The Differences between the United States System and the Parliamentary System

In Philadelphia in the summer of 1787, fifty-five men worked together to develop a framework of government that would secure the people’s inalienable rights and promote their safety and happiness. While the Framers borrowed from the tradition of ancient republics, as well as from their history as Englishmen, they developed a system that was (and remains) significantly different from other types of representative systems.

Outside the U.S. today, the main system of representation in republics is the parliamentary system. While there are many varieties of parliamentary systems, they share certain important features. The legislature is usually called a parliament, rather than a congress. Sometimes members are elected from single member districts, similar to the method of electing members to the U.S. House of Representatives, and sometimes members are elected from the nation at large.

One of the most significant features of a parliamentary system is that, unlike the United States system, it lacks separation between the executive and the legislative branch. Under a parliamentary system, the chief executive, usually called a prime minister, is a member of the parliament, and is chosen by the parliament. The prime minister is often the leader of the majority party in parliament, which allows him or her to carry out a lawmaking program without much difficulty. Those who support a parliamentary system maintain that this gives the party that wins the parliamentary elections a mandate to legislate without the compromise and delay demanded by the U.S. system. Critics of the parliamentary system might quote Montesquieu, saying it allows a government to “enact tyrannical laws [and] execute them in a tyrannical manner.” They might also contend that legislatures can be too responsive to temporary majorities, changing laws constantly and undoing the good work that a previous parliament has done.

A second major difference is the role of political parties in the legislature. Under some parliamentary systems, members of the legislature are not elected by the people of a geographic district, but are elected by the nation as a whole, in proportion to the total votes received by the party across the nation. This method of organizing a parliamentary system is generally called a proportional representation system. Under such a system, people vote for a party, not an individual candidate. In these systems candidates strongly identify with their parties, and the members of the parties agree on most major issues, unlike in the American system. Some countries that use proportional
representation today are Germany, Ireland, Israel, and Spain.

The Changing Nature of Representation over Time

One of the major changes in representation in the U.S. House and Senate has been the role of political parties. When the first elections for the U.S. Congress were held in 1788, there were no political parties. Parties emerged in the 1790s as Jefferson and Madison organized the opposition to Alexander Hamilton’s program of national government action to build a strong commercial republic. Two groups emerged in Congress—one supporting the Hamilton program, and the other opposing it. By the 1820s, suffrage expanded as state after state eased prerequisites for voting, and political parties became mass movements as we know them today. While political parties are important in the U.S. Congress, they have never been as critical as they are in a parliamentary system with proportional representation. Consequently, individual representatives in Congress tend to be more responsive to their local constituents rather than national party leaders and national majorities.

A second change over the last two hundred years has been the time of service in Congress. In the early years of the republic, few members of Congress served more than a few terms. In these early decades the republican spirit inspired by George Washington’s example emphasized a rotation of service without accumulation of power. Before the Civil War, those who were elected or appointed were typically already financially secure through their law practices, or had considerable business capital, or were from the landed gentry. Therefore, lengthy government service was likely to be an inconvenience to them. This began to change after the Civil War, and between 1860 and 1960, the average time in office doubled. Moreover, as transportation improved, it became easier for politicians to make their careers far away in Washington. In addition, as more power was transferred to the national government it became more prestigious to serve in Congress than in the state legislatures.

While the salary for members of Congress has increased over the years, so too has the amount of work required of them. From the 1790s until the 1940s, sessions of Congress generally only lasted six months of the year. With the dramatic increase in size of the federal government brought about by the New Deal of the 1930s and World War II in the 1940s, sessions became much longer, typically running all year.

Challenges Facing Representatives: Trustee or Delegate?

One of the challenges facing members of Congress is the distinction between members as delegates and members as trustees. Traditionally, representatives in Congress have been seen as trustees of the people. Using this view, members are elected by the people because voters trust their judgment. Members are expected to know their constituents’ opinions, but then use their judgment and vote for policies that will best serve the interests of the voters in their district and the nation as a whole. In an understanding of members of Congress as delegates of the people, a member is expected to survey the opinions of his or her constituents, and vote as they expect him or her to vote, even if the member’s judgment might be different.
In some ways, both conceptions of representation are present in the Constitution, as House members are elected directly by the people every two years, forcing them to function as delegates who are attentive to the demands of the voters. Senators, representing their entire state and elected for a six-year term, are more likely to function as trustees. This feature was even more pronounced before the Seventeenth Amendment when Senators were elected by their state legislators, distancing them from the immediate pressures of voters.

**Challenges Facing Representatives: Competing Interests**

A further challenge facing members of Congress is the competing interests they face. Members of Congress are simultaneously expected to be representatives of the people, lawmakers, and members of a political party. As representatives of the people, they are expected to act for the benefit of both their particular district and for the nation as a whole. The conflict between these interests can perhaps be most clearly seen in so-called pork barrel spending bills. These bills call for federal money to be spent on specific projects in various congressional districts—money for a bridge few motorists will use in Alaska, or the Lawrence Welk birthplace restoration in North Dakota, for example. This kind of spending rarely serves the national interest. However, for the individual members of Congress, it very clearly represents the will of the district. Which interest should a member of Congress represent? In a Parliamentary system with proportional representation, the conflict between representing a district and the nation as a whole is eliminated, since the whole nation elects the members and party loyalty replaces the incentive to put one’s local district ahead of the good of the country.

A second set of competing interests involves lawmakers. As representatives, members of Congress are expected to support the interests of their constituents. However, passing laws frequently requires compromise among members, which necessitates sacrificing some constituent desires in hopes of achieving others. A district may wish to see lower taxes, but also want a military base kept open. A law keeping the base open will require spending by the Department of Defense, and might well prevent the possibility of a tax cut. As a trustee, such a member, while carefully considering the competing desires of constituents, would use independent judgment. If considered a delegate, that same member will have a harder time knowing which opinion to follow.

Furthermore, members of Congress must take into account the desires of their political party. Party membership provides critical resources for re-election, so a member cannot ignore his/her party’s wishes. However, members can find themselves in a difficult position if their party asks them to support policies that their constituents oppose. For example in 1991, both political parties realized the need to raise taxes in order to slow the growth of the national debt, and urged their members to support a tax increase. However, many members’ constituents were opposed to tax increases. Members of Congress had to decide if the interest of their party or their constituents should come first. In such a case, a trustee is free to act in the best interest of the nation, while a delegate can only act on the wishes of his/her constituents. Furthermore, in a parliamentary system using
proportional representation, since members are elected not as individuals, but as party members, such a conflict is dramatically reduced.

The framers of the Constitution set up a system of representation for the United States, which although informed by the experiences of other republics, was different from them. More than two hundred years later, the U.S. system remains different from those of other republics. Although the work expected of Congress and the time of service for members have both increased, the fundamental tension between being a trustee for the interests of the people and being their delegate has not disappeared. Neither has the tension between the demands of the district and the interest of the nation, or the potential tension between the member and the member’s political party.

CRITICAL THINKING QUESTIONS

1. In what ways does the U.S. system of electing the legislature preserve the principle of separation of powers? What trade-offs does this require compared to parliamentary systems where separation of powers is not as strong?

2. What roles do political parties play in the U.S. system of representation? How is the role of political parties different in a parliamentary system?

3. What are some of the different groups that a member of the U.S. Congress is expected to represent? In being a representative for different groups, what tension is created for the member?

4. What does it mean when we say members of the U.S. Congress are acting as trustees rather than as delegates? What characteristics (or civic virtues) are expected when a member is acting as a trustee?