Comparative politics
B. Kissane, G. Philip
PS2082, 2790082
2011

Undergraduate study in
Economics, Management,
Finance and the Social Sciences

This is an extract from a subject guide for an undergraduate course offered as part of the University of London International Programmes in Economics, Management, Finance and the Social Sciences. Materials for these programmes are developed by academics at the London School of Economics and Political Science (LSE).

For more information, see: www.londoninternational.ac.uk
Introduction

Comparative politics is a ‘200’ course offered on the Economics, Management, Finance and the Social Sciences (EMFSS) suite of programmes. It is a subject which is concerned with why political institutions are desirable, how they work in practice and how they vary from country to country. To understand these issues, it is helpful to start by understanding cultural and legitimatory factors that lie behind institutions as well as focusing on the institutions themselves.

Most students at the end of the course are capable of understanding in principle how institutional structures are often underpinned by legitimatory factors and cultural norms, and they can also describe the working of particular institutions in particular countries. What is harder is to understand how these factors interrelate in particular cases, and students capable of doing this convincingly in particular cases tend to be marked highly.

By the same token, students are expected to show analytical and empirical ability. A common mistake is for students to approach the subject too ideologically, looking out for ideal forms of government rather than understanding the inevitable imperfections of political life.

The course is not specifically orientated toward a political career. However, most adults will benefit at some stage in their lives from some understanding of how political institutions work, and there are professions such as law, journalism and the civil service where an understanding of political institutions is probably necessary.

This course is not generally suitable for beginners, and students taking it are expected to have studied 114 Democratic politics and the State or 130 Introduction to modern political thought. Students with some background in political theory tend to do well in this course so long as they show sufficient intellectual flexibility to apply it appropriately to the different subject matter.

Information about the authors

Professor Philip taught for many years at the London School of Economics and Political Science (LSE) on a course offered in the Government department entitled ‘Comparative political institutions’. This Comparative politics course is a direct successor of that course, although it is significantly updated in some areas. Professor Philip is a professor of Latin American politics and has done his best to make sure that the reading covers Latin America as well as the more widely known regions of Western Europe and North America.

Bill Kissane taught the ‘Introduction to comparative politics’ course at LSE for many years. The aim of the course was to give MSc students a grounding in comparative politics. He has also taught introductory courses on British politics, Irish politics, and political analysis in several British and American universities. He has published on different aspects of comparative institutional analysis, including on Arend Lijphart, constitutions and the referendum.
Aims

This course encompasses how we form or develop concepts of democratic political institutions and some of the different ways in which democracies can be organised. The main aim of the course is to enable you to address questions such as the following.

- What are political institutions and how should we study them?
- Why does democracy require institutions?
- How do institutions relate to legitimate political authority?
- How does political culture relate to institutions?
- What is the relationship between democratic government and legitimate authority?
- How are democracies with presidential systems different from democracies with parliamentary ones?
- How do different electoral systems influence differences in party systems?
- How do different types of legal system influence the working of political institutions?
- How does political culture influence bureaucratic behaviour?
- How do democracies decentralise power to regional or local governments?

Learning outcomes

At the end of this course, and having completed the Essential reading and activities, you should have a good understanding of the way in which different democratic institutional systems work.

Specifically, you should be able to explain:

- why institutional analysis is a key aspect of comparative politics
- how institutional stability and political legitimation interact
- what is meant by political culture and how it influences institutional behaviour
- how presidential systems differ in key respects from parliamentary ones
- the relationship between elective and non-elective dimensions of the democratic state
- the concept of federalism and how it differs from local government.

How to use this subject guide

This subject guide is intended to provide a reasonably comprehensive, but by no means complete, discussion of the main issues listed in the syllabus. The guide is a complement to, and not a substitute for, the Essential readings. You need to read widely around the topics discussed here if you are to do well in the examination.

The guide explains:

- why the working of institutions is central to the study of comparative politics
- how different kinds of democratic institutions work in practice
- how they vary between countries.
This focus on institutions aims to link what might otherwise seem to be very different topics in a coherent way. It should help you link your reading to the general theme of the subject. There is not the space in this guide for dealing with any particular topic in real depth. To achieve this depth, you need to do the assigned reading in the lists at the beginning of each chapter. You will also find a list of learning outcomes and sample examination questions at the end of each chapter. It is a very good idea to try to answer some of the examination questions within a fixed time. This will help you to discover how much you have learned about the topic.

Recommended time required

If English is your first language, or if you read it fluently, and if you can get hold of the relevant reading without too much difficulty, then you should be able to answer at least four questions after about 25 full days’ reading. It will take longer if you read more slowly or with difficulty, or if you need more time to get the necessary material. Familiarity with current events and the main characteristics of your own country’s political system will be an advantage and reduce the time needed for study.

Essential reading

The following is a short list of books and articles that you need to read for this subject. You should read as much of Dahl (1991) as you can, and also Max Weber’s work – either in Connolly (1984) or in Lassman and Speirs (1994). If necessary, you should purchase these works. Also essential are:

Please note, for Chapter 4 of this subject guide, you are expected to read:

For Chapter 6 of this subject guide, you are expected to read:

This is just the beginning. The topics in this subject guide are the subject of their own specialist literature. Therefore, you cannot cover the course using just one or two textbooks. You will need to make use of at least some of the Further reading, which is listed below and referenced again in particular chapters. The chapter listings provide clear information about which of these titles relate to which topics. Provided that you have some idea of the key concepts, you can enhance your work by showing detailed knowledge of particular political systems and events. For that reason, it is helpful to keep up to date with developments in the world of politics.

You are not expected to read all of the works listed below. It should be enough to be familiar with around one-third of them, provided that you choose a coherent set of readings based around the topics you want to study. The booklists in the individual chapters should help you identify these. The list is long in order to make it easier to find at least a reasonable proportion of the works listed. You may find it useful to read the subject guide first and then decide on a set of topics for Further reading.

Detailed reading references in this subject guide refer to the editions of the set textbooks listed above. New editions of one or more of these textbooks may have been published by the time you study this course. You can use a more recent edition of any of the books; use the detailed chapter and section headings and the index to identify relevant readings. Also check the virtual learning environment (VLE) regularly for updated guidance on readings.

Further reading

Please note that as long as you read the Essential reading you are then free to read around the subject area in any text, paper or online resource. You will need to support your learning by reading as widely as possible and by thinking about how these principles apply in the real world. To help you read extensively, you have free access to the VLE and University of London Online Library (see below).

Other useful texts for this course include:

Books

Introduction


**Articles**


Lerner, H. ‘Constitution making in deeply-divided societies’, Nations and Nationalism 16(1) 2010, pp.68–89.


The academic articles listed here should be read carefully and in full. However, it is often possible to get a sense of what a book says by reading the introduction and conclusion, using the index and focusing on the specific points that clearly interest you. The objective is to get a general sense of the arguments being presented.

Finally, this guide discusses the work of some historically important political theorists, notably Machiavelli, Hobbes, Locke and Rousseau. Keen students, or students already studying political theory, could usefully try to read one or more of these in the original. However, unless you have a particular interest in one or more of these theorists, it is not really necessary to do this. There are many secondary texts in which the ideas of these authors are set out, explained and criticised.


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**Online study resources**

In addition to the subject guide and the Essential reading, it is crucial that you take advantage of the study resources that are available online for this course, including the VLE and the Online Library.

You can access the VLE, the Online Library and your University of London email account via the Student Portal at: http://my.londoninternational.ac.uk

You should have received your login details for the Student Portal with your official offer, which was emailed to the address that you gave on your application form. You have probably already logged in to the Student Portal in order to register! As soon as you registered, you will automatically have been granted access to the VLE, Online Library and your fully functional University of London email account.
If you forget your login details at any point, please email uolia.support@london.ac.uk quoting your student number.

The VLE

The VLE, which complements this subject guide, has been designed to enhance your learning experience, providing additional support and a sense of community. It forms an important part of your study experience with the University of London and you should access it regularly.

The VLE provides a range of resources for EMFSS courses:

- Self-testing activities: Doing these allows you to test your own understanding of subject material.
- Electronic study materials: The printed materials that you receive from the University of London are available to download, including updated reading lists and references.
- Past examination papers and Examiners’ commentaries: These provide advice on how each examination question might best be answered.
- A student discussion forum: This is an open space for you to discuss interests and experiences, seek support from your peers, work collaboratively to solve problems and discuss subject material.
- Videos: There are recorded academic introductions to the subject, interviews and debates and, for some courses, audio-visual tutorials and conclusions.
- Recorded lectures: For some courses, where appropriate, the sessions from previous years’ Study Weekends have been recorded and made available.
- Study skills: Expert advice on preparing for examinations and developing your digital literacy skills.
- Feedback forms.

Some of these resources are available for certain courses only, but we are expanding our provision all the time and you should check the VLE regularly for updates.

Making use of the Online Library

The Online Library contains a huge array of journal articles and other resources to help you read widely and extensively.

To access the majority of resources via the Online Library you will either need to use your University of London Student Portal login details, or you will be required to register and use an Athens login: http://tinyurl.com/ollathens

The easiest way to locate relevant content and journal articles in the Online Library is to use the Summon search engine.

If you are having trouble finding an article listed in a reading list, try removing any punctuation from the title, such as single quotation marks, question marks and colons.

For further advice, please see the online help pages: www.external.shl.lon.ac.uk/summon/about.php

The examination

Important: the information and advice given here are based on the examination structure used at the time this guide was written. Please note that subject guides may be used for several years. Because of this we strongly advise you to always check both the current Regulations for relevant information about the examination, and the VLE where you should be advised.
of any forthcoming changes. You should also carefully check the rubric/instructions on the paper you actually sit and follow those instructions.

The purpose of the examination will be to test breadth of knowledge. For this reason, you are required to answer four questions out of 12 that will be set. The examination lasts for three hours. That means that you will have 45 minutes per question, since all four questions will be given equal weight and you will need to have enough time for your fourth question. Since you have to answer four examination questions, it is a good policy to prepare at least six or seven topics just in case you do not get the precise wording that you want from some of the questions.

It is a good idea to spend at least 10 minutes preparing your answer to each question, and using 30 or 35 minutes to make three or four key points in your answer. It is most important that your answer is well organised and not just a flow of words. A good answer will refer to the literature and show some understanding of concepts as well as facts. You should refer to authors quoted by name, but detailed page numbers or references are not necessary.

Examiners base the questions on the syllabus, but the wording of questions varies from year to year. For this reason, you will have to prepare perhaps at least six or seven topics for an examination paper which will be somewhat similar to the one given as an example in the Appendix (although different in detail). Simple regurgitation in the examination of the illustrative material in this subject guide will be regarded as plagiarism and heavily penalised. You must adapt such materials in ways appropriate to your chosen syllabus of study. Examiners will always look unfavourably at answers that draw solely on the illustrative material provided in this subject guide.

Remember, it is important to check the VLE for:

- up-to-date information on examination and assessment arrangements for this course
- where available, past examination papers and Examiners' commentaries for the course which give advice on how each question might best be answered.
Chapter 1: Modes of comparing political systems

Learning outcomes

By the end of this chapter and having completed the Essential reading and activities, you should be able to:

• discuss, illustrate, and critically evaluate the relationship between political stability, legitimacy and political institutions
• state the different definitions of legitimacy, and critically evaluate them
• explain the relationship of legitimacy to law and political culture, and illustrate your explanation with specific examples
• deliver a critical evaluation of the ways in which we try to understand how to operate these concepts in practice.

Essential reading

Especially the chapter by Weber ‘Politics as a vocation’ and the chapter by Lipset ‘Social conflict, legitimacy and democracy’ [ISBN 9780855206468].

Further reading


Introduction

This first chapter is essential to what follows in the guide, and may well form the basis of the first two questions in the examination. For this reason, the chapter is more general than the others, and introduces some necessary comparative concepts, the three most important of which are:
**democratic legitimacy, institutionalism and political culture.**
The point here is to help you to understand the relationship between basic ideas about the nature of comparative politics and how we should study it and the more detailed issues discussed in the later chapters of this guide (such as presidentialism, federalism and electoral systems).

Comparative politics, as discussed here, is generally taken up with the study of political behaviour within states. It is a neighbouring discipline to international relations, which deals mainly with relations between states, although there is often a degree of overlap between the two. Comparative politics is also, self-evidently, a comparative discipline. Although by no means all of comparative politics is taken up with the study of democracies, this subject guide does deal mainly with politics within democratic systems. Broader issues to do with the process of democratisation and the threat of democratic breakdown are considered more fully in 86 Democracy and democratisation.

This course seeks to cover and give examples from some new democracies, such as those in Latin America, eastern Europe and some Asian and African countries, as well as from older democracies such as the USA, Britain and France. There are certainly variations between democracies, but all democracies have certain things in common. All democracies have:

- some form of electoral system and choose their leaders by popular vote
- some kind of legislative assembly, although there is an important secondary distinction between presidential systems (where the executive is formally separate from the legislature) and parliamentary ones (where they are closely connected)
- some system of decentralisation, giving distinct territories within the state some powers of self-government, although these can vary considerably in terms of what they do and whether their powers are constitutionally guaranteed.

Today, most established democracies are significantly constrained in what their leaders can do as a result of restrictions imposed by the courts. This has not always been the case, but it is becoming increasingly true.

Later chapters of this guide will look empirically at how different sets of institutions work in practice. This chapter looks at some theoretical justifications for taking an empirical view. It also discusses the limits of this purely descriptive approach to institutions, and argues that it needs to be supplemented by theoretical ideas about politics. The theoretical ideas considered in this chapter have to do with legitimacy, institutionalism and political culture. These ideas are all relevant to how we study the actual workings of institutions.

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**Legitimacy, institutionalism and political culture: the argument in outline**

This section summarises the arguments that will be put in more detail in the other sections of this chapter.

**Legitimacy**

The German sociologist Max Weber (1864–1920) and more modern authors such as Lipset and Beetham have defined legitimacy in different ways. However, all authors agree that the basic idea of legitimation is that the exercise of political authority should be seen as right by those required to obey it. All states need to be minimally legitimate in the sense of being supported by some people on the basis of some notion of rightfulness.
However, democracies need to be actively supported as well as just passively accepted, which raises the question of whether there is something called ‘democratic legitimacy’. To say that a dictatorship has a legitimacy problem is to say that it may be unstable. To say that a democracy has a legitimacy problem is to say that it is facing a deep political crisis. Can the difference be explained by the concept of democratic legitimacy? In the contemporary world order, where superpowers like the United States promote the expansion of democratic government, democracy may claim to be the only globally legitimate form of government. However, as we shall see below, the nature of democratic legitimacy varies from country to country.

**Institutionalism**

Practitioners of different academic disciplines have understood institutions in different ways. Most people accept the minimum definition, which is that institutions have to be understood as ‘enforced rules’, as opposed to rules that exist in principle but are not obeyed. They also accept that rules can be informal rather than formal; in other words that custom and practice may be institutionalised even if not written down. An example of formal rules would be the system of law; examples of informal rules might be social etiquette. An informal rule, though, is more than ordinary human behaviour. For example, it may be an informal rule to remove one’s hat in certain places of worship; but to remove one's coat in a restaurant is simply behaviour (assuming that this is done in order not to feel hot). Some authors are mainly interested in the more limited question of how the rules are enforced; others believe that institutions must be valued (or accepted) as well as enforced, and are interested in the process by which rule changes come to be seen by people as rightful or alternatively in the process by which some forms of rule-breaking come to attract significant support. Here there is a close connection between the value attached to rules and democratic legitimacy. Are people in democracies more likely to follow rules because they have given their active consent to the rule-makers?

**Political culture**

This is the third general dimension of analysis. Political culture can be defined as the way in which people think about politics. It is reasonable to suppose that this is a genuinely comparative concept. People in different societies think about their political system in quite different ways. Political culture can be understood, in part, as the outcome of particular historical processes that translate into different life experiences. For example, why does Britain have a monarchical democracy and the USA have a republican system of presidential democracy? One answer to that question is that most British people want to have a monarchy and most Americans want to have a presidential system. This is certainly true enough. However, a fuller answer would come from an appreciation of American and British history – the American War of Independence from Britain, the discussion over the US Constitution, and so on. Historically, most British people were able to achieve their rights under the Crown, which was not true for the Americans. Political culture also allows us to understand regional variations in politics. For example, in the Nordic region, democracy has been understood to have a strong element of social equality and this allows us to contrast Nordic social democracy with more market-orientated democratic systems.

In stable democratic systems, institutionalisation, enforcement, legitimacy and political culture tend to reinforce each other. Stable systems do generally need quite a lot of self-reinforcement. Politics is inherently a
competitive activity and there is always some possibility that an ambitious politician, general or even judge will try to assert their authority beyond its proper limits. In the absence of reliable law enforcement, political law breaking – or at least the violation of institutional norms – might become common. There is an irony here. Law enforcement agencies exist to protect the system of laws, but they themselves need to be controlled and disciplined by other parts of the state. Ultimately, public opinion has to discipline the law enforcement agencies which, in turn, have to discipline law-breakers. This virtuous cycle is hard to establish when law enforcement agencies see themselves as guardians of the overall system, and resist parliamentary or judicial oversight.

In a stable democracy, the people are both subject to the law and authors of its enforcement. However, if public opinion is not convinced of the value of the political system – in other words if there is a legitimacy problem – then it may not care whether the institutional norms are violated or not or may even support some forms of violation. For example, when Peruvian President Fujimori quite illegally used the army to close the National Congress in 1992, his popularity went up. Any such lack of concern may well come from a cultural alienation from the established rules. There are many examples of political systems which failed to generate democratic legitimacy. For example, this was the case when the Catholic population of Northern Ireland came to regard that state as being run by Protestants for Protestants. However, there is also a problem about how to reform poorly-functioning democracies. Deliberation, the thought gone into policy, is essential to every political system. No matter how democratic the processes by which government are elected, the absence of deliberation will eventually discredit the system because of its poor performance. Just as the enforcement of laws requires courts and judges, deliberation requires a professional civil service and the employment of expertise in the making of political decisions.

In summary, then, in an ideal world, political culture underpins the legitimacy of a political system and encourages citizens to both accept and, where necessary, demand the enforcement of the law as well as such changes to it as may seem appropriate.

By no means every democratic system runs as smoothly as this suggests. However, there are a large number of democracies in which it is reasonable to suppose that the most important political rules of the game are generally enforced. We can therefore concentrate on what these rules are, how they work in practice and what their political consequences are likely to be. For this reason, institutional rules form the main basis for comparison within this subject guide. While this is a limited approach – leaving out situations where informal rules are more important – it is one that still leaves us plenty to discuss. For example, the rules of presidential and parliamentary government are quite different. Over time different electoral systems will produce different types of executive government. A country that decentralises power to federal units will normally require a constitution to define the balance of power between the federal government and those units, and also a constitutional or Supreme Court to adjudicate conflicts. In other words, the choice of institutions will shape the nature of politics in any country. Politicians and political activists usually form themselves into organisations such as political parties or interest groups to promote their interests. They calculate their best course of action from the rules, and then pursue their objectives in ways that are predictable to some extent. For this reason institutional analysis is central to comparative politics.
Activities

1. How should we define political institutions?

2. ‘There is no point in analysing political systems by the formal rules that apply unless these rules actually mean something to people.’ Discuss, with examples.

3. What potential advantages are there in studying political institutions from a cultural perspective?

Democratic legitimacy

The argument above was that political culture underpins the legitimacy of a political system and encourages citizens to both accept and, where necessary, demand the enforcement of the law as well as changes when required. This section explores what kind of legitimacy democratic states possess. The first point is that it is the state itself, not a monarch, a president, or a prime minister, that possesses this legitimacy. People should retain the belief in the worth of the political system regardless of who happens to be in power. Yet what is the state? Its first attribute is that it has a legitimate monopoly on the exercise of physical force within its borders: the German sociologist Max Weber’s famous dictum was that:

A state is a human community that claims the monopoly of the legitimate use of physical force within a given territory.

(Connolly (ed.), 1984).

Democracy can only exist if a recognisable sovereign authority can, if necessary, impose itself by force. There would be no point in having a system of contested elections unless the winners eventually had something to govern. This monopoly of force is the backbone of ‘state-ness’. Where it is absent, such as in weak states like Afghanistan or Somalia, no system can be stable. Yet this aspect of ‘state-ness’ is only a starting point. The state also has a monopoly on the making of laws and develops special institutions, such as parliaments, for that purpose. Since the legitimacy of laws is closely bound up with people’s acceptance of the authority of the law-making body, there must also be a general perception of the state’s presence in society. This may be reinforced by symbolic expressions of the state’s existence, such as flags, monuments, or the presence of rulers on stamps. Finally, a crucial part of a state is its recognition by the international community. Where states generally refuse to recognise a political unit, such as with the Turkish Republic of Northern Cyprus, we cannot talk of a legitimate state. There are thus different aspects to the state’s legitimacy.

Weber did not reduce ‘legitimacy’ to any particular form of government. He was prepared to define monarchies and communist systems as legitimate, as well as constitutional democracies. Legitimate power in this context simply means official, rightful power as opposed to the power of bandits, warlords or insurgents. Thus, Weber would not have agreed with the French pirate who, early in the nineteenth century, was arrested and brought before Napoleon. Napoleon asked him what he was doing. The pirate replied that he was doing exactly what Napoleon was doing, but on a smaller scale. Weber, and later political scientists, generally accept that the official, public, power of the state should be considered in a different way to that of the power of a particular individual or private group. If democracies and authoritarian forms of government can be legitimate, the question is whether democracy possesses a special type of legitimacy. It is generally agreed that a system of government is legitimate if the majority of people in the country consider it to be the
best available form of government. Democratic government requires legitimacy because it relies much more on self-policing than authoritarian government does. Competitive elections provide one source of legitimacy since the public gets the final say on who governs them and can ideally remove unpopular leaders, so they should be more inclined to support the system. Beethem (1991) thinks that what differentiates democracies from non-democracies is that when faced with crises, it is much easier to get rid of ineffective rulers in democracies. Thus the election of President Obama in the United States helped renew the legitimacy of the system during an era of economic crisis. Nevertheless, people can accept the existing system for negative reasons: fear or apathy, for instrumental reasons (they may for the moment benefit from the system), or for principled reasons (they may think it the most appropriate system for them). Democracy could be accepted in all three ways. Seymour Martin Lipset (1983) thought the most stable democracies were systems that performed well economically and had traditional sources of loyalty. Thus Britain has a traditional monarch and a reasonably successful economy. Democratic legitimacy may also come from a sense that people have a stronger sense of ownership of the state. States like Switzerland, which uses the referendum frequently, allow for a high degree of popular involvement in decision-making. This brings people closer to the state. The way in which specific institutions reinforce legitimacy is an important area for study. For example, French democracy had been very unstable before the 1950s, when President de Gaulle used presidential powers to resolve a deep crisis over Algerian decolonisation.

**Legitimacy as a comparative concept**

Weber believed that different types of states in history depended on different types of legitimacy. This raises the question of whether the notion of legitimacy allows us to compare democracies. Some authors believe that it can. They use figures for electoral turnout or survey results showing differing degrees of political satisfaction with different democratic political systems. It has been hypothesised that some kinds of political system were inherently more likely to suffer legitimacy crises. The collapse of the Weimar Republic was attributed to the fact that the strong form of proportional representation produced too many rival parties for a stable governing centre to emerge. Fascism emerged because democracy lost legitimacy. As we shall see in more detail in Chapter 3, Linz (1990) has claimed that presidential government is likely to prove less legitimate than parliamentary government because of its so-called ‘dual legitimation’ problem. Whereas parliamentary systems are generally based on the doctrine of the sovereignty of parliament, presidential ones cannot be based on the doctrine of presidential sovereignty. This is because the congressional representatives are also directly elected. Thus, they have as great a claim to be considered democratically empowered as the president. So different institutional arrangements may generate specific notions of what is legitimate. In the Republic of Ireland, where the constitution was approved in a referendum in 1937, later amendments to the constitution have also had to be put to the referendum in order to be as legitimate as the constitution in its original form. This requirement makes change more difficult, but gives the people a veto on many important decisions. In this sense, the referendum reinforces the legitimacy of the system.
Activity

For each definition of legitimacy you come across in your reading:
1. Write a short paragraph outlining who has put it forward.
2. State the key element of the definition.
3. Note down any objections that could be made to it.

Institutions as a basis for comparison

Political scientists originally approached comparative politics through the study of political institutions. Until the 1950s, most political science was rather legalistic and descriptive and general models were considered important: American presidentialism or the Westminster system, for example. However, from the late 1950s some academics abandoned institutional analyses altogether in search of fresh insights into political behaviour from disciplines such as sociology, psychology and economics. Others tended to look at the politics of (somehow defined) groups or communities rather than focusing more directly on the role of government. Many of these new departures proved fruitful, but the recent trend has been to return to institutional studies of politics in a far more sophisticated way. There are many reasons for this return. Comparative politics is essentially about comparing patterns of politics in different countries and is valid once we can show that institutions (their design and operation) do follow patterns. Some models, the US, for example, have shaped the institutions of other countries and comparative politics can be the study of how this system operates in different contexts. Secondly, Lijphart (1999) has shown that the institutions of modern democracies may be classified according to whether they accept the majority rule principle or not. Institutions can thus be compared in terms of how they institutionalise two versions of popular sovereignty (one based on majority rule and one based on consensus). Finally, although modern democracies have been produced by many different processes – in some slow gradual evolution, in others revolutions and wars – the range of institutions they can adopt is limited. Thus, at critical turning-points, societies must choose whether to adopt parliamentary or presidential democracy, proportional or non-proportional electoral systems, centralised or non-centralised government. With this limited range of outcomes we can identify patterns.

One other reason why some political scientists have returned to what J.G. March and J.P. Olson (1984) have called ‘the new institutionalism’ has been the realisation that the character of political society cannot be explained without taking into consideration how government institutions work. Group politics, social forces and economic changes may all have an impact upon what governments do, but the rules of government itself cannot be reduced to social forces or economic interests. For example, when the American Civil Rights Movement emerged in the 1960s it was able to bypass local legislatures in the South and appeal to the Supreme Court in terms of rights under the US Constitution. When a civil rights movement emerged in Northern Ireland in a state without a written constitution, it was unable to make such an appeal and the result was a direct challenge to the legitimacy of Northern Ireland whose parliament was then abolished in 1972 in order to defuse the situation.

So the legal and institutional structure of any society will be independently influential in determining the character of its power relationships. These power relationships will, in turn, have a considerable impact on people’s political, social and economic behaviour. Any government of
any kind needs to be able to rely on some degree of compulsion, and the form and nature of the rules that are being enforced will be significant. There are many circumstances in which ‘free riding’ may not much matter in practice. Some formal rules and some government will always be necessary – even in legitimate democratic systems where the laws themselves are reasonable. For example, a person may try to avoid paying taxes and hope that others will pay instead, or may drive dangerously in the hope that others will get out of the way. The basic point is that, if any form of order is to be maintained in an individualist world, there have to be rules, backed if necessary by effective enforcement. Legitimacy may reduce the need for enforcement, and possibly make it easier to achieve, but enforcement cannot be eliminated altogether. At times governments seek to pass and enforce laws in order to change people’s behaviour. Institutions can therefore change culture. In Britain during the 1980s, for example, the government seriously reduced the power of trade union leaders by requiring them to hold strike ballots before calling strikes and by making certain kinds of picketing illegal. This happened despite the fact that, as many authors believed, Britain had an entrenched and powerful trade union culture. It is no longer clear that this trade union culture exists. It was, in the event, successfully weakened by institutional changes that were deliberately introduced with that end in mind.

The survival of institutions over time

It is a characteristic of enforced rules that they tend to change rather slowly. There are many reasons why democracies do not often legislate quickly to change matters of direct political significance, except perhaps at times of crisis. Ackerman (1997) (see the next chapter of the subject guide for reference) writes of ‘constitutional moments’ in American history, when radical episodes of popular involvement in constitutional politics changed the nature of the American Constitution in fundamental ways. The post-Civil War Reconstruction amendments, which abolished slavery, are an example. Yet such moments are rare. The American constitution is actually hard to change, and recognisably the same constitution that was passed more than 200 years ago. Rules that seemed fair in the eighteenth century, such as the rule that each state elect two Senators to the Senate, are now outmoded, but cannot be easily changed to reflect new demographics. Changing the law takes time, not everything can be changed at once and it can sometimes be dangerous to legislate in advance of a consensus. Meanwhile, leaving things unchanged has the advantage that people are more likely to know what is expected of them than they would if everything were in constant flux. Another reason for the survival of institutions is that most people who enjoy the ability to exert power through institutions will, in general terms, probably be content with the institutions themselves. It is notorious that political leaders who achieve power through a particular system are likely to think that this system is the best available. In Britain, electoral reform has been on the agenda since the early 1900s. Since the first-past-the-post system has benefited the two largest parties, and since, up to 2010, these parties dominated government, it has not been in their interest to change the system. When reform from above is not impossible, pressures for change are more likely to come from below or from outside the system altogether. For this reason, there is a bias against rapid change in most political systems. Indeed dramatic change, such as the re-democratisation of eastern Europe after 1989 may come about mainly because of international pressure.
This does not mean that all institutions can simply be regarded as a form of political monopoly, where elites manipulate them to preserve their interests. As noted earlier, a key dimension to our understanding of political institutions, at least in democratic systems, has to do with their general social acceptability. Unpopular laws are hard to enforce and governments sometimes give up the attempt. A good example of how a democracy can fail to impose an unpopular law was the British government’s disastrous experiment with the so-called ‘poll tax’ during the period 1989–1991. On this occasion the government introduced a tax change that was very unpopular and widely resisted. Many people simply refused to pay, and it cost much more to take them to Court than could be collected in taxes. The unpopularity of this tax was an important factor explaining why, in 1990, Conservative MPs took the drastic step of removing Margaret Thatcher from office, despite the fact that she had won three national elections and still enjoyed a large parliamentary majority. Soon after Mrs Thatcher resigned, the poll tax was abolished. The fate of the poll tax brings in again the question of legitimacy and the cultural values that often dictate how acceptable rules are.

The problem of non-enforced rules

The poll tax example shows that laws can be ignored or flouted to the point where they become unenforceable. Conversely, informal understandings can be very significant constraints on people’s actual behaviour and can certainly be said to be institutionalised when these understandings determine how people actually behave and what they believe to be right. It is therefore clear that there is far more to understanding politics than merely describing how political institutions work from a formal legal viewpoint. Culture is a critical variable. Most Latin American countries have presidential systems, but in none does presidentialism work as in the United States. Institutions differ between countries, and understanding how institutions work in practice is a core aspect of comparative politics that requires paying attention to the cultural and social context. In this next section we will look at the strengths and weaknesses of the concept of political culture in this regard.

There is, however, a fundamental question, which is asked mainly in countries where democracy is not so well established: Can we compare countries according to their degree of institutionalisation? As we saw, Weber believed the legitimate monopoly of physical force over a territory was an attribute of state-ness, but some states, Afghanistan, Colombia, or the Sudan, for example, lack this quality.

Rather than saying the state’s rule is more or less institutionalised, should we conclude that there are simply different types of state which should not be compared with ‘normal’ states? This is a difficult question, and it is producing a growing amount of research into politics in Latin America and eastern Europe. In some countries in these areas of the world, the law is routinely disrespected. For example, people may avoid paying taxes. In some Latin American countries it is not uncommon for up to 50 per cent of all tax liabilities to be ignored. Or the legal system may be unable to deal with common criminals, with the result that vigilante groups or private law-enforcement systems operate in their place. As noted earlier, in an extreme case, such as Peru in 1992, a president may simply call in troops to close the national congress. These examples illustrate the important connection between ‘state-ness’ and ‘legitimacy already mentioned. Democratic institutions need to be powerful enough to get people to comply, but not so powerful that they themselves can violate the rules of
the game. They must be able to exercise the kind of power that gets people to achieve common objectives with the government, but any government which requires mainly coercion can lose general legitimacy.

One way scholars have dealt with this area is to use an adjective to qualify the word ‘democracy’ in places where there are problems with institutional enforcement of rules. Examples are Zakaria’s (1997) concept of ‘illiberal democracy’ – the idea of a hybrid regime that combines democratic and authoritarian elements – and the concept of weak states. Weber believed states can enjoy different types of legitimacy and no doubt hybrid or illiberal democracies combine authoritarian with democratic types of legitimacy. Another approach has been to develop the notion of democratic consolidation (Linz and Stepan, 1996). The point here is that a consolidated democracy requires (among other things) that there be reliable law enforcement backed by a spirit of constitutional government. This allows the development of a kind of stability in which the people are enforcers of the law in certain respects and obedient to the law in others. Some democracies, namely those where these criteria are not met, can be classified as ‘non-consolidated’. Indeed, some democracies have, if anything, become less consolidated with the passage of time. However, we need to know more about the process of democratic consolidation and de-consolidation. How should we study a situation in which the elected government of the day cannot govern or one in which governments routinely break the law without consequences? An answer to this question will need to address the nature of its legitimacy, the design of institutions, but also political culture.

**Activity**

Give some examples of consolidated democracies and non-consolidated democracies. Show how they differ.

### Comparative politics and political culture

Some political scientists (Almond and Verba, 1963, 1980; Inglehart, 1990) have developed the concept of political culture as a basis for comparative analysis. A country’s political culture can be defined in broad terms as the way in which its people think about politics. Moreover, since the way people see their state reflects the nature of legitimacy, the connection with Weber’s work is clear. In order to find this out, political scientists have asked general questions about the attitude of ordinary people toward politics. However, for the concept of political culture to be useful, it is necessary to find out in practice what people’s attitudes toward their political systems actually are. Students of political culture are interested in discovering the ways in which people’s cultural values influence their political behaviour and outlook. Can it be said that the likely stability of a political system can be produced by finding out what people’s general orientations towards politics are? Here we encounter some opportunities, but also some methodological difficulties and frustrations.

### Opinion research: empirical problems and methods

Social scientists no longer take seriously sweeping generalisations about national culture that are not based on clearly demonstrated fact. Good examples of the kind of work that is taken seriously is the discussion in Marta Lagos (1997) of the political culture in Latin America and the wealth of data in Linz and Stepan (1996) on democratic transition and consolidation. Both are based on a good deal of carefully assembled data.
The simplest way of conducting research into people’s attitudes is to ask them. In order to research social attitudes one needs:

- a representative sample of people
- some relevant and penetrating questions
- some assurance that those questioned are reliable, that is, reasonably consistent and truthful in their answers.

Once these conditions have been met, modern techniques of data analysis should enable researchers to produce some reasonably clear findings. In principle, it should not be too difficult to find a reasonably large cross-section of the population for the sample. Finding the right questions to ask is more difficult. This is particularly likely to be the case when surveys are conducted across a range of countries, because subtle linguistic differences may influence the answers received. In some countries the term nation is distinct from that of people: in others, like Finland, it is virtually the same. It is also sometimes difficult to find a question that will accurately capture an attitude. Nevertheless, this is an area in which researchers have learned from experience, and the kinds of questions asked today are subtler than the sometimes rather ‘biased’ questions which were asked in the 1950s.

### The problem of truthfulness

The question of truthfulness is also difficult. Undoubtedly some people do lie to researchers. They may do so for many reasons. Sometimes the motive is fear. Under authoritarian systems, people who are allegedly conducting research and asking questions about politics may be treated with suspicion. Might these not be police agents in disguise? The uprisings in North Africa early in 2011 were not expected at least because the people of those countries could not be relied on to tell the truth to independent pollsters for fear of official retribution. Furthermore there was a famous (although perhaps mythical) story of an American researcher in a Chilean shanty town during the period of the Pinochet dictatorship. He was shocked to find that 80 per cent of his questionnaire sample declared that they sympathised with the Communists. However, it transpired that they were not pro-Communist. They simply wanted more US aid, and believed that the best way to get this was to threaten to support the Communists. However, the 20 per cent who said that they did not support the Communists were the real Communists. They thought that the researcher might be working for the CIA and did not want to reveal their true position!

Another motive for deception may be embarrassment. It may be that fewer men will admit in an interview to beating their wives than actually do so. A survey carried out in Mexico in the early 1990s found that some 6 per cent of all husbands told researchers that they did not know whether they beat their wives or not. Similarly, opinion polls in Northern Ireland have consistently shown more support for moderate centre parties and less support for extreme political parties than actual ballot results suggest. It does seem clear that some people in the region vote for hardline parties but are ashamed to admit that they do so. Sometimes people may resent the questioning and give misleading answers out of resentment, or because they consider it humorous.

These difficulties have not prevented opinion pollsters and others from accumulating a considerable amount of more-or-less reliable information. But what questions can usefully be answered with this information? We can learn a great deal about the nuances of public opinion within existing democracies. It is not too difficult to break down this information in order
to learn more about particular sub-groups within a given society. We can learn about the political orientations of working class people, middle class people, Catholics, Protestants, the old, the young, women, people with different levels of education, and so on. This kind of information is now considered invaluable to professional politicians and the news media are likely to be interested as well. Focus groups are just the latest examples of how politicians use marketing methods to find out about public opinion.

Unfortunately, however, those countries that are not democracies are also the countries in which public opinion is hardest to measure. Even when the authoritarianism is relatively benign, it is still sometimes difficult to persuade people to articulate opinions to strangers if this is not considered customary behaviour. It is an attribute of liberal democracy, not of humanity, that adults are expected to have a ready-made opinion on virtually everything.

Theorising political culture

When we move from methodological to conceptual issues, then a different set of questions arises. Some theorists of the 1960s did believe that, if one considered mainly democracies, it would be relatively easy to find valid connections between people's orientations toward politics and the stability of political institutions. However, it has in practice proved surprisingly difficult to do this. One reason for this has to do with the nature of comparative politics itself. For comparison to be meaningful, we need concepts as well as examples. It is not enough to say that 'in France, the survey showed X, in Germany it showed Y and in Italy it showed Z'. It is also necessary to give some meaning to these findings. Important concepts have different meanings in different cultures. Thus if we asked British and French people were they proud of their 'state', the answers might not tell us much, because although there is a recognisable state in Britain, the concept is not used as much in popular discourse. In France it is. This brings out Weber’s point: different states combine different forms of legitimacy in different ways.

Identifying the kind of political culture in which democracy thrives is a difficult task. Almond and Verba (1963) originally sought to categorise different countries' political cultures as parochial, subject and participatory. In principle, this is a good idea. We have already seen that political institutions work well if societies contain people who are willing both to participate and obey.

A society where nobody is interested in political ideas (a parochial one), or a society where people want only to obey and not participate ('subject') or to participate and not obey, is likely to work less well. However, it is not difficult to show that in virtually any democratic society there is likely to be some degree of participation and some degree of obedience. However, **what proportion of each is necessary for the political culture to work successfully?**

Almond and Verba may have believed that the optimal proportions of obedience and participation would become clearer over time, as political institutions in some countries flourished and others did not. However, no country that was a developed liberal democracy in 1950 has ceased to become a democracy since then. We do not know whether this has to do with culture or their successful economic performance. We simply do not know what popular orientations, if any, are likely to bring about the collapse of democratic institutions in developed countries because there has not been such a collapse since survey work began in the 1950s.
Chapter 1: Modes of comparing political systems

Furthermore, the direction of people’s attitudes towards politics has not been the one which Almond and Verba originally expected. A follow-up survey (Almond and Verba, 1980) showed that, in the late 1980s, many people in wealthy democracies were far more cynical and dissatisfied with their political leaders than they had been at the beginning of the 1960s. Yet the political institutions themselves remain largely intact.

Variety and change in political cultures

Changes over time, and also differences within societies, make attempts to theorise on the basis of cultural differences between countries quite difficult. One question is whether there are greater variations within cultures than there are between them? For example, Putnam tried to explain the superior performance of political institutions in northern Italy compared to southern Italy over time in terms of cultural differences within Italy. Research in European countries shows that there is far more variation in political attitudes within each European state than between the different ones. Almond and Verba were heavily criticised by some authors, particularly feminists, for failing to point out that most of the active participants in politics were middle class, middle aged and male, while those who did not fall into these categories were more likely to be ‘subjects’ than ‘participators’. Nor is the degree of participation the only issue. The unit of analysis is itself a problem. One study of how British people protested against the poll tax in the 1980s, showed that while people in the south of England generally took to the streets, the Scottish contested the legislation through the courts. This suggests the existence of different conceptions of legitimacy even within one protest movement.

A different factor complicating the analysis of political cultures is that global changes in communications make cultures far more open to each other than they were a century ago. There can be no doubt that Hollywood films, American-style fast food, professional sport and various kinds of popular music have crossed boundaries which would once have been thought of as fairly stable. In the days of laptop computers, the internet and cable television, the extent of cultural interpenetration is clearly increasing. Mass immigration inevitably complicates the notion that there is a national political culture in each country, and makes shared meanings for concepts such as community, identity and rights unlikely. It may be that some kinds of political behaviour that could be explained by the concept of political culture are now only of historical interest. For example, it has been argued that the rise of Hitler in Germany can be explained, in part, by the greater degree of authoritarianism in the political outlook of many Germans. However, we have no statistically convincing survey evidence that this was so. Indeed historians have stressed how resistance to Hitler varied according to social class and religion, and how attitudes were fundamentally shaped not by culture but by the atmosphere of fear created by the Nazis. Even if the case against German culture could be proved, it now belongs more to history than to contemporary politics. A half-century of peace, prosperity and growing international trade and communication may simply have undermined the most distinctive features of some European societies, including that of Germany. It is probable that analyses of political culture have more to tell us about changes in the public mood in new and emerging democracies than about old and established democracies.
**Activity**

What have been the major trends in people's orientations toward politics in the largest developed democracies since 1960?

**Political culture in the new democracies**

The past decade has seen the spread of democratisation to countries that were previously under authoritarian government. This has allowed public opinion polling companies to operate where they could not reliably operate before. Empirically the results are quite interesting. Electorates in southern Europe have adapted quite quickly to the norms of liberal democracy. Those in most of Latin America have a clear preference for democracy, but combine this with a pronounced scepticism about the working of their actual democratic institutions. Voters in East Asia generally like the idea of democracy but are sometimes unsure about how democracy is actually supposed to work. In some post-communist countries support for democracy is weak. One critical factor seems to be the absence of effective institutions.

Another approach is to use the broad concepts of modernity and tradition in order to capture the nature of democratic systems outside the west. Japan represents a case where outside intervention seemed sufficient to implant democracy in a culture traditionally anti-democratic. So the question is how western institutions were indigenised in societies outside the west. So for example, Turkish democracy is both promoted and limited by its strong state tradition. The legitimacy of monarchy in a democratic Thailand was closely bound up with the fact that Thailand has never been colonised. Indian secularism has combined a role for the state in the overcoming of deep religious divisions, with laws aimed at finding co-existence between them. Israel has to balance its commitment to being a Jewish and a democratic state. In Weber's terms these states may be democratic, but they also rely on a traditional source of legitimacy. The question of how modern and traditional components of a political culture prove congruent is, of course, not confined to such regions. Lijphart's study of 'consociational democracy' showed how their central institutions had to accommodate pre-existing cultural divisions in order to work.

**Political culture and history**

Any attempt to understand major political transitions probably requires sensitivity to history and an ability to analyse politics across a range of dimensions. There is no simple golden key. An analysis of political culture can help supplement the insights gained from what are called **historical institutional** modes of analysis. Evidence from current surveys of political attitudes combined with evidence of the recurrence of certain historical patterns might add to the credibility of any theory. This does not mean that any society has immutable ‘national characteristics’ which can be clearly understood from analysing its history. National cultures do change and history does not necessarily repeat itself. Catastrophic events such as the Nazi experience in Germany may lead to quite rapid changes in political culture.

Yet there are also less catastrophic, but nonetheless decisive, historical moments in any society, when institutions are created or dismantled. Most states can look back to formative events which set their countries on a particular path of political development: for example the American War of Independence, the decolonisation of India, the Swiss Civil War. These events are often called critical junctures. One example is the Costa
Rican Civil War of 1948, which was followed by crucial decisions, such as that to abolish the army, which established the country as the only stable democracy in Central America. In the absence of such decisive moments, some forms of institutional behaviour can continue to exist through pure inertia. Countries such as India or Ireland, which had once been under British rule, continue to possess some types of Westminster institutions despite their success in breaking away from British rule. Continuities can sometimes be detected where you least expect to find them. The role of law and legal systems for example, can be very long lasting indeed. The English crown has been forced to respect individual property rights since the days of Magna Carta (1215); by contrast, the Spanish crown has not. As a result, property rights have been institutionalised very differently in the USA and in Latin America. A good deal of the difference in economic performance between the two cultures can perhaps be explained by this fact.

On the one hand, history tells us that every society experiences a critical juncture. On the other, Lijphart (1984) argues that cultural influences place a strong limit on states’ ability to dramatically change institutions. Despite massive economic growth since 1945 Scandinavian social democracy continues to be rooted in compromises first made in the 1930s. Devolution, which saw new parliaments established in Scotland, Wales and Northern Ireland, has changed the British political landscape, but the Westminster Parliament has not changed much. Any analysis of institutional change must acknowledge the power of continuity. Even where there is a radical break with the past, old patterns persist. Thus for example, the concept of repugnancy, where a law could be found inconsistent with a constitution, became a key part of the American constitution after independence. Yet this concept was also key in colonial America. The difference was then that the higher law to which ordinary legislation passed by the individual colonial states had to conform was British not American.

In summary, the study of political culture can help us explain variances and adaptations in the way that formal institutions work. The most successful political institutions are formal sets of rules adapted to the needs and expectations of a particular culture. If they do adapt we can expect them to be enduring. For this reason there cannot be one model of democratic government, or one way of achieving consolidation. Yet variances in political culture alone cannot explain political institutional structures because the formal rules do matter. When elites internalise those rules and profit from them they are unlikely to change them. However, cultural approaches can help us to understand politics better than we could by analysing the formal rules alone. Thus, by combining –
- data on the current state of public opinion
- ideas derived from historical study, and
- the main institutional rules governing the formal political system – we can learn much more about a country’s politics than we can from looking at any one of those three things on its own.

**Conclusion**

The study of comparative politics cannot be divorced from a study of institutions. This is particularly the case with democracies, because these operate through institutions whose workings need to be explained and, having been explained, help us understand outcomes. If the institutional rules are not clear, or if they are widely resented, then democracy has
problems. Not all democratic systems are successful, and not all forms of politics are conducted according to the rules. There will always be some degree of rule breaking in any kind of political system. However, in practice, and with a little bit of simplification, we can combine the notions of ‘democratic legitimacy, institutions and political culture’ to form an intellectual basis for the study of comparative democratic politics. Yet if we approach the subject mainly by studying rules alone, then there is a danger that our knowledge can become obsolete. Rules too have to adapt to a changing environment. Thus a key part of European democracy is how traditional parliaments have been able to take on board the large amount of legislation resulting from European integration. However, political culture and institutional constraints will usually slow down any rule changes. Political institutions in developed democracies change more slowly than we might expect, and when they do change they often retain some surprising continuities. Nevertheless, rule changes can still be an effective instrument of real political change. When political scientists can show that particular institutional changes are likely to have beneficial effects, then they may be able to exert some positive influence over real politics. For example, there was once a belief that coalition government was incompatible with strong government. Comparing how a large number of systems have performed over time has disproved that assertion, which in turn has practical consequences when it comes to voting, economic predictions, risk analysis, and indeed choosing what type of democracy people will live under.

A reminder of your learning outcomes

By the end of this chapter and having completed the Essential reading and activities, you should be able to:

• discuss, illustrate, and critically evaluate the relationship between political stability, legitimacy and political institutions

• state the different definitions of legitimacy, and critically evaluate them

• explain the relationship of legitimacy to law and political culture, and illustrate your explanation with specific examples

• deliver a critical evaluation of the ways in which we try to understand how to operate these concepts in practice.

Sample examination questions

Note: You should use what you have learnt from this chapter and the readings listed, and what you have learnt from the other chapters, to answer these questions.

1. ‘There are no such things as immutable national characteristics. There is therefore little point in studying political culture.’ Discuss.

2. Under what circumstances, if any, is legitimate democratic government possible?

3. What are political institutions? Why is it important to study them?

4. How can Weber’s concept of legitimacy be used in the study of modern democracies?
Chapter 2: Legitimacy, constitutionalism and political culture

Learning outcomes

By the end of this chapter and having completed the Essential reading and activities, you should be able to:

• explain critically how law and human rights are linked with each other
• explain how political culture has been used as a concept in order to understand politics, and critically assess the relevance of this concept in different historical and geographical contexts
• explain the differences of emphasis between theories which emphasise individual rights as an explanation for democracy and those which emphasise collective cultures
• explain what judicial review is and how it works in practice
• explain how consociationalism works, why the concept has been developed and in which contexts, and show specific strengths and weaknesses of this system.

Essential reading


Further reading

Booth J. and M. Seligson The legitimacy puzzle in Latin America: political support and democracy in eight nations. (New York: Cambridge University Press, 2009) [ISBN 97801521734202].


Introduction

This chapter shows how some of the concepts discussed in the last chapter, such as democratic legitimacy and institutionalised rule enforcement, came to be crystallised in the specific arrangements of certain kinds of democratic system. It also shows how differences in political culture can cause problems for democratic political institutions and how these differences need to be managed. Common to both areas is the doctrine of constitutionalism, and this chapter highlights the important role constitutions play both in limiting government and managing conflicts.

This chapter starts out by discussing the political values embedded in democratic institutions. It then goes on to discuss the ways in which some of these values involve limitations to the political process. It is important to note that democratic systems embody values apart from those of majority rule. Without doubt, an element of majoritarianism is essential to democracy. The principle of voting to establish what the will of the majority is, must be indispensable to institutionalising democracy. However, there are occasions in which this principle needs to be modified in order to prevent negative or even self-destructive consequences. This is why constitutionalism has become so important.

The successful institutionalisation of democracy requires the acceptance of three ideas:

- **Political equality.** This means that democracy must involve universal adult suffrage and regular elections.
- **Deliberation.** This means that decisions taken by governments must be carefully considered, at a sufficient level of expertise to address policy issues, and consistent with law. Although those taking these decisions may be unelected, without deliberated decision making no democracy can survive.
- **Fundamental rights should be central to democracy.** The concept of constitutionalism that has gained most ground is originally American. One of its fundamental principles is that people have inalienable rights and that it is the duty of the Courts to uphold them. Minority rights have also increasingly become central to democracy. This means that cultural differences must somehow be managed so as to avoid acute or violent political conflict between different linguistic, racial or religious groups.

The principle of voting does not need much elaboration, although more will be said about electoral systems and forms of organising the vote in later chapters of this guide. The need for deliberation, and how it is met by parliamentary and presidential systems, is also discussed later on. Hence the rest of this chapter is taken up with a discussion of the role of constitutions in democracies.

Legitimacy and constitutionalism

Not all states have formal written constitutions, but the vast majority of stable democracies do. Constitutionalism is an ancient concept, discussed, for example, by Aristotle in Classical Greece. The modern doctrine of constitutionalism however promotes the idea that legal limits of government power are essential to legitimate government. Ackerman (1997) shows why constitutionalism has become such an important force in world politics.
Constitutionalism has been defined variously; as a technique for limiting power, as a way of organising power, and as a theory of legitimacy requiring that all legitimate governments operate under a higher law. Elements of all three approaches are found in most democratic constitutions. Some constitutions are easier to amend than others, and their average life span is no more than two decades. There is the well-known story of a man who went to a bookshop in Latin America to ask for a copy of the national constitution: he was told that the bookshop did not stock periodicals. Other constitutions, like the US constitution, are very difficult to amend. However, all stable democracies must rely on a body of law which, whether or not it is formally enshrined in the constitution, both legitimises the exercise of state power and also limits it. It is the role of the judiciary to interpret and pronounce upon this law hence the judiciary has an increasingly important role in democracies. Adopting a new constitution has also become common in transitions to democracy. Here constitutions adopt a symbolic role in legitimising fundamental transitions. Ackerman calls these constitutions ‘New Beginnings’.

**Liberal constitutionalism**

Most modern democracies have constitutions which reflect the influence of essentially liberal theories of limited government. The idea that democracy requires generally agreed and independently enforced rights comes out of a particular political tradition. It is worth discussing this tradition briefly in order to understand how and why this came about. Historically, political theorists paid more attention to the question of why people should willingly obey authority, rather than why they actually do. For our purposes, the most important formulations of the question of **political obligation** came during the seventeenth and eighteenth centuries. During this period, key European thinkers stopped conceptualising political authority in religious terms and began to put their theories of politics upon a secular basis. Machiavelli (1467–1527) and Hobbes (1588–1679) both, in their different ways, raised the key issue. They both pointed out that human societies, as collectivities, need government. They need it in order to protect themselves from the external threat of conquest and domination by outsiders (Machiavelli), and also from the internal threat of civil war, chaos and anarchy (Hobbes). Government is therefore necessary in order to achieve objectives which human beings, acting individually or in purely voluntary associations, cannot achieve. This is why we should obey it.

**Individual rights and majority rule**

But should we obey all governments under all circumstances? Or, if not, what should we do when a particular government makes itself intolerable? These questions were not really answered by either Machiavelli or Hobbes, and they were seen as being of key importance by the next generation of political theorists. The notion of **natural rights** was the most influential idea introduced by those who wished to contain or limit state power. For example, the right to own private property was seen as a natural right. Theorists such as Locke (1632–1704) and Rousseau (1712–78) sought to limit the area within which state power could be considered acceptable. They stipulated that it should not be used to violate **individual rights** (as the theory of natural rights was sometimes expressed), or in defiance of the **general will of the people** (as it was expressed at other times). This is an important difference of emphasis, because democratic institutions do involve some tension between ideas of personal freedom and ideas of majority rule.
The issues raised by these theorists are extremely complex and in many ways they remain controversial to this day. Natural rights were strongly championed by the Catholic Church which has led some to believe that the tradition is outmoded. Most people now accept that individuals are not automatically born with rights in the same sense that they are born with a nose or a mouth. The rights that individual people have are those rights that their societies (in their institutional expression) believe that they should have. As such, rights can vary considerably between democracies. For example, the right of parents to choose their children’s education varies from country to country. Additionally, in most of Europe, murderers have the right not to be put to death, no matter how heinous their crimes. There is no such right in the United States where some murderers are executed.

Nevertheless, the doctrine of natural rights has played an important part in the institutional development of a number of countries, even though today people use the term ‘human rights’. Both approaches assume the universality of rights. If a person’s ‘human’ or ‘natural’ rights are being infringed, this constitutes oppression, regardless of the nature of each political system and the cultural values of each society. It also allows people to appeal to international courts to make judgments against their governments. Now, most countries follow the US Constitution, which contains a clear statement of the doctrine that individuals have rights, which it is the duty of government to protect and not to violate. The British system, by contrast, did not until recently explicitly contain a theory of rights, but it certainly includes the notion that the government must obey the law. However, since the Human Rights Act came into force in 2000 and the Supreme Court was created in 2009, the British government has followed most European governments in accepting the principle that government should be carried out within a framework of human rights. The change in the British approach reflects the popularity of constitutionalism as a doctrine in world politics but also the long-term influence of the American model.

Law and the state in the US Constitution

The American constitutional tradition has been hugely influential in three respects. First, the US Constitution requires that the government itself must keep within the law and the Constitution, which set out certain ‘inalienable’ individual rights. The law and the Constitution were to be independently safeguarded by a judicial power. The government was therefore only a part of the state, and one that had ultimately to accept legal authority. This remained just as true of popularly elected government as of the previous monarchical system. For this reason the courts, notably the Supreme Court, have become central political institutions, with elections to the Supreme Court now commanding much public attention, just as those to the other branches of government. Secondly, the notion of judicial review became crucial. This was developed decisively in the Marbury v Madison case heard by the Supreme Court in 1801. The principle of judicial review allows the Supreme Court to hear and decide upon arguments that a particular law or official policy is unconstitutional even if the law was passed or policy carried out under procedures that were entirely correct. The Court can do so on the basis that the law or policy violates the rights of individuals as set out in the Constitution. Furthermore, the Supreme Court is not bound by precedent. If a majority of the justices so decide, they can overturn the Court’s own previous decision about what is and what is not constitutional. This gives the judiciary enormous power. The third way in which the American example
has mattered is in its insistence that all democratic government must take place within the concept of a fundamental law to which all parts of the state, states like California or Nevada for example, are subject. Americans pledge allegiance to their flag and constitution, giving their constitution a deeply symbolic role in their country’s history. The concept of a fundamental law has found its way into many European states. Its translation into basic law in Germany or grundlaw in Scandinavia suggests its importance in Europe.

The US Constitution has not always lived up to the highest hopes of those who took the idea of ‘human rights’ seriously. Slavery was only abolished in the USA in 1865, after a long and bitter war. Subsequently, racial discrimination was inherent in the political practice of much of the country until (at least) the 1960s. Furthermore, there have been times, notably in the 1930s, when the Supreme Court appeared identified with social reaction, since it invalidated certain measures that the Roosevelt administration believed were necessary to cope with the Great Depression. Nevertheless, the idea that civil rights for individuals exist independently of the will of society at any one time is generally accepted today. Indeed, it is probably more widely and genuinely accepted today than it was when the US Constitution was originally drawn up.

Changes in the European tradition

At the time that the US Constitution was drawn up, the idea that the law was above government was not universally accepted. There was a clear divergence between American ideas and practice and that of most of Europe. Nineteenth-century parliamentary government developed in Europe under the influence of entirely different concepts. There was much more emphasis on majoritarian forms of government. The essential principle here is that government should be disciplined by its need to adhere to the will of the people as expressed in elections, rather than by adhering to certain independently specified, legally enforceable rights. In Britain, parliamentary sovereignty, which ruled out a law-making power higher than Parliament, was the central doctrine. In France, democracy was associated with ‘the general will’ - a republican concept. Neither tradition conceived of democracy as a system of checks and balances. The European tendency after 1800 was for constitutions to place more emphasis on giving power to the legislature than to the executive.

Democratic parliamentarianism was designed as a means of giving government popular backing, not as a means of limiting it, by introducing checks-and-balances. Government should express the will of the people and its power should be both legitimated and limited by some kind of mandate from the people. The crucial links between citizens and the government were political parties, which should seek general popular approval for a coherent and ideologically based set of policy proposals. This was definitely the Left’s conception of democracy but appealed also to other parties, Liberal, Catholic and Conservative, who were competing for the popular vote. The Courts and the permanent state bureaucracy had to accept that political power came from the ballot box and only secondarily from the Constitution. The mandate received through elections should not be frustrated by unelected courts.

Activity

List the checks-and-balances features of the American system that were not generally present in European democracies, prior to 1945.
The breakdown of pure majoritarianism

There is a lot of discussion about the relative merits of parliamentary and presidential systems of government. Many parliamentary systems in Europe in the 1920s and 1930s were overthrown by forms of non-democracy. This is not to say that presidentialism would necessarily have been more resilient – presidential democracies in Latin America broke down even more often. The problem in Europe may not have been parliamentarianism so much as some of the pressures to which it was subject. In 1914 virtually every national parliament voted to support its country’s involvement in the First World War (1914–18). This was a major blow to confidence in democracy. In 1917, the Bolshevik revolution in Russia radicalised much of the European Left and led it to reject the parliamentary process. After 1919, conservatives across much of continental Europe rejected democracy in favour of so-called ‘modernising’ systems of authoritarianism. By 1939, most of the new states created after 1918 were under authoritarian rule. Finally, the rise of Hitler led to an even more disastrous European conflagration than there had been between 1914 and 1918. The Second World War (1939–45) saw egregious abuses of individual and minority rights which led to a shift in emphasis towards the judicial protection of rights when Europe was reconstructed after 1945. This was exemplified by the Basic Law of the Federal Republic of Germany with its strong commitment to democracy and human rights. Ackerman would see this constitution as a classic example of ‘a new beginning’.

The inter-war period (1918–39) thus saw a massive ‘crisis of democracy’ and one consequence was a renewed interest in American-style constitutionalism. Following the end of the war, parliamentary democracy was restored in much of continental Europe. However, this time the victorious Allied powers (notably the USA) insisted that Western European countries accepted a much more powerful concept of independent law enforcement. West Germany and Italy set up powerful constitutional courts, and virtually all European countries accepted the European Court of Justice. The American conception of the constitution as a fundamental law was already present in the different languages of European constitutions. The Basic Law of the Federal Republic of Germany establishes democracy and federalism as two cornerstones of the system that cannot be legally changed. The post-1945 system of parliamentary democracy, underpinned and (where appropriate) disciplined by an effective judicial power, seems to have worked. As a result, virtually all European governments can now be ordered to take, or to desist from, particular courses of action as a result of judicial decisions that limit parliamentary sovereignty. The idea, first officially expressed in the US Constitution that government should operate under law, has therefore spread beyond the USA presidential system into parliamentary systems. This reflects the political prestige of the United States, and its desire after 1945 to impose political arrangements upon Western Europe that would avoid the risk of a repetition of Fascism or war.

The constitutional movement Ackerman describes can be attributed to the need for such documents to symbolise dramatic moments in history. Yet the constitutional era he describes also reflects slower processes of international integration. Since the 1950s, the development of the European Common Market and then the European Union has also put limits on national, and therefore parliamentary, sovereignty. Such international political cooperation has also limited the role of purely
national legislatures. While the European Parliament was designed to enhance European democracy, it has not really done so. Instead, policy has been made through a set of internationally agreed institutional arrangements that are remote from popular sovereignty. This has had both positive and negative consequences. On the positive side, human rights are much better protected from the excesses of state power than they were before 1939. Those aspiring to membership of the European Union, such as Turkey, have to reform their political standards to meet European standards of human rights. The European principle that there should be a strong independent judiciary facilitated the transition from dictatorship to democracy in southern European countries such as Spain, Greece and Portugal. The post-communist democracies of east and Central Europe adopted new constitutions that satisfied the minority rights standards of the Council of Europe and other international bodies. Constitutions do not so much express hopes for the future as being motivated by fear of the previous regime. Whereas the democratic constitutions adopted after the First World War generally wanted popular self-government, judicial review and the legal protection of rights have become much more mainstream since 1945.

The consequence is that constitutionalism has become one of the most popular doctrines in world politics. On the one hand, this reflects the need for states to integrate into international institutions and satisfy international legal norms. Thus, as Ackerman (1997) notes, the connection between constitutions and treaties has become central. In Europe the post-1945 period has seen a considerable increase in international economic integration – through trade, capital movement and the exchange of ideas – and these all need to be governed by some system of law. Clearly, countries that wish to participate in globalisation – and most do wish to do so – have to accept treaties and agreements that limit their sovereignty. Constitutionalism has become a functional requirement of contemporary global capitalism. If trade, investment and commerce generally are to flourish internationally, they require international understandings, otherwise traders and investors will not commit themselves. These understandings, in turn, require enforcement via international institutions. If individual parliaments were able to over-ride international agreements on the ground of popular sovereignty, the global economic order would soon come under threat.

Ackerman (1997) attributes ‘the rise of world constitutionalism’ to international integration, and to the fact that, with the dramatic moments in recent world history – decolonisation, the ends of wars and the transition to democracy – the symbolic role of constitutions has become more important. Constitutions have come to mark ‘new beginnings’ symbolising fundamental transitions in the life of nations, as did the American Constitution after independence. As a result, the ways in which they shape the development of political systems have multiplied. The American Constitution did not just provide a way for the different American states to cooperate further, it also played a role in the shaping of national identity, by expressing principles which were to guide the development of the American state over the next centuries. As a result, the connection between the constitution and national identity remained strong. The importance of preambles, giving expression, as in America, to the purposes for which states are founded, is an example. Recent history also gives us many examples of the symbolic role of constitutions in renouncing the past and committing states to new values. The constitution represents a new beginning in several ways.
1. After decolonisation, constitutions like that of India marked the achievement of Indian independence and gave the courts great authority over its interpretation. For example, within the context of a religiously mixed society, the Indian Supreme Court plays a major role in interpreting the meaning of secularism in India.

2. After the experience of totalitarian rule and war in Germany, the Basic Law of 1949 establishes the principle of democracy as essential to the new state’s identity and prevents any party or movement using democratic processes to undermine the system, as did Hitler in the 1930s.

3. After the collapse of Communism, practically all the countries in east and central Europe passed constitutions symbolising the achievement or restoration of national sovereignty after the experience of Soviet domination.

4. After the collapse of Franco’s regime in Spain, the Spanish adopted a constitution in 1978 which symbolised the determination of all the different cultural and linguistic peoples in Spain to live together on the basis of consensus and pluralism.

5. As part of the peace process in Northern Ireland, the 1998 Belfast peace agreement represented a departure from the tradition of seeing democracy in terms of majority rule, as has been the case when the Northern Irish ‘Troubles’ began, and established rather a power-sharing government between nationalists and unionists subject to strong judicial review.

Activity

Find other examples of constitutions which mark new beginnings.

Constitutionalism in practice: limitations on democracy?

A consequence of the worldwide popularity of constitutionalism is that courts have become more important in democratic systems. Since judges are not elected this raises certain problems, but first let’s consider the ways in which the judiciary acts. The role of the judiciary varies between countries, but two very different kinds of judicial role can be identified.

The first of these roles is to make sure that the law is actually obeyed.

1. Members of a democratically elected government are normally, although not invariably, subject to the due process of law. Even in South America, where the role of the judiciary has not been particularly well developed until recently, there have been several presidential impeachments for corruption since 1990. In European countries such as Italy and France, the punishment of senior political figures for corruption or other offences is seen as scandalous but nevertheless it sometimes happens. In France, however, the president cannot be investigated for personal misconduct while they are still in office.

2. The second role, which (as we have seen) does not apply in all countries, is that of judicial review. As we have already noted, judicial review is the process by which judges may declare laws themselves unconstitutional. We also saw above that, after the Second World War, the Americans used their influence in countries that they occupied to impose this process. Japan, Germany, Austria and Italy all have systems that provide some scope for judicial review. The European Court of Justice also has the right to review legislation.

Judicial review normally allows aggrieved citizens to petition for redress if they believe that their rights have been violated. Judges have to base their decisions on what comes before them, but eventually find themselves
Chapter 2: Legitimacy, constitutionalism and political culture

making binding decisions on the key issues of the day. One of the finest hours of the US Supreme Court came in 1954 when it ruled racial segregation in schools unlawful. The US Supreme Court has had to rule since then on issues such as abortion (which was approved under certain circumstances), capital punishment (also approved) and on the rights of American-born children of undocumented immigrants.

The character of judicial review is different from that of simply upholding the law in another respect. It is very important for everybody that the law is relatively predictable. In some countries, with a tradition of civil rather than common law, judges are not formally given a law-making role at all. In common law countries such as Britain, there is an area of legal interpretation that is left to the judiciary. However, precedents, once set, are binding. By contrast, the US Supreme Court is not bound by existing precedents and can quite legitimately change its mind on issues brought before it. As a result, controversial issues tend to remain live and constantly debated. Nevertheless, judges in both systems are aware that the law has to be predictable. Even where judges are free to reverse previous decisions, they are also aware that too much ‘judicial activism’ can damage the reputation of the whole system.

This is because of what people call the ‘counter-majoritarian’ nature of judicial review. In providing checks and balances there may be something to be said for unelected judges reversing the decisions of popularly elected legislatures. In practice if this happens frequently it can lead to accusations of bias or political interference. Judges, like voters and political leaders, have personal opinions and are also influenced by the culture in which they live. They are normally male and drawn from elites. In many countries, such as in Britain, the left in the 1970s was very suspicious about giving power to so many unrepresentative men. These men could continuously block progressive legislation passed by a democratically elected parliament. This would amount to a form of minority rule.

The concept of human rights backed by a powerful and independent judiciary was one answer given to the question raised by theorists such as Locke and Rousseau (discussed earlier in this section):
‘How can we protect ourselves from arbitrary or inappropriate authority?’ For this reason, the concept has great appeal. Because human rights are generally conceived of as universal, this leads to pressure within countries for states to protect such rights, and to pressure among states to develop international instruments for the protection of rights. Yet the counter-majoritarian dilemma of judicial review speaks to a wider problem in the relationship between constitutionalism and democracy which must be addressed. The relationship between the two is not always a mutual one. The great theorist of American democracy Robert Dahl reflected that in its history up to 1956 the American Supreme Court had struck down legislation designed to expand rights far more often than it struck down legislation restricting rights. Constitutions obviously place limits on majority rule and can prevent progressive legislation being passed. They can also be notoriously difficult to change, and can result in the values of one generation being forced on subsequent generations. So for example, it was once thought democratic that each state in the United States elected two senators to the Senate. Now small states like Utah have the same representation in the Senate as a huge state like California, but this anomaly cannot be legally changed. In other societies, constitutions can have the effect of removing certain issues from public debate. In the Republic of Ireland, abortion cannot be fully legalised because it requires the constitution to be amended by referendum, but successive governments would rather avoid the issue rather than take a stand on it.
Activity
Find other examples of how constitutions can be incompatible with democracy.

Constitutionalism, political culture and cultural conflict

Ackerman (1997) writes of two dominant forms of constitutionalism. Another source is the need for a Constitution to provide for co-existence in societies that are divided in terms of ethnicity and nationalism. In classic western political theory the individual is the citizen and the constitution's main role was to protect individual rights. An alternative intellectual tradition identifies ‘nations’ – political communities with a common culture – as equally important actors in politics. Theories of nationalism differ from liberal theories because they start from the premise that the community (that is, the collective) rather than the individual, should be the starting point of practical analysis. Political authority is inappropriate if it is culturally inappropriate rather than universally inappropriate. For example, according to this view it is quite reasonable for the sale of alcohol to be allowed in Britain, but forbidden in Saudi Arabia, because that is what the culture requires. Indeed, provided that it is not taken to extremes, some notion of cultural appropriateness seems entirely reasonable.

The intellectual roots of political-cultural analysis can be traced to the eighteenth and nineteenth-century theorists of nationalism who identified cultures, rather than individuals, as their central unit of analysis. As discussed in Chapter 1 of this subject guide, people have different orientations towards politics, and these orientations are generally defined as political culture. Many manifestations of particular cultures can enrich political life or are, at worst, harmless to it. However, there are some circumstances in which serious problems can arise. This can happen particularly when religious, linguistic or ethnic orientations become divisive factors. The danger is that a unified society will break down into two or more antagonistic camps and that everything will be judged in political terms by its relationship to this underlying conflict. At worst the result can be civil war and political breakdown. A distinction must be made between majority and minority conflicts where the minority merely wants more influence within the state and those where the minority wants to secede and form its own state. Many believe that there is no democratic solution to the latter type of conflict.

Cultural differences do not necessarily have direct political consequences. Yet when combined with nationalism, culture can be an explosive force. In the twentieth century the ideal of self-determination has had a strong appeal in world politics and forms part of international law. Yet states are reluctant to interpret this law as meaning that self-determination gives a right to secession and there are few examples of successful secession. This means that most states have to manage cultural conflicts within their own states and raises the question of what self-determination can mean for minorities within this context. Minority rights can be thought of as a long continuum ranging from some form of cultural autonomy to power sharing between different groups. It may be helpful to begin this discussion about political culture and cultural conflict by looking at the more benign aspects of political culture before moving on to consider conflicting ones. The discussion will conclude by looking at a possible way of resolving such conflicts, and at the way in which this can be done, by limiting the principle of majority governance.
Culture and politics

Without doubt there are many aspects of any culture that need not be directly related to politics. Many of these are moral or social issues. For example, the culture helps to determine how children are brought up and educated. Marriage ceremonies, or the lack of them, will be important. Some cultures tolerate adultery, or homosexuality, or both; other cultures fiercely disapprove of them. Cultures also differ in their attitude to women: are they considered subordinate to men or as equal and independent members of the community? Funerals and the burial of the dead is another area in which the shared values of a given culture are expressed. There are also leisure pursuits that may differ between cultures. We have already noted that some cultures are tolerant of alcoholic drink, whereas others are not.

At least some of the items in the above list will be seen by some people as political. Certainly the law will determine whether and under what circumstances adultery, drunkenness or homosexual behaviour are permissible – and to that extent these issues are indeed potentially political. However, people may nonetheless wish to get married, have affairs, divorce, or consume alcohol without intending to make political statements of any kind. It would be an extreme view to say that such activities are necessarily political.

Just as politics may intrude into some people's private lives, so there may be pressures in some cultures to turn what might be considered voluntary activities into forms of political statement. Sometimes these kinds of statement can be designed to build or reinforce a consensus. For example, intellectuals and others may try to reinforce a society's cultural identity by writing history in a particular way, or by presenting 'folkish' myths about the society's distant past. Sporting pursuits such as international football matches are another way in which people can be persuaded to express their identification with a particular national culture.

It is not only in the context of major decisions that cultures and subcultures influence the way in which people act. People meet regularly to exchange gossip, friendly conversation and their evaluations of the world. This process tends to induce conformity, since some kinds of social behaviour will be approved of and emulated, while others will be disapproved of and, in extreme cases, punished. Psychological research has shown that people are very responsive to barely noticeable cues that they receive from other people. Once some kinds of cultural values have been established, therefore, there are likely to be strong social pressures designed to keep them in place.

Activity

Give some examples of how the laws of particular countries reflect the culture of their citizens.

Political culture and conflict

This importance of culture raises the question of how the classic tradition of western constitutionalism can be applied to a world where relationships between different cultural groups have become more and more important. It is largely the western constitutional tradition that Ackerman and Sartori were writing about. This issue follows first of all from the process of decolonisation, which in the single case of the British Empire, created over 60 new states, most with culturally mixed populations. Just as constitutionalism has popularised notions of human rights, concepts of
self-determination, group autonomy, and minority rights have also become popular. So much so that in western Europe since 1945 there is increasing pressure on states to recognise minority cultures in various ways. This has meant that constitutionalism, as in the liberal tradition, may no longer be concerned primarily with the relationship between the individual and the state. Individuals may want to make claims for rights on the basis of their membership of specific cultures. This results in different demands for constitutional recognition. The UK now has separate although not equal parliaments in Scotland, Wales and Northern Ireland. Immigration has also changed the cultural makeup of the European states. Germany, whose citizenship laws were very restrictive, has had difficulty integrating its large Muslim minority. France has banned women from being fully covered in public. Britain allows ‘faith schools’ which have a religious mission and selection criteria but which receive public funding. The problem of integration is compounded by the fact that the ease of foreign travel and internet communication make it possible for people to continue to live (mentally not physically) in their culture of origin.

The revival of cultural forms of politics posed a challenge for mainstream western thinking about politics. The first problem is that western conceptions of rights and obligations privilege the individual as the unit of analysis. Yet there are cultures where the family or the community is more important. A person from an Asian culture arriving at a British airport may be shocked to find that their individual right of entry to Britain does not apply to their whole family. Secondly, western states differ greatly in the public role they accord to religions, while outside the West, religion still provides a stronger basis for political affiliation. Not all western states separate Church and State, but most western societies have become more secular. The problem now is that non-Christian minorities may regard their religious identity as central to their value system. Thus, when Switzerland voted by referendum to limit the amount of mosques that could be built, this was interpreted as an infringement of minority rights by Muslims. In this context, states struggle to find a balance between the accommodation of cultural difference and the goal of political integration. Very specific issues, such as whether to require immigrants to acquire competence in the state’s language pose clear practical challenges, but are also political. The issue of political integration has become especially salient since the 9/11 terrorist attacks in New York. It is no surprise that the pre-2010 Labour Government’s interest in promoting Britishness through its citizenship laws and educational policies followed the realisation that many actual and potential suicide bombers in the UK were actually British-born. In this context it is fair to say that the ideal of ‘multiculturalism’, that the state should be even-handed towards all cultures and support their flourishing, is beginning to decline.

The problem with not accommodating cultural differences is that minorities may become alienated. In many circumstances, differences in political culture can be quite limited and minor in their effect. Many Spanish migrants to France, Polish migrants to Germany, and Jewish migrants to Britain had little difficulty being integrated. However, where there are conflicting loyalties within societies, such conflicts can be quite serious and possibly a threat to democracy. Not all minorities want secession but, nevertheless, cultural differences within a democratic state can create political problems. Inequality among ethnic groups is also a significant factor in many civil wars in the developing world – from Guatemala, to the Philippines and the Sudan. A successful social order requires some sharing of values among the majority of members of the
society in question. Otherwise the legal and participatory dimensions of even the most scrupulously liberal democracy may come to be seen as largely meaningless by those excluded from the dominant culture. Many French-speaking Quebecois in Canada, Catholics in Northern Ireland and Basques in Spain are seriously disaffected with political systems that are widely considered to be at least reasonably law enforcing and democratic. The conflicts that have followed are now decades old. The political situation of Northern Ireland has been greatly complicated by the desire of many members of the Catholic minority to unify Northern Ireland with the Irish Republic. Similar issues arise in the Basque region in Spain where a minority of the citizens wishes to be part of an independent Basque republic. Another example of similar problems lies with the desire of some of the citizens of Quebec to leave Canada and set up an independent state. There have been a whole series of severe conflicts that arose from the break-up of the former Yugoslavia. Similar problems exist with the Tamil conflict in Sri Lanka, the Kurdish minority in Turkey, and the north/south divide in the Sudan.

Nations and nationalism

It is therefore clear that ethnic and religious conflicts have at times created difficulties for democratic, and indeed non-democratic, governments. Individuals may live in harmony under laws, but it is a more difficult question as to whether quite different communities can live in harmony under the same laws. If a territory contains people of different religious principles, different linguistic groups or different ethnic backgrounds, democratic institutions may polarise attitudes and result in the imposition of the will of the majority upon the minority. For some, democratic government requires consensus on the political unity which is to be governed democratically. For the people to rule, one must first decide who the people are. The easiest answer to this is to see that the majority are the people. This answer confers on the majority a sense of ownership of the state. Thus the Irish state is the property of the Irish. Malaysia is the property of the Muslim Malay population and so on. Not all minorities will accept this situation. Some states, like the Sudan, were deeply divided before becoming independent. In others, like India, the Muslim minority did not want to be part of one political community. Even where there is consensus between communities during the founding of a state, as in many African states, differences between communities eventually grow.

Cultural differences have existed for centuries but it is only in the modern era that they have been given their decisive quality by the ideology of nationalism. Before the French Revolution, people thought it natural that they belonged to a specific culture, but the idea that each culture should be self-governing is indisputably modern. While cultural groups may have had autonomy in empires such as the Ottoman Empire, they had no right to self-determination, and it was only after the First World War that this concept became accepted. The result has been to change international politics beyond recognition. States are less likely to want to protect minority culture if they feel the minority wants self-determination. Minorities for their part have the option of pressing for independence if they feel their state mistreats them. As a result, the majority–minority dynamics that are present in all democracies, express themselves in the form of ethnic politics.

The problems posed by ethnic conflicts are huge. When society is divided by divisible resources, such as money, there can be compromise because what is valued can be divided. It is harder for groups to compromise over
Comparative politics

In Turkey the state reserves for itself the right to celebrate the Kurdish New Year Nevroz, but denies this right to some groups. How then can such conflicts be resolved? Ideas of natural rights and constitutional government, if institutionally effective, may help to prevent polarisation, but the pure majoritarian theory of democracy does not give sufficient weight to the problem of disaffected minorities. Nor does the doctrine of majority government help much if the majority chooses to behave badly. Where the divisions are moderate, and the minority feels part of the nation, the majority may feel in a sufficiently strong position to make concessions. Thus since 1919 Swedish-speakers have had extensive rights and autonomy within Finland, with their language recognised as a national language. When communism collapsed in eastern Europe, the Finnish experience of two language groups within one nation was regarded as a model for the new states that emerged.

Outside of Europe there are many political problems today that result from the frustrated desire on the part of some citizens to be part of a different territorial state. Modern civil wars tend to occur where inequalities between ethnic groups are pronounced, and where insurgents can have de facto control of territory. The international community generally accepts the right of secession, provided that the secessionists can claim majority support from their own region. The division of Czechoslovakia into the Czech Republic and Slovakia is a case in point. However, it is not always the case that a given territory can be neatly divided into a series of sub-units in such a way as to create a neat opportunity for division. Were Catalonia and the Basque country to secede from Spain it is not clear where the new borders would lie, especially as there is no map image of Spain that leaves out these regions. Any system of partition may leave vulnerable minorities on both sides of the line and the record in Palestine, India and Ireland has been one of continued conflict.

Federalism, a less drastic solution than secession, is also sometimes a potential way of managing cultural division but is also open to the same objection. There is not generally a neat fit between people and territorial boundaries. It is therefore necessary to try to find a means of managing cultural conflict in a single territorial unit.

Consociational politics

Attempts have been made to find ways of managing and limiting political differences. The best known of these is consociationalism. The central idea is that members of particular sub-groups are treated separately for the purposes of representation. The central government becomes an automatic coalition involving representatives from both (or all) sides of a cultural gap. In Northern Ireland, for example, Unionist politicians (who are mainly Protestants) and Nationalist politicians (who are mainly Catholics) are regarded as representatives of separate communities and are required to share power if the region’s executive government is to function. Coalition, in other words, is inevitable. Such a consociational system has also worked in Belgium, the Netherlands and Switzerland.

Consociationalism can be an asset to conflict resolution. It does sometimes work well but not inevitably. However, there is a price for success. This is that every voter has to accept that the government has to be made up in part of people (on the ‘wrong’ side of the political divide) whom that voter did not support and for whom they would not willingly have voted. Furthermore, in consociational systems, political parties are likely to be
seen as representatives of a particular community or group. This makes it much less likely that they will face electoral rejection as a result of poor policy performance. If all communities are represented in such coalitions it is hard to see where a strong opposition can come from. The assumption that political stability requires power sharing between the communities that are most divided, may result in the solidification of the divide that led to conflict in the first place. Under such circumstances, some of the potential advantages of democratic competition cannot easily be realised.

Historically, when faced with culturally divided territories, states have had to decide whether to eliminate these cultural divisions, through forcible assimilation or population transfers for example; or manage them, by employing constitutional ideas and institutional forms that depart from the idea of majority rule. The evidence suggests that only in immigrant societies can a strategy of assimilation be compatible with democracy. Where minorities are concentrated in territories with distinct histories, it is harder to change people's loyalties. Under such circumstances, the nature of democracy must change: from a system where one united community rules itself, to one placing a higher value on co-existence. Since 1978, Spain has been a good example of the latter, since its constitution allows for high degrees of self-governments to many regions, and three distinct identities; the Basques, the Catalans, and the Galicians. Three decades later, however, the constant need to adjudicate between the claims of different groups and regions, can lead to polarisation and can be frustrating to people who hoped that the constitution adopted after General Franco's death symbolised a desire to move on.

Managing rather than ending cultural divisions requires ‘super-constitutionalism’. Even in homogenous societies a workable balance between democracy, constitutionalism and culture is hard to achieve. In ethnically divided societies the balance often requires long negotiation and complex agreements. Thus, in states like Canada many would prefer French Canada to go its own way, rather than have such a tortuous process. Yet the connection between constitutionalism and identity points to the symbolic aspect of politics in all states. Only societies that have reached high levels of maturity can be unaware of this aspect, which speaks to the essential aspect of democratic politics, the link between people and their state. When societies adopt a constitution the decisions they make on such issues have fundamental consequences. When Turkey became a republic it was only as a secular republic that it could mark its break with the Ottoman past. It was then decided to make secularism part of the constitution in such a way that it could not be legally abolished. More than seventy years later, in what is a de facto Muslim country, this decision shows more than anything else the importance of symbolic politics in the life of democratic politics.

Conclusion

This chapter has considered two different kinds of limitation on pure democracy. They are mirror images of each other, since both doctrines of law and rights and consociationalism are potentially means of resolving problems to which a simple doctrine of majoritarianism has no effective answer. There are good reasons for both, but each one undermines notions of democracy as majoritarian rule. Constitutions, courts and coalitions limit the rights of majorities. Ethnic or linguistic divisions make majoritarianism dangerous but systems of judicial review and consociationalism do reduce popular choice. Nevertheless,
constitutionalism has become a popular doctrine in world politics as the ideas Ackerman describes are being extended all over the world.

This is a good place to reflect on some of the complexities of political institution building. Democracies should reflect the will of the people. However, it is not enough that they should do so. They have to pose some limits on the will of the people in order to contain certain kinds of conflict and also to protect individual rights against excessive majoritarianism. Constitutions in particular have to both empower the people and find ways of limiting people’s power. There are no hard-and-fast rules here, and different systems try to resolve these complexities in different ways. This is a reflection of the different histories of different societies. It also reflects the fact that democracy is best understood as an amalgam of various elements, in which popular sovereignty is only one. In the next four chapters we consider different ways of organising democracies. When assessing these, it is not just a matter of deciding which systems are better than others at reflecting the popular will. We have to assess the performance of institutions against a variety of considerations, some of which may indeed be in conflict.

A reminder of your learning outcomes

By the end of this chapter and having completed the Essential reading and activities, you should be able to:

- explain critically how law and human rights are linked with each other
- explain how political culture has been used as a concept in order to understand politics, and critically assess the relevance of this concept in different historical and geographical contexts
- explain the differences of emphasis between theories which emphasise individual rights as an explanation for democracy and those which emphasise collective cultures
- explain what judicial review is and how it works in practice
- explain how consociationalism works, why the concept has been developed and in which contexts, and show specific strengths and weaknesses of this system.

Sample examination questions

Note: You should use what you have learnt from this chapter (and the readings listed), and what you have learnt from previous chapters, when answering these questions.

1. What are the main strengths and weaknesses of basing Constitutions on doctrines of individual rights?
2. In what ways has the constitution of the United States influenced constitutions in general?
3. Why has constitutionalism become such a popular doctrine in world politics?
4. ‘The answer to problems posed by conflicting political sub-cultures lies in a strong conception of individual rights.’ Discuss with reference to two countries.
5. What are the advantages and drawbacks of consociational arrangements in countries where there are deep cultural conflicts?
Chapter 3: Comparing executives: presidential and parliamentary systems

Learning outcomes

By the end of this chapter and having completed the Essential reading and activities, you should be able to:

• distinguish between presidential and parliamentary political systems of democracy, and list the basic principles that underlie each system
• explain how presidential and parliamentary systems work in different countries, including the relationship between executive and legislature
• show some of the variations that may occur between (a) different presidential systems, and (b) different parliamentary systems of government, and illustrate these variations with practical examples.

Essential reading


Further reading


Introduction

So far, we have been concerned mainly with defining and discussing institutional constraints and conditions that are common to most democracies. We now need to consider some of the different ways in which democracies are organised. One of the most fundamental ways of contrasting different kinds of democratic system is by dividing them into presidential and parliamentary systems. The presidential system of government was essentially invented in the USA at the end of the eighteenth century. This guide therefore takes the US system as the main example although there is also significant material on Latin America. Presidentialism was then imported by the Latin American republics in the 1820s and after and also proved attractive to some – although not many – of those countries which democratised after 1980. Parliamentary democracy was invented in Europe in the nineteenth century.
The concept of presidentialism

The origins of presidentialism

US-style presidentialism was an adaptation of the British monarchical system of the late eighteenth century. At the time when the USA successfully fought for its independence, the British monarch effectively controlled the executive, in practice as well as theory. The purpose of Parliament at that time was not to choose the executive – the monarch was the executive – but to exert some influence over it, principally through control of the budget. The British judicial system had also come to represent some restriction on the power of the monarchy by the end of the eighteenth century, although judges were only empowered to interpret the law as it stood, not define it according to abstract principles. By the early nineteenth-century, the role of parliament was also to reflect the state of educated public opinion.

Basic principles of presidentialism

The US Constitution replaced the monarch with a president elected by the people. At the same time presidential power was limited by increasing the powers of both local government and the Supreme Court. The fundamental idea was that there should be a system of checks and balances. Both the President and Congress would be elected directly but according to different systems, so that each could provide a check on the other. The two houses of Congress (that is, the House of Representatives and the Senate) would also be elected via different systems and have different electoral terms. The House of Representatives has elections every two years, while a US senator has a six-year term, with one-third of the intake subject to re-election (should they seek it) every two years. Disputes between President and Congress would be sent to the judicial branch for resolution. Meanwhile there would be a strong system of decentralised government in order to limit the power of central authorities. The US system has changed only to a limited extent since it was set up at the end of the eighteenth century, and is generally regarded as a ‘pure’ presidentialism. The President, once elected, operates on a different level from the Congress. You need to be aware that different presidential constitutions give the Presidency different degrees of power over Congress. In some systems, the president may have the means of coercing congress – for example, by decreeing legislation directly or by refusing to spend the congressionally approved budget. By comparative standards, the power of the US President is rather limited in these ways.

Under pure presidentialism the cabinet is composed of people who do not sit in the legislature. It is entirely normal for independently influential figures to be given positions in the cabinet. However, the president is not generally expected to bring senior members of their own party into the cabinet. (This does happen in parliamentary systems.)

The congress has its own leadership and may have a majority made up of the president’s political opponents. There may be rare occasions on which it is possible for a congress to impeach a president (in other words, order their removal from office). However, this is generally hard to do and normally requires evidence of misconduct rather than just policy failure. The presumption is that the presidency is one thing and congress something different. A president can continue to operate without a majority in congress on the basis that there is enough party indiscipline or room for negotiation to prevent the emergence of two hostile blocks. In the US system, when there is irreconcilable conflict between President and
Congress, this is likely to be resolved by an appeal to the judiciary. The US Supreme Court is, among other things, the highest constitutional court.

**Presidentialism in Latin America**

The newly independent Latin American republics adopted presidentialism as a system during and after the 1820s. However, Latin American presidentialism lacks the same strong constitutional foundations as existed in the United States and has so far proved somewhat unstable. The problem is that Latin American presidentialism relied more on the conception of strong leadership than on checks-and-balances democracy. Because Latin American presidents often do see themselves as leader figures, conflict often arises between president and congress. In the USA this can be handled by the court system, but the Latin American courts are not generally respected enough to be able to do this. Instead, conflict can sometimes bring in the military, as happened in Peru in 1992 when President Fujimori closed the national congress by force. Presidential impeachment has also been much more common in Latin America than in the USA. The re-emergence of presidential democracy in Latin America in the 1980s has given rise to a significant scholarly literature about the advantages and disadvantages of presidentialism that will be discussed in the next section.

**Presidentialism in Europe: the case of France**

A different form of presidentialism was adopted in France after 1958. Despite some initial scepticism on the part of observers, the French system has turned out to be very effective. France is now generally regarded as having a semi-presidential system. It is presidential in two important senses. One is that the head of state and the parliament are both elected directly by universal suffrage. The other is that the elected president has real powers of government. (As a contrasting example, Ireland has a directly elected president with few governing powers, and the Irish system is generally seen as being parliamentary.) However, the French system is only semi-presidential because the president and parliament, despite being elected separately, have overlapping roles. There is an interactive rather than a separate relationship between President and Parliament. The French president is more powerful when they enjoy a parliamentary majority because the president can then select the prime minister, who is largely responsible for the day-to-day management of the country. However, when the president’s party does not enjoy a parliamentary majority, then the president has to work with a prime minister who is selected by the parliament. If relations between the two break down, then the president can call for new parliamentary elections – although this would not help the president’s position if the opposition parties won. In fact, there have been cases in which the president has represented one party and the prime minister a different party, and co-government has taken place without undue difficulties.

Presidentialism did not adapt to take account of the development of full-scale parliamentarianism in several European countries in the nineteenth century.

**The concept of parliamentarianism**

Modern parliamentarianism was only created when the monarch lost effective power over government. This allowed the executive to be chosen by the people. In Britain, it is still the case that government takes place in the name of the monarch. However, it is entirely possible to have a
parliamentary system in a republic. All that is required for **democratic parliamentarianism** is for the government to emerge from, and be responsible to, an elected parliament. Democratic parliamentarianism requires universal suffrage. Parliamentarianism of itself does not require universal suffrage, but the restricted franchises typical of the early nineteenth century gradually gave way to universal suffrage.

A parliamentary system depends for its success on the development of some kind of **party system**. This means that individuals elected to parliament, although capable of showing independence in various ways, can be relied upon to support a particular prime minister. This makes it possible for elections to produce a government that can command a parliamentary majority. When a government loses the confidence of parliament, there is always the possibility of new elections. Parliamentary systems have evolved in different ways in different countries; however, the role of political parties is key.

For stable government to be possible, the executive (the **government**) must be able to control the legislature (**parliament**). If it cannot do so, then either the government changes or else parliament is dissolved and new elections held. Political parties have to act in a disciplined way in order to allow the system to work. They have to act as key intermediaries between the ordinary voter and the government. If a prime minister is very unpopular, it is the governing party that is likely to suffer in the elections. By the same token, if a political party wishes to change its leader within the lifetime of a parliament, then there are likely to be means by which this can be accomplished. This is not so clearly the case in presidential systems where presidential impeachment is generally possible but generally requires evidence of wrongdoing rather than merely unpopularity or **policy failure**. The British Conservative Party in parliament removed Mrs Thatcher as Prime Minister in 1990 because of policy failure, although there was no suggestion of wrongdoing.

By way of summary, the basic linking system of parliamentarianism is that electors vote for parties, parties are represented in the legislature, and the legislature selects the government. In pure parliamentary systems, the prime minister is also a member of the legislative body as is the rest of their cabinet. There may be some provision for non-parliamentarians to join the cabinet, but this is relatively rare. Pro-government members of the legislature are expected to support the government through good times and bad, sometimes hoping in return to be promoted into the government itself.

While independent representation is not generally forbidden, parliamentary systems do rely mainly on strong and disciplined political parties as a means of connecting voters to government. The existence of a few independent members of the legislature does not threaten the system, although it may occasionally cause headaches for particular governments. However, it is hard to see how parliamentary government could work well if there were at any time a large number of independent parliamentarians whose voting behaviour was completely unpredictable.

When a legislature cannot produce a majority for a government, then the legislature can be dissolved and fresh elections held. Because of the importance of party structures, opposition parties are likely to constitute themselves as an alternative government, with their own policies, internal promotion procedures and expectations of loyalty from their supporters. Where there have been party factions capable of changing their minds almost every week, the result has been quite negative for parliamentary systems. Weak parties have resulted in legislative paralysis and frequent changes of government, as happened in Italy for many years.
Comparing presidential and parliamentary systems

We saw above that presidential systems, in contrast to parliamentary ones, are characterised by separation between the executive and the legislature. For this reason, party systems are much more critical to the working of parliamentary systems than they are to presidentialism. Members of congress are not expected to have a unified view to the same extent expected of parliamentarians, since they are not directly responsible for the election or survival of the government.

While there is a party system in the United States, no candidate has successfully won election as an independent. In Latin America, by contrast, the relationship between the president and party politics has been highly problematic. In the relatively recent past, independent candidates have indeed won presidential elections in Latin America, famously including Alberto Fujimori in Peru in 1990 and Hugo Chavez in Venezuela in 1998. Semi-presidentialism, too, makes it possible to create political parties around powerful individuals.

Presidents and congress are elected for fixed terms, unlike parliaments, which are normally elected for a maximum term but can be dissolved before the end. Presidential systems sometimes have president and congress elected at the same time for the same fixed period although this need not be the case. In Peru, the complete Congress and the President are elected for five-year terms at the same time. In other cases, there is some degree of overlap including, as we have seen, in the United States. In a presidential system, parties can be weaker without damaging the way in which the system works. Whether they are actually weaker or stronger depends upon contingent factors. These include, but are not limited to, electoral systems. It is common in Latin America for congress to be elected according to systems of proportional representation and for the president to be elected on a first-past-the-post basis. This can create complications.

Moreover, strong and disciplined parties can pose problems for congressional systems because of difficulties that can arise if a president faces the determined opposition of a congressional majority. The idea of presidentialism is that policies can always be negotiated individually. To turn everything into a show of strength between government and opposition – something quite normal in parliamentary systems – may be bad for presidential ones. An individual member of congress may perform better service by keeping in touch with their constituency and acting as a representative. If enough congressional representatives do this, then this can prevent the ‘out of touchness’ that sometimes results from the over-deference of legislators to a strong party machine. Moreover, the key political relationship is much more likely to be between the president and the people (in other words, the popularity of the president of the day) than between the presidential and the opposition parties.

Broadly speaking, a parliamentary system is designed mainly to determine what the government is, while a congressional system is designed mainly to influence what the government does.

The advantages and disadvantages of each system

Each of the two systems has certain advantages. The most important advantage of a parliamentary system is that a prime minister can be removed without great upheaval. A prime minister can be forced out of office if they become excessively unpopular or lose the support of parliamentary colleagues. The removal of Mrs Thatcher as British Prime
Minister in 1990 could not have happened in a presidential system unless there had been (which there was not) an issue of personal probity involved. In parliamentary systems, either a vote of no-confidence within the legislature or a successful challenge from within the ruling party can bring about a change of prime minister. By the same token, parliamentary systems normally give the government the right to dissolve parliament and call new elections if problems of governability arise. The removal (impeachment) of a president is sometimes only possible if there is some accusation of criminal misconduct. The problem of having a head of government who is unpopular politically, but cannot easily be removed, is that they become a ‘lame duck’ (that is, relatively powerless).

An important critique of the defects of presidentialism has been provided by Linz (1990). Linz was extremely critical of presidentialism because of what he calls the problem of dual legitimation. In parliamentary systems, voters choose a single legislative/executive body - namely parliament. (There may be separate elections for local or regional government but these need not concern us at this point.) In presidential systems voters have to choose twice, once to elect the president and once to elect the congress. Thus, if president and congress disagree, they can both claim a democratic mandate. The only way of resolving any problems that arise lies through the courts. As a result, there are few political (as opposed to judicial) means of resolving conflicts. Where judicial systems are traditionally weak and not much respected, as is mostly the case in Latin America, the result is conflict and the potential for polarisation. As we saw above, if intractable problems of governance arise in a parliamentary system, then parliament can always be dissolved and new elections held. However, presidential systems involve fixed-term incumbencies. Should a crisis arise, it can cause legislative paralysis until the end of a particular term.

Although Linz does not deal much with electoral systems as such, there is a further point here that might strengthen his case. One of the problems here is that, typically though not invariably, Latin American countries choose their presidents by simple majority or by a French-style run-off system in which the leading candidates after a first round of voting face each other in the second round. This is not unlike the Electoral College system in the USA (described in Chapter 4 of this guide), although it is less likely to generate anomalies. However, in Latin America (though not in the USA) congress is often chosen according to some form of proportional representation. Unless the president enjoys strong party backing in the legislature, this means that the president is often likely to find themselves in a minority. This makes it much more difficult to legislate than would be the case in a parliamentary system.

Activity

Evaluate the force of Linz’s criticisms of presidentialism.

Advantages of the presidential system

Linz’s argument has proved controversial. Defenders of presidential systems such as Mainwaring and Shugart (1997) make several points in their favour. One advantage is that it makes politics more personal. It may have been the case in the past that voters responded primarily to ideologies and political ideas, but today it seems evident that they are more likely to be motivated by the prospect of voting for or against an individual. Parliamentary systems, particularly those which have
first-past-the-post electoral systems, can produce personal styles of politics. However, in parliamentary systems characterised mainly by coalition-building, consensual figures are likely to emerge rather than charismatic leaders. This is not inevitably a disadvantage in policy terms, but it might have the effect of making those already less interested in politics even less inclined to participate and vote.

Differences between presidential systems

However, the main direction taken by defenders of presidentialism has been to focus on the detail of presidential systems. Presidential systems can be sub-divided in a number of ways.

- **Is there a directly-elected vice-president?** The United States has such a figure, while in most Latin American countries it is the legislature that decides who will succeed if a president dies suddenly or is removed from office. If the legislative choose the successor, then the principle of ‘separate spheres’ is weakened.

- **Are there provisions for presidential impeachment?** In the United States, presidential impeachment is difficult and has been rare. Only one US president has been forced to resign in the knowledge that he could not avoid removal from office by Congress: this happened in the case of Richard Nixon in 1974. The requirement that a president can only be removed by a vote of two-thirds of the Senate makes removal difficult, because the presidential party is almost certain to control at least one-third of the Senate. If it votes solidly for the president, then the president cannot be removed. However, in Latin America, impeachment has happened more frequently, partly because party systems are weaker. Moreover, the rules have sometimes been stretched to allow for a presidential removal even when there are not quite enough votes for impeachment. In 1997, the Ecuadorian Congress removed the President on the ground of ‘mental instability.’ This move required only an absolute majority of the congress and not a two-thirds majority. In 2002 the Argentine Congress forced President De La Rua to resign due to his failed economic policy: there was no suggestion that he had done anything criminally wrong. So it does seem fair to say that Latin American presidentialism is a system that is still in the process of evolution.

- **At a more detailed level, there are questions about presidential vetoes.** Can a president veto part of any law that they dislike, or do they have an all-or-nothing choice between vetoing the whole of a law and vetoing none of it? This has implications for presidential power.

- **Does a president have emergency power to legislate ‘by decree’?** This power is largely unknown in the United States but common in Latin America. Argentina’s President Menem used to wait until Congress went on holiday and then declare that emergency situations allowed him to legislate by decree. A great many laws were passed in this way. The Brazilian President, too, has significant power to legislate by decree. The right to decree legislation tends to reduce the danger of legislative deadlock, but it also dilutes any principles of checks and balances. A president who can just decree what they want is largely immune to congressional criticism.

The same point, namely that a lot depends upon the detail, can be made about parliamentary systems. There is a general point that, as we have seen, strong political parties are obviously important to a parliamentary system. We have also seen that this is not necessarily the case with
presidential systems. Parliamentary government may work better when there are multiparty systems and a system of proportional representation, although there are disadvantages here as well. However, there are political scientists who recommend such a system because it is, for the most part, consensual and inclusionary. However, many other points are either disputed or else depend upon a particular set of circumstances. For example, there is a lot that could be said about different kinds of electoral system, a topic discussed in the next chapter.

Parliamentary systems tend also to reward parties that can maintain internal discipline and unity and, depending upon the electoral system, which are acceptable as coalition partners. It can perhaps be disputed whether this is an advantage or not. On the positive side, a parliamentary system can make it easier for international agreements to be made and kept to. When an American president agrees to an important trade agreement such as the General Agreement on Tariffs and Trade (GATT) or North American Free Trade Area (NAFTA), it is far from assured that this will be ratified by the Senate. European heads of government rarely face uncertainties of this kind.

Against this, however, the greater independence shown by congress may make for more effective scrutiny of the administration. Members of congress have their own budgets for research and can provide well-informed criticism of particular government actions or policies. Parliamentary systems are not usually as effective at scrutinising governments due to the inhibiting effect of party discipline. The result can sometimes be foolish legislation. Excessive party discipline can, more generally, be the enemy of outspokenness or integrity. Parliamentarians have often been required to do things which they knew were wrong, or to keep quiet when they wanted to speak out, in order to keep in line with their colleagues and to avoid losing their opportunity to win promotion. On the other hand, political discipline is an enemy to political corruption, as it is a waste of time trying to bribe somebody who has no real choice about what to do.

It is interesting that pure presidential systems have not historically worked as well outside the USA, whereas parliamentary or semi-parliamentary systems have been exported more successfully to other countries. This is probably because the American system relies heavily on an autonomous and powerful judiciary to resolve such differences as may arise between the branches of government. We have already considered the politics of entrenched rights and system of judicial review in Chapter 2. As also noted earlier, the US Supreme Court owes its existence to a doctrine of natural (individual) rights, which was historically linked to the emergence of presidentialism, but is not logically connected to it. It does seem clear that, without a consistent judicial role, the tendency for congressional systems to deadlock is difficult to prevent. Parliamentary systems are, by contrast, more likely to work harmoniously within themselves provided that there is a basic working consensus to keep them going.

**Activity**

Describe some of the variations that may occur between a) different presidential systems and b) different parliamentary systems of government.
Conclusions

We can reach three conclusions about presidential and parliamentary systems.

1. Most systems are deeply embedded in a country's history. This is not just true of Europe and the USA but also of Latin America (which adopted presidentialism in the 1820s), and of countries that were colonies of Britain after Britain adopted democratic parliamentarianism. Virtually every British colony that became independent after 1832 adopted some form of parliamentarianism. Where systems are deeply embedded, then it is largely pointless advocating major change. For example, nobody seriously supposes that the USA will adopt a parliamentary system or a constitutional monarchy, just as nobody supposes that Britain will soon adopt a republican presidential system. Some new democracies have had to make a choice. Russia is one of the few to have adopted a strong form of presidential government, although it is still theoretically semi-presidential. Poland and Taiwan have semi-presidential systems while much of the rest of eastern Europe adopted parliamentarianism.

2. Not only do cultural preferences largely determine whether a democracy is run on parliamentary or presidential lines, but they also determine many details about how it is run.

3. It is possible to engineer the rules of a political system in ways that can make quite a lot of difference. Changes to the electoral system are likely to have major consequences. Quite small and seemingly obscure rule changes to such matters as budgetary procedures have quite considerable political consequences.

It is difficult, although not impossible, to codify the most important rules of different political systems and engage systematically in trying to analyse how they interact. Full understanding, however, requires us to bear in mind that political systems are products of political cultures and not just sets of formal rules. We could not understand a system if we knew all the formal rules of the game and nothing else. It would be like trying to understand football or cricket just by reading the rules rather than watching or trying to play.

A reminder of your learning outcomes

By the end of this chapter, and having completed the Essential reading and activities, you should be able to:

- distinguish between presidential and parliamentary political systems of democracy, and list the basic principles that underlie each system
- explain how presidential and parliamentary systems work in different countries, including the relationship between executive and legislature
- show some of the variations that may occur between (a) different presidential systems, and (b) different parliamentary systems of government, and illustrate these variations with practical examples.
Sample examination questions

1. Latin American presidencies tended to be unstable. Discuss with examples from at least two countries.

2. Parliamentarian systems of government have been adopted with greater success than presidential ones by other countries. Do you agree? Support your argument with examples from at least two countries that became democracies before the 1980s.

3. Why might parliamentary systems have a greater appeal than presidential systems to the newly democratic countries of eastern Europe?