

Finland semi presidentialism to parliamentarism politics essay



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The Constitution of March the first 2000, brought the Finnish political system to a new stage by reducing the powers of the president and giving more powers to the parliamentary government. Finland of now days can be considered as normal parliamentary democracy. The so called ' mixed constitution' in force for a period of 80 years was rather tilted to a semi-presidential system by minimizing the role of government comparing to the role of president, and even further more Lijphart categorized Finland as " presidential form of government" meaning a pure presidential system. The strengthening of the parliament-government role while reducing the president powers will make the institution of president more as a supporter of the government policies than a main responsible governing actor. The new Finnish constitution has raised the question of considering Finland as a parliamentary system chiefly because of increased constitutional position of government.

Semi-presidentialism vs. Parliamentarism concept

For Giovanni Sartori, " semi-presidentialism is the best form of mixed regime type"[1]. Semi -presidentialism in between of pure presidentialism and pure parliamentarism. There are several types of definition of semi-presidentialism depending also in the certain modalities of the states with semi-presidential systems.

One of the important definitions is that semi-presidentialism is a system where the president has substantial executive powers but most of the powers are divided with prime minister, while unilateral executive power and separation of purpose is possible under parliamentarism[2]but not as such in

semi-presidentialism. More or less, the president has more competences over prime minister and its cabinet, while in this sense the direct election of president is not relevant whether a country should be classified as semi-presidential. According to Duverger, " we can talk about semi-presidentialism if the constitution which established it combines three elements: the president of the republic is elected by universal suffrage; he possesses quite considerable powers; he has opposite him, however, a prime minister and ministers who possess executive and governmental power and can stay in office only if the parliament does not show its opposition to them"[3], while parliamentarism is defined as that form of constitutional democracy in which executive authority comes from and is responsible to the legislative authority[4]. Finland seems to be in the group of states that has a balanced presidency and government, where president exists alongside a prime minister and cabinet who is responsible to the parliament. As well the role of political parties is bigger.

According to Giovanni Sartori a political system is semi-presidential if the characteristics as following apply: the president is elected directly or indirectly by the popular vote, if there is share of powers between the president and prime minister, where the president is independent of government but not entitled to govern alone but in cooperation with the government, the government must be depended on parliament but not in the president, and semi-presidentialism creates a dual authority and mixed structure of power[5]. In the other hand there is an empirical problem for definition of parliamentarism concept especially for those countries that conventionally are considered to have parliamentary systems. In some

countries there is no mechanism when parliament directly selects the government and its prime minister. There is no such an intuitional tool in Britain, nor in Finland, Austria etc., meaning that the legislature does not always elect the executive. Of course, there is a chain of delegation in the parliamentary democracies: voters to representatives, legislators to the executive branch (the prime minister), from prime minister to the heads of different executive departments and until to the civil servants[6]. So, for parliamentary democracies is too much important the delegation and accountability.

Finnish semi-presidential model of government

Semi-presidentialism has characterized Finland for many years until the new constitution came to force in 2000. I will describe shortly the semi-presidentialism before the year of 2000.

Maurice Duverger has identified Finland as a semi-presidential government when the constitution divides the executive powers between the president and government. The government rests on parliament confidence while the president has considerably powers and is popularly elected. He appoints the government, presents bills to the parliament, is the head of arm forces and directs the foreign policy etc., is not elected directly by the Eduskunta but by the Electoral College[7].

History argues that the route to become president in Finland has been through Prime Minister's Portfolio when six out of nine prime ministers immediately became presidents after prime minister's mandate. As one of

the main duties in semi-presidentialism system for president is nominating the government.

According to the article 36 of constitution[8]he appoints the members of cabinet who must enjoy the confidence of parliament. He meets the speaker and the representatives of party groups in parliament to consult in new government formation, until an agreement is reached.

A question that has been often raised is, if in the Finnish semi-presidentialism the president has the major role or is a supporting actor. Even though for Duverger the Finnish president constitutionally is the most powerful figure in the republican system in Western Europe, he has far reached the prerogatives of French president[9]. Before the WWII its strengthen has been seen as legislator, nominator of government, to dissolve the parliament, refuse bills, its foreign policy conduction etc., brought the government and parliament in a kind of inferior position to the president. But, after WWII its position has shifted dramatically from domestic to international affairs. Then, its major role is considered as a supervisor of domestic affairs, a consensus builder, an opinion leader and acting as ambassador of the country inside and outside nation. However, the president for many years has influenced the day to day basis work of government being the main political figure of the nation.

Constitution Act of 1919

Suomen Hallitusmuoto (Finnish Constitution) was enacted on 27th July 1919.

The Constitution Act creates a bifurcated executive when the head of state

assumes the most significant executive duties such as foreign policy,

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appointment of prime minister and legislative proposals. In the 1916s there was a single party in Finland who had the majority of the seats in the Eduskunta and the constitution was a product of a compromise between the republicans in the political right (National Coalition and Swedish People's Party) and Social Democrats on the political left of the German prince invited by the Whites after the civil war to become the King of Finland. Following some disagreements between those parties the crisis situation was broken when the parties agreed to support an individual initiative from a National Progressive party delegate, with the proposal of private member's bill. The constitution became law[10]. However, for a period of ten years starting from the 1920s, the Finnish political system was rather parliamentary based until the threat for parliamentary democracy came from radical rightism[11] in 1930s and because of amicable Finno-Soviet relations of 1944. Until 1980s the position of president was in comparable with that of US, but years after the cabinet gained more stability and a more parliamentary keel was felt. Furthermore, the creation of ombudsman obviously clarified the diffusion of powers rather than centralization of them in hands of a strong president.

The constitution had little effect on political practice but some important changes occurred. Mainly those concerning government creation, favoring coalition governments of three or often four parties because it was necessary that in order to be able to pass legislation they had to have 123 out of 200 seats in the Finnish Eduskunta. In addition the demands for delimitation of the powers of president by restricting tenure to a maximum of two (six years) terms, (because of Urho Kekkonen's long incumbency) and

also it was considered to attend the Swedish model by giving the responsibility to nominate prime minister to the parliament and not to the head of state.

The Finnish political system has its roots on the period of Swedish rule when the sovereignty and primacy of parliament are clearly expressed in the paragraph two of the form of Government Act: " Sovereign power in Finland belongs to the people, who are represented by their delegates assembled in parliament"[12]. One thing was clear; the Act was in favor of a type of government inclining on the modern type of parliamentary government.

The Form of Government Act took the example of France's 1875 constitution when it comes to the political responsibility of the members of government. The Act brings the political system near to parliamentarism by including provisions that members of the State Council have to enjoy the confidence of the parliament. Separation of powers between the legislative, executive and judicial powers based on the Montesquieu thoughts was included on the Finnish constitution. However, unquestionably the centralization of powers even in the hands of parliament wasn't an option, more because of the risk to lead to the oppression and interfering in other institutions and social life in particular. The desire to strengthen the role of president by not giving the exclusive powers to the parliament was considered unusually for a parliamentary type of state[13].

The independent exercise of powers of the president from other state organs was based in his direct mandate elected by the people[14], but having as example the United State system of formally indirectly elected by the people

when the representatives from each state establishes the electoral college which then elects the president. Anyhow, the Finnish president was entrusted with the main executive powers while the other executive body being government or State Council (a composition of prime-minister and ministers), were in an inferior position of that of president.

The Constitutional Act has weakened the position of parliament. The Eduskunta hasn't been a sovereign law-making assembly since 1919[15]. It's totally different from US example when Congress has all the legislative powers, but in Finland the president was granted with the highest executive authority including the power to legislate together with the parliament. Certainly, this couldn't be called " strict separation of powers", but rather an overlapping of president powers opposite of parliament and particularly government[16]. In one hand during the First and Second Republic the weakness of government was seen on the cabinet's insufficient numerical base in Eduskunta to be able to direct the legislative program. In the other hand, the government in Finland has been notably weak because of its limited legislative competences most of them vested in president and parliament hands. The role of government was more concentrated on executing the direction coming from president, the same as French style of government. In addition, the party system wasn't in favor of a single party to have the sufficient numbers to form a government, mostly because of qualified majority (two-thirds) rules of voting in Finnish Eduskunta in order to pass political and economical legislation.

Parliamentarism in Finland

For Finland, the achievement of majority parliamentarism of a multi-party system was very difficult, particularly in the first decade after independence. During the 1920s there were mainly minority governments, excluding only Erich and Ingman cabinets that had had majority support in the parliament. It has been a period of centrist minority coalitions where parties like Agrarians and Progressives were prevailing in the post independence elections. In the other hand was Ingman government characterized by rightist majority coalitions in cooperation with Coalition Party. More stable coalitions were seen with the entrance of Social Democrats in governance in 1926. Years after 1945 were characterized by broad coalitions of minority and centrist majority governments. This period was interrupted by Kekkonen in 1954[17].

Obviously, the basic reason for difficult situations in the Finnish parliamentarism in comparison with other Scandinavian countries is that in Finland there is no a single strong party[18]which could itself dominate the political scene. Considering this argument a long period stability in the governments of multi party coalitions is almost impossible.

The crisis in Finnish parliamentarism broke out in 1957, after Agrarians and Social Democrats were split mostly on foreign policy factors because the Soviet Union was not trusting on the Social Democrats. But, after 1964 Social Democrats were attaining strong position in the Finnish politics[19]. After 1964 and up until to the new constitution in 1999 the Finnish rigid multi-party system has been reference to the weakness of the Finish parliamentarism, and also because Finns have never enjoyed the respect for parliamentarism as other Nordic Countries did.

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One other reason is that, since a parliamentary government is only indirectly responsible to the electorate and directly responsible to the parliament, then the government is not elected directly by the voters but is appointed indirectly by their representatives elected in the parliament[20]. In the Finnish concept of parliamentarism the government cannot limit itself only in relation with the parliament but also have to consider the mass organizations of groups that support and those that oppose the government. Those groups can determine the nature and composition of cabinet . Considering only the influence of parliament and parties is no longer the most influential factor in the parliamentary systems.

Nevertheless, the parliametarization of Finnish political system has been fostered by the coalition capability of the parties in one hand and unstable minority governments that are no longer about to happen in the other hand. In the parliamentary systems in Europe particularly the prime minister de facto, is the head of state while the president has more a ceremonial position. In Finland there is a rivalry between the president and the prime minister. Considering that the role of government and parliament is increased the Finnish political system has been almost totally parliamentarized.

Party System

In Sartori's notion of multipartism a multi party system should have three prerequisites. First, a political system should have at least five " relevant" parties; secondly, it should be a numerically significant anti-system party of left or right and thirdly, there should be lack of a bi-polar mechanism within

the party (centre party) to defend the middle class against extreme lefts or rights[21]. According to the Sartori's notion, Finland meets the criteria to be called an extreme multipartism system. Six main parties have participated in the Eduskunta since the period after war, excluding Finnish Christian League, Constitutional Rightist Party and Greens. Also ideologically Finland can be considered as an extreme multipartism. Anti-system parties have existed especially during the Second Republic in the form of Communist Parties which in 1945-1958 received a high number of votes and up until the 1970s they were among the parties that had a large number of supporters[22].

Fragmentation and a relative stability has been characterized the Finnish party system over the past years. For decades five orientations have dominated the political field in Finland, starting with Conservatives, Liberals, Agrarians, Social Democrats and Communists[23]. Since independence in Finland the centre-based parties have dominated governments but in very short periods in government. But only the Agrarian-Centre party has been represented in every single post-war coalition while the other parties such Finnish People's Democratic League, National Coalition and Social Democrats have expressed periods in opposition particularly during the Second Republic.

There is a three-dimensional party system. The first political division that came from nationalist agitation mainly because of 1980s language question[24], second, the relations with Russia and cleavages between the Swedish and Young Finns in one side and Old Finns in the other side and third, the arose from social problems that was linked with the new socialist ideologies[25].

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Before independence among main parties in Finland were Finnish Labor Party (after 1903 Social Democratic Party), The Old Finns, The Young Finns, Swedish People's Party and Agrarians. First election as independent country resulted with SDP in power. Since 1990s the main parties have been The Left Alliance, The Social Democratic Party, The Center Party, Liberal People's Party, The conservative party or National Coalition and Swedish People's Party[26]. The Finnish party system indicates and gives credit to at least moving to a parliamentary system when multi-party coalition forms the government that is formally dependent on the parliament's acceptance and the role of president and government more or less can be considered as separated. Nonetheless, the institution of president in Finland remains in a strong constitutional position but after 2000 not in prerogatives such as government formation.

The 1991 Constitution

A step forward towards brushing away some of the remaining features of semi-presidentialism in Finland were made by the late of 1990s with the new constitution that came to force in March 2000. The new constitution tends to bring more cooperation in the decision making between the president and the government but also separates their duties[27]. In case of conflicts between those two institutions is the government who can make decisions' in the last instance but, also the president holds it competences in foreign policy and civil appointments.

The new constitution clearly clarifies the duties of president and those of government. First, government have to deal with all issues that not explicitly

are president prerogatives, second, prime minister is elected in the parliament and president is restricted in terms of government formation, thirdly, regarding the resignation of government when the resignation can be accepted by president only if the request is made by the prime minister or in case when parliament has passed a vote of no-confidence, fourthly, the president can dissolve the parliament but after a prime minister's proposal[28].

Important changes were made also in the legislative powers of president. He can no longer make changes in the government bills and there is possibility for laws to come into force without president's confirmation in case he has not promulgated the law coming from parliament after three months. The new constitution removes president veto in state finances and recognizes the dual leadership of president and government in foreign policy. When it comes to the decisions' made within the European Union is the government that decides, unless the decision requires the approval of parliament. The president remains the commander-in-chief, but he can no more make charges or try to impeach a member of government. Now, such issues are in the hands of parliament.

Governance of Coalition

Coalition governments always have been important for stable governments, but also coalition bargaining's face some important institutional constrains. In Finland the formation of government derives from a clear constitutional provision: " The Members of the Council of State, who must enjoy confidence

of parliament, shall be appointed by the president from among natural born citizens of Finland, known for their honesty and ability"[29].

The main responsibility in the process of coalition bargaining becomes president's prerogative as Semi-presidential system has tended and it's recognized that since the president has the right to select the prime minister candidate, he also helps and give instructions to him in the whole process of negotiations and also the president is obliged to get the opinions of parliamentary parties when it comes to the appointment of certain ministers. Such duties do not exist after the new constitution came to force. With the new constitution the role of parliament is increased because the prime minister will be elected by the parliament and then formally appointed by the president.

The president won't have the initiative to form the new government meaning that the role of parliament will be of a high importance, as well as its more in the hands of groups represented in parliament to negotiate the political program and the composition of cabinet[30]. Even though there have been periods of unstable parliamentarism it is interesting that coalitions breakdowns does not directly send the country to new elections, but the breakdown of coalition is considered as a normal procedure to strive within the same parliament to form a new cabinet without having the need to go to the new elections or to come to the position that the dissolution of parliament by the president must occur[31].

A problem still remains. The Finnish parliamentary system represents a fragmented party system mostly coming from the proportional election

system that makes almost impossible for a party alone to have the majority in parliament.

Relations President-Government

Finland is considered to have a divided government between the president and the government. There are five main factors helping to conclude that there is a division of executive powers in Finland. First, the constitutions broadly defines actions of each political institution, secondly, the impact of political culture particularly after independence and civil war was considered that a strong president would bring stability to the system, thirdly, in case there have been majority coalitions in the parliament also president options to use its powers have been limited because the president has been more likely to avoid an open conflict with the parliament, fourthly, foreign policy of Finland after the WWII were centralized by the president particularly because of relations with Soviet Union so the role of government was minimal, but after Finland joined the European Union the role of prime minister was increased, fifth, it has been depended on the certain president's attitudes what kind of relations to have with the government.[32]

During the past years there have been presidents like the first president of Finland Ståhlberg a follower of social democracy who time to time left the politics in the hands of government even in the foreign politics. But also there have been periods of monopolizing the foreign policy particularly Paasikivi's and Kekkonen's presidencies. Even Paasikivi's mission was to monopolize foreign policy particularly when it comes to the relations with its eastern neighbor. It was achieved after he took control on foreign policy

during the period he was prime minister and later (1946) monopolized it but then as president. While Kekkonen continued in Paasikivi's tradition even sometimes he by passed the foreign minister while issuing orders instead of him. Koivisto increased the role of parliament and supported the government.

Nowadays, the cooperation between the president and the government is bigger mostly because the personal civil servants of president are about 10 people meaning that the president is depended on the government and its servants. In the party composition of governments president has less to say and even is obliged to consult the parliamentary parties in case of new government formation, as indicated in the sections above.

A stronger Prime Minister

The pressure to strengthen the parliamentary features was increased in the 1980s. The 1919 constitution in force for 80 years did not reduce the powers of president. Some changes in the constitution were made in the late 1980s, e. g. reduction of president prerogatives in the appointment of government and its resignation, legislation power of veto etc., where significant powers was given to the prime minister and parliament. However, the new constitution cut most of the president prerogatives that were typical for the semi-presidentialism systems[33].

Some of the most significant changes are: the lamination of president's powers towards government formation, no more changes in government bills for president, decisions taken by the president concerning bills should be in accordance with the proposals coming from government, the institution of <https://assignbuster.com/finland-semi-presidentialism-to-parliamentarism-politics-essay/>

countersigning is changed in a way that if president does sign a bill and the same bill is readopted in parliament comes into force without the president confirmation etc.

The position of prime minister is strengthened in those prerogatives: in case of disagreement between president and government concerning bills the government may consider the bill again, in foreign policy (e. g. EU summits) Finland is represented by both president and prime minister, in EU affairs government takes the lead while in international affairs still is president who takes the lead.

Prime minister can influence appointments on some important portfolios and asks the president to fire each individual minister. He directs all the activities of government and in case of resignation of prime minister the whole cabinet is dissolved[34]. Saying directly the prime minister has emerged from the shadow of president and now is the main leader of the executive, as well as parliamentary elections is considered as elections for prime minister[35].

Conclusion

Starting with the changes on constitution in 1980s, and particularly the new constitution of 2000 has changed the Finnish political system from semi-presidential system to a parliamentary system. The president prerogatives have been decreased, while the prerogatives of government increased. The prime minister is now the head of executive almost typically with other parliamentary systems. Even though there is no such a clear division between the president and the parliament when considering the reduction of

president prerogatives, Finnish semi-presidentialism is moving towards parliamentarism and almost is totally parliamentarized system.

Eduskunta's position is enhanced more than ever before and the parliament has totally in its hands the duties of government formation. Members of parliament also are granted more control instruments such as parliamentary questions. The president can no more veto any of the cabinet appointees but still remains the formal confirmatory role of him. A problem in the future may be if the president and the prime minister come from different parties mostly because of directly elected president (he still is strong). Presidents' leadership has been replaced by the strong majority government with too much enhanced competences of its prime minister.