

But Why: A Podcast for Curious Kids

[Who Makes The Laws?](#)

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[Jane] This is *But Why: A Podcast for Curious Kids*, from Vermont Public Radio. I'm Jane Lindholm.

On this show, we take questions from curious kids like you and we find answers. You've sent us questions about all kinds of things: science, history, art, fairy tales, mechanics, career paths, music, and more.

Today, we're going to tackle some questions you've sent us about governments and how laws are made in democratic countries.

[Paxton]: My name is Paxton and I'm four years old and from Kelowna, Canada. I have a little brother that's named Lincoln and my question is "Who makes the laws?"

[Jane] Who makes the laws depends on where you live and what kind of laws you're talking about. It's a little complicated and you're going to learn a lot of new words in this episode, but we're going to try to break it down for you so it's really understandable.

Most of the countries in the world are now considered democracies. Democracy means rule of the people. So in a democracy, the people have the power. They decide the laws they want to live under. But there are different ways that this can happen. In a direct democracy, people are deciding as a group what they want to do and how they want to live. So an example of this is, let's say your school was a democracy and there was an idea of maybe having pizza in the cafeteria on Fridays. In a direct democracy, everyone would vote on whether or not they want to have pizza on Fridays. And the decision would be made by what the majority, the bigger group, wanted. But it can get difficult and take a lot of time if everyone has to vote on every rule change in a big state or a big country.

So in a representative democracy, all the people get together to vote to elect a few people from their group to represent them. This is how it works in Canada, the United States, Brazil and lots of other countries.

We don't all vote on every law and make all the laws together as big groups. We elect other people to do what we want them to do and make the laws for us.

In the United States, for example, we elect a president to lead the country and we elect Congress people: senators and representatives.

We trust that those people will have our best interests at heart when they do the business of making laws. They have to run for reelection every so often. So if we don't like the decisions that they're making on our behalf, we vote for someone else.

About 60 percent of the countries in the world are democracies where the people are the ones making the decisions about how they live.

But not all of them.

In some countries, the power to make the rules doesn't come from the people. Oligarchy means rule of the few- and autocracy means one-person rule. In both of those types of systems, it's not the people who are making the decisions or even electing other people to make the decisions for them. The people who run the country in oligarchies and autocracies get to lead because they're born into a powerful family, or because they have lots of money, or through some other way, that is not necessarily the will of the people. In some autocracies (remember, that's one-person rule), there's a king or a queen; that's called a monarchy. In other places, there's a dictator or a supreme leader. But wait, you might be saying, "I live in a place where there's a king or a queen, but I also know that we elect leaders to run our government. How can that work?" Well, that's called a constitutional monarchy. And that's how it works in countries like Morocco, Canada, the United Kingdom, Bahrain, Bhutan, Sweden and Japan. So, they have a king or a queen whose job it is to make sure the constitution is followed. But they also have someone who is elected like a president or a prime minister, who's considered the head of the government. And they have a government of elected officials who make the actual laws. And remember, they're making those laws on behalf of the people who voted for them. Does that all make sense? There are a lot of ways that countries set up their governments. So, the answer to who makes the laws is different depending on what country you live in. But before you get too tired of just hearing me talk, let's add another voice into this conversation. But first, let's hear Paxton's question again.

[Paxton] Who make the laws?

[Mike] Hi, Paxton. My name is Mike, and I live in Toronto about 30,00 kilometers or 2000 miles east of Kelowna, where you live. I work with a Canadian organization called Civix that runs programs to educate kids about living in a democracy and being a good citizen. Great question. So, because we live in Canada and *But Why* is from the United States, I'll start out by saying that the answer to this question will make sense for both Canadians and Americans, because both countries have similar ways of doing things, especially when it comes to making decisions and also in making laws. To answer the question, "who makes the laws?" there are really two ways to answer it. The quick answer and the long answer. The first and simplest way to answer this question is to say that all citizens of a country make the laws. The second and longer answer will really be to describe how the first answer is true. How can all of the people in a country make the laws? Canada and the United States are democratic countries. That means important decisions that are going to affect a lot of people are not made just by the Prime Minister or president. Our systems don't allow that much power to be in the hands of just one person or leader. Canada and the United States are democratic countries and they are also representative democracies, which means we vote for people to represent us in government instead of having everyone directly involved in decision-making. It would be too hard to accomplish much or make a decision if there were thousands or even millions of people all trying to agree on the same thing or to discuss the same problem. The people who we vote for are known as representatives, and they are also known as legislators, which actually means lawmaker. In Canada, we call our representatives city councilors, members of the provincial legislative assemblies, members of Parliament and senators. In the United States, its representatives are called county executives, state legislators and governors, and U.S. representatives and senators.

[Jane] That's Mike Doyle. While we're talking about how governments are set up, let's add another perspective.

[Syl] I'm Syl Sobel and I'm an author of children's books on U.S. history and government and civics.

[Jane] Two of Syl's books are *How the U.S. Government Works* and *The U.S. Constitution and You*. Syl's expertise is on the U.S. government.

[Syl] Now, each type of government has a part of the government, which we call a branch, who's responsible for making the laws. We call that lawmaking branch, the legislature, or the legislative branch of government. So, for the United States or federal government, our lawmaking or legislative branch is called the Congress of the United States. For the state governments, our lawmakers are the various state legislatures, which have different names that could be the state assembly or something that conveys the sense that their job is to make laws. Then for local governments, we have various county councils or commissions or boards and they make the local laws.

[Jane] It would be pretty confusing if the national government, which we call the federal government, if the federal government and the state governments and the town governments were all trying to make laws about the same things. So, each level of government has a specific set of responsibilities.

[Syl] So let's talk about one big area in which the federal government makes laws, and that's laws about businesses that do business (operate) in more than one state. So, we're talking about what we call commerce. We're talking about trade across the country. We're talking about making products that are sold in different states. We're talking about safety of manufacturing and inspecting foods and other products to make sure they're safe for people to use. So, laws that generally affect everybody in the United States: banking, for example; civil rights laws; laws about the federal tax system and some criminal laws; that's the federal government's responsibility. States make laws about things that happen within their state, like property, property ownership, property rights, contracts, agreements that businesses and people make with each other within their state, and injuries, for example, if someone is hurt in an accident. The laws that govern that are state laws. Local laws might involve something like a school board, school district laws, safety laws like some traffic and parking laws, laws about parks, how people can use the parks and building, what kind of buildings people can make within a city, within the county, within the town.

[Jane] Now, a minute ago, you mentioned that there are three branches of government and it's the legislative branch that makes the laws. And that makes sense because the word legislative means they are legislating. They are making laws. That's their job. What do the other branches of government do? And how do they work with one another or sometimes against one another, in a way that I mean, that they sort of are what we call a check and balance system.

[Syl] Well, let's talk about the federal government, because that is the largest and that's the one that affects all of the states. So, the other two branches of government in the federal government are the executive branch and the judicial branch. The executive branch is headed by the president of the United States. Now, the president has a role in the lawmaking process. The president can recommend laws to the Congress of the United States, laws that the president would like, involving safety, for example, or the military or how the United States government spends its money. Congress could then decide whether or not to pass that law, to approve that law. There are two houses of Congress: the House of Representatives and the Senate. If each House votes by majority to approve the law, they will send it to the president. And then it's up to the president to decide

whether or not to approve of the law by signing it. If the president doesn't sign the law, it doesn't become a law. If the president signs the law, sends it back to Congress, it does become a law. Now, if the president doesn't sign (approve the law), which we call a veto, Congress has a chance to make the law over the president's veto, but they have to pass it this time by a two thirds majority. So, in that way, the president does have a check over the lawmaking power of Congress. Now, the third branch of government is the courts, the judicial branch, and the courts have a power that we call judicial review. And that means they have, if asked, the opportunity to look at a law and decide whether or not it is consistent with what the Constitution says. And if a law violates the Constitution, then that law cannot continue in effect. So that's a way that the judicial branch has a role in the, if not the lawmaking function, at least the law reviewing function.

[Jane] Now, Paxton and Lincoln were also asking about who makes the laws. And we've talked about that in a way because we're talking about the different branches of government. And it's the people in those branches of government. So, the president is elected by everybody in the United States who can and decides to vote. Congress is also elected by the people who live in the states that these people represent. And judges and in some cases are elected and in some cases are appointed by other people in power. So how do regular people like you and me have any say or any influence on the laws that we then have to live by?

[Syl] Well, that's where elections come in. The people get to vote for the lawmakers; every two years, every member of the House of Representatives is up for election. And citizens eighteen years old and older have the opportunity to vote for whom they want to represent them in Congress. We have one hundred senators; every two years, one third of the members of the Senate are up for election. They serve for six years. So, after six years, a senator then comes up for reelection. So, people have an opportunity to decide if they want to keep people in the Senate. Same thing with president. We the people have an opportunity to vote in an election and decide who we want to serve in those positions.

[Jane] So the way we exercise our rights in the United States are by voting for people who then represent us in these branches of government. We are not all getting together to make all the laws all the time, but we choose people who we say, I trust you to make the laws or to do this work on my behalf.

[Syl] And that's what we call a representative government or a republic, where we are selecting people, electing, choosing, delegating people, as it were, to make the laws for us. But they don't serve for life. We have an opportunity every few years to decide if we think they're doing a good job. And if they're not, we can vote for somebody else to do the job. That's one important way. In other important ways, just to show up. Show up at meetings that various representatives hold, show up at rallies to talk about specific issues, participate in the local political process, write letters, letters to the newspapers so that people who we elect to represent us have an idea of what people think.

[Jane] And even if you're too young to vote, that's the kind of activity that you can do to help make your voice heard.

[Syl] Absolutely.

[Jane] Australia and Canada and the United Kingdom are parliamentary systems, but they're still a representative democracy, just like the United States. So, it's the people who are essentially making the decisions. Here's a question from Hattie.

[Hattie] Hello. My name is Hattie. I'm nine years out. I live in England. My question is, why did you have the government when we have the queen?

[Jane] So, in both Canada and the United Kingdom, the head of government is different from what's called the head of state. Both of those countries have Queen Elizabeth as their royal leader. But remember, the king or queen, in constitutional monarchies, doesn't make the laws. The king or queen is supposed to make sure that the constitution, the document that sort of lays out how a country is supposed to work, that the constitution is followed. But each country has its own parliament and a prime minister who makes the rules of the country, who makes new laws. Canada used to be part of the United Kingdom, which is why it still recognizes Queen Elizabeth as its head of state. Other countries that also recognize this queen are Australia, Canada, Barbados and New Zealand. And there are more. Some countries have different kings and queens, countries like Thailand, Spain and Denmark. Coming up, we've been talking about who makes the laws, but what about how they make the laws? And we'll talk about how you can get involved in politics and make sure your voice is heard.

[Jane] This is *But Why: A Podcast for Curious Kids*. I'm Jane Lindholm, and today we're answering all of your questions about governments and how laws are made. In most countries in the world, laws are made through a democratic process. The people who live in the country make the laws either directly, or indirectly, by electing people who make the laws for them. But how are those laws made? When people want or need a new law, there's a process that needs to be followed. Mike Doyle from the Canadian organization Civix is going to help explain it

[Mike] To make a law, first, a legislator has to suggest a new law or a change to one that is already there. This is first called a bill, not of law. A committee or a group of legislators will look at the bill very carefully and discuss the good and the bad things about it to decide if it is a good idea to make the bill into a law or not. They can also make changes to the bill if they think they need to, so it is as good a law as possible. Once it has been approved by the first committee, the bill is sent to another group of legislators to study the bill some more. Once the bill has been studied by a few groups of legislators, each having looked at it at different stages. And if they think it is a good bill, then it will get passed and made into law. The legislators who work on these committees are elected representatives who keep their voters in mind while discussing bills. It is in this way that all citizens, or least those eighteen and older, are a part of the process of making laws.

[Jane] You know how we've been talking about how these elected officials, these lawmakers, make the laws for us? Well, how do they get to have that power? Generally, it's through elections.

[Tyler] Hi, my name is Tyler, I'm six years old and I live in North Carolina. And my question is: "How do elections work?"

[Jane] Here's Syl Sobel again.

[Syl] The simple answer is whoever gets the most votes wins. The more complicated answer is that, depending on the kind of office, and again, just in as in lawmaking, when it comes to elections, we have different types of offices. We have federal offices and therefore federal elections. We have state offices and therefore state elections. And we

have local government offices and therefore elections for local offices. Now, often all of those elections are held at the same time on election days in November. But depending on the kind of office, federal offices and state offices and some local offices are what we call political elections, where our political parties in the United States, the Democrats and the Republicans, select people to run for the various offices called candidates. And the voters get to decide which party's candidates or which individual candidates they want to vote for, and they will cast votes. And in most elections, whoever has the most votes wins.

[Jane] Maybe you've been to the voting booth with an adult before.

Where you vote depends on where you live, but usually the voter checks in and is then given a ballot. A ballot is usually a piece of paper, but sometimes it's on a computer screen and it has all the things you're supposed to vote on, on it. The voter fills out the ballot with the choices they want to make, and then they either put the ballot into a special box or it gets stored in a computer system. At the end of the election, all of those ballots are counted. Each voting place will report their results to a central office and a winner is declared. If you're excited about voting, I hate to tell you that in the United States and Canada and many other countries, you have to be eighteen years old to vote. In some states, you can vote in primary elections when you're seventeen, if you'll be eighteen by the time the general election rolls around. Now, some other countries set the voting age as low as sixteen and others as high as twenty-five. And in many countries, you're required to vote. It's something you have to do as a citizen of that country. In the United States, you don't have to. It's voluntary. But if you want to be involved in changing the laws, you should vote.

There's just one other thing I want to say about voting before we wrap up, though. There have been a lot of changes to who is allowed to vote throughout the history of many countries. In the United States, there was a long time where the only people who could vote were white men who owned land, meaning they had a decent amount of money. If you think that's not fair, you're right. And over time, the voting laws have changed so that more people can vote. Women, people of color, people who are younger than twenty-one, and other changes. Now, if you want to advocate for more fairness in the system, you can get involved in changing the laws, and you can do that even if you're still too young to vote. Here's a suggestion from Syl Sobel on how to get involved.

[Syl] Go to local meetings, go to the city council meeting. Go to the town council meeting, go to a school board meeting. Follow the issues in the newspaper or online. When there are campaigns, work for people in office, go to local programs, civic programs. If there's a book fair in your community, go to a book fair, volunteer, learn who the people are who are running your local government, and what's important in your community. Learn what's important in your state, and in the national government. There are many opportunities to get involved, both to work, to participate and volunteer, and to inform yourself about what's important.

[Jane] And here's Mike Doyle of Civix.

[Mike] Even though you're not old enough to vote, you can still be a good and active citizen. The Canadian government asks all Canadians to do a few things to help keep our country healthy and safe. They suggest all Canadians, no matter what age, helped by obeying the law, taking responsibility for themselves and a family, if you have one, helping others in the community by volunteering and helping those in need, and also by enjoying and protecting the nation's heritage and environment, avoiding waste and pollution, and by

protecting the natural environment. Thanks for the question, Paxton, and say “Hi” to your little brother Lincoln

[Jane] And I'll say it too: “Hi Lincoln!”

That's it for this episode. If you have a question about anything, have an adult record it. It's easy to do on a smartphone. Tell us your first name, how old you are and where you live and send the file to: questions@butwhykids.org. You know, if you ever have any feedback for us, if you want to let us know what you think we do well, or what you wish we could do a little bit better, we'd love to hear that too. You can send any questions you have or any comments to questions@butwhykids.org. *But Why* is produced by Melody Bodette and me, Jane Lindholm, at Vermont Public Radio. Our theme music is by Luke Reynolds. We had additional music in this episode from Poddington Bear and Blue Dot Sessions. Thanks very much to Mike Doyle of Civix and to Syl Sobel. We have links to more information about both of them at ButWhyKids.org. We'll be back in two weeks with an all new episode. Until then, stay curious.