

LEGISLATURE

Legislators are individuals comprising a parliament, congress, or an assembly, gathered together for political purposes to represent and link citizens and the government, to maintain oversight of the executive, and to formulate policy.

Types of Legislature

Parliament

In parliamentary systems, the executive is indirectly elected in that the elected legislature chooses an executive from among their ranks. The executive branch is officially answerable to the legislature all through its incumbency, and hence, can be ejected from power if it loses the support of a legislative majority. This ouster may result in new legislative elections. Due to this high level of interdependence between the legislature and the executive, this type of system is sometimes called a 'fused-power' system.

Congress

In systems where the executive or president is directly elected, the type of legislature is often called a congress. Such presidential systems are known as separation-of-power (SoP) systems in which both the legislative and executive branches are elected independently and both parties lack the power to eject the other from office.

The Role of Legislature

Linkage and Representation

Legislators form a linkage between citizens and their government. In parliamentary or fused-power systems where the electorate does not directly elect the executive, the link between citizens and the government that the legislature provides serves as the citizens' strongest instrument of communication with power. In practice, citizens will consider both the performance of the government and the performance of their individual legislator or political party when deciding who to vote for. In addition to linking citizens to the government, individual legislators are the representatives of their constituents and as such are required to work towards safeguarding their interests. Because legislatures tend to be diverse, they function as open forums of debate where differing opinions are aired which in turn can inform citizenry and sway public opinion and policy outcomes. All these functions serve to influence the degree of legitimacy that the legislature commands which in turn lends legitimacy to the system at large.

Control and Oversight

Although voters directly or indirectly elect the executive via elections, they often lack the expertise, time and resources needed to supervise the political process of the executive. Therefore, the legislature steps in and fulfils the task of overseer and comptroller of the executive. In parliamentary or fused-power systems, the executive answers to the legislature regarding policy matters and if the majority of the legislature deems the executive's policy agenda unsatisfactory, they can remove the executive via *a motion of censure* or *a vote of no confidence*. In SoP type presidential elections, the executive's policy agenda is not impired by the legislature; the executive can only be removed from office through *impeachment* due to acts deemed illegal and not due to policy differences. In day-to-day running, legislatures employ question time, special hearings, inquiries, investigative committees, and special reports to gather information and exercise general oversight over executive policies. By having control over the budgetary process, legislatures are also able to exercise indirect control over the executive in matters of policy. Presidents often have more mechanisms at their disposal to evade legislative scrutiny and the direct election of a president can also contribute to cultures that are predisposed to personality cults. On the other hand, the parliamentary system can have a humanising influence where the prime minister is easily and periodically called on to answer questions in person.

Policy-Making and Policy-influencing

Legislatures utilise tools such as consultation, delay, veto amendment, and initiation in making policy. Amendments and initiation are positive powers while veto and delay are negative powers which impede a policy process and can be used as a bargaining, or influencing, tool. While some systems have a strong tradition of non-government legislators introducing legislation, most legislatures focus on influencing change upon legislation already introduced by the government.

Organisational Structure of Legislatures

Often the internal structure of the legislature determines the extent to which it is effective and able to impact the larger system within which it operates. Most legislatures are composed of one (unicameral) or two (bicameral) chambers. In the former, all powers of legislature are invested in the one chamber while in the latter, power between the two chambers may be shared symmetrically or asymmetrically.

Number, Quality, and Consistency of Members

Legislatures are relatively large assemblies of individuals and tends to be the most plural branch of government. The extent to which the legislature is professionalised which allows members to devote their time entirely to legislative tasks, the nature of its committees and other structures, the type of members it draws to its ranks, and the resources they can mobilise are direct markers of the authority it wields within the larger political system.

A Legislature's Effectiveness

The extent to which the legislature is able to function independently of the executive (*institutional autonomy*) and the extent to which individual members are able to function independently of party politics (*individual autonomy*) highly determine the policy influence of legislature. In parliamentary or fused-party systems where there is no separation of powers, the legislatures' institutional autonomy is reduced. In contrast, in presidential or SoP systems with direct election of both executive and the legislature, institutional autonomy is theoretically greater. However, few countries have managed to achieve the stable separation of powers as is found in America. Particularly, significant deviation between the legislature and president in SoP systems can lead to gridlock and political collapse, requiring fresh elections. When re-election is a goal for members of the legislature, their autonomy diminishes in that their party leader has sway over the electoral process, and so, they must adhere to supporting party positions within the legislature. The presence and amount of state funding available for election campaigns also determine individual autonomy. Legislative autonomy, thus, has a direct bearing on policy making, and the type of policy made determines the legitimacy and effectiveness of the broader political system and in turn national stability.

Adapted from Amie Kreppel, 'Legislatures' in Daniele Caramani (ed), *Comparative Politics* (OUP 2020)

Further Reading

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