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Forms of state and forms of government

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It makes sense to classify different forms of government that exists today only in the context of a **democratic pluralistic state**.



In an **authoritarian** or **totalitarian** state there is no separation of power, neither a system of checks and balances.

Forms of state vs forms of government:

DEFINITIONS

Form of state



Rules and principles that govern a state legal system.

Form of state

«Defines the relationship between the **State** that can legitimately exercise coercive power, on one hand, and the **citizens**, taken individually or as a community, on the other».

(Vertical)

The form of state was defined as:

«[...] the relationship between the holder of power and the subject of that power and therefore the various aspects of the relationship between authority and liberty».

Constantino Mortati

Form of government

Distribution of power among the **branches** of government
(Horizontal)

It concerns the **relationship between constitutional bodies** (i.e. those organs which are above all the others and have the same level of sovereignty and independence).

Tracing back the classification

First attempts to classify: no distinctions between forms of state and forms of government

E.g.1 **Aristotele** (Ancient Greek):

- i) government run by one person (**Monarchy**);
- ii) government run by the few (**Aristocracy**);
- iii) government by the many (**Polity**, *politeia*)

Examples of good government → they could however degenerate respectively into **Tyranny**, **Oligarchy**, **Democracy** (keep in mind! Fear that being leading by the mass could result into disorder/no laws).

E.g. 2: **Machiavelli:**

Principalities and Republics

E.g. 3: **Montesquieu:**

Republic, Monarchy, Despotism

The following dichotomy between has long been seen as a crucial element in the classification:

Monarchy (**Head of the state** is the **King**, who personify the State + **transcendent legitimacy**, thus representative)

Republic (**Head of the State** is one of the **constitutional bodies** of the State, **legitimized by popular vote**, thus representative)

For a long period of time:

the existence of Monarch as the Head of the State characterized the nature of the form of state (absolute monarchy) and the form of government (constitutional monarchy)

As of today:

This dichotomy is not able to distinguish between contemporary forms of state and government

→ The existence of a monarchical or republican head of state does not alter democratic forms of state or parliamentary forms of government.

Elgie's approach to classify forms of government

Robert Elgie distinguishes between **Dispositional** and **Relational** Properties as methods of classification:

- **Dispositional properties:**

the **formal rule** that divide power between various constitutional bodies, and they have to be found in the written Constitution

- **Rational properties:**

concern the **actual exercise of power beyond formal rules**, and they can be found by observing the political system and the practice of government.

Dispositional properties

Disposition is a term used to indicate a morphological property or a state or a condition.

Dispositional properties refer simply to the features of the institutional framework within which any given set of power relations occur.

E.g., for human beings 'dispositions' are features of their personalities (i.e. being kind, short-tempered); 'dispositional property' could also apply to physical objects, and there they indicate properties such as solubility, fragility, flammability, etc.

Relational properties

By contrast, **relational properties** are descriptions of the actual power situation

They refer to the set of power relations that may be seen to occur within any given institutional framework

Which are the dispositional properties?



Fundamental features of any regime can be called dispositional

→ Dispositional properties indicate nothing per se about the powers of Institutions/office holders.

E.g.

a cup which is fragile (fragility being a dispositional property) is a cup that can be easily broken

→ that does not mean that the cup will be broken

a popularly elected president (popular election being a dispositional property) is a president who may be “strong” given the consent of the vast majority of people exercising their voting rights

→ that does not mean that the president will be necessarily “strong”.

Three aspects of a regime need to be considered if a classification is to be made on the basis of dispositional properties alone.



i) There is both the head of the state and the head of government or just one institution is to be found



ii) Whether or not the incumbents of these institutions are popularly elected



iii) Whether or not the incumbents serve for a fixed term or a variable one (usually there is no fixed term because the term is based on the presence of a relationship of confidence between the Government and the Parliament)

Regime types (in the theory)

Dispositional properties

- simply indicate the **framework** for **different power situations** to occur.
- no information about **what power situations** will occur within that framework.

By combining the 3 dispositional properties (previous slide):
a single, exhaustive classification of regime types can be made, which
contains **24 distinct democratic regime types**

THE CLASSIFICATION OF DEMOCRATIC REGIME TYPES

Table 1. Classification derived from dispositional properties of democratic regimes

	Head of state		Head of government	
	Popularly elected	Fixed term	Popularly elected	Fixed term
1	Yes	Yes	Yes	Yes
2	Yes	Yes	Yes	No
3	Yes	Yes	No	Yes
4	Yes	Yes	No	No
5	Yes	No	Yes	Yes
6	Yes	No	Yes	No
7	Yes	No	No	Yes
8	Yes	No	No	No
9	No	Yes	Yes	Yes
10	No	Yes	Yes	No
11	No	Yes	No	Yes
12	No	Yes	No	No
13	No	No	Yes	Yes
14	No	No	Yes	No
15	No	No	No	Yes
16	No	No	No	No
17	Yes	Yes	–	–
18	Yes	No	–	–
19	No	Yes	–	–
20	No	No	–	–
21	–	–	Yes	Yes
22	–	–	Yes	No
23	–	–	No	Yes
24	–	–	No	No

Regime types (in practise)

Only 5 out of these 24 regime types :

1. Presidential regime
2. Parliamentary regime
3. Semi-presidential regime
4. Prime ministerial regime
5. Assembly-independent regime

Table 2. Real examples of hypothetical regime types in Table 1

Classification number	Regime type/Country
4.	Semi-presidential Austria, Bulgaria, Croatia, Finland, France (post-1962), Iceland, Ireland, Lithuania, FYR of Macedonia, Portugal, Romania, Slovenia, Sri Lanka, Ukraine
10.	Prime ministerial Israel (post-1992)
16.	Parliamentary Australia, Belgium, Canada, Czech Republic, Denmark, Estonia, France (pre-1962), Germany, Greece, Hungary, India, Israel (pre-1992), Italy, Japan, Latvia, Luxembourg, Malta, Netherlands, New Zealand, Norway, Slovakia, Spain, Sweden, UK
17.	Presidential Costa Rica, USA, much of Latin America
19.	Assembly-independent Switzerland

Keep in mind:

Distinction between dispositional and relational properties is not the same as the distinction between:

- a) structural or constitutional powers;
- b) actual or political powers.

Dispositional properties are likely to be found in constitutions → However, it is a property of an object and not of the relationship between the object and the external world.

Relational properties cannot be dissociated from the environment in which they are to be found → most constitutional powers are in fact relational rather than dispositional properties.

E.g.1



Whether or not a political leader serves for a fixed term in office:



usually indicated in a constitution → dispositional property.



It provides information about the timeframe in which another election is taking place



However, no information is provided (per se) about the relationship between a certain political leader and the other components of the political system.

E.g. 2



The popular election of political leaders is a **dispositional property** (it is either present or absent from a political regime regardless of any political circumstances occurring).



However:

1. president/prime minister's power to dissolve the legislature
2. president's power to dismiss the prime minister from its office



are **relational properties**: they can only occur when the political circumstances allow to use the power provided for (usually by the Constitution).