

The Character
of
Democracy
How Institutions Shape Politics



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For Elizabeth, Nathaniel, and Alexander
-and-
For Andy, Annabelle, and Lark

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PREFACE



As is so often the case with scholarship, the idea for this book grew out of conversations with our students. When discussing institutions, such as electoral systems or the executive branch, we noticed that many of our students are compelled to employ a dichotomous, normative perspective, declaring particular institutional structures as either “good” or “bad.” Moreover, we found it very common for students in the United States to see the separation of powers, federalism, bicameralism, a strong supreme court, and the use of single-member districts with plurality voting as indispensable components of democratic government. At the other extreme, there are students whose perspective is the exact opposite of this—students who idealize the British or Swedish systems of government and who sometimes go so far as to declare the US an authoritarian regime. The instincts that cause students to view institutions in such black-and-white terms and to favor their own country’s structures are certainly not surprising, yet they are not beneficial to the growth of knowledge. The idea for this book, therefore, initially grew out of our desire to get students of political science to think more critically about institutional design and to make them aware that every institution has both costs and benefits.

However, *The Character of Democracy* is not intended solely as a textbook for students. Our intent is also to contribute to the existing literature on democratic institutions. In particular, we want to offer a more comprehensive perspective on how modern democracies are structured than has previously been offered and to explain more thoroughly how variations in institutional design affect the character of democratic government. Most past studies on democratic institutions tend to focus on how variations in one particular structure, such as the type of electoral system, affect one or two particular democratic goals, such as representation or accountability. Few studies consider the vast institutional differences among democracies or the broad impact that different designs can have on how a democracy works. In a sense, much of the existing research has looked at the impact of individual trees on specific parts of the forest, while our goal is to examine the impact on the larger ecosystem. Our hope is that this contribution will encourage

other scholars to expand their analyses when looking at how different institutional designs affect democratic goals and to evaluate the provision of goals more thoroughly, both in terms of benefits and sacrifices.

The central theme of this book is the effect of institutions on the cultivation of five broad categories of democratic ideals: representation, meaningful elections, accountability, majority rule and minority rights, and the functionality of the state. We chose these five particular ideals because we, and much of the existing literature, view them as critical elements of a democracy. The presence of these ideals, in other words, reflects the consent of the governed. In addition, our efforts are focused on providing in-depth descriptions of the varieties of institutions governing democracies, as well as on offering both our own and other scholars' perspectives on the consequences of these institutions. As we focus our attention on different democratic institutions, we provide comprehensive descriptions of how these institutions are structured and work, extensive literature reviews, quick snapshots of the institutional character of the fifty-six largest democracies in the world, and detailed examples from six case studies (Brazil, Germany, Japan, South Africa, the United Kingdom, and the United States).

We are indebted to many individuals for their assistance in shaping our ideas about democratic institutions and for making this book a reality. We want to thank Matthew Shugart for his comments and perspective on our initial chapter drafts; his feedback was instrumental in the improvement of this book. We also owe a debt of gratitude to Royce Carroll, who gave us important critiques balanced with moral support. Several members of the Hatfield School of Government at Portland State University deserve our thanks as well. Chris Shortell has been particularly valuable in advising us on the judicial branch and providing encouragement along the way. Joseph Lampert—our on-call political theorist—deserves thanks for reading over the introductory chapter and providing helpful suggestions on how to think about democratic ideals. Bruce Gilley was indispensable to increasing the rigor and depth of our discussions of legitimacy. David Kinsella, the chair of the Political Science Division, and Ron Tammen, the director of the Hatfield School, have been supportive of this project throughout. And finally, we appreciated the research assistance of several students: Amme Kovolos, Brittany McLean, Tiffany Partridge, and particularly the exemplary work of Stephanie Harty and Matthew Cunningham.

And even though they're family and thus obliged to help us, Andy Ellis Valdini deserves recognition for creating all of our beautiful tables and figures, and Gregg Franzwa should be awarded a medal of honor for reading every word of every draft of this book and offering gentle commentary along the way. Maureen Valdini also deserves recognition for her loving and devoted childcare, without which Melody would have been unable to focus on this book.

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CHAPTER 1



Democractic Ideals

“We ought to consider what is the end of government, before we determine which is the best form.”

—JOHN ADAMS, 1776

As it is usually employed in public discourse, the term “democracy” would seem to refer to a singular form of political organization shared by the variety of regimes that claim the designation. But this is only true in the broadest sense of the term. In fact, while they share the “consent of the governed,” these states differ from one another in numerous and important respects. The aims of this book are twofold: to describe the varieties of democratic institutions functioning in democracies today and to explain how differences in institutional designs promote different democratic values.

To understand the differences in institutional designs, consider Brazil, Germany, Japan, South Africa, the United Kingdom, and the United States. All have democratic forms of government, yet how democracy is structured in each of these countries is different. Brazil and the US are presidential systems that are built upon a separation of powers. In both countries, the members of the national assembly and the president are elected separately and have an independent voice in policy decisions. Neither national assembly can remove a sitting president from office unless he or she has committed “crimes of responsibility” (Brazil) or “high crimes and misdemeanors” (US). While both are presidential systems, the president of Brazil has far greater formal powers than does the US president, including the right to issue temporary decrees that have the force of law, exercise a partial veto, and impose a deadline by when the National Congress has to consider a bill.

Germany, Japan, South Africa, and the United Kingdom are parliamentary systems in which power between the executive and legislative branches is fused. The prime minister and other cabinet members usually emerge out of the assembly and are responsible to the assembly majority. All four parliamentary systems provide mechanisms for the legislature to remove the head of government through a vote of confidence. Because of the fusion of power, the head of the government and the cabinet generally dominate legislative–executive relations, though there is important variation from state to state. The British political system has, perhaps, a greater concentration of power in government than any of these other countries

because, among other reasons, the British Parliament is usually controlled by one party, and party discipline is strong. Instead of having an independent voice in policy, the British Parliament's primary role is to give assent to bills produced by the government.

As for elections, Britain and the United States use single-member districts with plurality voting to elect lower house members. In Brazil, the members of the Chamber of Deputies are elected through the use of an open list proportional system, with each of the country's twenty-six states constituting a separate district. The members of the South African National Assembly are chosen through a closed party list system of proportional representation, one in which half the members are drawn from a nationwide list and half from provincial lists. Both Germany and Japan use a mixture of single-member district plurality voting and a party list system of proportional representation. However, the two countries treat the results of these elections differently. Germany uses the outcome of the party list vote to make certain that the final distribution of seats in the Bundestag reflects popular support for the parties. To do this, Germany counts the total number of seats each party receives in the district elections and then allocates additional seats among the parties to ensure that the overall distribution of seats is proportional to the party list vote. Japan treats the two elections entirely separately, electing some members to the Japanese House of Representatives from local districts and others from the party list, but without trying to ensure the overall distribution is proportional.

Germany has a multi-party system in which the party organizations play a central role in governing. Brazil also has a multi-party system, but it has weak parties. Even though it uses proportional representation, the South African legislature has been dominated by just one party since universal suffrage was introduced in 1994. Japan was dominated by one party from 1955 until 2009, when the Democratic Party of Japan defeated the Liberal Democratic Party to gain control of the government. Today, it has a two party system, as do the UK and the US.

Brazil, Germany, South Africa, and the United States have federal systems of government in which power is shared between a national government and sub-national governments, be they states (Brazil, US), Länder (Germany), or provinces (South Africa). Yet there are considerable differences in how power is distributed between the two levels of government in these nations. Brazil is considered one of the most decentralized federal systems in the world, while South Africa's system is so concentrated at the national level that some scholars do not consider it a federal system. Britain and Japan are unitary governments.

These differences in institutional design are not just cosmetic, as they have important implications for how democracy is practiced from one country to another, affecting whose voices are heard in the policymaking process, how decisions are reached, and the ability of the government to function efficiently and effectively. Comparative politics scholars have long been interested in institutional designs, but for many years there was a strong normative streak in the literature, as scholars debated the benefits and drawbacks of different designs and how democracy should be structured. For many decades, the debate focused primarily on the British and US political systems and the benefits of the Westminster model

versus America's separation of powers. After a decline in interest among scholars in institutions during the 1960s and 1970s, there has been a resurgence of research on comparative democratic structures since the 1980s. At first, many of these newer studies focused primarily on whether parliamentary or presidential regimes led to more stable government. Over time, however, comparative scholars began to look at other institutional characteristics beyond the democratic regime type in shaping government stability. In addition, many started to look at how different institutional characteristics affect other aspects of democratic government beyond stability. These scholars began to consider the importance of electoral rules, party systems, bicameralism, presidential power, federalism, judicial review, and other factors on the broader character of democracy. The result has been a renewed debate over institutional design.

While comparative scholars may argue over which institutional structures are best, the reality is that no one particular design is necessarily better than another. Rather, different institutional structures tend to promote different democratic values. Certainly, these recent comparative politics studies have found that some structures do a better job than others in achieving some specific democratic goals. But these studies tend to focus on how a particular institutional structure, such as the democratic regime type or the party system, tends to affect a particular democratic concern, such as representation, consensus building, accountability, policy outcomes, and government stability. Rarely do these individual studies explore the impact of institutional design on a wide range of different aspects of democratic government. Yet differences in design can affect how democracy is practiced in multiple ways, frequently providing a tradeoff between benefits and drawbacks. As a result, the question as to which institutional structures are better is shaped by what a person or a society wants out of a democracy. It is a values choice.

This book was written to emphasize the importance of institutions in current comparative politics research and to explain how different political structures promote different democratic values. Unlike many earlier writings comparing democratic institutions, we are not championing one form of representative democracy over another. Rather, we want to encourage readers to think about the myriad of differences in institutional structure found in countries around the world and the trade-offs they offer in democratic government. The question as to what is the best way to structure a democracy is not simply an academic one. Blount, Elkins, and Ginsburg write that in any given year "some four or five constitutions will be replaced, ten to fifteen will be amended, and another twenty or so proposals for revision will be under consideration" (2012, 31). Even though this is not just an academic question, comparative politics scholars remain considerably interested in how institutions affect politics, and thus it is valuable to look broadly at the various ways that institutions affect democratic government. Comparing institutional structures in detail helps illuminate the important role that institutions play in shaping the character of democracy.

What do we mean when we say that different institutional structures tend to promote different democratic values? What are the value choices between different political structures? These are the questions that this book is meant to address.

Of these questions, the latter needs to be considered first. To evaluate institutional design and to decide which institutions are better, it is good to begin by thinking about the criteria that we want to use. Put more directly, the first question that should be considered is this: What do we want out of a democracy? To answer this question, it is helpful to provide a brief introduction to the existing debates over different institutional designs and the comparative institutions literature.

A BRIEF OVERVIEW OF THE LITERATURE

Comparative politics scholars have long been interested in the study of institutions, yet it has only been over the past few decades that researchers have seriously considered how differences in institutional design may affect politics. For many decades, most comparative politics studies focused primarily on formal and legal descriptions of how governments worked in different countries, with little analysis involved (Steinmo, Thelen, and Longstreth 1992). One of the main exceptions to this was a normative debate on the benefits of the Westminster model versus the American presidential system.

The Historical Debate over Parliaments and Presidents

In 1867, Walter Bagehot, a prominent British journalist, published *The English Constitution*, a series of essays on the British political system. Bagehot's book is often considered the seminal work in spawning interest in comparing parliamentary and presidential systems. As with many future studies, *The English Constitution* was critical of America's separation of powers, contending that it encourages conflict between the two branches while weakening the government's ability to function. When the book was published in America in 1873, it struck a receptive chord, helping spur a generation of scholars and reformers to advocate that the nation adopt elements of the parliamentary system (Zurcher 1950).

Among the earliest to join the debate over the two types of political structures was a young Woodrow Wilson, the future president of the United States. A supporter of parliamentary government, Wilson called the separation of powers a "radical defect" in the American political system, one that made it difficult for the government to revise public policy as public opinion changes (Wilson 1885). Wilson was particularly critical of the amount of power concentrated in congressional committees, which he argued produced ineffective and irresponsible government. Wilson wrote, "As at present constituted, the federal government lacks strength because its powers are divided, lacks promptness because its authorities are multiplied, lacks wieldiness because its processes are roundabout, lacks efficiency because its responsibility is indistinct and its action is without competent direction" (1885, 206). For Bagehot, Wilson, and many of their followers, the question as to what is needed most in a democracy was clear—the political system needs to be more effective, efficient, and responsible than that offered under the separation of powers.

Yet not all scholars believed that the United States would benefit from adopting aspects of the British system. One of the most notable defenses of the American

political system after Bagehot's work appeared came from A. Lawrence Lowell, who would later serve as president of Harvard College. In a collection of essays published in 1889, Lowell argued that the American system was appealing to many in the nation because of the protections it provides to the minority. He wrote that in the United States, it is "considered of the first importance to protect the individual, to prevent the majority from oppressing the minority" (1889, 22).

The debate between the two sides continued into the first decade of the twentieth century, when interest in the British model began to wane. After World War II, however, many American academics and reformers began to look across the Atlantic again for reform ideas (Epstein 1980). Of all the works to appear in the post-war period, the most influential was a report issued in 1950 by the American Political Science Association's (APSA) Committee on Political Parties that called for the US to adopt something more like the British parliamentary system. Chaired by E.E. Schattschneider, one of the nation's leading experts on political parties, the committee advocated a more competitive two-party system, or what the committee called a "more responsible two-party system." The problem with the American political system, the committee argued, is that it is built upon weak political parties that do not provide clear policy alternatives to voters and that are ill-equipped to produce effective policies when they gain power. These deficiencies, the report concluded, pose "grave problems of domestic and foreign policy in an era when it is no longer safe for the nation to deal piecemeal with issues that can be disposed of only on the basis of coherent programs" (1950).

Almost immediately after the Committee on Political Parties issued its report in 1950, other political scientists took issue with the report's recommendations. Writing in the *American Political Science Review* a few months after the report's release, Julius Turner (1951) offered a critical evaluation, arguing that the creation of more disciplined parties, as found in Britain, would actually lead to a decline in party competition in many parts of the nation and an increase in the number of districts in which only one party would have the ability to win. Turner also argued that having more disciplined parties would make the parties less open to "new ideas and new blood" (1951). In another critique published later that year, Austin Ranney reminded readers of Lowell's argument that the reason the British model is inappropriate for the US is because it chooses "majority rule over minority rights" (1951, 497).

In the 1960s, some reformers continued to champion the British parliamentary system as a model for reforming American politics, yet the severe criticisms that were lodged against the APSA Committee's report helped reduce interest in Parliament as a model. The British parliamentary system also became less lionized as Britain's position in the world declined in the years after the war (Epstein 1980; Pomper 1971). At the same time that the parliamentary system began to lose its appeal to reformers, scholarly interest in understanding the differences between these institutions also began to decline. Rather than focusing on political structures, scholars became more interested in studying how individuals and broader social forces shape political outcomes; political science became dominated by what is called the behavioral revolution.

The Rediscovery of Institutions

In the 1980s, comparative politics scholars rediscovered political institutions as a research focus. The rediscovery of institutions was triggered, in part, by broader scholarly trends and political events. Across a range of disciplines, many scholars began to reexamine the impact of institutions on different aspects of social life in a movement that is referred to as “New Institutionalism.” In the preceding decades, the rise of the behavioral movement deemphasized the importance of structures. With the emergence of New Institutionalism, research in political science returned to the idea that institutions can play an important independent role in shaping politics and other aspects of social life. Comparative politics scholars recognized that how institutions are structured matters (March and Olsen 1984; Searing 1991).

In addition to this change in scholarly approaches, the comparative politics literature was influenced by the rise of new democracies in Latin America in the 1970s and in Central and Eastern Europe in the 1980s and 1990s. The creation of these new democracies led to a practical debate among political leaders, reformers, and constitution writers on what institutional structures are best to adopt. It also led to a renewed fascination among scholars on the benefits of different types of democratic structures.

Many of the recent studies argue that it is inappropriate to focus solely on presidential versus parliamentary distinctions to explain differences in government behavior. That is, there are so many differences among parliamentary and presidential systems that it is essential to look closely at the institutional details below the surface to understand the political differences between these countries. Shugart and Carey, for example, differentiate among types of presidential systems based on differences in the separation of powers and presidential authority. Their 1992 book on presidential governments emphasizes that there “are a myriad of ways to design constitutions that vary the relationship” between an assembly, a president, and the electorate, and that these differences matter in shaping government (1992, 1).

In their edited collection of essays comparing parliamentary systems with the US government, Weaver and Rockman (1993) offer one of the most comprehensive models on the role of institutions on governmental performance. They divide governmental structures into three layers or tiers to point out the complex ways that institutions affect government decision-making and capabilities. At the top tier are the differences that are associated with parliamentary and presidential systems. At the second tier are the differences that exist among parliamentary governments, especially in the type of electoral system that is used (proportional representation versus single-member districts with plurality voting) and the type of party system. The bottom tier consists of a broad range of institutional factors that are not directly related to executive–legislative relations, including whether the state is unitary or federal in structure and whether the judiciary is independent from the other branches.

Despite this recognition that a wide range of institutional structures can affect how democracy is practiced, the other institutional structures identified by Weaver

and Rockman tend to be examined separately from the work on presidents and parliaments. The main exceptions to this are the type of electoral structure and party system. Most of the literature on presidents and parliaments today recognizes that how elected officials are chosen and the nature of the party system also affect political stability, accountability, efficiency, consensus building, and other aspects of democratic government (Cox 1987; Lijphart 1999; Strøm, Bergman, and Müller 2003).

There has also been growing interest among comparative scholars on the impact of federalism and the judiciary on democracy, but the works in these areas generally constitute separate subfields in the study of democratic institutions. As with the study of presidents and parliaments, there has been a resurgence of interest in studying federalism over the past few decades, which was triggered, in part, by the rise of the new democracies and the emergence of New Institutionalism. Much of this research has focused on the potential benefits of federalism in providing stability in democratic countries divided by cultural and ethnic differences, with some scholars arguing that federalism helps produce stability in divided countries, while others argue that it can encourage secession from regions where there are concentrated minorities. In addition, some scholars have been concerned as to whether federalism helps produce more efficient and effective government than unitary political systems and whether it is more responsive to citizen expectations and changes in the political agenda (Bermeo 2002; Erk 2006; Erk and Swenden 2010).

Similarly, comparative politics scholars have begun to consider the importance of constitutional courts and judicial review for democratic government, with some arguing that these institutions help protect human rights, facilitate democratic consolidation, and build consensus in plural societies (Hilbink 2008; Skach 2005; Vanberg 1998). Other studies take a more negative view and consider what the spread of constitutionalism and the increased reliance on constitutional courts for deciding major political questions mean for the right of the majority to rule and for the public to participate in government decisions (Hilbink 2008; Hirschl 2004; Hirschl 2008). The results of these studies, like those on parliaments and presidents, indicate that the presence of a federal structure and the recent changes in court systems across the globe have important consequences for democratic government.

Almost 150 years have passed since Bagehot first compared the British and US political systems, yet many of the arguments that emerged during those early debates continue to arise in the literature on comparative institutions today. The reason the debate over institutional design continues is that there is no right answer as to what type of democratic structure is the best. As this broad literature makes clear and we develop more fully in the chapters that follow, these differences in how institutions are structured help shape the character of democracy in many ways. Since the effects of design are multidimensional, there are many factors that need to be considered when evaluating them. Ultimately, the question as to which institutional design is better depends on the democratic ideals one favors. It depends on what one wants out of a democracy.

WHAT DO WE WANT OUT OF A DEMOCRACY?

The root meaning of democracy is “rule by the people,” or, in Locke’s phrase, “the consent of the governed.” Because of the fundamental role of consent of the citizens in the conceptualization of democracy, it seems that a useful basis for comparison of democracies is the degree to which they reflect that consent. However, there is considerable disagreement among states on how consent is best conceived, aggregated, and then translated into public policy. Since the public is never unanimous on policy matters, the question in constructing a democracy is deciding whose voices should direct policymaking and how the state should best be constructed to ensure those voices are allowed to rule. While there is no one right answer to this question, there are ideals or values that, when present in a democracy, reflect the general consent of the governed. We suggest five broad categories of democratic ideals that reflect this consent: meaningful elections, fair representation, accountability, the balance of majority rule and minority rights, and the functionality of the state. These five ideals we take to represent the fundamental areas of democratic successes and failures, and therefore form the basic evaluative concepts for comparing different democracies.

Meaningful Elections

Meaningful elections are the primary means through which most citizens communicate their preferences regarding the policies of their government. At its most basic level, a “meaningful” election is one in which there is regular, uncoerced, equal access to voting by all qualified citizens. But beyond that, a meaningful election serves as a means to convey information to elected officials, to offer choices to voters, and to provide a mechanism that enables public opinion to be expressed. Elections are important to democracy, therefore, not only because they determine who shall serve in office, but also because they provide much needed information to state leaders about public preferences. As the works of Fearon (2011) and Beaulieu (2014) discuss, electoral fraud is one scenario in which the flow of information is undermined, and in turn democracy is diminished. That is, when fraud occurs, both the expression of voter preferences and the ability of leadership to discern preferences are compromised. The obstruction of information conveyance occurs in less dramatic ways, as well—a low level of voter turnout, for example, also prevents the election from serving as an effective mechanism for communicating preferences.

In addition to conveying information, a meaningful election provides choices to voters. The presence of adequate choice was one of the central concerns of the report written by the APSA Committee on Political Parties in 1950. In the first sentence of the committee’s report, the authors write that popular government must “provide the electorate with a proper range of choice between alternatives of action” (1950). Having choice at the ballot box is considered essential if voters are going to control the direction of the government. When there is a choice between competing candidates who offer clear differences in their approach to governing or the policies they support, it allows voters to express their preferences on the direction they want government to go.

Further, a meaningful election also refers to whether the electoral mechanism of a state is structured such that changes in public opinion can be translated into actual changes regarding who controls the government and the direction of public policy. If a significant percentage of citizens vote for change, but the election process or the rules for government formation do not result in any change in who rules the country, the country's democratic status is open to question. While this may seem obvious, different electoral mechanisms can be better than others in creating a close correspondence between the vote and changes in who controls the government. Kaiser et al. (2002) are among many comparative politics scholars who argue that democratic elections must allow for voters to have the opportunity to change government if they are dissatisfied with its performance. They write that in order to guarantee a "link between the choice of representatives and policy decisions there has to be a realistic chance for making the government accountable for its actions and, in case of broken promises, for throwing it out of office in the next election" (Kaiser et al. 2002, 315).

Fair Representation

A second ideal of democracy is that it should provide fair representation to the citizens within the polity. There is considerable argument among scholars as to what representation should mean in a democracy, though there are only a few different factors that are frequently considered essential (Blau 2004).

One of the most basic notions associated with providing fair or just representation is equality in voting. *Equality*, in this context, typically refers to all votes having the same weight or potential impact on election outcomes. One area of concern regarding equality pertains to the size of the districts that are used to elect representatives to a legislative assembly. When districts are of approximately equal population, it means that the weight of everyone's vote is approximately the same. However, when there is considerable variation from one district to another in the size of the voting population, it means that the weight of each vote is not equal. In the smaller districts, the individual voter has a greater ability to impact election results than is true of voters in the larger districts. And consequently, voters in the smaller districts will have a relatively larger voice in subsequent legislation than those in the larger districts. The term that is used to convey this notion of equality is "one person, one vote."

While voting equality is a common concern in representation, some scholars identify other criteria as being just as important, if not more so. Some argue representation entails that all of the varied interests in society should be represented in the nation's legislature. This conception of representation rests on the premise that legislative assemblies are meant to bring together different concerns and voices from throughout a nation. If a large group of people is not being represented in an assembly, the political system is considered to be failing to provide representation. Conversely, if some voices are overrepresented, it gives those voices an unfair advantage in shaping the direction of public policy. As Dahl argues, one of the necessary conditions of a democracy is that all citizens should "have their preferences weighed equally in the conduct of

government, that is, weighted with no discrimination because of the content or source of the preference” (1971, 2).

In evaluating how well democracies provide such representation, some analysts focus on whether there is *proportionality* in representation, so that the actual distribution of seats within a legislature is proportional to the distribution of ideologies, political parties, or demographic groups (including ethnic and racial minorities and women) found in the general public. In a letter written in 1776, John Adams laid out this principle of representation clearly, arguing that a “representative assembly . . . should be in miniature an exact portrait of the people at large” (1776, 4). In essence, such writers and reformers consider the extent to which a legislature does indeed constitute a miniature portrait of the people at large as a crucial measure of the fairness of representation in a political system (Amy 2002; Mill 1861).

As a result of that emphasis in the literature, one of the major questions among political theorists over the past few decades, especially those who are concerned about the representation of women and minorities in politics, is how best to achieve that proportionality. The debate among scholars is whether it is essential to make the legislature actually look demographically like the polity, or whether it is more important to ensure simply that the preferences of the different groups in society are somehow represented. Hanna Pitkin’s *The Concept of Representation* (1967) was seminal in launching this debate. Pitkin differentiated between *descriptive representation*, which refers to the extent to which a legislature itself captures the demographic composition of the polity, and *substantive representation*, which refers to whether the legislators act in the interest of those they represent. Pitkin stressed the importance of substantive representation, arguing that focusing on descriptive representation may lead to too much emphasis on composition and not enough on actions.

Other scholars, however, argue that instituting mechanisms to improve descriptive representation is essential for providing fairness to groups that would otherwise be excluded from office and to ensure that alternative perspectives are heard in policymaking. Their argument is that members of historically underrepresented groups will bring in perspectives and experiences that cannot be represented by those who have not shared them, and thus lead to the consideration of valuable policy proposals that might not otherwise be examined (Celis 2009; Mansbridge 1999; Phillips 1995; Urbinati and Warren 2008; Williams 1998). In short, it may be that descriptive representation is essential for ideal substantive representation, particularly of gender, ethnicity, and race.

A third area of concern under the ideal of fair representation concerns the relative levels of attention paid by representatives to the various elements of their constituencies. It is not only important that different segments of society can send representatives to the legislatures, but that the legislators actually pay attention to the people who have elected them. This is not as straightforward as it sounds. If large amounts of money are required in order to win or even run in an election, even those legislators with the best intentions for representation will have a strong incentive to ignore the requests of the citizens and interests who do not fund their

campaigns; often their first priority is to ensure their own electoral longevity. Some scholars refer to this aspect of representation as “policy representation” or “democratic responsiveness.” In looking at what makes for a high quality democracy, Powell writes that democratic responsiveness “is what occurs when the democratic process induces the government to form and implement policies that the citizens want. When the process induces such policies consistently, we consider democracy to be of higher quality” (2004). Similarly, Dahl (1989) argues that one of the central criteria of a democratic political order is that citizens should have an equal opportunity to express their preferences when decisions are made. To not take these preferences equally into account when final decisions are being made “is to reject the principle of equal consideration of interests” (Dahl 1989, 109). Moreover, he argues that “the demos should have the exclusive authority to decide how matters are to be placed on the agenda” for consideration through the democratic process; those decisions should not be decided by an exclusive part of the demos (1989, 112–113). The concept of policy responsiveness is closely aligned to Pitkin’s conception of substantive representation; the extent to which policy-makers take action in furthering the interest of those they represent is the crucial element.

Finally, a related debate raised by many scholars is over whether legislators should be concerned solely about representing local interests or if they have a responsibility for addressing national concerns (Pitkin 1967). When there is congruence between local interests and national concerns, then this is not an important question, but often local preferences differ from what may be best for the state as a whole. Yet as Pitkin (1967) writes, representatives should be concerned about both. The dilemma for democratic government is that this is often not possible. In fact, King argues that “the goals of local and national representation are inherently incompatible” (1990, 159). The difficulty in designing a democracy is that some institutional designs encourage a local orientation, while others encourage a national one (Crisp 2006; King 1990).

Accountability

A crucial part of the element of consent in a democracy is the ability of the governed to remove this consent. The ability to remove consent—that is, the level of “accountability” in a system—is viewed by many scholars as arguably the central defining characteristic of democratic government (Dahl 1956; Lijphart 1984; Sklar 1987; O’Donnell 1994; Przeworski, Stokes, and Manin 1999). Schmitter and Karl (1991), for example, define a modern political democracy as “a system of governance in which rulers are held accountable for their actions in the public realm by citizens, acting indirectly through the competition and cooperation of their elected representatives” (76).

Manin, Przeworski, and Stokes (1999) describe accountability as resting on two key elements: information and sanctioning. Their conceptualization of information is distinct from that discussed in the ideal of meaningful elections; that is, their use of the term “information” does not refer to the ability of elections to *express* citizen information and preferences. Rather, information in the context of

accountability refers to citizen *awareness* of policy results, as well as those political actors responsible for said results. In other words, the role of information in the ideal of accountability is in terms of its facilitation of evaluation, not of expression. The element of “sanctioning” refers to the ability of the citizens to remove those from office who do not meet their expectations and reelect those who do. A state in which the level of accountability is high, therefore, must ensure that voters have adequate information to place blame or reward, as well as the institutional mechanism for—as Shugart and Carey (1992) referred to it—throwing the rascals out.

Political scientists have traditionally used the term “vertical accountability” to refer to the ability of voters to hold elected officials accountable for their actions. However, while elections are obviously central to the cultivation of accountability, the electoral process is not the only way in which government actors are forced to answer for their actions. Another type of accountability, referred to as “horizontal accountability,” is the ability of different branches of government to oversee and check the power of other branches (O’Donnell 1994). In textbook descriptions of American government, Congress is depicted as writing the nation’s laws, and the executive branch is responsible for administering them. In reality, the legislative branch of government in any nation can play an important role in checking up on the executive to make sure that the laws are being executed in a manner consistent with what the public wants. “Legislative oversight” refers to the efforts of the legislative branch to watch over and control the executive branch. The assembly is not the only branch that is concerned with accountability. Government agencies and the courts can monitor other government officials and take steps to ensure that these officials are abiding by the rule of law, adhering to civil rights, properly handling their responsibilities, and meeting public expectations.

In addition to differentiating between vertical and horizontal accountability, we can also differentiate between individual and collective accountability. Individual accountability refers to the ability of voters to hold individual officeholders and other government agents responsible for their performance. If an elected official behaves in a way that dissatisfies voters, the voters should have the ability to remove that individual from office. Collective accountability refers to the public’s ability to hold the entire government accountable for its actions, not just by replacing one individual, but by replacing the group of officeholders who are leading the nation and replacing them with another group who is more attentive to the public’s expectations (Carey 2009).

Balance of Interests: Majority Rule and Minority Rights

The idea that a majority of the population should rule is one that is central to most contemporary conceptions of democracy. The importance of majority rule to democratic government grew out of the European Enlightenment and is frequently associated with the writings of John Locke. Locke’s support for majority rule is tied to his assumptions about the origins of states. States were created, he argued, when individuals left the state of nature, where they were free and equal, and entered into a contract creating civil society as a means to protect their life, liberty, and property. Once civil society had been created, then the individuals had

to abide by the “will and determination of the majority.” Why should the majority rule? Locke wrote that since civil society is based on the consent of the governed, then it is necessary that the government “should move that way whither the greater force carries it” or else the civil society would soon cease to survive. By the “greater force,” he meant the consent of the majority. Locke considered the idea that government decisions should reflect the unanimous agreement of everyone in society, but argued that it would be impossible to find such consent, and to require it would cause the society to come to a quick end. Thus, he concluded that the majority must rule (1689).

During the last century, there was considerable debate among political theorists and constitution writers on whether there should be limits on the extent to which the majority should rule. One of the major arguments put forward by supporters of majority rule is that if the majority does not rule then the result would be minority rule, which would violate the basic principles of popular sovereignty and political equality (Thorson 1961). In explaining the case for majority rule, Herbert McCloskey wrote that “minority determination is inconsistent with the postulates we have indicated as inherent in all democratic systems. We said that each member of a democratic polity must be accounted as equal. Yet, to give to a minority final competence is to give special significance to its members, i.e., to treat its members not as the equals of other men, but as their superiors” (640). He goes on to write that when power is bestowed on a minority, government actions do not rest on consent of the governed, but on “some arbitrary category of qualities enjoyed by that minority, like property or caste” (1949, 640).

Since the 1700s, the idea that the majority should rule has become widely accepted in democratic government. However, there is also a strong expectation among most political thinkers that a democracy must also protect the rights of the minority. The desire to protect minority rights arose out of the Enlightenment’s ideas that individuals hold certain intrinsic rights, which cannot be taken away by the government even if the government is supported by a large majority of the population. One of the primary concerns of those who promote minority rights is that if the majority has complete control over government, it will lead to tyranny. This concern is perhaps best articulated by James Madison in “Federalist #10”. Writing to the people of New York while the New York convention was considering whether to adopt the US Constitution, Madison warned against the mischiefs that a majority can make in denying citizens of their rights (Madison 1787). Thus, while majority rule is seen by many as being central to democracy, others want to make sure the political system is structured in such a way as to ensure that a majority cannot trample upon the rights of the minority.¹

This concern for minority rights was captured in the writings of Lowell in the 1880s and Ranney in the 1950s in the debate over whether the Westminster model or the American presidential system is best. One of the important insights of Lowell’s argument, which Ranney reiterated in his later writings, is that a society

¹John Stuart Mill, prominent nineteenth-century theorist of political economy, argued the same case more extensively in *On Liberty* (1859).

cannot have both majority rule and minority rights, but that a choice must be made between the two. Ranney (1951) wrote that “the protection of minority rights necessarily involves giving some agency *external to* such majorities and *not responsible to* them the power to veto any act of a majority which it disapproves” (497). The minorities must be given some mechanism to determine the boundaries of their rights and to say when a government’s actions have transgressed those boundaries. By giving the minorities the power to veto government actions, the minorities are, in fact, being given the power to rule. We must, Ranney writes, “decide whether democracy to us means majority rule *or* minority rights. We cannot have both, for the latter in essence means minority *rule*” (1951, 497). Thus, there seems to be a clear trade-off between these two democratic elements.

In *Democracies* and other works, Lijphart (1984; 1999) offered a different perspective on the debate between majority rule versus minority rights. Lijphart agreed that majority rule is preferable to minority rule, but he argued that rather than being satisfied with narrow decision-making majorities, democratic government should try to “maximize the size of these majorities” so that as many people as possible participate and shape government decisions (1999, 2). In other words, Lijphart believes that while majority rule is good, it is even better for a democratic government to include as many voices as possible.

One of the central questions that Lijphart’s works have addressed is this: what is the best way to structure a democracy in a society with deep social cleavages? Under majority rule, it would be possible for a minority in these societies to be permanently excluded from influencing government decisions. If one defines democracy as a form of government in which all citizens should have the right to participate in government decisions, then using majority rule in these societies could violate a basic principle of democratic government (Lijphart 1999). For Lijphart, the answer as to what is the best way to structure a democracy in these societies is that it should be built on consensus rather than majority rule.

In *Patterns of Democracy*, Lijphart (1999) examined democracy in thirty-six countries to determine which of these two models—consensus or majoritarian—was better. Ultimately, he argued that consensus democracy is superior not only in societies with deep cleavages, but even in those that are more homogenous. Consensus democracy, he argued, outperforms majoritarian systems on a wide range of measures, including political equality, political participation, and representation. While *Patterns of Democracy* offers an empirical analysis, there is a strong normative vein running through it and all of Lijphart’s work in favor of consensus democracy. In his view, the ideal democracy is one that goes beyond majority rule to include as many citizen preferences as possible.

Functional State: Efficiency and Effectiveness

As the ideals discussed previously reflect, the consent of the governed rests heavily on their participation in the state. However, in addition to participation, the ability of a state to function is also critically important to maintaining their consent. No matter whether one believes that government should play a prominent role in society or a limited one, it is important to have a government that is able to handle,

efficiently and effectively, the tasks it is asked to perform. If the public expects the government to find policy solutions to major social problems, the government cannot do so unless it has the capacity to identify problems, analyze potential solutions, and produce legislation. But even if the public expects the government to play only a limited role in society, it is still necessary for the government to have a structure that allows it to act effectively on the smaller tasks it is asked to accomplish. Put succinctly, an *effective* state has a government structure that is capable of successfully handling the tasks associated with governing.

Beyond having a structure that is capable of allowing the lawmakers to understand problems and offer solutions, the government also needs to have the political ability to get legislation adopted into law that can address those problems. In other words, we do not want a government that is stifled by gridlock, parochial interests, or a lack of leadership. Writing about the British and American political systems more than 100 years ago, Bagehot (1867) paid particular attention to the importance of a government's ability to act, especially in what he called critical or dangerous periods. When there are major problems confronting a nation that demand immediate attention, the nation's government must be structured in such a way that it can usher an appropriate policy response through the legislature in a timely manner. Yet while most scholars would agree that it is essential for a government to be able to act in times of crisis, some have always argued that it is important for roadblocks to be created to ensure that governments cannot act too rashly. Arthur Schlesinger's defense of America's constitutional structure captures this alternative perspective. Schlesinger (1992) wrote, "When the country is not sure what ought to be done, it may be that delay, debate, and further consideration are not a bad idea" (93).

An *efficient* state, therefore, refers to a state that can pass policy quickly, and is not stymied by debate, gridlock, or stalemate. Cox and McCubbins (2001) consider the issue of state efficiency in their analysis of "decisive" versus "resolute" political systems. Their term "decisive" refers to an efficient state, wherein policy change and action can occur quickly and relatively easily. A system that is not decisive, however, is likely to experience few policy changes and require considerable negotiation to get legislation enacted. While having a political system that can change or enact policy quickly is valuable, Cox and McCubbins warn that there is a tradeoff involved. Political systems that are decisive, they argue, lack *resoluteness*, which is the ability to remain committed to a policy decision once it has been made. While an ideal government may be able to be both decisive and resolute, the choice of government institutions requires a choice between the two.

It is critical to emphasize that effectiveness and efficiency are not the same thing. A country could have an efficient government that is able to respond rapidly to address new issues as they arise, but one that is also unable to develop policies that effectively address the problem at hand. Conversely, a government may be very inefficient or slow in addressing problems, but is still able to produce effective policies over time. In his early study on modern democracies, Bryce suggested that there can be a tradeoff between efficiency and effectiveness. He said that in systems where decisions can be reached and carried into effect swiftly, there can be

the danger of insufficient reflection and no opportunity for second thought, while other systems can be “built for safety, not for speed” (1921, 468). We combine efficiency and effectiveness into one ideal category, however, because they are both critical components of having a functioning state.

A VALUES CHOICE

What is the best way, then, to structure a democracy? On the surface, it would seem that the answer to this question is that one would want to adopt institutions that are best able to maximize all of the democratic values. But in reality, there are inevitable trade-offs among the democratic values promoted by specific institutional designs. A good example is the relationship between majority rule and minority rights. As described above, a political structure that provides for majority rule has the potential to deny minorities their rights. Conversely, a structure that protects the rights of minorities will limit the right of the majority to rule. While this trade-off between majority rule and minority rights is one that is easily illustrated, there are other trade-offs that exist among democratic structures that are not so clear. A system may favor efficiency, for example, but at the cost of representation. Or it may promote broader representation, but in exchange for meaningful elections. Because these trade-offs exist, the answer to the question as to what democratic structures are best ultimately depends on the ranking of the democratic values preferred.²

While individual scholars and political commentators may favor particular democratic structures and ideals, the reality is that the “best” balance of democratic ideals is context dependent. That is, there is no one perfect balance of ideals; a balance that works well in one state may be a nightmare for another. In addition, even when there is a clear need for a high level of a certain ideal—for example, a high level of representation after an authoritarian period in which many citizens were not included in governance—the preferences of political actors may prevent the best balance of ideals from coming to fruition. The process of institutional design is therefore fraught with both the challenge of determining what is best for the state, as well as the challenge of multiple political actors with unique preferences.

And yet, while their preferences regarding the best balance of ideals will always be different, the shared priority of the designers of a democracy, no matter the historical and social context, has to be to cultivate legitimacy and stability of

²It is important to keep in mind, however, that while a particular structure may frequently be associated with some particular democratic value, democratic governments do not always live up to the ideals that are frequently associated with them. For example, while Lowell (1889) and others may champion the US political system as being better at protecting minority rights, one can find numerous examples of minorities being denied their rights. Certainly the most prominent example is the treatment of racial and ethnic minorities throughout the nation's history. On the other hand, while scholars often point to the Westminster model as being designed to promote majority rule, the system frequently produces results in which a minority actually rules. As a result, it is important to dig deep when evaluating democratic structures and explore the actual impact of structures on performance, rather than just relying on preconceived perspectives.

the regime. The concept of “legitimacy” refers to whether the citizens of a state generally believe that those in power deserve their power. This belief cannot be coerced; legitimacy rests on the true consent of the governed. When a state lacks sufficient legitimacy, then the citizens do not believe that the government should hold power over them, which will ultimately threaten the stability or survival of the regime. Legitimacy in a democracy is, in short, akin to oxygen in an animal—it is critically important, and without it the state will not survive for long. Therefore, there is a tremendous incentive for constitutional framers to cultivate legitimacy through the creation of institutions that reflect the necessary balance of democratic ideals in their particular historical and social context. If they fail to balance the ideals in a way that is best, or at the very least positive, for their unique historical and social context, then their democracy will not survive. The influence of their personal political preferences on institutional design, therefore, has to be tempered by the incentive to balance the resulting ideals such that they cultivate legitimacy and stability.

CASE STUDIES

In addition to our discussions of democratic ideals, each of the following chapters provides an overview of the comparative politics research on particular types of institutions and detailed case examples that highlight the consequences of the selected institutions. We return repeatedly to six case studies to illustrate how these differences in institutions affect governing: Brazil, Germany, Japan, South Africa, the United Kingdom, and the United States. These case studies were chosen for three primary reasons: first, they offer significant variation in institutional design; second, they provide substantial regional variation; and third, this selection of states provides considerable variation in the age of the democracies, as we include examples from all three waves of Huntington’s (1991) seminal study on democratization. Huntington identified the UK and US as being part of the first of these three waves of democratization, which flowed between 1826 to 1926. The second wave began during World War II and lasted until 1962. The adoption of democratic government in Germany and Japan following the war occurred during this period. The third wave of democratization began in 1974, and includes the spread of democracy in Latin America in the 1970s and in Central and Eastern Europe in the 1980s. The current democratic governments in Brazil and South Africa were created during this third wave. Table 1.1 identifies the major institutional structures for each of these countries.

In addition to looking in detail at these six countries, we have also provided tabular and graphic information on differences in institutional design for the fifty-six largest democracies in the world. We also present data, in some sections, from a relevant subset of countries within this group. To identify democratic countries, we used average Freedom House scores below 1.5 and Polity IV scores above 8 for the period from 1995 to 2005. We then limited the information presented to countries with more than 1 million inhabitants. We provide this data to give a quick worldwide snapshot of democratic institutions. Table 1.2 lists the countries

Table 1.1 Government Structure in Six Case Studies

	BRAZIL	GERMANY	JAPAN	SOUTH AFRICA	UNITED KINGDOM	UNITED STATES
Form of Democracy	Presidential	Parliamentary	Parliamentary	Parliamentary	Parliamentary	Presidential
Date of Constitution	1988	1949	1947	1997	—	1789
Unitary or Federal	Federal	Federal	Unitary	Federal	Unitary	Federal
Regional Governments	States	Länder	—	Provinces	—	States
Head of Government	President	Chancellor	Prime Minister	President	Prime Minister	President
Head of State	President	President	Emperor	President	Monarch	President
Name of Assembly	National Congress	—	National Diet	Parliament	Parliament	Congress
Lower Chamber	Chamber of Deputies	Bundestag	House of Representatives	National Assembly	House of Commons	House of Representatives
Upper Chamber	Senate	Bundestrat	House of Councillors	National Council of Provinces	House of Lords	Senate
Election System						
Lower Chamber	Proportional	Mixed Member Proportional	Mixed Member Majoritarian	Proportional	Majoritarian	Majoritarian
Upper Chamber	Majoritarian	Appointed by Provincial Governments	Mixed Member Majoritarian	Elected by Provincial Legislatures	Appointed by Prime Minister	Majoritarian
Highest Court	Supreme Federal Tribunal	Federal Constitutional Court	Supreme Court	Supreme Court	Supreme Court	Supreme Court

Table 1.2 Worldwide Snapshot of Major Democracies.^a

COUNTRY	CONSTITUTION PROMULGATED	COUNTRY	CONSTITUTION PROMULGATED
Argentina	1983	Japan	1946
Australia	1901	Latvia	1991
Austria	1945	Lithuania	1992
Belgium	1831	Mali	1992
Benin	1990	Mauritius	1968
Botswana	1966	Mongolia	1992
Brazil	1988	Namibia	1990
Bulgaria	1991	Netherlands	1848
Canada	1867	New Zealand	1852
Costa Rica	1949	Norway	1814
Croatia	1991	Panama	1972
Czech Republic	1993	Peru	1993
Denmark	1953	Poland	1997
Dominican Republic	2002	Portugal	1976
El Salvador	1983	Romania	1991
Estonia	1992	Serbia	2006
Finland	1999	Slovakia	1992
France	1958	Slovenia	1991
Germany	1949	South Africa	1996
Ghana	1992	South Korea	1948
Greece	1975	Spain	1978
Hungary	1949	Sweden	1974
India	1949	Switzerland	1999
Indonesia	1959	Taiwan	1947
Ireland	1937	Trinidad and Tobago	1976
Israel	No constitution	United Kingdom	No constitution
Italy	1947	United States of America	1789
Jamaica	1962	Uruguay	1985

^a Source: *Comparative Constitutions Project; CIA World Fact Book*

we use in these tables and graphs along with the year in which the country's current constitution was promulgated.

THE ORGANIZATION OF THE BOOK

In the chapters that follow, we explain how specific institutions promote particular democratic values, while impeding others. Each chapter begins by highlighting a particular set of institutions and providing extensive information on both their functionality and variation. In addition, each chapter also presents our analysis of the consequences of the institutions on the balance of democratic ideals. In these sections, we focus on specific ideals that are affected strongly by the particular

institution's design and then give a detailed explanation of the consequences of that design on the provision of the ideal.

While the main focus of this book concerns the consequences of institutions, chapter two presents a brief overview of literature on the origins of governing institutions. We focus on the theoretical importance of both rational self-interest and the historical context in explaining the development of democratic institutions; we also discuss why both schools of thought are valuable for understanding institutional design. The chapter also includes a detailed examination of the development of the modern democratic institutions in our six case studies. The literature review and the case studies are meant to provide an understanding of why countries differ in favoring particular democratic structures and the democratic ideals embodied within them and to explain why the choice of what democratic design is best is context specific.

Chapter three concentrates on the variety of legislative electoral systems used around the world. In this chapter, we begin with a detailed description of the most common electoral system designs in both the proportional and majoritarian families. In addition, we pay particular attention to the variables of intraparty competition and proportionality in our discussion of the proportional family. Then, employing the case study of the United Kingdom, we discuss one of the most important theories in the electoral system canon: Duverger's Law. In addition to the consequences of electoral systems on the ideal of representation highlighted by Duverger's Law, we focus on the democratic ideals of efficiency, accountability, and meaningful elections, all of which are impacted by the electoral system design. We also examine the unique design and consequences of mixed-member electoral systems and offer the case of modern Germany as an example. We examine the characteristics and effect of the personal vote on the balance of democratic ideals and conclude with a discussion of the extreme personal vote in Brazil.

The focus of chapter four is on the linkage institutions of political parties and interest groups, as well as on the composition of the representatives themselves. We begin with an extensive discussion of political parties, and examine the ways in which parties serve to link the citizens to the state. We devote particular attention to the fundamental role of parties in candidate selection, and make special note of both the variety of ways parties select their candidates for legislative office as well as of the consequences of candidate selection methodology on the balance of democratic ideals. We also consider the factors, both institutional and social, that impact the party system, employing the example of German party system as reflecting the influence of both factors. Next, we present a discussion of a different type of linking institution: the interest group. In this section, we highlight the characteristics of interest groups, the factors that determine the number of interest groups in a system, and the traditional distinction of pluralist versus corporatist interest group systems. Our case study is the semi-corporatist system of Japan, and we conclude the section with a discussion of the impact of the pluralist versus corporatist distinction of the balance of democratic ideals. Finally, we consider the representatives themselves, with a focus on the diversity of legislators. We present

both the causes of the variation in legislative diversity, as well as the impact of diversity on the balance of democratic ideals.

Chapter five examines the differences between parliamentary and presidential models of government. The chapter begins by describing the attributes of both types of systems and then explains how the structure of the party system affects parliamentary government. We next discuss how these different institutional designs promote different democratic ideals. The chapter uses the responses by the United States and the United Kingdom to the 2008 economic crisis to illustrate the benefits and drawbacks of both systems. The second part of the chapter examines the democratic ideals promoted by semi-presidential systems. This type of hybrid system, which is found in France and many other countries, includes both a prime minister and a president, making it different from the two pure types. The final part of the chapter examines the stability of both presidential and parliamentary systems.

Chapter six examines how variations in the power, role, and structure of legislative assemblies affect democratic government. The chapter begins by considering the effect of differences in the amount of *autonomy* granted to legislatures on the character of the policymaking process, creating political systems that differ from the pure parliamentary and presidential systems. Germany and Brazil are offered as case studies of the difference in the roles of legislatures, as well as of the resulting effect on legislative power. The chapter then examines how these differences affect democratic ideals. In the second part of the chapter, we examine the role that legislatures play in overseeing the government. Here, we consider the factors that encourage legislatures to play a more active oversight role and what this more active role means for democracy. In the final section, we compare unicameral and bicameral legislatures.

In chapter seven, we examine the differences in the regional distribution of power across democracies. The chapter begins with an explanation of the primary differences between unitary, federal, and confederal systems, and then describes some of the major attributes that are associated with federal systems. We use the United Kingdom as a case study to illustrate how power can be distributed in unitary systems. Later in the chapter, we compare the very different federal structures found in Brazil and South Africa. The chapter concludes with consideration of the mixed findings from past studies regarding how the regional distribution of power affects democratic government, and ultimately, democratic ideals.

Chapter eight focuses on the independence, behavior, and power of the high court. Our analysis begins with a discussion of different attributes of high courts, with a particular focus on the impact of these characteristics on judicial independence. The high court of Japan is utilized as a case study in this section, as we examine the causes and consequences of its very low level of independence. Next, we consider judicial behavior. We examine the factors that drive the rulings of justices and present both the personal and institutional influences on the decisions of high courts. We then consider what is arguably the most important element of a high court: the power and presence of judicial review. The presence of strong

judicial review triggers clear consequences for democratic ideals, and thus we consider the costs and benefits of giving the high court this substantial power. In addition, we present the high court of the United States as an example of the context of strong judicial review. Finally, we investigate the diversity of the highest courts and examine the consequences of the under-representation of marginalized groups in this branch on the balance of democratic ideals.

In chapter nine, we provide our concluding perspectives on how the institutional structure of a state affects the character of democracy. The chapter begins with a summary of each of our six case studies, with a focused discussion of the current institutional structures in each country and the resulting effect on the balance of democratic ideals. Then, we consider the effect of the balance of ideals on the legitimacy and stability of a state. While there is no perfect blend of ideals, there are clear consequences for legitimacy and democratic survival when the ideals are out of balance. We conclude by returning to our case studies, and, using the assessment tool of legitimacy levels, consider the health and likely democratic survival of the six countries.