question. At least five Cabinet members are to be present at a decision. In practice the reports are written, and discussions are very rare during the formal Cabinet meetings.

Whenever a Prime Minister resigns, dies, or is forced to resign from the office by the *Riksdag*, the Speaker of the *Riksdag* asks him/her (or his/her deputy) to head the government until a successor has been elected. The Speaker then holds consultations with the party leaders and appoints a Prime Minister-designate, who is submitted for approval to the *Riksdag*. If the Prime Minister-designate is approved he or she chooses which and how many members (ministers) are to be included in his or her government.

7.4. The Monarch

The current 1810 Act of Succession is a treaty between the old *Riksdag* of the Estates and the House of Bernadotte regulating the right to accede to the Swedish throne. The Act of Succession of 1810 designates the House of Bernadotte as the Swedish royal house. It also states that the king (and thus implicitly any queen regnant) must be a Protestant Christian. King Carl XVI Gustav of the House of Bernadotte became king in 1973. In 1980 the old principle of “*agnatic primogeniture*”, which meant that the throne was inherited by the eldest male child of the preceding monarch, was replaced by the principle of “*equal primogeniture*.” This meant that the throne will be inherited by the eldest child without regard to gender. Thereby Princess Victoria, the eldest child of King Carl XVI Gustav of Sweden, was created an heiress apparent to the Swedish throne over her younger brother, until then the Crown Prince Carl Philip.

The monarch is the head of state of the Kingdom of Sweden. His authority is formal, symbolic, and representative.

Useful links:

The Constitution of Sweden

<http://www.sweden.gov.se/sb/d/2707/a/15187>

The Parliament

www.riksdagen.se/default_56.aspx

The Government

<http://www.sweden.gov.se>

8. The Political System of Russia

BASIC DEFINITIONS:

Delegative democracy - according to G. O'Donnell, delegative democracy is based on one basic assumption – a person who wins a presidential election is enabled to govern the country as he sees fit, and to the extent that existing power relations allow, for the term to which he has been elected.

INTRODUCTION:

According to the Constitution, Russia is a democratic federal law-bound State with a republican form of government. The names “Russian Federation” and “Russia” are equal. The Russian Federation consists of Republics, territories, regions, cities of federal importance, an autonomous region and autonomous areas - equal subjects of the Russian Federation. The Republic (State) has its own constitution and legislation. The territory, region, city of federal importance, an autonomous region and autonomous area have their charter and legislation. As far as the political regime is concerned, Russia is seen as a legitimised authoritarian democracy or as a delegative democracy.

8.1. The Constitution of Russia

The current Constitution of the Russian Federation was adopted by national referendum on December 12th 1993. It replaced the previous Soviet-era Constitution of April 12, 1978 of the Russian Soviet Federated Socialist Republic following the Russian constitutional crisis of 1993. The Constitution declares that the President of the Russian

Federation is invariably the head of state and he is solely responsible for guarding the Constitution and its rights, civil liberties, protecting the sovereignty of Russia, territorial integrity, and controlling and coordinating the functioning of the other government bodies of the state. The Russian judiciary has appeal jurisdiction and judicial review which can be undertaken only in the Supreme Court. It is important to note that judges of Constitutional Court, the Supreme Court and the Supreme Court of Arbitration are appointed by the Federation Council of Russia only on the recommendation of the President of Russia. The Constitutional Court is responsible for framing laws on presidential and governmental matters. The Supreme Court of Russia takes into account and guards administrative law, civil laws and cases related to criminal offences. It also supervises the work of lower courts and delves into the rendition of laws if required.

Article 3 (principle of sovereignty)

- 1. The bearer of sovereignty and the only source of power in the Russian Federation shall be its multinational people.*
- 2. The people shall exercise power directly, and also through the bodies of state power and local self-government.*

8.2. The Parliament

The Federal Assembly consists of two chambers - the Council of the Federation and the State Duma. The Council of the Federation includes two representatives from each subject of the Russian Federation: one from the legislative and the other from the executive body of state authority. The State Duma consists of 450 deputies.

8.2.1. The State Duma

The State Duma is elected for a four year term. A citizen of the Russian Federation aged over 21 and eligible to participate in elections may be elected a deputy of the State Duma. A person may not be simultaneously a member of the Council of the Federation and a deputy of the State Duma. A deputy of the State Duma may not be a deputy of

other representative bodies of state authority and local self-government. Deputies of the State Duma work on a permanent professional basis. Deputies of the State Duma may not be employed in the state service nor engage in other paid activities, except for teaching, scientific and other creative work.

8.2.2. The Council of the Federation

The Council of the Federation includes two representatives from each subject of the Russian Federation: one from the legislative and the other from the executive body of state authority. According to Article 102 of the Constitution the jurisdiction of the Council of the Federation includes:

- 1a. approval of changes in borders between subjects of the Russian Federation;
- b. approval of the decree of the President of the Russian Federation on the introduction of martial law;
- c. approval of the decree of the President of the Russian Federation on the introduction of a state of emergency;
- d. deciding on the possibility of using the Armed Forces of the Russian Federation outside the territory of the Russian Federation;
- e. appointment of elections of the President of the Russian Federation;
- f. impeachment of the President of the Russian Federation;
- g. appointment of judges of the Constitutional Court of the Russian Federation, of the Supreme Court of the Russian Federation, of the Higher Arbitration Court of the Russian Federation;
- h. appointment and dismissal of the Procurator-General of the Russian Federation;
- i. appointment and dismissal of the Deputy Chairman and half of the auditors of the all Accounting Chamber.

2. The Council of the Federation shall adopt resolutions on the issues referred to its authority by the Constitution of the Russian Federation.
3. The Resolution of the Council of the Federation shall be adopted by a majority of the Council of the Federation members, if other rules for adopting decisions are not envisaged by the Constitution of the Russian Federation.

8.3. The President of Russia

The President of the Russian Federation is the head of the State. The President of the Russian Federation is a guarantor of the Constitution of the Russian Federation, of the rights and freedoms of man and citizen. The President of the Russian Federation is elected for four years by citizens of the Russian Federation on the basis of universal, equal, direct suffrage by secret ballot. Any citizen of the Russian Federation not younger than 35 years of age and with a permanent residence record in the Russian Federation of not less than 10 years may be elected the President of the Russian Federation. One and the same person may not be elected the President of the Russian Federation for more than two terms running. The position and competences of the Russian President is therefore of considerable power.

8.4. The Government

The executive power in Russia is exercised by the Government of the Russian Federation. The Government of the Russian Federation consists of the Chairman of the Government of the Russian Federation, the Deputy Chairman of the Government of the Russian Federation and the federal ministries.

The Chairman of the Government of the Russian Federation is appointed by the President of the Russian Federation with the consent of the State Duma. The candidature of the Chairman of the Government of the Russian Federation shall be submitted not later than two weeks after a newly-elected President of the Russian Federation

takes office, or after the resignation of the Government of the Russian Federation, or one week after the State Duma rejects the candidate. The State Duma considers the candidate nominated by the President of the Russian Federation for the post of the Chairman of the Government of the Russian Federation during the week after the submission of the nomination. In case the State Duma rejects candidates for the post of the Chairman of the Government of the Russian Federation three times, the State Duma is dissolved and new elections are held.

Useful links:

The Constitution of the Russian Federation

<http://www.constitution.ru/en/10003000-01.html>

About delegative democracy

<http://kellogg.nd.edu/publications/workingpapers/WPS/172.pdf>

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10. Glossary

accomplishment (n.)	-	achievement, performance
ballot (n.)	-	act of voting, right to vote
bestow (v.)	-	to give, grant
bicameral (adj.)	-	having two law-making bodies
bribery (n.)	-	a crime in which money, a favour or something else of value is promised to, given to, or taken from an individual or corporation to influence somebody's opinions or decisions.
chamber (n.)	-	office, room, legislature
constituency (n.)	-	voting district
convene (v.)	-	to gather
eligible (adj.)	-	qualified, suitable
expenditure (n.)	-	expenses, spending
hereditary (adj.)	-	having title or possession through inheritance
mandatory (adj.)	-	obligatory
measure (n.)	-	action
message (n.)	-	an official speech
misdemeanor (n)	-	small crime
non-partisan (adj.)	-	free from party affiliation
pardon (v.)	-	to release from the legal penalties of an offense
prerogative (n.)	-	right, privilege
promulgate (v.)	-	to publish
treason (n.)	-	criminal disloyalty to one's country
vest (v.)	-	to provide with power and authority

Based on:

Merriam-Webster: www.merriam-webster.com

Babylon: www.dictionary.babylon.com

11. Quiz

I. Decide if the following sentences are true or false (10 pts)

1. The President of the USA is the head of State but not the head of the government.
2. The number of Senators in the American Senate, from a particular state, depends on the population size of that state.
3. The Monarch in Great Britain is both the head of the State and the head of the government.
4. The House of Lords may also act as the final court of appeal.
5. Despite the fact that the President of France is responsible for foreign policy and not domestic policy, s/he holds a strong position in the country.
6. The German Constitution divides power between federal and state authority.
7. Every canton in Switzerland has its own constitution but not the government.
8. The Italian Parliament comprises of two chambers that possess the same rights and powers and are independent from each other.
9. The Swedish Constitution can easily be amended.
10. The Russian Parliament is called the Duma.

II. Complete the extract with the words given below (5 pts)

citizens government national referendum secular

Article 1: France shall be an indivisible, _____, democratic and social Republic. It shall ensure the equality of all _____ before

the law, without distinction of origin, race or religion. It shall respect all beliefs. It shall be organised on a decentralised basis.

Article 2: *The motto of the Republic shall be “Liberty, Equality, Fraternity”. Its principle shall be: _____ of the people, by the people and for the people.*

Article 3: *_____ sovereignty shall belong to the people, who shall exercise it through their representatives and by means of _____.*

**III. Match the phrases with the definitions given below.
There are some extra words (5 pts)**

amendment cohabitation common law fundamental law

incompatibilitas perfect bicameralism referendum

- The situation when the President is from a different political party than the majority of the members of Parliament.
- A law developed through court decisions and similar tribunals, rather than through legislative statutes or executive action.
- A law or laws, as a constitution, regarded as basic and, often, irrevocable by ordinary judicial or legislative action; organic law
- (called also symmetrical) When two chambers of the Parliament have equal powers and competences, and neither of the chambers is dominant.
- A change or addition to a legal document which, when properly signed, has the same legal powers as the original document.

IV. Match the columns (5 pts)

- | | |
|-------------------------|---------------|
| 1) the power of | a) censure |
| 2) vote of | b) emergency |
| 3) legislative state of | c) confidence |
| 4) motion of | d) pardon |
| 5) separation of | e) powers |

V. Match the names of the institutions with the countries of their origin (5 pts)

- | | |
|---------------------------------|------------|
| a) the House of Commons | 1) Sweden |
| b) the House of Representatives | 2) the USA |
| c) Bundesrat | 3) the UK |
| d) The House of Deputies | 4) Germany |
| e) Riksdag | 5) Italy |

VI. Choose the right preposition (5 pts)

All state authority is derived FROM/WITH the people. It shall be exercised BY/WITH the people BY/THROUGH elections and other votes and THROUGH/WITH specific legislative, executive, and judicial bodies.

The legislature shall be bound BY/WITH the constitutional order, the executive and the judiciary by law and justice.

Article 20 (2) and (3) of Basic Law for the Federal Republic of Germany.

Both glossary and quiz were prepared by Halina Sierocka