

State

a/The being of the state

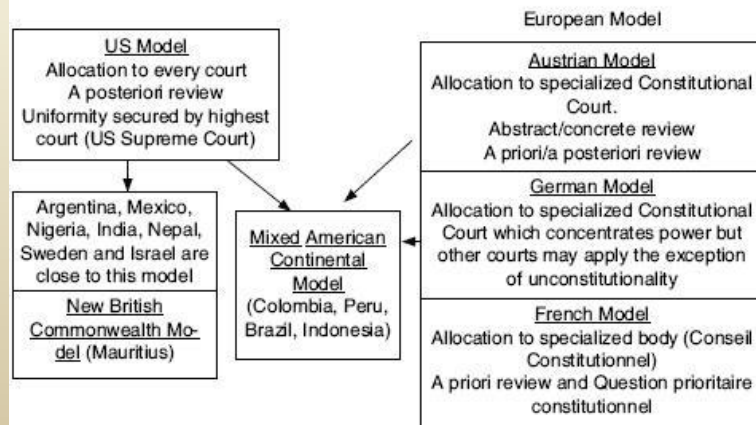
The state can be seen as the totality of a nation's institutions and officials and which consists of the following bodies/branches:

- Executive (i.e. government): where policies are formulated (with the help of the administration and the parliament) and executed – e.g.CH: Conseil Fédéral
- Legislative (legislature): where policies are formulated (together with the government and the administration), debated and voted upon. It is usually bicameral – e.g.CH: Parlement & Conseil des états

- Judiciary:

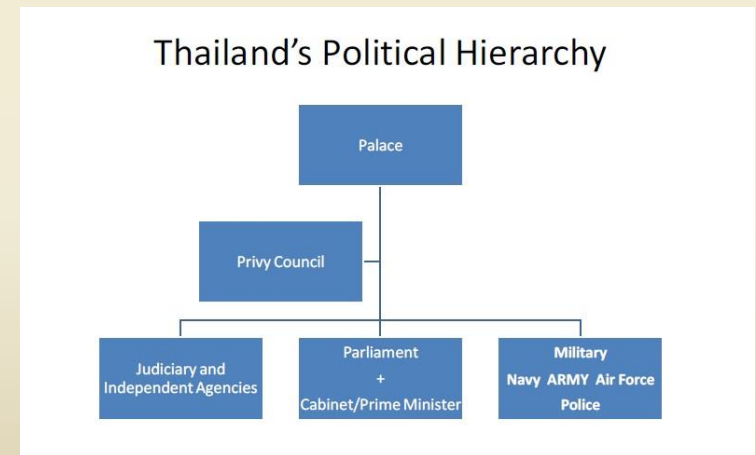
- US/CDN model: where state policies are evaluated (judicial review)
- EU model: there is no judicial review – this is effected by additional body
- CH model: there is no judicial review; people have the right to initiate a referendum to change existing Federal laws

Figure 1. Typology of constitutional review models

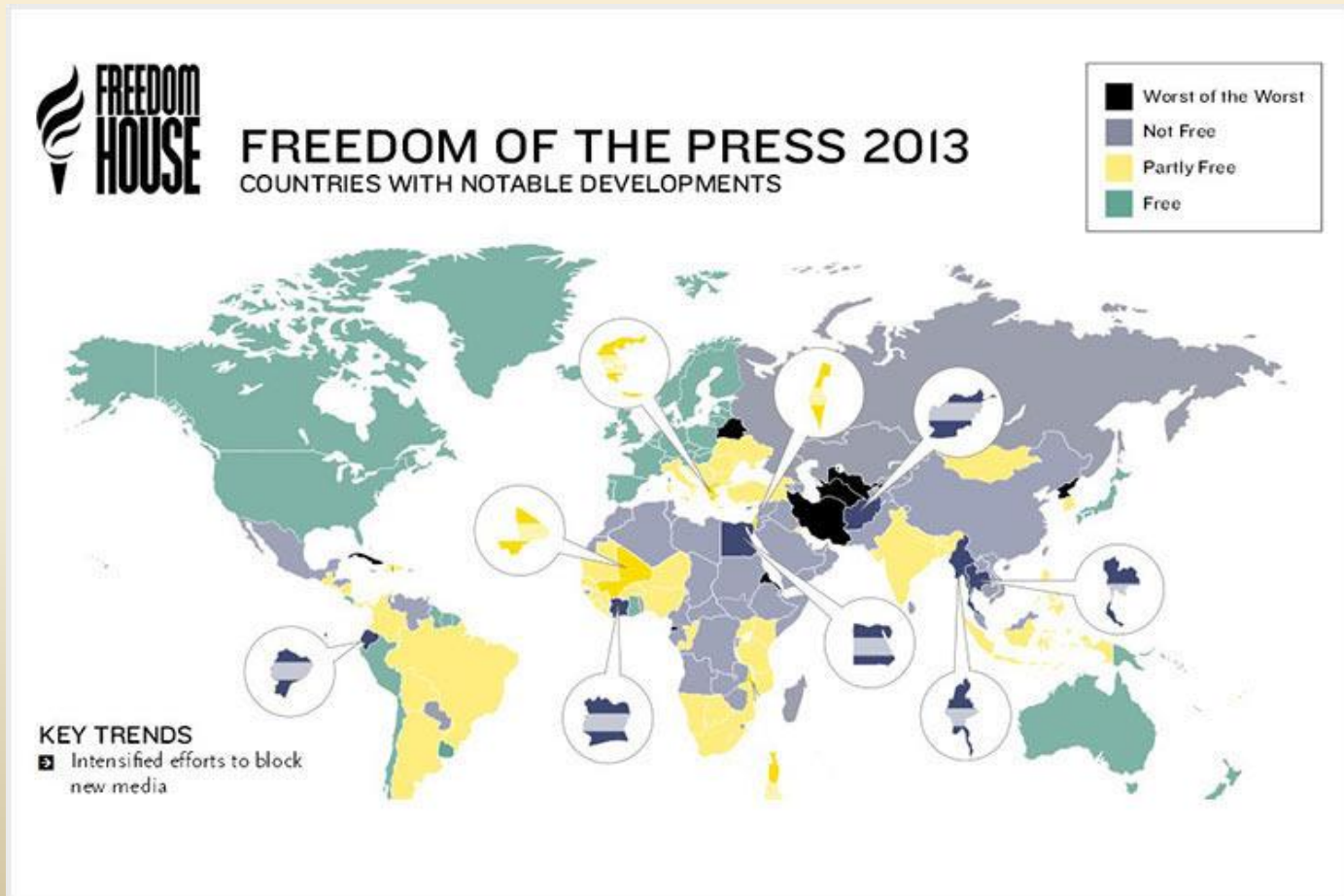


Sources: Harutyunayn & Mavcic, cited in Feld & Voigt; Autheman.⁴⁷

- Administrative (i.e. bureaucracy): where policies are researched and formulated.
- The military can have an important political role to play (e.g. Thailand)



- Depending on the degree of a lack of freedom, the media can be an additional state body (e.g. Russia).



b/Features

If business organizations act autonomously within a given legal framework that is set by the state, the state is an organization that is legally set by constitutive acts.

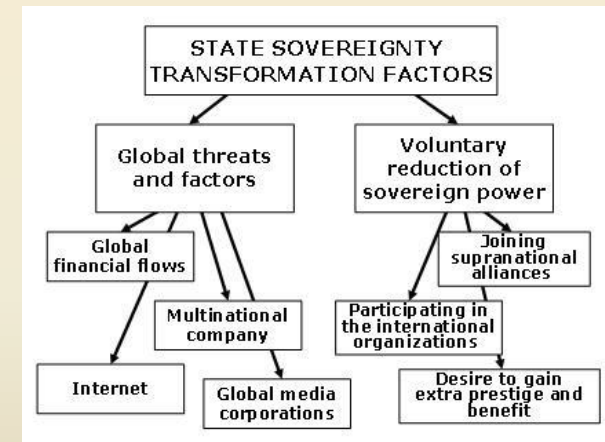
These acts aim at rendering the state

- Sovereign
- Autonomous

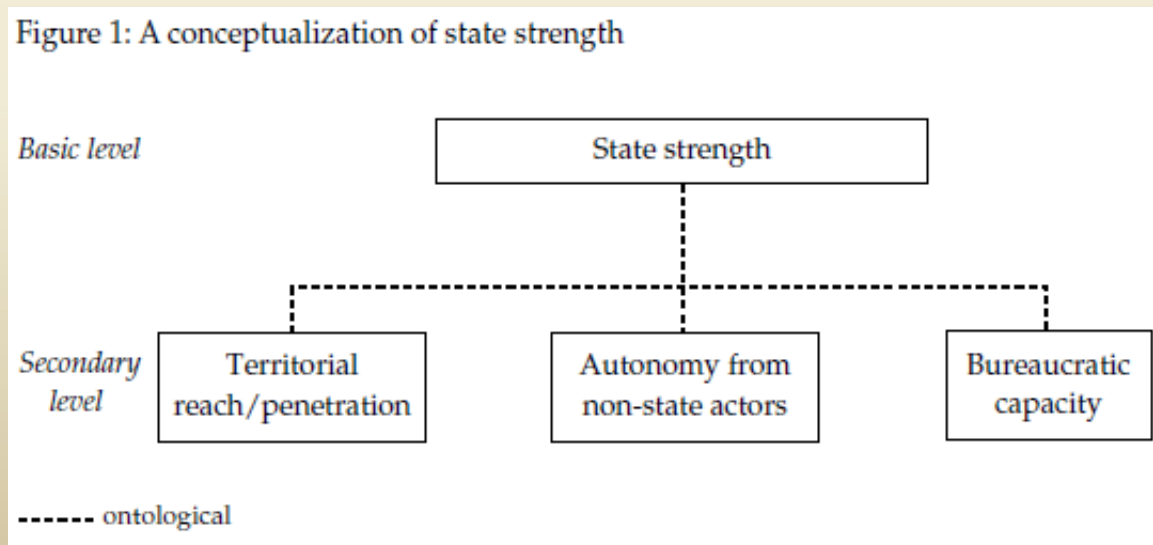
By sovereignty is understood the right the state is given to determine the framework of rules, regulations and to take decisions within a given territory and to govern accordingly.

The sovereignty of a state can be disputed because of

- External pressure – states not acknowledging other states, territorial disputes, role of international bodies
- Internal pressure – social upheavals, votes of non-confidence



By autonomy is understood the ability the state has to take decisions and to formulate policies independently of internal and external pressures and demands. It is a degree of discretion the state needs to function effectively. It is the state's power base. This ability depends on the type of legal/political arrangement it has in place to amend and enact laws.



c/Legal/political arrangements

We can distinguish among:

- Democracy people effectively have a say over the state
- Autocracy: state has a say over the people
- Federation: power is delegated and diffuse
- Republic: power is concentrated

	federation	republic	
democracy	Switzerland	Not possible	
autocracy	US Germany	France Greece Russia	PR China
			N. Korea

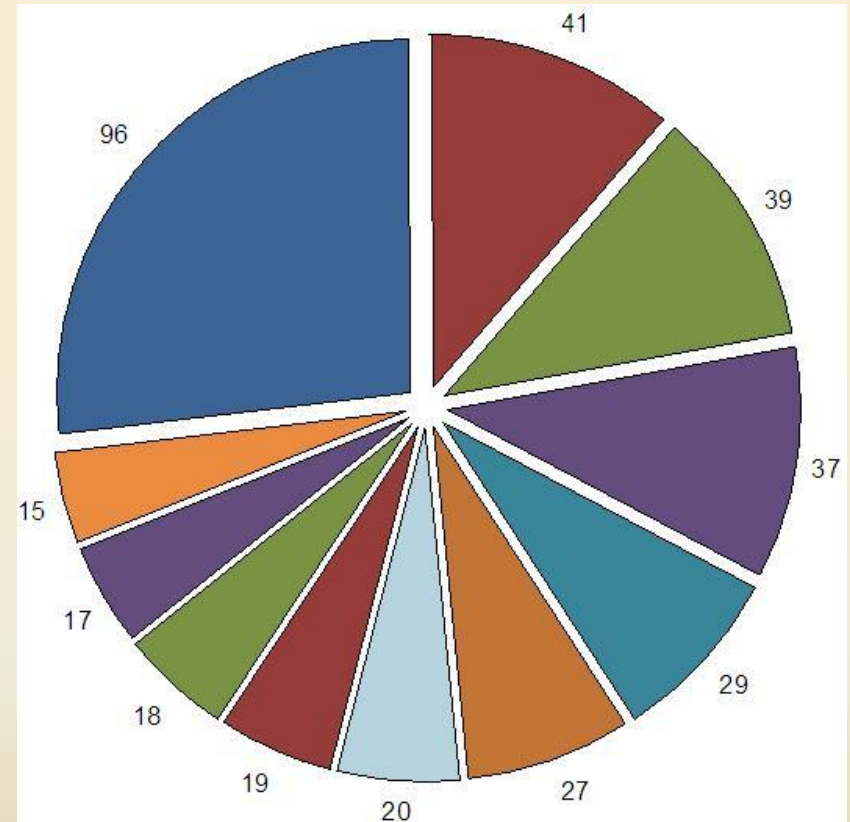
Thus the question of autonomy is regulated thus

	federation	republic	
democracy	State is bound to respect the will of demos – little autonomy	n/a	
autocracy	State respects voting choices of the demos – significant degree of autonomy	Important degree of autonomy	Excessive degree of autonomy

Change is effected by the demos accordingly to degree of autonomy of the state

	federation	republic	
democracy	Regular referenda Popular initiative	n/a	
autocracy	Occasional referenda	Taking it to the streets	Nothing to say or a revolution

CH: Topics addressed by federal popular initiatives between 1890 and 2010: Transport (41) Popular Rights (39) Taxes (37) Insurance (except pension) (29) Military (27) Foreign (20) Society in general (19) AVS-pension (18) Ecology (17) Job (15) Other (96)



d/Electoral systems

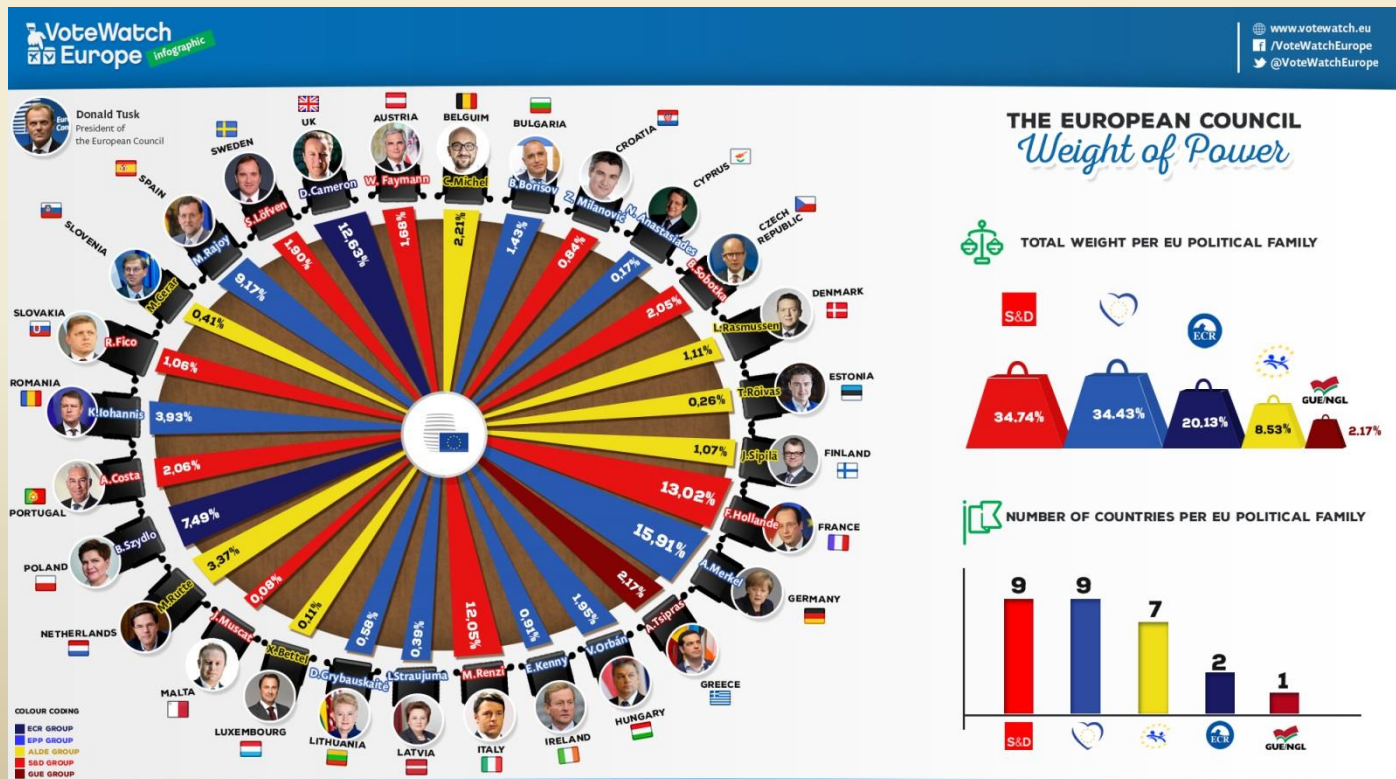
The constitution of the state is effected according to the electoral system:

- Plurality: candidate who polls more votes than any other candidate is elected
- Majoritarian: a candidate must receive an absolute majority of votes i.e., more votes than all other candidates combined
- Proportional: wining party has most of the seats at the legislature
- First past the post: candidate who has most votes wins

e/Voting rules

The voting rule can be set on a

- majority basis (e.g. US Presidential elections)
- unanimous basis (e.g. decisions taken at the EU Council)



Majority rules present 2 typical paradoxes:

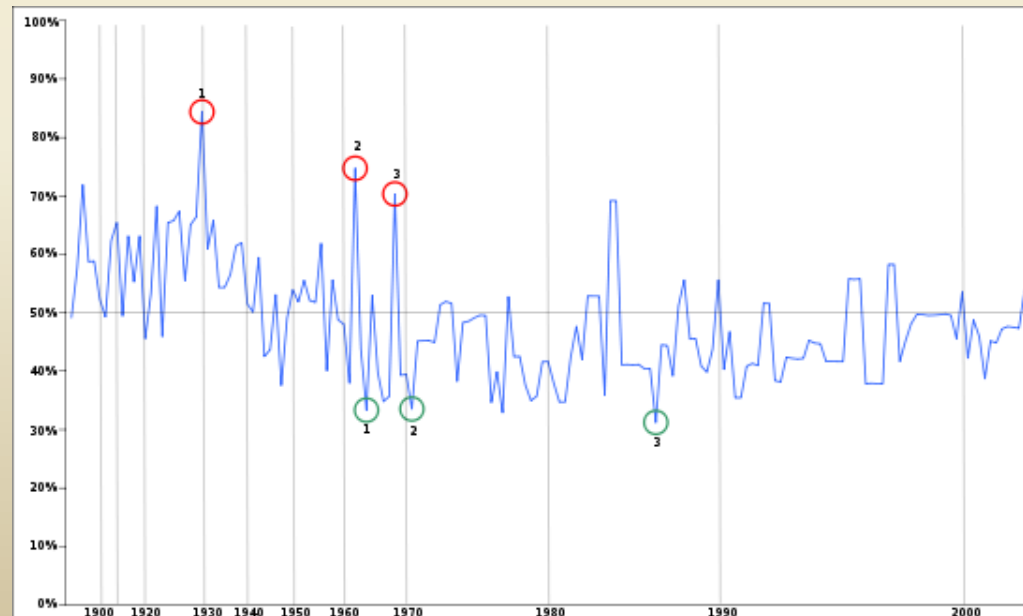
- Arrow's Theorem: when citizens express their preferences jointly, a clear order of preferences (at least 3) cannot be determined; it is thus necessary to resort to a system that reduces these choices
 - e.g. conventions during US presidential election; two rounds during the FR presidential election or GR PM election)

Voting Paradox

Voter 1	X, Y, Z
Voter 2	Y, Z, X
Voter 3	Z, X, Y

In this population, what do "the people" want?

- Majority = minority: when a new piece of legislation is to be voted on a referendum basis which needs more than 50% of the votes to be adopted it does not mean the 50% of the citizens; it is less than 50%
 - e.g. CH: an average of 48% of votes are casted at referenda which corresponds to 15-20% of the CH population



Ideologies

Political ideologies express the line of thinking of parties and which typically include within the right-left spectrum :



Therefore beware not to confuse the ideology of a party (e.g. communist) with the state/social arrangement where the people determine the rulers (e.g. people's republic) which is by definition democratic!