

TURKEY'S SEARCH
FOR A NEW

05 POLITICAL
SYSTEM

SEPTEMBER '22
ANKARA

PARLIAMENTARY
SYSTEM AND THE
RE - CASE OF TURKEY

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CONTENTS

PREFACE 03

INTRODUCTION 05

I. MAIN FEATURES OF THE PARLIAMENTARY SYSTEM 06

Definition and Characteristics 06

Legislative-Executive Relations 10

Party System 15

Electoral System 16

Advantages and Disadvantages of the Parliamentary System 17

II. ISRAEL 19

Political Parties and Electoral System 19

Legislature 20

Executive 22

Relations between Legislature and Executive 24

III. SPAIN 26

Political Parties and Electoral System 26

Legislature 27

Executive 28

Relations between Legislature and Executive 29

IV. ASSESSMENT FOR TURKEY 35

CONCLUSION 38

BIBLIOGRAPHY 40

PREFACE

The system debate is arguably the most pressing and consequential subject of Turkish politics. Turkey has been having a governmental system discussion for a period of time, and the next few years will appear to be in intense debate and search.

Turkish parliamentary system experience (1876-2017) often dealt with interruptions. As a result, it has not only failed to produce general satisfaction in politics and society but also has been unsuccessful in yielding economic stability. Similarly, the outcome of the last five years of the Presidential Government System (or the Presidential System with its widespread use) could not generate stability.

The parliamentary system has had a hostile place in public memory. Because it is usually associated with military coups, the weakness of civil politics, military and civil bureaucracy tutelage over elected bodies, fragile and inconsistent coalition governments. Usually, instead of dealing with the structural shortcomings of Turkish democracy, bashing the parliamentary system was a safe debate tool under the military tutelage years. The shortcut savior happened to be the presidential system. It was supposed to protect Turkish democracy from military tutelage, political instability or coalition governments. During the 1980s and 90s, strong political leaders, such as Demirel and Özal, voiced that the parliamentary system was malfunctioning, and that Turkey should move into the presidential system. However, despite such occasional political and academic disclosures, the system change did not become a serious part of the public agenda until 2014.

The most significant break in system change occurred in the Presidential elections in 2007. As the reactions to Abdullah Gül's Presidential candidacy turned into a severe political crisis over the April 27, 2007 memorandum and the decision of the Constitutional Court to block his candidacy; the AK Party has turned to change the presidential electoral system.

The constitutional amendment electing the President by the people instead of the parliament in a referendum also gave solid political capital to the President. This new election system gave the President legitimacy of representing at least 50% of the voters. Moreover, it empowered him to push the boundaries of the classical parliamentary system with the 1982 constitution and symbolic role of the President.

Erdoğan as the first president elected directly by the people, has adopted a persistent policy of switching to the presidential system. For years, the presidents elected through parliament experienced a severe political clash with the elected governments due to their constitutional powers. The new system empowered the President with two additional power dynamics: being elected by the people (Erdoğan received 52 percent) and having a ruling party in the parliament. Ironically it was not only a new power surge but also paved the roads to new clashes and rifts between elected bodies.

Between 2014-2017, the anomaly caused many political crises. After the July 15 coup attempt, the deadlock was attempted to be resolved in line with the presidential system through the initiative and support of MHP leader State Bahçeli with the motto "de facto situation should be de jure." Without much public debate, the constitutional amendment, drafted in line with the preferences of the AK Party and MHP, was adopted with 51 percent support on April 17, 2017, referendum while the July 15 coup trauma was still in effect.

The presidential system, which took effect in the June 24, 2018 elections, has also produced a high dissatisfaction over its political and administrative performance since 2018. It has been criticized for the unification of powers, weakening the checks-and-balances mechanisms, eroding the political party identities, pushing them to establish alliances, and deepening polarization. In addition, the ruling

bloc, which favors the presidential system, has avoided revisions that will make the current system more operational, and further deepened the system's discomfort.

Public opinion studies show that support for the presidential system has fallen to 35 percent, and a possible referendum on the return to the parliamentary system will gather powerful support. Opposition political parties had a window of political opportunity created by dissatisfaction with the system. It helped opposition parties to develop a political strategy and rhetoric through the return to the parliamentary system. It allows many political parties with different political priorities to act together on the same goal while camouflaging the motivation to defeat Erdoğan in elections. They are currently asking to return to the parliamentary governmental system creating a political rhetoric on the axis of authoritarianism-democracy. In this framework, the system debate and the goal of restarting the parliamentary system have become the essential issue of the political struggle between the ruling and the opposition blocs.

Starting from 2021, the opposition political parties have prepared and publicly disclosed their parliamentary system proposals. This year they formed a joint working group and agreed on the basic principles, and finally presented the public "Strengthened Parliamentary System" proposal. Now six opposition parties decided to gather at the leadership level monthly—their main agenda focusing on governmental system change. It is a game-changing step in a fractured and highly polarized Turkish political atmosphere. Will the goal of returning to the parliamentary system be good enough to keep opposition parties united in the face of the ruling alliance, is questionable. However, it would be fair to argue that the parliamentary system proposal may ripen into the political alliance of opposition.

The search and discussion of the governmental system appear to be the most critical topic of politics for the next few years. Regardless of the outcome of the June 2023 elections, the system debate will be the most crucial topic of politics in the short term. If the current ruling alliance wins, they need to reform the system. If the opposition wins, they need to keep their election promise to change the system. In any scenario, Turkey is heading towards either imposing alterations or structural reform. Therefore, the system debate will settle itself as one of the top political issues in Turkey in the coming years.

Meeting this demand and preparing enhanced research on the governmental system will play an essential role in the quest for a possible change. Comprehensive research should present a comparative, global, political, and constitutional base for the debates and assist decision makers in political parties and the public in finding an enriched discussion floor.

Within the framework of this program, Ankara Institute plan to publish ten academic analyzes that will contribute to the search for systems over the next year in order to meet this end.

The research plans to conduct two workshops with the participation of stakeholders that we predict will contribute to the system discussion and hold a detailed public opinion survey.

This study in which Selin Esen evaluates the semi-presidential system through the theoretical principles, implementation of the international experiences as well as its practicality in Turkey is the fifth of the academic contribution series that made out of 10 reports.

Over the next year, we believe that this research project, which will continue through analysis, workshops, and public surveys, will contribute significantly to the quest for a system that progresses only through the harsh contrasts of government versus opposition parties dynamics and provides qualified academic background, common sense consultancy, and poll data.

INTRODUCTION

A form of government is defined based on the relationship between the legislative and executive branches. In a constitutional democracy, regardless of the form of government, the judiciary is independent of the other two branches. The parliamentary system began as a result of the emergence of parliaments representing the people, and the shift of political power from the monarch to these parliaments over time. Parliamentarism is also called the *Westminster model* as it originated in England. The parliamentary system is a preferred form of government in many parts of the world, especially on the European continent. While the parliamentary system emanates from the Westminster model, in practice it may differ in each country depending on its legal system, history, characteristics of its society, and political culture. The most significant legal documents that determine the nature of the parliamentary system are the constitution of the country and the parliament's standing rules. Also, as in other forms of government, political party and electoral systems have a significant impact on the operation of the parliamentary regime. Below, firstly, the parliamentary system will be defined and its basic features explained, along with its positive and negative aspects. Secondly, as examples of democratic parliamentary regimes, the basic features and functioning of the parliamentary system in Israel and in Spain will be briefly explained. Israel is a unitary republic and consists of a divided society. Government instability and short-lived governments are common phenomena. Spain, on the other hand, is a parliamentary monarchy and a regional state in which some political and administrative powers are granted to the regions, i.e., autonomous communities. Society is less divided than in Israel. Except for the last few years, government instability has not been a key feature of the parliamentary system in Spain. Below, the similarities and differences between these two countries will be revealed. Then, the parliamentary system will be assessed with reference to Turkey.

I. MAIN FEATURES OF THE PARLIAMENTARY SYSTEM

Definition and Characteristics

The parliamentary system is a form of government that derives from the supremacy of the parliament and is based on cooperation, rather than the strict separation of powers between the legislative and executive branches. The government is appointed, supported, and dismissed by the parliament.¹ According to another definition, the parliamentary system is a regime in which the executive branch derives from and is responsible to the legislature.² In short, parliamentarism is the form of government in which the government, composed of the prime minister and other ministers, is appointed by and accountable to the legislature that represents the national sovereignty.

Parliamentary regime is typified by a fusion of powers between the legislative and executive branches since there is a close relationship between these two branches.³ However, since today's politics functions with political parties, it is claimed that the parliamentary system is based on separation between the ruling party that obtains the majority in the parliament and forms the government, and other political parties represented in the parliament, namely the opposition, rather than the separation between the legislative and executive branches.⁴

In a parliamentary system, the legislature is elected by the people. It can be composed of one (Denmark, Sweden, Greece, New Zealand, Israel, and Luxembourg) or two houses (Germany, India, Netherlands, Canada, Australia, United Kingdom, Japan, Spain, and Italy). In two-chamber parliaments, except for exceptional cases such as

1 Giovanni Sartori (1994). *Comparative Constitutional Engineering*, Macmillan Press, p.101.

2 Arend Lijphart (1984). *Democracies: Patterns of Majoritarian and Consensus Government in Twenty-One Countries*, New Haven, Yale University Press, p.68.

3 Arend Lijphart (1992). "Introduction", in *Parliamentary versus Presidential Government* (Ed. A. Lijphart), Oxford, Oxford University Press, p.1.

4 Ekrem Ali Akartürk (2010). *Parlamenter Rejim Uygulamaları ve Parti Sistemleri*, Yeditepe Üniversitesi yayınları, İstanbul, p.34.

Italy, parliamentary control over the executive branch belongs to the lower house. The executive branch consists of the head of state and the council of ministers. The symbolic and political functions of the executive branch are shared between these two arms of the executive. Political functions are executed by the prime minister and the cabinet, and symbolic or ceremonial functions are carried out by the head of state. A parliamentary system can be a monarchy or a republic, depending on the way the head of state takes office. The head of state is determined based on lineage (hereditary monarch) in parliamentary monarchies and remains in office for life unless she/he resigns. In parliamentary republics, the head of state is indirectly elected by the people through the parliament or a committee that includes members of the parliament (MPs). Thus in Hungary the president is elected by the parliament, and in Germany by the Federal Convention, which is composed of members of the Bundestag, the house of the German Parliament that represents the whole nation, and representatives elected by the state parliaments. The head of state is elected for a fixed term in parliamentary republics. The head of state is impartial. In parliamentary monarchies, the monarch's impartiality is so important that in many cases the monarch and her immediate family are denied the right to vote and run for an elected public office. In parliamentary republics, such restriction is not imposed on the head of state. The president's impartiality is often clearly stated in the constitution.

The head of state is a figurehead and has mostly symbolic and ceremonial powers. As a rule, she/he uses her/his powers with the signature of the prime minister and the relevant minister. The prime minister and this other minister assume political and legal responsibility for the official acts of the president, in what is called counter-signature. The powers that the head of state can exercise without counter-signature are limited. The head of state can exercise some of her/his powers as presidential prerogatives without counter-signature, such as representing the unity of the state and the nation, assigning the leader of the political party with the most members in the parliament the formateur of the government, appointing the ministers proposed by the prime minister or approving the appointments made by the prime minister, duly approving the decisions taken by the government, appointing judges and members to the state institutions, signing and promulgating laws passed by the parliament, and applying to the constitutional court for the annulment of laws that she/he deems unconstitutional. There are also exceptional examples. In Sweden, for instance, a law passed by the parliament is signed by a minister on behalf of the executive, and not by the king.⁵ The correlation between power and accountability is one of the basic prin-

A parliamentary system can be a monarchy or a republic, depending on the way the head of state takes office.

5 Gerd Strohmeier (2012). "More Legitimation = More Competence? Heads of State in Parliamentary Systems in Comparative Perspective", *Zeitschrift für Vergleichende Politikwissenschaft* 6(2), p.177-196.

The head of state is not held accountable to ensure the continuity and stability of the executive branch in the parliamentary system. Thus, the head of state remains impartial in disputes that may arise between the parliament and the government.

principles of public law. Accordingly, as a rule, a head of state having very limited powers is unaccountable. In parliamentary monarchies, the inviolability of the head of state is absolute (sovereign immunity). The phrase stating “If the king murders a minister, the prime minister is accountable. If he kills the prime minister, no one is accountable” expresses the sovereign immunity in the United Kingdom.⁶ Unaccountability of the monarch is a customary constitutional rule in the United Kingdom. However, some constitutions such as Spain, Sweden, Norway, and Denmark explicitly stipulate the inviolability of the king. In republican regimes, on the other hand, the president is politically unaccountable to the Parliament, but her/his criminal liability is limited to exceptional and very serious situations such as treason or violation of the constitution. Turkey’s constitutions of 1924, 1961, and 1982 – until the 2017 reforms – Turkey provided the president’s accountability following this framework. The head of state is not held accountable to ensure the continuity and stability of the executive branch in the parliamentary system. Thus, the head of state remains impartial in disputes that may arise between the parliament and the government. This, in turn, can serve as a means of easing tensions between the two powers and moderating the political environment.

The second arm of the executive is the council of ministers, i.e., government, and consists of the prime minister and the other ministers. Contrary to the presidential system, the executive in the parliamentary system is not composed of a single person; it has a collective nature. This feature of the parliamentary system is more favourable than other forms of government, especially for ethnically, culturally, and religiously divided societies, as it allows the sharing of the executive power. As a rule, the prime minister and other ministers are MPs. The head of state nominates a person who can get the support of the majority of the parliament to form the government, or appoints this person as prime minister. However, there are also exceptional cases where this authority is not given to the head of state. In Sweden and the Czech Republic, the speaker of the parliament nominates, and in Germany, at least 25% of the deputies nominate, a candidate for the prime minister.⁷

The executive powers are exercised by the government. As the chief of the council of ministers, the prime minister has a significant place in the government. The prime minister has important powers and duties such as appointing ministers; explaining the government’s decisions to the parliament, the press, or the electorate; acting as spokesperson for the state in foreign relations; and carrying out the relations between the

⁶ Ergun Özbudun (2021). *Türk Anayasa Hukuku*, Gözden Geçirilmiş 21. Baskı, Yetkin Yayınları, Ankara, p.323.

⁷ José Antonio Cheibub, Shane Martin, and Bjørn Erik Rasch (2019). “Investiture Rules and Formation of Minority Governments in European Parliamentary Democracies”, *Party Politics* 27(2), p.353.

head of state and the council of ministers, and the opposition and the council of ministers. The increasing role of the prime minister in the political order with a disciplined party system and the fact of the prime minister being also the head of her/his party engenders the “presidentialization”⁸ or “personalization”⁹ of the parliamentary system.

In a parliamentary system, the government can be formed by a single political party (*single-party government*) or composed of more than one political party (*coalition government*). A *minority government* exists when the political party or parties forming the government do not obtain the support of an absolute majority of the total number of members of the parliament. The majority of the coalition governments formed in Western Europe are based on a written and publicly shared coalition agreement.¹⁰ These agreements include policies to be carried out, procedural rules such as how and in what direction the deputies of the coalition parties will vote in the parliament, distribution of the ministries between the coalition partners, and allocation of powers between the ministers. Coalition agreements have a positive effect on governmental stability.¹¹ In addition, it is argued that broad coalitions that combine a large number of political parties in the parliament benefit governmental stability because they eliminate other coalition options.¹² In New Zealand, minority governments make public written agreements with opposition parties to receive support on certain issues. A vote of confidence in the government on other issues is left to the opposition parties’ discretion. This method is called “*contract parliamentarism*” and is frequently used also in Sweden and Denmark.¹³

A government that remains in office from the termination of a government to the formation of a new one is called a *caretaker government*. In cases of call for an early parliamentary election, resignation or overthrow of the government by the parliament, the existing government cannot resign until a new one is formed. The goal of this rule is to ensure that the country shall not be left without a government. A new government can only be formed after a vote of confidence or an agreement between the main political actors in the parliament. This period can take weeks or

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- 8 Michael Foley (2008). “The Presidential Dynamics of Leadership Decline in Contemporary British Politics: The Illustrative Case of Tony Blair”, *Contemporary Politics* 14(1), p.53-69; Ruxandra Serban (2020). “How Are Prime Ministers Held to Account? Exploring Procedures and Practices in 31 Parliamentary Democracies”, *The Journal of Legislative Studies* 28(2), p.156.
- 9 Willy Jou and Masahisa Endo (2015). “Presidentialization of Japanese Politics’: Examining Political Leader Evaluations and Vote Choice”, *Japanese Journal of Political Science* 16(3), p.358.
- 10 Kaare Strøm, Wolfgang C. Müller, and Daniel Markham Smith (2010). “Parliamentary Control of Coalition Governments”, *Annual Review of Political Science* 17, p. 529.
- 11 *Ibid.*, p.530.
- 12 Tim Groseclose and James M. Snyder (1996). “Buying Supermajorities”, *American Political Science Review* 90(2), p.303-315.
- 13 Tim Bale and Torbjörn Bergman (2006). “Captives No Longer, But Servants Still? Contract Parliamentarism and the New Minority Governance in Sweden and New Zealand”, *Government and Opposition* 41, p.422-449.

even months. Therefore, the caretaker government may continue to stay in power for a few weeks or months. For instance, in Belgium the caretaker government stayed in office for 235 days in 2007, 597 days between 2010 and 2011, and 457 days between 2018 and 2020,¹⁴ in Israel for a total of 454 days as of December 26, 2018.¹⁵

Since the caretaker government lacks broad political legitimacy and the confidence of the parliament, its operation should be limited to the daily issues necessary for the continuity of the state and maintaining predetermined policies or dealing with urgent matters. The caretaker government should not take important political decisions that will affect the new government. It is necessary to distinguish a caretaker government from an interim or transitional government. An interim government benefits from full powers and is specifically appointed to make a transition between two governments or from an authoritarian regime to a democracy. The purpose of such a government is to bring the country to elections. Examples of such transitional cabinets can be found in countries such as Italy, Finland, Portugal, and Sweden.¹⁶

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Legislative-Executive Relations

In the parliamentary system, both legislative and executive branches have the means to dismiss each other. As long as the cabinet remains in office, it relies on the confidence of the parliament. In other words, the prime minister and the cabinet are politically accountable to the parliament. The parliament exercises its power through a vote of confidence or no-confidence. A vote of confidence is a parliamentary vote on whether a newly appointed or continuing government should continue in office. In some parliamentary systems, parliament participates in the formation of government through a vote of confidence. In this case, before the cabinet takes office or as soon as it is formed, it has to win a vote of confidence from the parliament. This is called *positive parliamentarism*. Belgium, Germany, Italy, Sweden, Luxembourg, Greece, and Turkey until 2017 provide examples of this approach. Some countries, such as Norway, Denmark, and the Netherlands, do not require a vote of confidence for a newly appointed government, to facilitate its formation.¹⁷ This is called *negative parliamentarism*. It is argued that regimes with negative parliamentarism are more prone to the formation of minority governments.¹⁸ In some cases

14 Régis Dandoy and Lorenzo Terrière (2021). "Caretaker Governments in Belgium: The New Normal?", in *Belgian Exceptionalism* (Eds. Didier Caluwaerts and Min Reuchamps), Routledge, p.126.

15 Rivka Weill (2022). "Judicial Intervention in Parliamentary Affairs to Prevent a Coup D'état", *Maryland Law Review* 81(1), p.300.

16 Dandoy and Terrière (2021), p.135.

17 Strøm, Muller, and Smith (2010), p.525.

18 Cheibub, Martin, and Rasch (2019), p.352.

where positive parliamentarism is adopted, such as in Belgium and Sweden, the formateur is deemed to have received a vote of confidence unless the absolute majority of the total number of members of the parliament vote against her/him. In other countries such as Hungary and Slovakia, an absolute majority of the total number of members of the parliament must affirm their confidence in the newly formed government. Usually, a simple majority is sufficient for a vote of confidence. In cases such as Germany and Spain, if the absolute majority of the total number of members has not been obtained in the first voting, a simple majority is sufficient in the second voting. The government can always seek a vote of confidence while in office. Thus, the prime minister aims at seeking the support of the parliament regarding a specific policy or programme that the government carries out. In the parliamentary system, it is assumed that the government should resign if the parliament has not approved the budget bill. Such a situation is called an *implicit vote of confidence*.¹⁹

A motion of no-confidence is triggered by a demand of the parliamentarians for an explanation from the government or a minister regarding the policy they implement or the actions they take. If they find the explanation insufficient, they can withdraw their confidence from the government or the minister by a vote of no-confidence.²⁰ If the no-confidence is directed at the prime minister, the government will be relieved of its office. The motion of no-confidence is not intended to restore parliament's confidence in the government; rather, it reflects the discontent of (at least a part of) the parliament with government policies and triggers the search for a new government. In cases such as Italy and Denmark, a motion of no-confidence is passed by a simple majority in the parliament. In Greece and Iceland, an absolute majority vote of the total number of members is required for the government to be overthrown by a vote of no-confidence.²¹ Clearly, absence of the requirement for an absolute majority facilitates the overthrow of the government. If the government does not have the support of a solid parliamentary majority, it entertains a risk of government instability. However, in established parliamentary systems, it is rare for the government to be removed from office as a result of a vote of no-confidence. Only 5% of motions of no-confidence have resulted in the overthrow of the government.²²

Some constitutions adopt a “*constructive vote of no-confidence*” to prevent the government instability that may arise with a vote of no-confidence. Under a construc-

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19 Philip Norton (2016). “Fixed-term Parliaments Act and Votes of Confidence”, *Parliamentary Affairs* 69(1), p.7.

20 Özbudun (2021), p.305-306.

21 Tal Lento and Reuven Y. Hazan (2022). “The Vote of No Confidence: Towards a Framework for Analysis”, *West European Politics* 45(3), p.505.

22 *Ibid.*, p.460.

In cases with a polarized society and multiple political parties in the parliament, restrictions on the vote of no-confidence will have a positive impact on government stability.

tive vote of no-confidence, the parliament can withdraw from the government only if there is a positive majority for a prospective successor. Thus, the parliamentary majority that concurs to overthrow the government is prevented from causing government instability by being compelled to agree on who will form the new government at the same time. Therefore, the name of the successor must be included in the motion. Germany, Belgium, Spain, Israel, and Hungary are examples of the constitutions that provide a constructive vote of no-confidence. In these countries, the absolute majority of the total number of members of the parliament is required for approval of the constructive vote of no-confidence. There are exceptional cases that require greater majorities. For example, in Madagascar and Rwanda, a constructive vote of no-confidence can be adopted by a vote of at least two-thirds of the total number of members of parliament.²³ Clearly, requiring such a majority will make it virtually impossible for the parliament to control the government through a vote of no-confidence. Empirical studies reveal that a constructive vote of no-confidence plays a role in mitigating the destabilizing effect of ideological polarization. In cases with a polarized society and multiple political parties in the parliament, restrictions on the vote of no-confidence will have a positive impact on government stability. The length of governments in countries that adopt the constructive vote of no-confidence is 83% longer than in countries that do not adopt this institution.²⁴ However, we should underline a possible negative effect of this approach. A government that is not dismissed by the parliament due to a lack of agreement on the name of the new prime minister will not have the necessary parliamentary majority to implement the legislative programme. This may result in ineffective governance.²⁵ A provision of the 1958 French Constitution can be considered a remedy to prevent such issues. The prime minister may, after deliberation by the Council of Ministers, make the passing of a bill subject to a vote of confidence before the National Assembly. In that event, the bill shall be considered passed unless a resolution of no-confidence is carried.²⁶ Vesting the president with the power to call elections can also remove the political blockage in cases where the government does not have solid parliamentary support, but a new government alternative does not emerge.²⁷ Rejection of a vote of confidence or acceptance of a vote of no-confidence by the parliament leads to the dismissal of the council of ministers.

²³ *Ibid.*, p.512 and 522.

²⁴ Ayelet Rubabshi-Shitrit and Sharon Hasson (2022). "The Effect of the Constructive Vote of No-Confidence on Government Termination and Government Durability", *West European Politics* 45(3), p.576-590.

²⁵ Serap Yazıcı (2002). *Başkanlık ve Yarı-Başkanlık Sistemleri*, İstanbul Bilgi Üniversitesi Yayınları, İstanbul, p.174.

²⁶ Arend Lijphart (2006). "The Case of Power Sharing", in *Electoral Systems and Democracy* (Eds. Larry Diamond and Marc F. Plattner), The Johns Hopkins University Press, Baltimore, p.49-50.

²⁷ Yazıcı (2002), p.174.

In a parliamentary system, MPs can supervise the government by employing other instruments such as questions, requests for information, committees, and a general debate. Questioning allows MPs to seek information and ask the government for an explanation on a particular issue. Ministers can reply to the questions of MPs in written form or orally. Clearly, the prime minister's or ministers' oral answer in committees or plenary is a more effective form of supervision than the written approach. Questioning mechanisms may also perform other functions, such as serving as a "safety valve" or "tension release" forum for the expression of criticism, and facilitating territorial representation as parliamentarians can directly bring issues related to their constituency to the attention of the prime minister or the relevant minister.²⁸ The government's response to a question may lead to further questions, the formation of an inquiry committee, or a motion of no-confidence. However, in periods when majority governments are formed, effective parliamentary oversight of the government is very limited. Further, for questions to be an effective form of supervision, they should yield a dialogue between MPs and the prime minister or another minister, where members of the council of ministers are available to answer such questions with a reasonable frequency and MPs can request further clarification or additional questions regarding the answer. The United Kingdom is a country where questioning is used efficiently as a supervisory mechanism.

The parliament can also monitor the government through permanent or ad hoc committees. In all parliamentary systems, bills are deliberated in committees. Especially when coalition governments are in power, commissions can be used as an instrument of supervision of the government, not only by the opposition but also by the coalition partners against each other. A general debate is a discussion on a specific issue held in the plenary. In some cases, such as in Spain, after the discussion, a vote may be held in the plenary to reveal the tendency of the parliament regarding the issue. However, the result of the vote does not engender the dismissal of the government.

Many countries grant the executive authority to dissolve the parliament prematurely and call for a snap election. This authority contributes to resolving disagreements within the parliament or between the majority of the parliament and the government through general elections. This power can be granted to the head of state or the government. In some countries, the power to dissolve the parliament can be exercised by the head of state when certain conditions occur or upon the proposal of the prime minister (the United Kingdom, the Czech Republic, Germany, Japan, New Zealand, India). For example, in Germany, the president can use his power to

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²⁸ Serban (2020), p.157-158.

dissolve the parliament in two cases. Firstly, if a vote of confidence is not supported by the Bundestag upon the proposal of the prime minister, the president may dissolve the Bundestag. Secondly, if a chancellor is not elected by the Bundestag within the period stipulated in article 63.4 of the Basic Law, the president will dissolve the parliament. The constitutions of Turkey between 1961 and 2017 also vested in the president the power to dissolve the Grand National Assembly of Turkey under certain conditions, to eliminate governmental instability.

On the other hand, in Italy, the president can dissolve one or both of the chambers without putting forward any reason. Her/his power is not conditional upon the proposal of the prime minister. For example, in 1994 President Oscar Luigi Scalfaro refused to accept Prime Minister Silvio Berlusconi's request for dissolution of the parliament because there would be another potential alternative majority in the House to form the government.²⁹ In some countries such as Denmark and Sweden, this power is given to the government. However, the Norwegian constitution and the 1924 Turkish constitutions do not recognize the executive authority to dissolve the parliament. A decision for a snap election can only be taken by the parliament. The power to decide on early elections is so important that it affects the balance of power. If this authority is granted unconditionally to the head of state, prime minister, or the council of ministers, the political power is concentrated on the person or office who holds this power. A good example regarding the powers of a vote of confidence and dissolution of the parliament is provided by the United Kingdom. In 1993, the leader of the Conservative Party and Prime Minister John Major sought a vote of confidence from the House of Commons regarding the adoption of the Maastricht Treaty, and announced that he would dissolve the House of Commons if he could not obtain support in the Commons. In so doing, he avoided a situation where some of the MPs from his party who opposed a broader delegation of powers to European Union institutions would vote against the government. Prime Minister Major's use of the vote of confidence and power of dissolution of the parliament as a weapon to get the House of Commons to accept his Maastricht policy demonstrates that these instruments can form part of the bargaining process in parliament.³⁰ If the executive's power to dissolve the parliament is limited or the parliament has the authority to carry a resolution on a snap election, the legislature will be in a relatively strong position compared to the executive branch.³¹

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29 Selena Grimaldi (2015). "The President during the So-Called Second Republic", *Contemporary Italian Politics* 7(1), p.85-86.

30 John D. Huber (1996). "The Vote of Confidence in Parliamentary Democracies", *American Political Science Review* 90(2), p. 269.

31 IDEA (2016). *Dissolution of the Parliament*, https://constitutionnet.org/sites/default/files/dissolution_of_parliament_final.pdf

Party System

The political party system has an important place in the operation of the parliamentary system. A political party that holds the absolute majority in the parliament performs both legislative and executive activities as it also forms the government. Parliament's legislative and supervisory functions are determined by the party structure and number of the seats held by the political parties in the parliament – in other words, the composition of the legislature. If two political parties constantly dominate political life, political power changes hands between these two parties, and one of these two parties forms the government alone or with the support of a small third party, it is called the two-party or *Westminster* system. Political stability is more likely to be achieved in the parliament in countries where two mainstream (right and left) political parties dominate the political life. In a two-party system, the party that does not form the government assumes the role of a responsible and moderate opposition, since there is a high probability of coming to power in the future. In a *multi-party system*, more than two parties dominate the political life. In a moderate multi-party system, there are no steep ideological differences between the political parties. Extreme parties may exist, but they do not have a significant place in political life. In an extreme (polarized) multi-party system, political differences between parties are so excessive as to render it difficult or impossible to compromise. In a parliamentary system based on a polarized multi-party system, political parties do not agree on the regime and its fundamental issues. Therefore, the probability of forming a stable government in the parliament is lower. Possible alternatives to form a government in a polarized party system are limited.³² Today, in many countries the political party system has become even more fragmented, especially as a result of the weakening influence of the mainstream parties and the emergence of new parties.

There is also a close relationship between the operation of the parliamentary system and party discipline. Parties that take binding and compelling decisions for their members, MPs, and ministers to strike a certain attitude or vote, and whose members are obliged to strictly comply with the directives, programmes, and decisions of the party, are called *disciplined parties*. Party discipline allows the party to act with integrity, solidarity, and consistency. Effectiveness and governmental stability rely on the voting of the party's MPs according to party discipline. Since governmental stability in parliamentary regimes requires the support of an absolute parliamentary majority, a disciplined party system is an indispensable element of a good working system.³³

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³² Rubabshi-Shitrit and Hasson (2022), p.579.

³³ Akartürk (2010).

Electoral System

Electoral systems are generally divided into two main types, namely proportional and majoritarian representation. Proportional representation is a system in which parliamentary seats are allocated among the political parties in proportion to the number of votes cast for them. Majoritarian voting is a system where the winner-takes-all, namely, a candidate must receive a majority of votes in the constituency to be elected. The proportional system makes it easier to increase the number of parties in the parliament, and also makes it less likely for a political party to gain an absolute majority in the parliament. The majoritarian system, or strongly corrected proportionality as exercised in Greece and Spain, makes it easier for a political party to obtain an absolute majority in the parliament but makes it difficult for small political parties to gain seats in the legislature. The majoritarian system is found in the United Kingdom and former British colonies such as India, Australia, Barbados, Canada, and Jamaica. This system helps two major parties to be dominant in the parliament and to form one-party governments. Indeed, after the Second World War in the United Kingdom, either the Conservative Party or Labour Party won an absolute majority in the House of Commons. Relatively weak local governments and parliamentary supremacy doctrine led to the dominance of a majoritarian parliamentary system. The establishment of regional parliaments in 1998 and voters' increasing interest in small political parties and independent candidates have not changed the traditional two-party system in the House of Commons. Still, the trend has given rise to an increase in the number of political parties represented in the House. However, it should be noted that a majoritarian system may not always ensure the formation of one-party governments. For instance, the majoritarian system is used in Canada, a multinational country, as well as in Australia, but coalition or minority governments in these countries are not exceptional.³⁴

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The proportional representation system transfers the will of the electorate more accurately to the parliament. Especially in societies that are ethnically, culturally, religiously, or ideologically divided, there are many political parties representing these divisions. The proportional representation system facilitates the reverberation of these divisions in the parliament. Therefore, in countries where a proportional representation system is adopted, usually a large number of political parties are represented in the parliament. To discourage the emergence of an excessively divided parliament and to provide governmental stability, jurisdictions using this system sometimes set a national or/and constituency threshold for votes that parties must obtain for qualifying seats. The larger the threshold, the closer the results are to the majoritarian system.

³⁴ Scott Brenton and Heath Pickering (2020). "Trustworthiness, Stability and Productivity of Minority Governments in Australia", *Parliamentary Affairs* 75(2), p.315.

Advantages and Disadvantages of the Parliamentary System

One of the most important advantages of the parliamentary system is that the legislature or executive can call for early elections and the legislature can remove the government at any time; in other words, the terms of office of the legislative and executive branches are not fixed. The ability of the legislative and executive to dismiss each other makes it possible to resolve conflicts and disagreements between these two branches before the situation turns into a regime crisis, and provides a flexible relationship between the two branches. This flexibility is a feature of the parliamentary system that increases the viability of the democratic regime.³⁵ The possibility to share power among political parties through coalition governments reduces polarization.³⁶ The probability that smaller parties can share the parliamentary power in a coalition government also leads them to take a responsible and moderate oppositional position. Impartiality and unaccountability of the head of state enable her/him to act as a mediator in disputes between the government and the parliament and facilitate the resolving of issues.³⁷

Another advantage of the parliamentary system is that it has an effective governing capacity. A government with the support of a parliamentary majority will encounter difficulty in using party discipline to implement its political programme and agenda. In the parliamentary system, the most critical political crises arise in the absence of a government with the support of an absolute majority of the parliament. In order to eliminate or alleviate the problems that may arise from such a situation, and to strengthen the government's efficiency and stability, parliamentary democracies can envisage certain legal instruments in what is called *rationalized parliamentarism*, such as a constructive vote of no-confidence, a vote of confidence with dissolution threat, the ability for the government to issue decree-laws, a parliamentary majority that facilitates the formation of the government and discourages its dismissal, and regulations expediting operation of the parliament.

On the other hand, a large number of political parties in the parliament can hamper forming a stable and lasting government with the support of the parliamentary majority. During coalition governments, disharmony and disagreements between political parties in the council of ministers may lead to government crises and reduce executive efficiency. One of the criticisms made of the parliamentary system is that a coalition or minority government is a source of political instability and negatively affects the

Impartiality and unaccountability of the head of state enable her/him to act as a mediator in disputes between the government and the parliament and facilitate the resolving of issues.

35 Fred W. Riggs (1997). "Presidentialism versus Parliamentarism: Implications for Representativeness and Legitimacy", *International Political Science Review* 18(3), p. 257.

36 *Ibid.*, p.264.

37 *Ibid.*, p.275.

efficiency of the executive. Long-lived governments are considered a prerequisite for effective governance,³⁸ and short-lived governments are not preferred because they do not have enough time to establish and implement a coherent programme.³⁹ It is argued that a coalition government will not be able to implement an established and coherent social and economic programme due to possible disagreements and conflicts among the partners. However, coalition governments have a long tradition and are commonplace in economically and socially developed democracies, such as Germany, Belgium, and Northern European countries. Indeed, between the end of World War II and the mid-1980s, 62% of the 218 governments formed in Germany, Austria, Belgium, Denmark, Finland, the Netherlands, Ireland, Sweden, Italy, Iceland, Luxembourg, and Norway were coalition governments and 33% were minority governments.⁴⁰ Between 1999 and 2008, New Zealand was governed by minority governments.⁴¹ In some cases, a coalition government may even include all political parties in parliament. Some examples are Austria until 1971, and from 1988 to 1996; Luxembourg from 1952 to 1959, and from 1985 to 1999; the Netherlands until 1959; Belgium from 1962 to 1968, and from 1988 to 1999; Finland from 1978 to 1987; and Iceland from 1988 to 1995.⁴² Thus it is clear that not every coalition or minority government will cause political instability. In addition, the longevity of a government alone does not necessarily lead to effective governance. A one-party government may not always result in an effective executive. A one-party government might not provide overall satisfaction, even if it rules the country for a significant period. Besides, intraparty divisions may adversely affect the capacity of the executive. The examples given above indicate that coalition and minority governments do not adversely affect economic development and the quality of democracy.

A one-party government may not always result in an effective executive.

A one-party government might not provide overall satisfaction, even if it rules the country for a significant period.

38 Sartori (1994), p.113.

39 Lijphart (1984), p.165.

40 Mustafa Erdoğan (2016). "Koalisyon Hükümetlerinin demokratik Rejimlerde Yeri Nedir?", in *Türkiye'nin Anayasa Gündemi* (Ed. İbrahim Ö. Kaboğlu), İletişim, p.141-142.

41 André Kaiser (2009). "MMP, Minority Governments and Parliamentary Opposition", *New Zealand Journal of Public and International Law* 7(1), p.82.

42 Jose Maria Maravall (2010). "Accountability in Coalition Governments", *Annual Review of Political Science* 3, p.83.

II. ISRAEL

Political Parties and Electoral System

Israel's form of government is a parliamentary republic. Israel has no written and rigid constitution. Rules of political life are regulated by "basic laws".⁴³ Israel is a unitary state. Israeli society is extremely divided in different aspects, such as Jewish-Arab, secular-conservative, new immigrants and residents, rich-poor, and right-left. This engenders an increase in the number of political parties and makes it more difficult to reach a consensus among them. The political party system is competitive and very fragmented. The continuous formation of new parties and alliances is one of the features of Israeli politics. For example, *Kadima* was founded in 2005, *Yesh Atid* in 2012, the liberal *Hatnua* and *Otzma Leyisrael* in 2013, *Yamina* and *Blue and White* in 2019, and *Labor-Gesher-Meretz* in 2020. Historically, political parties had clustered around two major ideological blocs (centre-right led by *Likud* and centre-left led by the *Labor Party*). However, the number of representatives of the Labor Party in parliament has been in a dramatic decline in recent years. Especially since the 1990s, Israel has had an excessively multi-party system. Hence, there is an inflation of political parties in the country. Indeed, the average number of parties in parliament is ten.⁴⁴ For this reason, the country has always been ruled by coalition governments. While in the 1980s, the country's two largest parties took 80% of seats in the parliament, now this ratio has dropped to 38%.⁴⁵ For example, the parliamentary election held on March 23, 2021 led to the most fragmented parliament in recent years. As a result of these elections, 13 political parties managed

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43 Among others, Basic Laws: The Knesset (1958), The President of the State (1964), The Government (2001), The Military (1976), The Judiciary (1984), Human Dignity and Liberty (1992), Referendum (2014), Israel, the Nation State of the Jewish People (2018). <https://m.knesset.gov.il/en/activity/pages/basiclaws.aspx> (date of access 14.06.2022).

44 Benjamin Neuberger (2020). "Israel's Unstable Democracy in Comparative Perspective", *Israel Affairs* 26(6), p.842.

45 Or Tuttnauer (2018). "Government–Opposition Relations in a Fragmented, Personalized, and Multidimensional Setting: The Case of Israel", *Party Politics* 26(2), p.206.

to enter the Knesset. In these elections, parliamentary seats were divided between Likud (30 seats), Yesh Atid (17), Shas (9), Blue and White (8), and nine other political parties. There are deep disagreements between political parties, especially on the Palestine–Israel issue, foreign policy, security, and secularism.

Elections are held according to the closed-list proportional representation system, in which the country forms a single constituency. The parliamentary seats are distributed among the political parties according to the percentage of votes they receive. In order to ensure governmental stability in Israel, the legislature gradually increased the country's national threshold from 1% to 1.5% in 1992, to 2% in 2006, and to 3.25% in 2014.⁴⁶ Political parties can form alliances for elections in order to exceed the threshold. The electoral system generally works in favour of small parties. A proportional representation system consisting of a single constituency encourages an increase in the number of political parties and complicates the coalition process.⁴⁷ On the other hand, implementation of the majority system in a divided society like Israel would limit the representation of different groups, minorities, and interests in the parliament and would create social and political tensions. Deep disagreements between the parties and strict party discipline make reaching a consensus difficult. MPs seldom vote against the decisions taken by their parties and this leads to fragile coalitions. The formation of 76 governments from the foundation of the country to December 2021⁴⁸ and the holding of five parliamentary elections between 2019 and 2022 support this conclusion.⁴⁹ Finally, it should be noted that while coalition governments are commonplace in Israel, minority governments are rare.

Legislature

The Israeli Parliament, the *Knesset*, is unicameral and consists of 120 members. Elections are held every four years. The Knesset may adopt a law to hold a snap election by the absolute majority of the total number of its members. The Knesset may also be dissolved if it fails to pass a budget, if it fails to grant confidence to a prime minister within a specified time following a general election, or if the prime minister advises the president that she/he has lost the confidence of the Knesset.⁵⁰ The Speaker of the

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46 Neuberger (2020), p.837.

47 Gregory Mahler (2016). *Politics and Government in Israel: Maturation of a Modern State*, 3rd Edition, Rowman & Littlefield Publishers, p.218.

48 Osnat Akirav (2022). "Investiture Rules and the Formation and Type of Government in Israel and Italy", *The Journal of legislative Studies* 1(24), p.2.

49 Ilan Ben Zion (2022). "Israel's parliament dissolves, sets 5th election in 4 years", *The Seattle Times*. Accessed 1 September 2022.

50 IDEA (2016).

parliament is elected by the Knesset after the general elections from among its members. She/he can be dismissed by the Knesset by a vote of 90 out of 120 deputies. According to the Basic Law amended in 2016, the outgoing Speaker will continue in her/his role until a new one is elected. The Speaker has an important role in the operation of the Knesset, setting its agenda, and carrying out the government's programme. For example, in 1982, the Speaker postponed a no-confidence vote to enable coalition MPs to return from abroad and vote. This delay saved the government.⁵¹ After the parliamentary elections, but before the new government was formed, on 18 March 2020 Yuli Edelstein, Speaker of the Knesset and an MP for Likud which was led by Prime Minister Benjamin Netanyahu, announced that he could not form the Arrangements Committee. This Committee is very important because it is authorized to set up all the committees in the Knesset, including the ad hoc committee that oversees how the caretaker government, which had been in power for more than a year at that time, was exercising its emergency powers during the COVID-19 pandemic. He also rejected demands for immediate election for the Speaker without waiting for the new government to be formed. This decision of the Speaker was brought to the Supreme Court by the opposition on the grounds of its unconstitutionality. Israel's Supreme Court concluded that the Speaker of the Knesset was undermining the democratic process and the status of the Knesset as an independent authority and the process of governmental transition. Edelstein did not abide by the decision of the Supreme Court and did not include the election of the Speaker in the agenda of the parliament, but resigned from his post.⁵²

As with other parliaments, Knesset also has two main powers, namely legislative and controlling the executive. In Israel, the executive branch has wider powers than in some other countries in the legislative process. While private member's bills are proposed by the MPs and commissions on some issues such as basic law and elections, government bills can be proposed by the council of ministers or an individual minister. A minister's bill is first examined by the Ministry of Justice in terms of legality and by the Ministry of Finance in terms of economy and budget. The bill is also sent to all other ministries to take their opinions. The bill is adopted in the Knesset after it is debated twice in the committee and the Plenary. A law adopted by the Knesset enters into force by being published in the Official Gazette with the signatures of the Speaker of the Knesset, the president, the prime minister, and the minister who will execute the law.⁵³ Laws are passed by a simple majority, and ba-

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51 Weill (2022), p.309.

52 *Ibid.*, p.309.

53 Jewish Virtual Library (n.d.). "Israel Government & Politics: How Does the Israeli Government Work?", <https://www.jewishvirtuallibrary.org/how-does-the-israeli-government-work>. Accessed 23 August 2022.

sic laws by a majority of the total number of members (at least 61 deputies). The Knesset can supervise the government in a variety of ways. Apart from the vote of confidence and the constructive vote of no-confidence, which will be explained below, MPs may ask the ministers questions about policies they are implementing or a specific case. The minister replies to questions orally or in written format. The Knesset also forms standing and ad hoc committees. The Israeli Parliament is one of the least-membered parliaments in the world. However, usually, it is formed by broad coalition governments that consist of about 30 ministers and deputy ministers. Ministers and deputy ministers cannot take part in parliamentary committees. Therefore, committees work with a limited number of deputies. Especially, MPs of the political parties that form the government have to work on five or six committees. In addition, meetings of the committees are held simultaneously. This is criticized because it restricts the effective participation of deputies in the committees.⁵⁴ Broad coalition governments are cited as one of the reasons for weak opposition in the Knesset. Indeed, an average of 37% of the MPs come from opposition parties.⁵⁵

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Executive

The executive branch consists of the president and the council of ministers, i.e., the government. The president is elected for seven years by the absolute majority in the Knesset, by secret ballot, and serves a single term. Presidential candidates are usually nominated by the major parties in the Knesset from among public figures and politicians.⁵⁶ A minimum of 10 MPs are required to nominate a person for the presidency. A candidate does not have to be a member of parliament. The president has no criminal liability while in office. Further, the president can be dismissed by three-fifths of the total number of members of the Knesset only because she/he behaves inappropriately or fails to fulfil her/his duties. In case of a temporary or permanent vacancy in the presidential office, the Speaker of the Knesset shall act as the president until a new one is elected. The president is endowed with symbolic and ceremonial powers which include approving laws and international agreements, appointing judges and the Governor of the Bank of Israel, appointing a formateur to form the government after consultation with the leaders of all political parties in Parliament, and pardoning prisoners or commuting their sentences. The president does not have

54 Chen Friedberg and Reuven Y. Hazan (2021). "Legislative Branch in Israel", in *The Oxford Handbook of Israeli Politics and Society* (Eds. Reuven Y. Hazan, Alan Dowty, Menachem Hofnung, and Gideon Rahat), Oxford University Press, p.309-310.

55 *Ibid.*, p.313.

56 Jewish Virtual Library (n.d.).

the authority to veto laws or to avoid signing them.⁵⁷ Since Israel is governed by coalition governments, the president plays an important role during the formation of the government. All acts of the president except those regarding the formation of the government and the dissolution of the Knesset are counter-signed.

The Council of Ministers consists of the prime minister and other ministers. The prime minister is appointed from among the MPs, while the ministers are appointed from among the parliamentarians or individuals who are not MPs. Ministers are appointed and dismissed by the prime minister and accountable to her/him. Effectively, the prime minister may not always be in a powerful position within the council of ministers. Indeed, coalition governments in Israel lead to the inclusion of the leaders of the political parties that form the government in the cabinet. One of the consequences is that the prime minister can only make suggestions about a policy to be followed in the council of ministers. If the majority does not accept the prime minister's proposal, then the prime minister should either support the majority opinion or resign.⁵⁸ The national unity governments led by the Labor Party and Likud between 1984 and 1990 can be given as examples where the prime ministers' power in the cabinet was reduced.⁵⁹ On the other hand, if the opposition in the parliament is weak and divided, the prime minister becomes a powerful political figure. It can be said that the prime minister strengthens her/his position in the government when she/he chairs the commissions composed of a small number of ministers within the council of ministers, which are allocated for specific issues, such as defence, international relations or intelligence.⁶⁰ Furthermore, a Legislative Committee is formed, which consists of representatives of the political parties in the government. This committee decides which private and other bills the government will support. The prime minister has the authority to determine the agenda of the committee.⁶¹ This authority gives the prime minister significant power within the government. As mentioned above, one of the important powers of the prime minister is related to the dissolution of the Knesset.

From the foundation of the state in 1948 until 1992 Israel was a classical parliamentary system. A system of direct elections for the premiership was introduced in 1992, and was used in the 1996, 1999, and 2001 elections. During this period, direct elections for the prime minister took place on the same day as general elections for the Knesset.

If the majority does not accept the prime minister's proposal, then the prime minister should either support the majority opinion or resign.

57 Mahler (2016), p.143.

58 *Ibid.* p.161-162.

59 Dan Korn (2010). "The Presidentialization of Politics: The Power and the Constraints of the Israeli Prime Minister", Research Paper, *Institute of Israel Studies*, Korn Research Paper 2 (psu.edu). Accessed 4 September 2022, p.4

60 *Ibid.*, p.5

61 Mahler (2016), p.167.

Voters chose a party for the Knesset and a candidate for the post of prime minister on separate ballots, and according to two different principles, the majority principle for the prime minister and proportionality for parliament. The new system was implemented for the first time in 1996. Benjamin Netanyahu, the president of Likud, was elected prime minister with 50.49% of the votes. The result of the split-ticket was that prime ministers found it hard to put together a stable and lasting coalition. Accordingly, in 2001 this procedure was repealed and the parliamentary system reinstated.⁶²

Relations between Legislature and Executive

Parliament can control the government through a vote of confidence or no-confidence. A vote of confidence is exercised at the formation of the government and during its mandate. After consulting the political party groups in the parliament, the president assigns an MP who has accepted this responsibility to form the government. The prime minister forms the government within 42 days at the most. The government announces its programme, ministers, and distribution of tasks before the vote of confidence takes place (Basic Law: The Government art.13). The council of ministers wins the vote of confidence by open ballot and a simple majority. If the MP appointed by the President fails to form the government or the Knesset does not pass the vote of confidence in the government, the president may assign another deputy to form the government. As in 2019, if the government is not formed after two consecutive attempts, parliamentary elections will be held.⁶³

The government can be supervised by a motion of no-confidence. From 1948 to 2001, a simple majority was sufficient for passing a no-confidence vote in Israel. In 1992, with the amendment that provided direct election of the prime minister, the quorum for a decision to pass a vote of no-confidence was increased to an absolute majority of the total number of members of the parliament. After the form of government that provided direct election of the prime minister was abandoned in 2001, a procedure similar to the constructive vote of no-confidence was adopted to ensure government stability. Accordingly, the absolute majority of the Knesset could dismiss the government by adopting a formateur, i.e., a presumptive nominee charged with seeking to form a new government, but not an alternative prime minister. In 2014 the measure mandating a constructive vote of no-confidence was fully adopted and a requirement that is not found in other countries was introduced. Accordingly, the constructive vote of no-confidence now has to include not only the

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⁶² Emanuele Ottolenghi (2002). "Explaining Systemic Failure: The Direct Elections System and Israel's Special Elections of February 2001", *Israel Affairs* 8(3), pp.137-142.

⁶³ Akirav (2022), p.9.

candidate for prime minister of the proposed government but also basic guidelines of its policy, its composition, and the distribution of portfolios among the ministers. A constructive motion of no-confidence can only be submitted by political parties that are not in the government. This document must be signed by the prospective prime minister, with the consent of all the proposed ministers attached. A vote of no-confidence, as a motion for the agenda, can be submitted during a Knesset recess and will come up for debate at the first session after the recess, unless the motion was submitted by 61 MPs, in which case it must be brought up for debate within a week even during a recess. Until this measure was adopted, submitting a motion of no-confidence was a weekly practice for opposition parties. However, so far the government has been dismissed only once, in 1990, by a motion of no-confidence.⁶⁴ In that case, one of the two major parties of the coalition held secret talks with the opposition parties for an alternative government. This political party supported the motion of no-confidence but failed to form a new government.

Furthermore, the Knesset can supervise the government through permanent and interim committees, including committees of inquiry and the ethics committee that investigates whether MPs have violated the parliament's code of ethics and engaged in illegal activities. MPs can ask questions of the government. This tool serves to draw the government's attention to a new issue and reminds the government that the public is following its actions. The council of ministers can be supervised through a general debate at the plenary. For example, Arab lawmakers in the Knesset requested a plenary discussion regarding the government policy on Jewish settlers in the West Bank and Arab protests against it.⁶⁵

A government that resigns, fails to receive a vote of confidence, or is dismissed by a vote of no-confidence remains in office until a new one is formed. Caretaker governments are commonplace in Israel. Since 2003, the average lifespan of a caretaker government in Israel is 160 days.⁶⁶ This lengthy stay in office engenders some undesirable consequences. A caretaker government has limited powers over budget and public appointments. For example, during the caretaker government in office between 2019 and 2021, a larger budget deficit occurred than anticipated due to the government's limited powers. The government could not fill vacancies by appointment in crucial positions, such as the police department and prosecutor's office.⁶⁷

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64 Jewish Virtual Library (n.d.).

65 Mahler (2016), p.177.

66 Weill (2022), p.300.

67 Melanie Carina Schmoll (2021). "New Government, New President, New Israel?", *Journal of Military and Strategic Studies* 20(3), p.16.

III. SPAIN

Political Parties and Electoral System

The 1978 Constitution of Spain (Cons.) defines the form of government of the state as a “parliamentary monarchy” (art. 1.3). In other words, Spain is a constitutional monarchy where the presidency of the state is carried out by the King, under limits laid out in Part II of the constitution. The form of government is a parliamentary system where the government emerges from and is responsible to the parliament (Cons. art. 99). Spain is a *regional state* consisting of 17 regions called autonomous communities. Autonomous communities have broad political and administrative powers. The Spanish Parliament (*las Cortes Generales* or just *Cortes*) is composed of the Congress of Deputies (*Congreso de los Diputados* or just *Congress*) and the Senate. Congress elections are held under the closed-list proportional representation (*D’hondt*) system and a 3% national electoral threshold is applied. Electoral districts are equivalent to the provinces. Two deputies (one each for Ceuta and Melilla in North Africa) are given seats in each province. The remaining seats are divided among the provinces (except Ceuta and Melilla) based on population. However, these divisions have not taken account of subsequent demographic changes. Thus, many of Spain’s constituencies are too small to achieve even reasonable proportionality, and the system as a whole is very malapportioned. This gives rise to similar results to the majority system in practice and concedes an advantage to major parties. In the Senate, 208 senators are elected by the majoritarian system in constituencies based on provinces. Regardless of population, each province elects four senators, islands elect one to three senators depending on their population, and Ceuta and Melilla two senators each. Fifty-six senators are elected by the parliaments of the autonomous communities.

Between 1978, the year the Constitution came into force, and 2015, Spain was based on a two-party system with the People’s Party (*Partido Popular*, PP) on the centre-right and the Spanish Socialist Workers Party (*Partido Socialista Obrero Español*, PSOE) on the centre-left. Political power was exchanged between these two parties. Lesser ter-

This gives rise to similar results to the majority system in practice and concedes an advantage to major parties.

territorial-nationalist parties functioned as facilitating the formation of the government and adoption of the budget in cases where one of these two major parties could not obtain the absolute majority of the Cortes on its own. Therefore, even if coalitions were formed, governmental instability was not observed. Starting in 2014, partly as a result of the economic crisis that began in 2008 and increasing demands for independence in Catalonia, a radically fragmented party system emerged. The foundation of the anti-elite left-wing party *Podemos* in 2014, the centre-liberal *Ciudadanos* in 2006, and the far-right anti-immigrant and anti-autonomous party *Vox* in 2013 led to a shift of votes from the two traditional parties towards these newly formed parties.⁶⁸ As a result of new parties obtaining a significant number of deputies, the party system in Spain now is based on five political parties. Today, as in Israel, there is an inflation of political parties in Spain. Sixteen political parties entered Congress after the general elections that took place in November 2019. The far-right party *Vox* became the third and *Podemos Unidos* the fourth largest party in Congress. It is claimed that the fragmented party system is among the most important reasons for governmental instability in recent years. Indeed, between 2015 and 2019, four general elections were held in Spain.

Legislature

Both houses of the Cortes represent the Spanish nation (Cons. art. 66.1). According to the Constitution, the Cortes consists of a minimum of 300 and a maximum of 400 members. Currently, there are 350 deputies in Congress. The Senate, on the other hand, is partially based on regional (territorial) representation. Two hundred and eight out of 266 senators are directly elected by voters and 51 of them are appointed by the autonomous communities. The composition of the Senate has been criticized especially by the autonomous communities. The autonomous communities (notably the Basque Country and Catalonia) demand that the Senate be transformed into a chamber that fully represents the regions, and that its legislative powers be increased.

Deputies and senators are elected for four years. As in all parliamentary systems, the Cortes has two major powers: making laws and supervising the government. The legislative power of Congress is broader than that of the Senate. The latter only has a function of slowing down the enactment process, except for constitutional amendments. A law introducing a constitutional amendment can only be passed with the approval of a three-fifths majority of both chambers. If there is no agreement between the Houses, a Joint Committee of Deputies and Senators is set up, which submits a text to be voted on by Congress and the Senate. This text becomes law with the vote of two-thirds of the

As a result of new parties obtaining a significant number of deputies, the party system in Spain now is based on five political parties. Today, as in Israel, there is an inflation of political parties in Spain.

68 Guillem Vidal and Carlos J. Gil (2019). “¿La Pela Es la Pela? Renta, Clase Social y Secesionismo”, *Agenda Pública*, <http://agendapublica.elpais.com/la-pela-es-la-pela-renta-clase-social-y-secesionismo/>. Accessed 10 August 2022.

Congress and the absolute majority of the Senate. The supremacy of Congress over Senate is revealed in the matter of emergency regimes, i.e. state of alarm, state of emergency and state of siege. The government must inform Congress when it declares a state of alarm, which can be extended only with the approval of Congress. Also, declaration of a state of emergency relies on the prior approval of Congress. A state of siege can be declared by Congress by an absolute majority, at the proposal of the government. Further, Congress has more powers in control of the government than does the Senate. The government is politically accountable only to the Congress. The Constitution grants the Parliament certain powers beyond making laws and supervising the government, such as appointing a guardian to the king, and election of members to some bodies and institutions including the Constitutional Court and the Court of Accounts.

Executive

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The government is composed of the prime minister, deputy prime ministers, ministers, secretaries of state, and other members as prescribed by law. Ministers are appointed and dismissed by the king on the proposal of the prime minister. The government determines and executes domestic, foreign, military, and civil administration, and defence policies. The council of ministers can declare one of the emergency regimes under certain conditions (art. 116); in cases of “extraordinary and urgent need”, the Government may issue decree-laws (art. 86). The prime minister has a powerful place in the executive branch. The term used in the Constitution to describe the prime minister – the “president of the government” (*el presidente del gobierno*) – also indicates the prime minister’s strong position in the Spanish parliamentary system. Among other functions, the prime minister convenes and manages the cabinet and determines the government’s general policy, and coordinates the members of the council of ministers. The prime minister plays an important role not only in the cabinet but also in relations between government and parliament. She/he, after deliberation by the council of min-

isters, and under her/his exclusive responsibility, may propose the dissolution of Congress, the Senate, or the Cortes. Dissolution is issued with a decree by the king and shall establish the date for the elections. There shall be no further dissolution until a year has elapsed since the previous one (Cons. Art. 115/2 and 3). Congress may not be dissolved while any of the emergency regimes remain in operation (Cons. Art. 116/5). The prime minister's supremacy also manifests in the procedure of a vote of confidence.

Relations between the Legislature and Executive

In Spain, the government is only politically accountable to the Congress through a vote of confidence and a constructive vote of no-confidence. The council of ministers is collectively accountable to Congress. A vote of confidence can be carried out in two different stages. First, the candidate for prime minister nominated by the king after parliamentary elections seeks a vote of confidence (Cons. art. 99). The candidate submits to Congress the political programme of the government. Congress invests the candidate with its confidence by a vote of an absolute majority of its members. If an absolute majority is not obtained, the same proposal shall be submitted for a new vote. For the second vote, a simple majority shall be sufficient. For example, in 2008 Jose Luis Rodriguez Zapatero, candidate for prime minister, failed to win an absolute majority on the first ballot. However, he was able to form a government on the second ballot with a simple majority of Congress.⁶⁹ If Congress gives the candidate a vote of confidence, the king will appoint that person as prime minister. If Congress does not pass the candidate in a vote of confidence, then the king will propose a new candidate for the prime minister to form the government. If within two months after the first vote no candidate obtains the confidence of Congress, the king shall dissolve Congress and call new elections, following endorsement by the Speaker of Congress. This rule was applied without any significant problems under the two-party system until the December 2015 general election. Until that election, the process of the king's nomination of a candidate for prime minister had taken place within a very short period, namely three to 16 days.⁷⁰ Coalition governments were easily formed even when a political party failed to gain an absolute majority in Congress. After the December 2015 election, the king proposed to Congress Pedro Sánchez Pérez-Castejón, the leader of the PSOE, as the candidate for prime minister. Although Pérez-Castejón had received the most votes in the election, he failed to obtain an absolute majority of the seats in Congress. When the candidate did not achieve the required number of votes in both votes of confidence that were held 48 hours apart, the parliament was dissolved and

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⁶⁹ Maria Isabel Álvarez Vález (2018). "Relaciones entre Cortes Generales y Gobierno: Sobre la Investidura del Presidente del Gobierno y los Mecanismos de Exigencia de la Responsabilidad Política (1978-2016)", *Revista de Derecho Político* 101(1), p. 223.

⁷⁰ *Ibid.*, p.220.

elections were held. After the 26 June 2016 election, Prime Minister Mariano Rajoy, leader of the People's Party, was nominated by the king as the candidate for prime minister, but he also failed to receive a vote of confidence in two voting sessions. In October, the king nominated Rajoy again as the candidate for the prime minister as a result of new consultation with representatives of political parties in Congress. In the second vote of confidence, thanks to the support of Ciudadanos and the absence of the PSOE, Rajoy was able to win the vote of confidence by a simple majority.⁷¹

While in office, the prime minister, after deliberation by the Council of Ministers, may also ask Congress for a vote of confidence. Confidence shall be considered to have been obtained when a simple majority of the chamber vote in favour (Cons. art. 112). A vote of confidence has a limited purpose of obtaining the approval of Congress for the government's programme or a general policy statement. A vote of confidence cannot be requested for any other reason, such as concerning a bill.⁷² Through a vote of confidence, the government confirms or renews the parliament's support on a specific matter. The prime minister submits the motion regarding the request for a vote of confidence to the Bureau of Congress. The motion is debated in the plenary. The prime minister or a minister on behalf of the government explains the reasons for requesting a vote of confidence. Party groups also express their views on this motion in the plenary. The motion cannot be voted on until 24 hours have elapsed since its submission. Congress passes a vote of confidence by open ballot and a simple majority in the plenary. The prime minister submits her/his resignation to the king if s/he has not won the vote of confidence. The king initiates the process of the formation of a new government under article 99 of the Constitution.

Since the 1978 Constitution came into force, the prime minister has requested a vote of confidence on two occasions. In both cases, the majority of the parliament passed a vote of confidence. In the first case, in 1980, Prime Minister Adolfo Suarez sought confidence from Congress regarding the government's overall policy on the economic crisis, improvement of the system of the autonomous communities, fight against terrorism, and foreign policy. In reality, however, the prime minister's goal was to withstand the attrition that the government had faced a few months earlier as a result of the PSOE's motion of no-confidence that had proposed Felipe Gonzalez as the candidate for prime minister.⁷³ The prime minister won the support of the chamber with 180 affirmative votes against 164 negative. However, he had to resign soon afterwards due to a crisis in his party. In the second case, in 1990, Prime Minister Felipe González sought a vote

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71 *Ibid.*, p.223-225.

72 Alejandro Rastrollo Ripolles (2018). "El Control Parlamentario (I): La mocion de Censura y la Cuestion de Confianza en el Sistema Constitucional Espanol", *Revista de las Cortes Generales* 104, p.311.

73 *Ibid.*, p.312.

of confidence from Congress. In the general election, he won the absolute majority of Congress by a small margin. He aimed to receive support from Congress to implement a programme that would harmonize the economy with the European Union and improve the model of autonomous communities in accordance with the Constitution. He gained a vote of confidence by 170 votes in favour to 130 against.⁷⁴

The government can also be controlled by Congress through a constructive vote of no-confidence. The motion of no-confidence must be tabled by at least one-tenth (35) of the deputies. The motion must explain why the government should be removed from office and should include a candidate for the office of the prime minister who will assume the post if a vote of no-confidence is passed (Cons. art. 113). The Constitution does not require the candidate to be a member of Congress. Therefore, any person with political rights can be nominated as a candidate for prime minister in the motion. Indeed, in two constructive motions of no-confidence submitted in 1987 and 2018, the candidates for prime minister were not MPs.⁷⁵ The motion is not limited in terms of subject matter and can rely on any reasoning. The Bureau of Congress examines whether the motion meets the requirements. If so, the Bureau gives the party groups two days to table further motions. The debate of the motion in the plenary can only be made with the vote of a simple majority in this direction. Parliamentarians who signed the motion, the candidate for prime minister, the prime minister, or a minister on behalf of the government, and spokespersons of party groups take the floor to present their views on the motion. Unlike in Israel, it is sufficient to include only the name of the candidate for prime minister in the constructive motion of no-confidence. However, if the candidate for prime minister wishes to explain the future government's programme, she/he can take the floor during the debate. It is entirely at the candidate's discretion to explain the government's programme or give information about it. However, in practice, it is not expected for a candidate for prime minister in this situation to refrain from giving information about her/his programme at the plenary. The motion is voted in the plenary at least five days after its submission. If more than one motion has been tabled, the Speaker may resolve the joint debate of all such motions included on the agenda, but they shall be voted separately in the order they were tabled.

If one of the motions is adopted in the plenary, the remaining motions that have been tabled shall not be put to the vote. The prime minister cannot dissolve the chambers before the process has concluded. The prime minister may not submit a proposal for the dissolution of the parliament while a constructive motion of no-confidence is pending. As a result of the rationalized parliamentarism, signatories of a motion that

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⁷⁴ *Ibid.*, p.313.

⁷⁵ *Ibid.*, p.297.

is rejected may sign another such motion during the same session. The purpose of this rule is to prevent the use of the constructive motion of no-confidence by the members of Congress as a sort of *filibuster* to undermine the operation of the parliament.⁷⁶ The motion is adopted in the plenary by the absolute majority of the total number of members (176 deputies). In this case, the government shall submit its resignation to the king (Cons. art. 114/2). If Congress passes a constructive motion of no vote, the candidate for prime minister proposed in the motion shall be considered to have the confidence of the Chamber. The king shall appoint her/him prime minister.⁷⁷ A separate vote of confidence is not applied to the government formed by the new prime minister.

Since 1978, constructive motions of no-confidence have been tabled five times. Firstly, the PSOE tabled its first constructive motion of no-confidence against the Adolfo Suarez government, nominating its leader Felipe Gonzalez as the candidate for prime minister in 1980. Through the constructive motion of no-confidence, the Socialists aimed to clarify the position of other political parties in the parliament regarding the government, to display the government's failures, and to show the public that the PSOE was a genuine alternative for obtaining political power in the upcoming elections. The motion was rejected by 166 votes to 152. However, the Socialists came out of this process stronger and won the next general elections. Secondly, Alianza Popular tabled a constructive motion of no-confidence against Prime Minister Felipe Gonzalez's government in 1980, nominating Senator Antonio Hernández Mancha as the candidate for prime minister. The motion was rejected outright because the Socialists had an absolute majority in Congress. Contrary to what Alianza Popular hoped, during the debate of the motion the party groups limited themselves to criticizing the government and completely ignored the candidate for prime minister and his programme. Unlike the previous motion, this process politically weakened the party that submitted the motion, and shortly after the constructive motion of no-confidence, Antonio Hernández lost the presidency of his party. Thirdly, some members of Congress led by Unidos Podemos tabled a constructive motion of no-confidence in 2017 against Prime Minister Mariano Rajoy who was the leader of the People's Party, and nominated Pablo Iglesias, the leader of Unidos Podemos, as the candidate for prime minister. The motion was rejected with 170 negative votes against 82 affirmative.⁷⁸ Fourthly, another constructive motion of no-confidence was submitted in 2018. This time, Pedro Sanchez, the leader of the PSOE, was included in the motion as the candidate for prime minister. The motion was adopted with 180 affirmative votes against 169 negative, and Prime Minister Mariano

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⁷⁶ *Ibid.*, p.298.

⁷⁷ Manuel Aragón Reyes (2011). *Temas Básicos de Derecho Constitucional Tomo II Organización del Estado*, Civitas, Madrid, p.113-114.

⁷⁸ Álvarez Vélez (2018), p.232.

Rajoy was dismissed. The Socialists became the first party in the general election that was held the following year. Fifthly, Vox tabled a constructive motion of no-confidence against the Socialist Prime Minister Pedro Sanchez in 2020. However, it did not pass.

As in Israel, the outgoing government shall continue in power until the new government takes office (Cons. art. 101.2). Law no. 50/97 of 1997 provides the powers of the caretaker government. Accordingly, except for extraordinary situations, operation of the caretaker government is limited to necessary daily public affairs. It cannot initiate a bill to the parliament. The prime minister of the caretaker government cannot propose to the king to dissolve the parliament or hold a referendum, and he cannot ask Congress for a vote of confidence. Members of Congress cannot challenge the caretaker government by tabling a constructive motion of no-confidence. Legislative delegation is suspended if the general election is held.⁷⁹ Disputes regarding the parliamentary control of the caretaker government arose following the 2015 general elections. In the Congress formed after the elections, the Defence Committee requested the urgent appearance of the acting Minister of Defence of the caretaker government to report on the agreements adopted at the meeting of NATO Defence Ministers held in February 2016. However, the caretaker government argued that the committee cannot supervise the caretaker government, since, with the disappearance of the previous Chamber because of the general elections, to which the government was accountable, there was no longer a relationship of confidence between the caretaker government and the new Congress. Parliamentary control of the caretaker government could constitute a “constitutional fraud”, as it would be intended to retroactively control by new deputies and parliamentary groups a majority supporting a government that had obtained its mandate in previous elections. Thereupon, Congress decided there was a conflict of powers between Congress and the government and applied to the Constitutional Court for its resolution. The Constitutional Court (STC 124/2018) in 2018 did not accept the reasoning of the caretaker government. The Court concluded that since the actions of such government could be broad and intense, the government could be subject to parliament’s control as long as it remained in office. According to the Constitutional Court, not all means of control in the parliamentary system result in a demonstration of the parliament’s confidence in the government. Requesting information on a particular subject, asking questions, and requesting the ministers to be present in the parliament are examples. In addition, the state’s membership in international organizations, such as the European Union, increases the number of tasks of the government and expands the content of its work. The question here is not whether a caretaker government is subject to the parliament’s control, but to what extent it is subject to such control. The Constitutional

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⁷⁹ David Delgado Ramos (2016). “El Control Parlamentario del Gobierno en Funciones en España: La Experiencia de la XI Legislatura”, *Estudios Constitucionales* 16(2), p.186-187.

Court's judgment indicates that claims to the effect that legislative oversight over a caretaker government are to be exceptional should be abandoned.⁸⁰

As noted above, Cortes can control the government by a variety of means other than a vote of confidence or a constituent vote of no-confidence. For instance, both chambers and their committees may request whatever information and help they may need from the government, its departments, or any state authority. On the other hand, in order to better fulfil their parliamentary duties, with the prior knowledge of their respective parliamentary group, only members of Congress are entitled to request from administrative bodies all such information or documents. Chambers and their committees may summon ministers. Members and parliamentary groups may interpolate the cabinet and each of its members. Any interpellation may give rise to a motion in which Congress makes known its position. However, the result of this vote does not yield the dismissal of the government.⁸¹ Members and parliamentary groups can put questions to the cabinet and ministers, submitted in writing. The reply may be requested in written or oral form. In the debate, after the question has been put concisely by the member, the government replies to it. The member may then rejoin or ask a further question.

The parliamentary system in Spain is based on two elements, namely rationalized parliamentarism and the two-party system that enables the political power to be divided between two major political parties, on the centre-right and centre-left. These elements lend stability to the government, based on the genuine and effective dominance of the prime minister in the political landscape. A noteworthy change in the parliamentary system in Spain is the transformation of the parliament into a polarized multi-party system, especially as a result of the formation of new and young parties and their representation in Congress in recent years. The Senate in general preserves the traditional two-party structure thanks to the majoritarian electoral system.⁸² In recent years, the fact that the majority in Congress has failed to agree on the formation of the government, leading to a government crisis, has led to reform proposals including the automatic appointment of the candidate for prime minister from the largest party in Congress, and automatic dissolution of the parliament if it looks not possible to nominate a candidate for prime minister.⁸³

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80 Manuel Aragon Reyes (2020). "Gobierno en Funciones: Su Ambito Competencial y su Control Parlamentario. Comentario a la STC 124/2018, de 14 de Noviembre", *Revista Espanola de Derecho Constitucional* 119, p.269-298.

81 Gema Sanchez Medero, Gema Pastor Albaladejo, and Leticia Ruiz Rodriguez (2022). "La Relacion entre el Gobierno y el Congreso de los Diputados en España (1989-2019)", *Revista Española de Derecho Constitucional* 124, p.113.

82 Gerardo Ruiz-Rico Ruiz and Germán Silva Garcia (2018). "Tendencias y problemas actuales del sistema parlamentario en España", *Utopía y Praxis Latinoamericana* 23(2), p.199.

83 *Ibid.*, p.200.

IV. ASSESSMENT FOR TURKEY

Power sharing among political parties is a key feature of the parliamentary system. Thus, the parliamentary system accommodates divided societies better than the presidential and semi-presidential systems. Today, Turkey is a divided society in various aspects such as secular-conservative, Turkish-Kurdish, and developed western provinces-relatively underdeveloped eastern provinces. Parliamentary government is therefore the most appropriate form of government in Turkey to maintain social peace and ensure political stability. Constant political instability may lead to the change of form of government. The 2007 amendments to the 1982 Constitution of Turkey abolished the rule providing election of the president by the GNAT and introduced direct election of the president. This change transformed the form of government from the parliamentary to a semi-presidential system. The first presidential elections were held in 2014. The 2017 constitutional alterations adopted a “Turkish-style” presidential regime. Abolition of the parliamentary system in Turkey was not the result of constant or insoluble governmental crises. Original version of the 1982 Constitution was equipped with various tools of rationalized parliamentarism to resolve governmental crises within the parliamentary system. The aim of the adoption of the presidential system with the 2017 Constitutional amendments was not to make the political system more stable but to create a form of government based on a single person with extremely limited political and legal accountability. When these constitutional amendments were approved, the same political party had been in power for 15 years without interruption. This reveals that the abandonment of the parliamentary system is not due to a rational necessity. Turkey was governed under the parliamentary system between 1909 and 2014 when the president was elected directly by the people for the first time and had an extensive experience, both positive and negative, regarding the functioning of the parliamentary system.

Parliamentary government is therefore the most appropriate form of government in Turkey to maintain social peace and ensure political stability.

In addition, the structure of political parties in Turkey is strictly disciplined. This feature corresponds to the nature of the parliamentary rather than the presidential system. A parliamentary system, within a constitutional design that will facilitate government stability and ensure fair representation of different social and economic interests in the parliament, is the form of government that best fits Turkey's historical experience and social and economic characteristics.

The parliamentary system in Turkey should be formed in a way that will enable the government to rule the country efficiently and allow the GNAT, judiciary, and civil society to check the government. One of the most criticized aspects of the original version of the 1982 Constitution was that it deviated significantly from the classical parliamentary system by granting broad constitutional powers to the unaccountable president who would be elected by the GNAT. President's wide constitutional powers were incompatible with the characteristics of the parliamentary system and it led to a tendency the political party leaders to run for this office. Under the nature of the system, to ensure her/his impartiality the president should be elected for a single term by the GNAT and be invested with only symbolic and ceremonial powers. The purpose of not granting executive powers to the president in the parliamentary form of government is that she/he represents the unity of the country and the nation and assumes a conciliatory and arbitrating role in political crises. The constitution should enumerate the presidential powers which she/he can exercise without the counter-signature, and others should be subject to the counter-signature rule. Thus, party leaders' enthusiasm to become president will be discouraged, and disputes regarding what powers the president can execute without counter-signature will be avoided.

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As indicated above, there is an inclination in democratic parliamentary systems to strengthen the cabinet in general and the prime minister in particular. However, this does not indicate that the executive branch is overpowered. In a democratic parliamentary system, unlike the current form of government in Turkey, there must be adequate mechanisms that will hold the executive politically and legally accountable. Accordingly, to ensure efficient control of the executive by the GNAT supervisory instruments such as the oral and written question, parliamentary inquiry, general debate, and parliamentary investigation should be reformulated. During the parliamentary system was implemented in Turkey, general debate or questioning were never been efficient methods. To make questions an efficient control mechanism, MPs should have the authority to ask questions to the prime minister and ministers in written form or orally both in the committees and plenary. It should also provide a dialogue to ensure that the prime minister or minister replies to the

MPs' questions with a reasonable frequency and that MPs can request further clarification from the prime minister or minister or ask them follow-up questions about their answer. MPs and political party groups should also be able to request information from ministries and other public institutions, and delay or failure to provide this information should be sanctioned in the Standing Order of the GNAT. As the cases indicate, caretaker governments are prevalent in the parliamentary system. In case of caretaker governments remain in power at some length, their powers and duties should be clarified in law.

To prevent governmental instability, mechanisms of rationalized parliamentarism should be inserted into the Constitution and the Standing Order of the GNAT. The 1982 Constitution already includes a large number of rationalized parliamentarism instruments in order to eliminate or alleviate the difficulties concerning forming and durable governments and lagging legislation experienced during the 1961 Constitution was in force. Preserving these provisions and adopting new ones such as the constructive vote of no confidence will reduce governmental instability.

Finally, for a proper parliamentary system, institutions-e.g. independent judiciary, media, universities, associations- and mechanisms that furnish the plural democracy and the rule of law must be re-established or strengthened in Turkey. In a democratic parliamentary system, among others, the law-making procedure must be transparent and involve the participation of civil society. In recent years, the legislative majority under the control of the executive branch forces the Parliament to work for days without a break, makes controversial amendments to the bills during midnight debates, and passes omnibus laws covering many unrelated topics to prevent or weaken the public scrutiny and the opposition parties' check on government. Rules that prevent these practices and ensure the efficient participation of civil society in the legislative procedure in the Standing Order are essential to establish a reasonable balance between the legislative and executive branches and to give the parliamentary system a democratic character.

For a proper parliamentary system, institutions-e.g. independent judiciary, media, universities, associations- and mechanisms that furnish the plural democracy and the rule of law must be re-established or strengthened in Turkey.

In the parliamentary system the term of the legislative and executive branches is not fixed, and government instability can be resolved through a general election.

CONCLUSION

The parliamentary system is a form of government based on collaboration between the legislature and the executive, where the executive branch originates from and is accountable to the parliament. As seen in the cases of Israel and Spain, one of the foremost reasons for political instability is an extremely divided society based on ideology, culture, religion, or ethnicity. In such societies, the party system is multi-polar. This results in the existence of a large number of political parties in the parliament and their reluctance to collaborate. The electoral system can have an impact on limiting the number of political parties to be represented in parliament. Israel and Spain both follow the proportional representation system. However, the smaller electoral constituencies in Spain, compared to Israel, have resulted in fewer political parties entering the parliament. It should be noted, though, that the extreme multi-party system and fragmented composition of the parliament are not peculiar to the parliamentary system and create the same negative results in other forms of government, such as presidentialism and semi-presidentialism. Rationalized parliamentarism is a significant tool for providing governmental stability. Considering that Israel and Spain have adopted rationalized parliamentarism, these tools can only be more effective in a party system that is not extremely polarized. On the other hand, the cases of Israel and Spain suggest that the parliamentary system is the most convenient form of government for divided societies, as it allows for sharing executive power between political parties. In the parliamentary system the term of the legislative and executive branches is not fixed, and government instability can be resolved through a general election. The examples examined above indicate that the legislative and executive flexibility under parliamentarism does not call into question the legitimacy of the executive; and no matter how long a government lasts, the result is not a regime crisis. Finally, the parliamentary system does not

adversely affect the functioning of the democratic order, even in cases where governmental instability continues for an extended period, such as in Israel and Spain.

Considering the facts that Turkey is a divided society, strong and disciplinary political party structure and a long experience of parliamentary regime, we may claim that the parliamentary system is the most appropriate form of government for Turkey. Parliamentary system should be designed with rationalized parliamentarism instruments that will enable to form efficient governments and provide the GNAT, civil society and the judiciary to check the government effectively. Re-establishing or strengthening the institutions and mechanisms which are vital for pluralist democracy and the rule of law, such as independent courts including the Constitutional Court, non-governmental organizations and the media are essential for a democratic parliamentary system.

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The Centre for Applied Turkey Studies (CATS) at the German Institute for International and Security Affairs (SWP) in Berlin is funded by Stiftung Mercator and the Federal Foreign Office. CATS is the curator of CATS Network, an international network of think tanks and research institutions working on Turkey. This publication was produced as part of the project "Turkey's Search for a New Political System" which is a project of CATS Network.

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Federal Foreign Office



The system debate is arguably the most pressing and consequential subject of Turkish politics. Turkey has been having a governmental system discussion for a period of time, and the next few years will appear to be in intense debate and search.

Turkish parliamentary system experience (1876-2017) often dealt with interruptions. As a result, it has not only failed to produce general satisfaction in politics and society but also has been unsuccessful in yielding economic stability. Similarly, the outcome of the last five years of the Presidential Government System (or the Presidential System with its widespread use) could not generate stability.

The search and discussion of the governmental system appear to be the most critical topic of politics for the next few years. Regardless of the outcome of the June 2023 elections, the system debate will be the most crucial topic of politics in the short term.

Meeting this demand and preparing enhanced research on the governmental system will play an essential role in the quest for a possible change.

Comprehensive research should present a comparative, global, political, and constitutional base for the debates and assist decision makers in political parties and the public in finding an enriched discussion floor.

Within the framework of this program, Ankara Institute plan to publish ten academic analyzes that will contribute to the search for systems over the next year in order to meet this end.

The research plans to conduct two workshops with the participation of stakeholders that we predict will contribute to the system discussion and hold a detailed public opinion survey.

This study in which Selin Esen evaluates the parliamentary system through the theoretical principles, implementation of the international experiences as well as its practicality in Turkey is the fifth of the academic contribution series that made out of 10 reports.