

"In both the US and the UK, the Executive has become the dominant branch of government". Discuss.

I would suggest that while the task and roles of the Executive in the United Kingdom has become too abstract to suggest it is the most powerful branch of government, in the US the Executive has a more clear cut role which I think conforms to Gerald Ford's idea of the 'imperilled Presidency'. This is because of both the blurring of separation of powers in the UK, which I think results in an unclear role for the Prime Minister and Cabinet to fill and what I feel is an obstructive amount of checks and balances in the US, which constrains the President to the point where gridlock in Congress is not uncommon.

I think that the US and UK's respective constitutions have a strong influence on the Executive's standing in government. First, I would suggest that in the US the Constitution limits the President's power, making the legislature a more powerful branch of Government than the President. For example, the twenty-second amendment to the US Constitution limits the President to two four year terms, a limit which does not really exist in the UK (although it could be said that no Prime Minister would be popular enough to last much longer than this). This limits the President's power because they are effectively rendered a lame duck in their second term of office (President George W. Bush said, for example: "after [being sworn in] I'll be quacking like a duck" when referring to his second term). Second, I think that the US Constitution limits executive powers by making the President act with 'the advice of the Senate'. This applies to make treaties; appointing ambassadors, other public ministers and consuls, and judges of the Supreme Court as well as naming heads of executive departments. While some may argue that advice is not often followed by the President, I would suggest that this is a real consideration that the President has to make. For example, the appointment of Rahm Emmanuel to the cabinet of recently inaugurated President Obama, was, I feel, designed to appease classical economic liberals in the Republican Party, which I feel something the president must take into account if he wishes to retain power.

In the UK, I think that the Constitution does not limit the power of the Prime Minister as effectively as it could. This is because the UK Constitution is uncodified, and thus, I feel, malleable, as well as because Royal Prerogative grants the PM with a host of powers that he does not depend upon Parliament for. For example, the 2003 Iraq invasion under the Blair government arguably left the legislature in the wings with regards to decision making concerning whether or not to invade Iraq. I think this suggests that the Executive has a good deal of power in the UK.

I think that while the legislature in the UK is not as powerful as it would first appear; the legislature in the US most certainly is. This is because, I think, the legislature in the UK does not have the true power to counter the Prime Minister in terms of pushing through legislation. This is because the majority party (at the moment Labour under Gordon Brown) is more likely to follow the party line than in the US (in 2009, for example, the most rebellious Labour MP, Jeremy Corbyn, voted against Brown's measures only 23% of the time). In addition, I contend that the use of three line whips means that the PM can ensure a 0% rebellion rate for any bills that truly matter. A recent example of a three-line whip in use was Ian Duncan Smith's Tory whip against the rights of gay people, illustrating, I feel, how the PM could use a whip to undermine the power of the legislature by being assured a majority in the Commons. This, I think, makes the Executive the foremost branch of government in the UK, though its membership of the legislature blurs the boundaries somewhat.

In the US, I feel that the legislature is far more powerful in relation to the UK's, pushing the executive somewhat into the background. This is because the Senate is not required to be nonpartisan, with members badged as Democrat or Republican. The ruling party does not necessarily have a majority, which I feel acts as a restraint on the President as the Senate could vote against a bill and stop it far easier than the House of Lords (who, indeed, can only propose amendments). Second, I think that Congress has power over the President in that it can override Presidential vetoes by a two-thirds majority. For example, a Medicare bill last year vetoed by George W Bush was overridden by Congress. While I think that this can result in the power of the Executive being effectively checked, I think it explains the US legislature's penchant for Gridlock.

I would suggest that the judiciary does not check the power of the executive in the UK to the extent that it does in the US, and this results in the executive in the US being among equal branches, while the executive in the UK is the foremost branch of government. While the judiciary in the US effectively legislates, I would suggest this can only be done by interpreting the law and declaring laws unconstitutional, and I would suggest that if the constitution constrains American legislation, this is for the better. An example of this is Bush's misnomer, the USA PATRIOT Act, which has experienced a growing campaign to have it declared unconstitutional, and indeed will be removed by new President Barack Obama. However, in the UK, I would suggest that the judiciary does not effectively legislate, and as such does not have power over the executive. This is aided (or indeed made worse) by the judiciary's supposed impartiality. This may, however, be an illusion due to the Prime Minister's appointment of judges.

In conclusion, I would suggest that while the executive is of fairly equal power to the other branches of government in the US due to its Constitution's powerful separation of powers, whereas the Executive has real power in the UK due to controlling, effectively, the legislature, whilst the UK judiciary does not legislate to the same

extent that the US judiciary does. I think that while this makes the US a lot more 'democratic' and 'fair', in the UK this helps actually get things done.