

Opposition to the Drafting of Young Ultra-Orthodox Men into the Army

In 2017, the Supreme Court invalidated the two laws that exempted yeshiva students from military service. Instead of passing a law requiring equal military service, the government ordered

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Roznai, Yaniv. 2024. "From the 'Hungarian Blitz' to the 'Polish Salami': The Judicial Overhaul in Israel as a Populist Project." *Social Science Research Network*. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4807540.

Since his indictments in 2019, Netanyahu—with his proxies (i.e., legislators)—worked hard to change the executive–legislative relations in Israel to increase the powers of the executive branch at the expense of the legislative branch.

the Israeli Defense Forces to not draft yeshiva students until March 31, 2024, bypassing the parliament. On March 26, 2024, the Supreme Court discussed petitions claiming that the government's decision was illegal. Two days later, the Supreme Court issued an interim order prohibiting the transfer of funds to those yeshivas whose students had refused the draft. Once the parliament was excluded from the process, the independent Supreme Court balanced the dominant power of the executive branch over the weak parliament.

Conclusion

Since his indictments in 2019, Netanyahu—with his proxies (i.e., legislators)—worked hard to change the executive–legislative relations in Israel to increase the powers of the executive branch at the expense of the legislative branch. Netanyahu's most recent government did not allow the parliament to hold professional discussions regarding essential issues, including the budget during wartime and the drafting of yeshiva students. In some cases, the Supreme Court managed to balance the dominant power of the executive branch over the weak parliament and did not in other cases. The analysis of the dynamics of the legislative–executive relations in Israel shows that the power shifted toward the executive branch during the past five years. The Supreme Court appears to be the only institution that currently can limit the power of the executive branch to any significant degree.

CONFLICTS OF INTEREST

The author declares that there are no ethical issues or conflicts of interest in this research. ■

NOTES

1. See <https://en.idi.org.il/articles/39441>.
2. See www.sponser.co.il/Article.aspx?ArticleId=113545.
3. See www.globes.co.il/news/article.aspx?did=1001469475.

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RECENT INTRAPARTY DYNAMICS IN THE PREDOMINANCE OF THE JAPANESE EXECUTIVE BRANCH UNDER THE KISHIDA ADMINISTRATION

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The Japanese executive branch has the most important role in the legislation. For example, the National Diet prioritizes government bills and typically passes them without amendments. From 2013 to 2023, on average, 93.1% of government bills were passed within one session and 93.6% were passed without legislative amendments. However, this practice results primarily from the governing parties' informal preliminary examination system (i.e., *Jizenshisa*). Under this system, the Cabinet can submit bills to the National Diet only if they are approved by the governing party. In exchange for this, "backbenchers" (i.e., Members of Parliament who do not hold a ministerial position) are obligated to support government proposals. Therefore, to explain the dynamics of legislative–executive relations in Japan, the intra-governing party's policy-making process in the pre-legislative stage must be discussed.

This article focuses on the backbenchers' regaining their influence in the policy-formulation process under Prime Minister Fumio Kishida's administration, which began in October 2021. I argue that this recent dynamic was led by Prime Minister Kishida's limited resources inside his own party; that is, the relatively weak status of his faction amid policy conflicts within the party. Consequently, Kishida was forced to compromise with backbenchers on major policy-making issues within the party. He also could not wield the Special Organs under the direct supervision of the President (SOPs)—one of the tools that Prime Minister Shinzo Abe had used to lead the intraparty policy discussion, with comparable efficacy.

Under a legislative framework in which the Cabinet cannot have formal involvement in the legislative process and faces a strong Upper House—which the prime minister cannot dissolve—the Liberal Democratic Party (LDP) government institutionalized the governing parties' *Jizenshisa* (Kawato 2005). Under this

system, the executive branch must obtain the party's approval to submit its bills and budgets. However, after approval is received, all backbenchers are obligated to agree to the government bills in

campaign. One of the main reasons that Prime Minister Kishida claimed to strengthen the party's policy influence was that his faction (*Kōchikai*) was in a relatively weak position. Although the

This article focuses on the backbenchers' regaining of their influence in the policy-formulation process under the Kishida administration, which began in October 2021. I argue that this recent dynamic was led by Kishida's limited resources inside his own party; that is, the relatively weak status of his faction amid policy conflicts within the party.

the legislative process, which guarantees their passage. This system continued even after the LDP's one-party rule ended in 1993. All coalition governments—especially when the LDP participates, including the past and current LDP–Komei coalition governments (i.e., 2003–2009 and 2012–present)—have maintained this intra-party policy-making system.

Traditionally, this pre-legislative system was regarded as an obstacle to strong premiership (Shinoda 2023). The system requires the party's approval, which comprises a three-step, bottom-up process by three different LDP policy organs: Policy Divisions of the Policy Research Council, the Policy Research Council Board, and General Councils. Backbenchers in the Policy Divisions, who had connections to stakeholders including bureaucrats and interest groups, exerted a strong influence on sectionalized policy fields from an early stage.

However, since the 1990s, strengthening the leadership of prime ministers—who also are party leaders—over both their bureaucrats and backbenchers has been the main item on the political and administrative reform agenda. When a mixed electoral system with a strong emphasis on single-member districts was introduced in the Lower House, the party leader obtained stronger control over backbenchers while the influence of the factions weakened (Krauss and Pekkanen 2011). The 2001 administrative reforms strengthened the policy-making abilities of prime ministers with a more integrated and efficient administrative structure. The Democratic Party of Japan even abolished or reformed the governing party's policy organs to empower executive leadership under the Hatoyama and Kan administrations (i.e., 2009–2011). The Cabinet Bureau of Personnel Affairs was established in 2014 to increase political leadership over bureaucrats through political appointments of high-ranking public officials (Mulgan 2018).

As a result of these reforms, since 2012, the Abe administration has been characterized as a “unipolar political power” (i.e., *Abe Ikkyō*). It exerted control over both the legislative branch—including National Diet members from both his own party, the LDP, and the coalition partner, Komeito—and the bureaucracy. Through effective policy initiatives, Prime Minister Abe accomplished significant transformations in various policy fields, including foreign affairs and security, economics and trade, immigration, and agriculture. The backbenchers had to follow their leader while losing their policy initiatives and influence (Uchiyama 2023).

Despite this tendency, Kishida claimed that both the executive branch and the party should have effective policy influences (*SeikōTōkō*) in the September 2021 LDP presidential election

faction has lost its influence in party governance that it once had (Takayasu 2014), securing support from the majority remains a critical task for any leader. Support from the major factions was critical to be elected and to manage the party after the election. The largest was the Hosoda faction (*Seiwa Seisaku Kenkyūkai*), which was strongly influenced by the dominant figure in the party, former Prime Minister Abe; it would later become the Abe faction in November 2021. For the majority of the Kishida administration, the Hosoda(Abe) faction was the largest with close to 100 members, while the Kishida faction remained fifth in size with around 45 members.

Consequently, when faced with policy disagreements between himself and the Abe faction, Prime Minister Kishida compromised on some key policy issues. Traditionally, the Kishida faction has been regarded as dovish and the Abe faction as hawkish in foreign affairs and security policies. In addition, Kishida's economic and fiscal policy—New Capitalism, which emphasizes the balance between growth and distribution with financial deterioration—was quite different from Abenomics, which focused more on growth through expansionary fiscal policy. As a primary example of Kishida's concessions, his Cabinet set a deadline (i.e., five years) for defense-budget reform by accepting the party's opinions. It also made exceptions to its financial target by retreating from his fiscal consolidation goals.

More evidence that backbenchers regained their policy influence under the Kishida administration is evident in the limited number and activities of the LDP SOPs. As LDP party leaders, prime ministers can use SOPs as tools to lead major policy discussions within the party. Prime Minister Abe used an average of 18 SOPs and established 20 new SOPs that were highly active and closely aligned with his Cabinet's main policy initiatives from 2012 to 2020 (Park 2021). These included the Headquarters for Japan's Economic Revitalization, the Headquarters for Promoting the Development of Legislation for Peace and Security, the Headquarters for the Revitalization of Education, and the Headquarters for Promoting Dynamic Engagement of All Citizens. Prime Minister Kishida, however, established only five SOPs related to his own policies, including the Headquarters for Achieving New Capitalism, the Headquarters for Promoting Fiscal Consolidation, and the Headquarters for Realizing Green Transformation. Although an average of 15 SOPs were in force during his term from 2021 to 2023, their overall activity was less pronounced compared to those under the Abe administration.

In conclusion, it is important to emphasize three key points. First, the resurgence of the backbencher's influence in the policy-

formulation process under the Kishida administration—very different from the executive-branch predominance under the Abe administration (2012–2020)—was driven mainly by intraparty politics related to factions, in terms of not only the number of members but also their policy positions.

Second, the case of Japan implies that a comprehensive understanding of the legislative–executive relationship requires attention not only to constitutional arrangements or electoral and administrative institutions but also to informal institutions and intraparty dynamics.

Third, the influence of backbenchers could be eliminated again in the near future. Based on institutional reforms in the core executive branch, Prime Minister Kishida pushed for a fixed income-tax reduction in October 2023 without consulting with backbenchers. More important, as a result of the LDP factions' campaign-funding scandal in late 2023, most factions—including the Abe and Kishida factions—decided to dissolve. However, the intraparty dynamics became even more unstable after the LDP and the Komeito lost their majority in the October 2024 Lower House election, forcing the new Prime Minister Shigeru Ishiba to lead a minority coalition government. It should be carefully observed how this intraparty turmoil will be subdued and its consequences on policy making within the LDP, which again can disrupt legislative–executive relations.

By recognizing these intraparty factors, a more comprehensive understanding of the dynamics of legislative–executive relations in parliamentary democracies can be developed.

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LEGISLATIVE-EXECUTIVE PARALYSIS IN KUWAIT

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Compared to its neighbors on the Arabian Peninsula, Kuwait lags in investments, megaprojects, and infrastructure. It makes

headlines for high-profile constitutional crises and constant elections. Between 2020 and 2024 alone, Kuwait had four elections and three parliamentary dissolutions, and it currently is experiencing an unconstitutional shutdown of the parliament. What led to this recent crisis and what accounts for Kuwait's persistent legislative–executive deadlock, constitutional crises, and short-lived cabinets?

Kuwait's Political System: An Overview

The Kuwaiti political system combines a hereditary executive-branch structure and a freely elected national assembly. Its framers envisioned it as an attempt to avoid the personalistic tendencies of presidential rule and the excessive democratic instability of parliamentarism in interwar Europe (Al-Saleh 2003). Institutionally, the emir—who is a member of the ruling Al-Sabah family—stands at the apex of this hybrid political system. The Kuwaiti National Assembly (KNA) was given considerable oversight and law-making power as well as checks on executive-branch power in the Kuwaiti constitution of 1962. Figure 1 illustrates the basic political structure of legislative–executive relations in Kuwait.

First, as shown in figure 1, the emir has considerable power, including dissolving parliament and issuing decrees of necessity. The emir also has the power to appoint the prime minister (by convention, also a member of the royal family). Through consultations with the emir and other key political players, the prime minister, in turn, appoints the cabinet ministers.

The KNA is composed of 50 Members of Parliament (MPs) who are elected directly by universal suffrage and secret ballot; MPs typically are self-nominated and they compete in multi-member districts¹ (Al-Saeedi 2003; Al-Shayehji 1988). In addition to elected MPs, cabinet ministers, appointed by the emir, are part of the parliament but they serve as ex-officio members. These cabinet ministers can vote on all issues except motions of confidence.

Similar to other parliamentary systems, *elected* members of the KNA can advance motions of confidence. The emir, in turn, has the right to dissolve the KNA (see figure 1). More precisely, the KNA as a legislature has three interconnected powers vis-à-vis the government and the executive branch. First, KNA MPs can interpellate cabinet ministers and the prime minister on matters within their jurisdiction, which can result in a motion of no-confidence against them. Second, the constitution grants the KNA a similar right called a motion of no-cooperation with the prime minister,

Figure 1

Legislative–Executive Relations in Kuwait

