

PART III *Actual Democracy*

This page intentionally left blank

What Political Institutions Does Large-Scale Democracy Require?

What does it mean to say that a country is governed democratically?

In this chapter we'll focus on the political institutions of *democracy on a large scale*, that is, the political institutions necessary for a *democratic country*. We're not concerned here, then, with what democracy in a very small group might require, as in a committee. We also need to keep our standard warning in mind: every actual democracy has always fallen short of the democratic criteria described in Part II and shown in figure 4 (p. 38). Finally, we should be aware in this chapter as elsewhere that in ordinary language we use the word *democracy* to refer both to a goal or ideal and to an actuality that is only a partial attainment of the goal. For the time being, therefore, I'll count on the reader to make the necessary distinctions when I use the words *democracy*, *democratically*, *democratic government*, *democratic country*, and so on.

If a *country* is to be governed democratically, what would be required? At a minimum, it would need to possess certain political arrangements, practices, or institutions that would go a long way, even if not all the way, toward meeting ideal democratic criteria.

Words About Words

Political *arrangements* sound as if they might be rather provisional, which they could well be in a country that has just moved away from nondemocratic rule. We tend to think of *practices* as

more habitual and therefore more durable. We usually think of *institutions* as having settled in for the long haul, passed on from one generation to the next. As a country moves from a non-democratic to a democratic government, the early democratic *arrangements* gradually become *practices*, which in due time turn into settled *institutions*. Helpful though these distinctions may be, however, for our purposes it will be more convenient if we put them aside and settle for *institutions*.

HOW CAN WE KNOW?

How can we reasonably determine what political institutions are necessary for large-scale democracy? We might examine the history of countries that have changed their political institutions in response, at least in part, to demands for broader popular inclusion and effective participation in government and political life. Although in earlier times those who sought to gain inclusion and participation were not necessarily inspired by democratic ideas, from about the eighteenth century onward they tended to justify their demands by appealing to democratic and republican ideas. What political institutions did they seek, and what were actually adopted in these countries?

Alternatively, we could examine countries where the government is generally referred to as democratic by most of the people in that country, by many persons in other countries, and by scholars, journalists, and the like. In other words, in ordinary speech and scholarly discussion the country is called a democracy.

Third, we could reflect on a specific country or group of countries, or perhaps even a hypothetical country, in order to imagine, as realistically as possible, what political institutions would be required in order to achieve democratic goals to a substantial degree. We would undertake a mental experiment, so to speak, in which we

FIGURE 6. *What political institutions does large-scale democracy require?*

Large-scale democracy requires:

1. Elected officials
2. Free, fair, and frequent elections
3. Freedom of expression
4. Alternative sources of information
5. Associational autonomy
6. Inclusive citizenship

would reflect carefully on human experiences, tendencies, possibilities, and limitations and design a set of political institutions that would be necessary for large-scale democracy to exist and yet feasible and attainable within the limits of human capacities.

Fortunately, all three methods converge on the same set of democratic political institutions. These, then, are minimal requirements for a democratic country (fig. 6).

THE POLITICAL INSTITUTIONS OF
MODERN REPRESENTATIVE DEMOCRACY

Briefly, the political institutions of modern representative democratic government are:

1. *Elected officials.* Control over government decisions about policy is constitutionally vested in officials elected by citizens. Thus modern, large-scale democratic governments are *representative*.
2. *Free, fair, and frequent elections.* Elected officials are chosen in frequent and fairly conducted elections in which coercion is comparatively uncommon.
3. *Freedom of expression.* Citizens have a right to express themselves without danger of severe punishment on political

matters broadly defined, including criticism of officials, the government, the regime, the socioeconomic order, and the prevailing ideology.

4. *Access to alternative sources of information.* Citizens have a right to seek out alternative and independent sources of information from other citizens, experts, newspapers, magazines, books, telecommunications, and the like. Moreover, alternative sources of information actually exist that are not under the control of the government or any other single political group attempting to influence public political beliefs and attitudes, and these alternative sources are effectively protected by law.
5. *Associational autonomy.* To achieve their various rights, including those required for the effective operation of democratic political institutions, citizens also have a right to form relatively independent associations or organizations, including independent political parties and interest groups.
6. *Inclusive citizenship.* No adult permanently residing in the country and subject to its laws can be denied the rights that are available to others and are necessary to the five political institutions just listed. These include the rights to vote in the election of officials in free and fair elections; to run for elective office; to free expression; to form and participate in independent political organizations; to have access to independent sources of information; and rights to other liberties and opportunities that may be necessary to the effective operation of the political institutions of large-scale democracy.

THE POLITICAL INSTITUTIONS IN PERSPECTIVE

Ordinarily these institutions do not arrive in a country all at once. As we saw in our brief history of democracy (Chapter 2), the last two

are distinctly latecomers. Until the twentieth century universal suffrage was denied in both the theory and practice of democratic and republican government. More than any other single feature, universal suffrage distinguishes modern representative democracy from all earlier forms of democracy.

The time of arrival and the sequence in which the institutions have been introduced have varied tremendously. In countries where the full set of democratic institutions arrived earliest and have endured to the present day, the “older” democracies, elements of a common pattern emerge. Elections to a legislature arrived early on—in Britain as early as the thirteenth century, in the United States during its colonial period in the seventeenth and eighteenth centuries. The practice of electing higher lawmaking officials was followed by a gradual expansion of the rights of citizens to express themselves on political matters and to seek out and exchange information. The right to form associations with explicit political goals tended to follow still later. Political “factions” and partisan organization were generally viewed as dangerous, divisive, subversive of political order and stability, and injurious to the public good. Yet because political associations could not be suppressed without a degree of coercion that an increasingly large and influential number of citizens regarded as intolerable, they were often able to exist as more or less clandestine associations until they emerged from the shadows into the full light of day. In the legislative bodies what once were “factions” became political parties. The “ins” who served in the government of the day were opposed by the “outs,” or what in Britain came to be officially styled His (or Her) Majesty’s Loyal Opposition. In eighteenth-century Britain, the faction supporting the monarch and the opposing faction supported by the much of the gentry in the “country” were gradually transformed into Tories and Whigs. During that same century in Sweden, partisan adversaries in parliament somewhat facetiously called themselves the Hats and the Caps.¹

During the final years of the eighteenth century in the newly formed republic of the United States, Thomas Jefferson, the vice president, and James Madison, leader of the House of Representatives, organized their followers in Congress to oppose the policies of the Federalist president, John Adams, and his secretary of the Treasury, Alexander Hamilton. To succeed in their opposition, they soon realized that they would have to do more than oppose the Federalists in the Congress and the cabinet: they would need to remove their opponents from office. To do that, they had to win national elections, and to win national elections they had to organize their followers throughout the country. In less than a decade, Jefferson, Madison, and others sympathetic with their views created a political party that was organized all the way down to the smallest voting precincts, districts, and municipalities, an organization that would reinforce the loyalty of their followers between and during election campaigns and make sure they came to the polls. Their Republican Party (soon renamed Democratic Republican and a generation later Democratic) became the first popularly based *electoral* party in the world. As a result, one of the most fundamental and distinctive political institutions of modern democracy, the political party, had burst beyond its confines in parliaments and legislatures in order to organize the citizens themselves and mobilize party supporters in national elections.

By the time the young French aristocrat Alexis de Tocqueville visited the United States in the 1830s, the first five democratic political institutions described above had already arrived in America. The institutions seemed to him so deeply planted and pervasive that he had no hesitation in referring to the United States as a democracy. In that country, he said, the people were sovereign, “society governs itself for itself,” and the power of the majority was unlimited.² He was astounded by the multiplicity of associations into which Americans organized themselves, for every purpose, it seemed. And tow-

ering among these associations were the two major political parties. In the United States, it appeared to Tocqueville, democracy was about as complete as one could imagine it ever becoming.

During the century that followed all five of the basic democratic institutions Tocqueville observed during his visit to America were consolidated in more than a dozen other countries. Many observers in Europe and the United States concluded that any country that aspired to be civilized and progressive would necessarily have to adopt a democratic form of government.

Yet everywhere the sixth fundamental institution—inclusive citizenship—was missing. Although Tocqueville affirmed that “the state of Maryland, which had been founded by men of rank, was the first to proclaim universal suffrage,” like almost all other men (and many women) of his time he tacitly assumed that “universal” did not include women.³ Nor, indeed, some men. Maryland’s “universal suffrage,” it so happened, also excluded most African Americans. Elsewhere, in countries that were otherwise more or less democratic, as in America a full half of all adults were completely excluded from national political life simply because they were women; in addition large numbers of men were denied the suffrage because they could not meet literacy or property requirements, an exclusion supported by many people who considered themselves advocates of democratic or republican government. Although New Zealand extended suffrage to women in national elections in 1893 and Australia in 1902, in countries otherwise democratic women did not gain suffrage in national elections until about 1920; in Belgium, France, and Switzerland, countries that most people would have called highly democratic, women could not vote until after World War II.

Because it is difficult for many today to grasp what “democracy” meant to our predecessors, let me reemphasize the difference: in all democracies and republics throughout twenty-five centuries the rights to engage fully in political life were restricted to a minority of

adults. “Democratic” government was government by males only—and not all of them. It was not until the twentieth century that in both theory and practice democracy came to require that the rights to engage fully in political life must be extended, with very few if any exceptions, to the entire population of adults permanently residing in a country.

Taken in their entirety, then, these six political institutions constitute not only a new type of political system but a new kind of popular government, a type of “democracy” that had never existed throughout the twenty-five centuries of experience since the inauguration of “democracy” in Athens and a “republic” in Rome. Because the institutions of modern representative democratic government, taken in their entirety, are historically unique, it is convenient to give them their own name. This modern type of large-scale democratic government is sometimes called *polyarchal* democracy.

Words About Words

Polyarchy is derived from Greek words meaning “many” and “rule,” thus “rule by the many,” as distinguished from rule by the one, or monarchy, and rule by the few, oligarchy or aristocracy. Although the term had been rarely used, a colleague and I introduced it in 1953 as a handy way of referring to a modern representative democracy with universal suffrage. Hereafter I shall use it in that sense. More precisely, a polyarchal democracy is a political system with the six democratic institutions listed above. Polyarchal democracy, then, is different from representative democracy with restricted suffrage, as in the nineteenth century. It is also different from older democracies and republics that not only had a restricted suffrage but lacked many of the other crucial characteristics of polyarchal democracy, such as political parties, rights to form political organizations to influence or oppose the existing government, organized interest groups, and so on. It

is different, too, from the democratic practices in units so small that members can assemble directly and make (or recommend) policies or laws. (I return to this difference in a moment.)

Although other factors were often at work, the six political institutions of polyarchal democracy came about, in part at least, in response to demands for inclusion and participation in political life. In countries that are widely referred to as democracies today, all six exist. Yet you might well ask: Are some of these institutions no more than past products of historical struggles? Are they no longer necessary for democratic government? And if they are still necessary today, why?

THE FACTOR OF SIZE

Before answering these questions, I need to call attention to an important qualification. As I warned at the beginning of this chapter, we are considering institutions necessary for the government of a democratic *country*. Why “country”? *Because all the institutions necessary for a democratic country would not always be required for a unit much smaller than a country.*

Consider a democratically governed committee, or a club, or a very small town. Although equality in voting would seem to be necessary, small units like these might manage without many elected officials: perhaps a moderator to preside over meetings, a secretary-treasurer to keep minutes and accounts. The participants themselves could decide just about everything directly during their meetings, leaving details to the secretary-treasurer. Governments of small organizations would not have to be full-fledged *representative* governments in which citizens elect representatives charged with enacting laws and policies. Yet these governments could be democratic, perhaps highly democratic. So, too, even though they lacked

FIGURE 7. *Why the institutions are necessary*

In a unit as large as a country, these political institutions of polyarchal democracy . . .	are necessary to satisfy the following democratic criteria:
1. Elected representatives . . .	Effective participation Control of the agenda
2. Free, fair, and frequent elections . . .	Voting equality Control of the agenda
3. Freedom of expression . . .	Effective participation Enlightened understanding Control of the agenda
4. Alternative information . . .	Effective participation Enlightened understanding Control of the agenda
5. Associational autonomy . . .	Effective participation Enlightened understanding Control of the agenda
6. Inclusive citizenship . . .	Full inclusion

political parties or other independent political associations, they might be highly democratic. In fact, we might concur with the classical democratic and republican view that in small associations organized “factions” are not only unnecessary but downright harmful. Instead of conflicts exacerbated by factionalism, caucuses, political parties, and so on, we might prefer unity, consensus, agreement achieved by discussion and mutual respect.

The political institutions strictly required for democratic government depend, then, on the size of the unit. The six institutions listed above developed because they are necessary for governing *countries*, not smaller units. Polyarchal democracy is democratic government on the large scale of the nation-state or country.

To return to our questions: Are the political institutions of poly-archal democracy actually necessary for democracy on the large scale of a country? If so, why? To answer these twin questions, let us recall what a democratic process requires (fig. 7).

WHY (AND WHEN) DOES DEMOCRACY REQUIRE ELECTED REPRESENTATIVES?

As the focus of democratic government shifted to large-scale units like nations or countries, the question arose: How can citizens *participate effectively* when the number of citizens becomes too numerous or too widely dispersed geographically (or both, as in the case of a country) for them to participate conveniently in making laws by assembling in one place? And how can they make sure that matters with which they are most concerned are adequately considered by officials—that is, how can citizens *control the agenda* of government decisions?

How best to meet these democratic requirements in a political unit as large as a country is, of course, enormously difficult, indeed to some extent unachievable. Yet just as with the other highly demanding democratic criteria, this, too, can serve as a standard for evaluating alternative possibilities and solutions. Clearly the requirements could not be met if the top officials of the government could set the agenda and adopt policies independently of the wishes of citizens. The only feasible solution, though it is highly imperfect, is for citizens to elect their top officials and hold them more or less accountable through elections by dismissing them, so to speak, in subsequent elections.

To us that solution seems obvious. But what may appear self-evident to us was not at all obvious to our predecessors.

As we saw in Chapter 2, until fairly recently the possibility that citizens could, by means of elections, choose and reject representatives with the authority to make laws remained largely foreign to both the

theory and practice of democracy. As we saw, too, the election of representatives mainly developed during the Middle Ages, when monarchs realized that in order to impose taxes, raise armies, and make laws they needed to win the consent of the nobility, the higher clergy, and a few not-so-common commoners in the larger town and cities.

Until the eighteenth century, then, the standard view was that democratic or republican government meant rule by the people, and if the people were to rule they had to assemble in one place and vote on decrees, laws, or policies. Democracy would have to be town meeting democracy; representative democracy was a contradiction in terms. By implication, whether explicit or implicit, a republic or a democracy could actually exist only in a small unit, like a town or city. Writers who held this view, such as Montesquieu and Jean-Jacques Rousseau, were perfectly aware of the disadvantages of a small state, particularly when it confronted the military superiority of a much larger state and were therefore extremely pessimistic about the future prospects for genuine democracy.

Yet the standard view was swiftly overpowered and swept aside by the onrushing force of the national state. Rousseau himself clearly understood that for a government of a country as large as Poland (for which he proposed a constitution), representation would be necessary. And shortly thereafter the standard view was driven off the stage of history by the arrival of democracy in America.

As late as 1787, when the Constitutional Convention met in Philadelphia to design a constitution appropriate for a large country with an ever-increasing population, the delegates were acutely aware of the historical tradition. Could a republic possibly exist on the huge scale the United States had already attained, not to mention the even grander scale the delegates foresaw?^{*} Yet no one ques-

^{*}A few delegates daringly forecast that the United States might ultimately have as many as one hundred million inhabitants. This number was reached in 1915.

tioned that if a republic were to exist in America it would have to take the form of a *representative* republic. Because of the lengthy experience with representation in colonial and state legislatures and in the Continental Congress, the feasibility of representative government was practically beyond debate.

By the middle of the nineteenth century, the traditional view was ignored, forgotten, or, if remembered at all, treated as irrelevant. "It is evident," John Stuart Mill wrote in 1861,

that the only government which can fully satisfy all the exigencies of the social state is one in which the whole people participate; that any participation, even in the smallest public function, is useful; that the participation should everywhere be as great as the general degree of improvement of the community will allow; and that nothing less can be ultimately desirable than the admission of all to a share in the sovereign power of the state. But since all cannot, in a community exceeding a single small town, participate personally in any but some very minor portions of the public business, it follows that the ideal type of a perfect government must be representative.⁴

WHY DOES DEMOCRACY REQUIRE FREE, FAIR, AND FREQUENT ELECTIONS?

As we have seen, if we accept the desirability of political equality, then every citizen must have an *equal and effective opportunity to vote, and all votes must be counted as equal*. If equality in voting is to be implemented, then clearly elections must be free and fair. To be free means that citizens can go to the polls without fear of reprisal; and if they are to be fair, then all votes must be counted as equal. Yet free and fair elections are not enough. Imagine electing representatives for a term of, say, twenty years! If citizens are to retain *final control over the agenda*, then elections must also be frequent.

How best to implement free and fair elections is not obvious. In the late nineteenth century the secret ballot began to replace a public show of hands. Although open voting still has a few defenders, secrecy has become the general standard; a country in which it is widely violated would be judged as lacking free and fair elections. But debate continues as to the kind of voting system that best meets standards of fairness. Is a system of proportional representation (PR), like that employed in most democratic countries, fairer than the First-Past-the-Post system used in Great Britain and the United States? Reasonable arguments can be made for both, as we'll see when we return to this question in Chapter 10. In discussions about different voting systems, however, the need for a fair system is assumed; how best to achieve fairness and other reasonable objectives is simply a technical question.

How frequent should elections be? Judging from twentieth-century practices in democratic countries, a rough answer might be that annual elections for legislative representatives would be a bit too frequent and anything more than about five years would be too long. Obviously, however, democrats can reasonably disagree about the specific interval and how it might vary with different offices and different traditional practices. The point is that without frequent elections citizens would lose a substantial degree of control over their elected officials.

WHY DOES DEMOCRACY REQUIRE FREE EXPRESSION?

To begin with, freedom of expression is required in order for citizens to *participate* effectively in political life. How can citizens make their views known and persuade their fellow citizens and representatives to adopt them unless they can express themselves freely about all matters bearing on the conduct of the government? And if they are to take the views of others into account, they must be

able to hear what others have to say. Free expression means not just that you have a right to be heard. It also means that you have a right to hear what others have to say.

To acquire an *enlightened understanding* of possible government actions and policies also requires freedom of expression. To acquire civic competence, citizens need opportunities to express their own views; learn from one another; engage in discussion and deliberation; read, hear, and question experts, political candidates, and persons whose judgments they trust; and learn in other ways that depend on freedom of expression.

Finally, without freedom of expression citizens would soon lose their capacity to influence *the agenda* of government decisions. Silent citizens may be perfect subjects for an authoritarian ruler; they would be a disaster for a democracy.

WHY DOES DEMOCRACY REQUIRE THE AVAILABILITY OF ALTERNATIVE AND INDEPENDENT SOURCES OF INFORMATION?

Like freedom of expression, the availability of alternative and relatively independent sources of information is required by several of the basic democratic criteria. Consider the need for *enlightened understanding*. How can citizens acquire the information they need in order to understand the issues if the government controls all the important sources of information? Or, for that matter, if any single group enjoys a monopoly in providing information? Citizens must have access, then, to alternative sources of information that are not under the control of the government or dominated by any other group or point of view.

Or think about *effective participation* and influencing the *public agenda*. How could citizens participate effectively in political life if all the information they could acquire was provided by a single

source, say the government, or, for that matter, a single party, faction, or interest?

WHY DOES DEMOCRACY REQUIRE INDEPENDENT ASSOCIATIONS?

As we saw earlier, it took a radical turnabout in ways of thinking to accept the need for political associations—interest groups, lobbying organizations, political parties. Yet if a large republic requires that representatives be elected, then how are elections to be contested? Forming an organization, such as a political party, gives a group an obvious electoral advantage. And if one group seeks to gain that advantage, will not others who disagree with their policies? And why should political activity cease between elections? Legislators can be influenced; causes can be advanced, policies promoted, appointments sought. So, unlike a small city or town, the large scale of democracy in a country makes political associations both necessary and desirable. In any case, how can they be prevented without impairing the fundamental right of citizens to participate effectively in governing? In a large republic, then, they are not only necessary and desirable but inevitable. Independent associations are also a source of *civic education and enlightenment*. They provide citizens not only with information but also with opportunities for discussion, deliberation, and the acquisition of political skills.

WHY DOES DEMOCRACY REQUIRE INCLUSIVE CITIZENSHIP?

The answer is to be found, of course, in the reasons that brought us to the conclusion of the last chapter. We hardly need to repeat them here.

We can view the political institutions described in this chapter and summarized in figure 6 in several ways. For a country that lacks

one or more of the institutions, and is to that extent not yet sufficiently democratized, knowledge of the basic political institutions can help us to design a strategy for making a full *transition* to modern representative democracy. For a country that has only recently made the transition, that knowledge can help inform us about the crucial institutions that need to be *strengthened, deepened, and consolidated*. Because they are all necessary for modern representative democracy (polyarchal democracy), we can also view them as establishing a *minimum level for democratization*.

Those of us who live in the older democracies, where the transition to democracy occurred some generations ago and the political institutions listed in figure 6 are by now solidly established, face a different and equally difficult challenge. For even if the institutions are necessary to democratization, they are definitely not *sufficient* for achieving fully the democratic criteria listed in figure 6 and described in Chapter 4. Are we not then at liberty, and indeed obligated, to appraise our democratic institutions against these criteria? It seems obvious to me, as to many others, that judged against democratic criteria our existing political institutions display many shortcomings.

Consequently, just as we need strategies for bringing about a transition to democracy in nondemocratic countries and for consolidating democratic institutions in newly democratized countries, so in the older democratic countries we need to consider whether and how to move beyond our existing level of democracy.

Let me put it this way. In many countries the task is to achieve democratization up to the level of polyarchal democracy. But the challenge to citizens in the older democracies is to discover how they might achieve a level of democratization *beyond* polyarchal democracy.

CHAPTER 9

Varieties I

DEMOCRACY ON DIFFERENT SCALES

Are there different varieties of democracy? If so, what are they? Because the words *democracy* and *democratic* are bandied about indiscriminately, it is tempting to adopt the view of Humpty Dumpty in *Through the Looking Glass*:

“When *I* use a word,” Humpty Dumpty said, in rather a scornful tone, “it means just what I choose it to mean—neither more nor less.”

“The question is,” said Alice, “whether you *can* make words mean so many different things.”

“The question is,” said Humpty Dumpty, “which is to be the master—that’s all.”

BUT WORDS DO MATTER

In Humpty Dumpty’s view, everyone is free to call any government a democracy—even a despotic government. That happens more often than you might suppose. Authoritarian leaders sometimes claim that their regime is really a special type of “democracy” that is superior to other sorts. For example, V. I. Lenin once asserted: “Proletarian democracy is a million times more democratic than any bourgeois democracy; Soviet government is a million times more democratic than the most democratic bourgeois republic.”¹ This from the man who was the major architect in con-

structing the foundations of the totalitarian regime that ruled the Soviet Union for more than sixty years.

Fictions like these were also created by leaders and propagandists in the highly authoritarian “people’s democracies” created in Central and Eastern Europe in countries that fell under Soviet domination during and after World War II.

But why should we cravenly accept the claims of despots that they really are democrats? A cobra does not become a dove because its owner says so. No matter what a country’s leaders and propagandist may claim, we are entitled to judge a country to be a democracy only if it possesses *all* of the political institutions that are necessary to democracy.

Yet does this mean that democratic criteria can be satisfied only by the full set of political institutions of polyarchal democracy described in the last chapter? Not necessarily.

- The institutions of polyarchal democracy are necessary for democratizing the government of the state in a large-scale system, specifically a country. But they might be unnecessary or downright unsuitable for democracy in units on a smaller (or larger?) scale, or in smaller associations that are independent of the state and help to make up civil society. (More on this in a moment.)
- The institutions of polyarchal democracy were described in the preceding chapter in general terms. But might not democratic countries vary a great deal, and in important ways, in their specific political institutions: electoral arrangements, party systems, and the like? We’ll consider some of these variations in the next two chapters.
- Because the institutions of polyarchal democracy are necessary does not imply that they are sufficient for democracy. Yes, a political system with these institutions will

meet the democratic criteria described in Chapter 4 more or less satisfactorily. But is it not possible that other, perhaps additional, institutions might enable a country to achieve one or more of those criteria more fully?

DEMOCRACY: GREEK VERSUS MODERN

If the political institutions required for democracy must include elected representatives, what are we to say about the Greeks, who first applied the word *democracy* to the governments of their city-states? Wouldn't we be pushing our present perspective to the point of anachronistic absurdity if we were to conclude that, like Lenin, Mussolini, and other twentieth-century antidemocrats, the Greeks simply misused the term? After all, it was they, not us, who first created and used the word *democracy*. To deny that Athens was a democracy would be rather like saying that what the Wright brothers invented was not an airplane because their early machine so little resembled ours today.

By proceeding with due respect for past usage, perhaps we can learn something about democracy from the people who not only gave us the word but provided concrete examples of what they meant by it. If we examine the best known example of Greek democracy, that of Athens, we soon notice two important differences from our present version. For reasons we've explored, most democrats today would insist that an acceptable democratic system must meet a democratic criterion that would have been unacceptable to the Greeks: inclusion. We have also added a political institution that the Greeks saw not only as unnecessary for their democracies but downright undesirable: the election of representatives with the authority to enact laws. We might say that the political system they created was a primary democracy, an assembly democracy, or a town meeting democracy. But they definitely did not create representative democracy as we understand it today.²

ASSEMBLY DEMOCRACY VERSUS REPRESENTATIVE DEMOCRACY

Accustomed as we are to accepting the legitimacy of representative democracy we may find it difficult to understand why the Greeks were so passionately attached to assembly democracy. Yet until recently most other advocates of democracy felt as they did, all the way down to Jean-Jacques Rousseau in 1762, when *On the Social Contract* was published. Or beyond, to the Anti-Federalists who opposed the new American Constitution because they believed that under a *federal* government they would no longer be able to govern themselves; and to the citizens of cantons in Switzerland and towns in Vermont who to the present day have jealously preserved their town meetings; and to American students in the 1960s and 1970s who fervently demanded that “participatory democracy” should replace representative systems; and to many others who continue to stress the virtues of democratic government by citizen assemblies.

Advocates of assembly democracy who know their history are aware that as a democratic device representation has a shady past. As we saw in Chapter 2, representative government originated not as a democratic practice but as a device by which nondemocratic governments—monarchs, mainly—could lay their hands on precious revenues and other resources they wanted, particularly for fighting wars. In origin, then, representation was not democratic; it was a nondemocratic institution later grafted on to democratic theory and practice.

Beyond their well-founded suspicion of this institution lacking democratic credentials, the critics of representation had an even more basic point. In a small political unit, such as a town, assembly democracy allows citizens desirable opportunities for engaging in the process of governing themselves that a representative government in a large unit simply cannot provide.

Consider one of the ideal criteria for democracy described in Chapter 4: opportunities for participating effectively in decisions. In a small unit governed by its citizens gathered in a popular assembly, participants can discuss and debate the questions they think important; after hearing the pros and cons, they can make up their minds; they can vote directly on the matters before them; and as a consequence they do not have to delegate crucial decisions to representatives, who may well be influenced by their own aims and interests rather than those of their constituents.

Given these clear advantages, why was the older understanding of democracy reconfigured in order to accommodate a political institution that was nondemocratic in its origins?

REPRESENTATION ALREADY EXISTED

As usual, history provides part of the answer. In countries where the practice of electing representatives already existed, democratic reformers saw a dazzling opportunity. They saw no need to discard the representative system, despite its dubious origins and the narrow, exclusionary suffrage on which it rested. They believed that by broadening the electoral base the legislature or parliament could be converted into a more truly representative body that would serve democratic purposes. Some of them saw in representation a profound and dazzling alteration in the prospects for democracy. An eighteenth-century French thinker, Destutt de Tracy, whose criticisms of his predecessor, Montesquieu, greatly influenced Thomas Jefferson, observed triumphantly: "Representation, or representative government, may be considered as a new invention, unknown in Montesquieu's time. . . . Representative democracy . . . is democracy rendered practicable for a long time and over a great extent of territory."³

In 1820, James Mill described "the system of representation" as "the grand discovery of modern times."⁴ New invention, grand

discovery—the words help us to recapture some of the excitement that democratic reformers felt when they threw off the blinders of traditional democratic thought and saw that a new species of democracy could be created by grafting the medieval practice of representation to the ancient tree of democracy.

They were right. In essence the broadening process eventually led to a representative government based on an inclusive demos, thus helping to achieve our modern conception of democracy.

Still, given representation's comparative disadvantages, why didn't democratic reformers reject it altogether and opt instead for direct democracy in the form, say, of a Greek-style people's assembly? Although this possibility had some advocates, most advocates of democracy concluded, like the framers of the U.S. Constitution, that the political unit they wanted to democratize was too large for assembly democracy.

ONCE MORE: ON SIZE AND DEMOCRACY

Size matters. Both the number of persons in a political unit and the extent of its territory have consequences for the form of democracy. Imagine for a moment that you're a democratic reformer in a country with a nondemocratic government that you hope to democratize. You don't want your country to dissolve into dozens or perhaps hundreds of ministates, even though each might be small enough for its citizens to gather frequently to exercise their sovereignty in an assembly. The citizens of your country are too numerous to assemble, and what's more they extend over a territory too large for all of you to meet without daunting difficulties. What are you to do?

Perhaps today and increasingly in the future you might be able to solve the territorial problem by employing electronic means of communication that would enable citizens spread out over a large area to "meet," discuss issues, and vote. But it is one thing to enable

citizens to “meet” electronically and quite another to solve the problem posed by large numbers of citizens. Beyond some limit, an attempt to arrange for them all to meet and engage in a fruitful discussion, even electronically, becomes ridiculous.

How big is too big for assembly democracy? How small is small enough? According to recent scholarly estimates, in Greek city-states the citizen body of adult males typically numbered between two thousand and ten thousand—about the right number, in the view of some Greek political theorists, for a good *polis*, or self-governing city-state. In Athens, however, the citizen body was much larger than that—perhaps around *sixty thousand* at the height to Athenian democracy in 450 B.C.E. “The result,” as one scholar has written, “was that Athens simply had too many citizens to function properly as a *polis*.” A century later, as a result of emigration, deaths from war and disease, and additional restrictions on citizenship, the number may have been reduced by half, which was still too many for its assembly to accommodate more than a small fraction of Athenian male citizens.⁵

A bit of simple arithmetic soon reveals the inexorable consequences of time and numbers. Suppose we begin with a very tiny unit, a committee, let us say, of just ten members. We think it might be reasonable to allow each member at least ten minutes for discussing the matter at hand. So we shall need about an hour and forty minutes for our meeting, certainly not an exorbitant amount of time for our committee members to spend in meeting. But suppose the subject is so complicated that each committee member might require a half-hour. Then we’ll need to plan on a five-hour meeting, or perhaps two meetings—still an acceptable amount of time.

But even a fairly large committee would prove to be a small citizen assembly. Consider, for example, a village of two hundred persons where the entire adult population consists of, say, one hundred persons, all of whom attend the meetings of an assembly. Suppose each

TABLE 1. *The high price of participatory democracy*

Number of Persons	Total time required if each person has					
	10 minutes			30 minutes		
	minutes	hours	8-hour days	minutes	hours	8-hour days
10	100	2		300	5	
20	200	3		600	10	1
50	500	8	1	1,500	25	3
500	5,000	83	10	15,000	250	31
1,000	10,000	167	21	30,000	500	63
5,000	50,000	833	104	150,000	2,500	313
10,000	100,000	1,667	208	300,000	5,000	625

is entitled to a total of ten minutes. That modest amount would require two eight-hour days—not impossible but surely not easy to bring about! Let's stay for a moment with our assumption of just ten minutes for each citizen's participation. As the numbers go up the situation becomes more and more absurd. In an "ideal polis" of ten thousand full citizens, the time required is far beyond all tolerable limits. Ten minutes allotted to each citizen would require more than two hundred eight-hour working days. A half-hour allotment hour would require almost two years of steady meetings (table 1)!

To assume that every citizen would want to speak is, of course, absurd, as anyone with the slightest familiarity with town meetings knows. Typically a few persons do most of the talking. The rest may refrain for any one of many reasons: because what they intended to say has already been covered adequately; or they have already made up their minds; or they suffer from stage fright, a sense of inadequacy, lack of a pressing interest in the subject at hand, incomplete knowledge, and so on. While a few carry on the discussion, then, the rest listen (or not), and when the time comes for a vote they vote (or don't).

In addition, lots of discussion and inquiry may take place elsewhere. Many of the hours required in table 1 may actually be used in

discussing public matters in informal settings of many kinds. So we should not read table 1 in too simple-minded a way. Yet in spite of all reasonable qualifications, assembly democracy has some severe problems:

- Opportunities for participation rapidly diminish with the size of the citizen body.
- Although many more can participate by listening to speakers, the maximum number of participants in a single meeting who are likely to be able to express themselves in speech is very small—probably considerably less than a hundred.
- These fully participant members become, in effect, representatives of the others, except in voting. (This exception is, however, important, and I'll return to it in a moment.)
- Thus even in a unit governed by assembly democracy, a kind of de facto representative system is likely to exist.
- Yet nothing insures that the fully participating members are representative of the rest.
- To provide a satisfactory system for selecting representatives, citizens may reasonably prefer to elect their representatives in free and fair elections.

THE DEMOCRATIC LIMITS OF REPRESENTATIVE GOVERNMENT

So representation, it appears, has the advantage. Or does it? The irony of the combination of time and numbers is that it impartially cuts both ways: it swiftly reveals a great democratic defect in representative government. Returning to table 1 and our arithmetical exercises, suppose we now calculate the time that would be required if each citizen were to meet briefly with his or her representative. Table 1 provides a devastating case against the participatory possi-

bilities of representative government. Let's imagine that an elected representative wishes to set aside ten minutes for discussing matters with each adult citizen in the representative's district. We'll ignore travel time and other practicalities. Suppose the district contains ten thousand adult citizens, the largest number shown in table 1. Q.E.D.: The representative would have to allow more than half the days of the year just for meetings with constituents! In the United States, representatives to the U.S. Congress are elected from districts that on average contain more than four hundred thousand adult citizens. A member of the U.S. House of Representatives who wished to devote just ten minutes to each citizen in the district would have no time for anything else. If he or she were to spend eight hours a day at the task, every day of the year, she or he would need more than twenty years, or ten terms, longer than most representatives ever remain in Congress.

Assembly democracy or representative democracy? Small-scale democracy or large-scale democracy? Which is better? Which is more democratic? Each has its passionate advocates. As we have just seen, a strong case can be made for the advantages of each. Yet our rather artificial and even absurd arithmetic exercises have revealed inexorable limits on civic participation that apply with cruel indifference to both. For neither can escape the impassable bounds set by the interaction of the time required for an act of participation and the number of citizens entitled to participate.

The law of time and numbers: The more citizens a democratic unit contains, the less that citizens can participate directly in government decisions and the more that they must delegate authority to others.

A FUNDAMENTAL DEMOCRATIC DILEMMA

Lurking in the background is a fundamental democratic dilemma. If our goal is to establish a democratic system of government

that provides maximum opportunities for citizens to participate in political decisions, then the advantage clearly lies with assembly democracy in a small-scale political system. But if our goal is to establish a democratic system of government that provides maximum scope for it to deal effectively with the problems of greatest concern to citizens, then the advantage will often lie with a unit so large that a representative system will be necessary. This is the dilemma of citizen participation versus system effectiveness:

The smaller a democratic unit, the greater its potential for citizen participation and the less the need for citizens to delegate government decisions to representatives. The larger the unit, the greater its capacity for dealing with problems important to its citizens and the greater the need for citizens to delegate decisions to representatives.

I do not see how we can escape this dilemma. But even if we cannot escape it, we can confront it.

SMALL IS BEAUTIFUL, SOMETIMES

As with all other human activities, political systems don't necessarily realize their possibilities. A book title captures the essence of one perspective: *Small Is Beautiful*.⁶ Unquestionably, it is possible in theory for very small political systems to attain a very high level of citizen participation that large systems can never match. Yet they often, perhaps usually, fall far short of achieving their potential.

The town meetings in some of the smaller towns of New England provide good examples of limits and possibilities. Although in most of New England the traditional town meeting has been mainly or entirely replaced as a legislative body by elected representatives, it is alive and well in the mainly rural state of Vermont.

A sympathetic observer and participant who studied town meetings in Vermont found that 1,215 town meetings were held between

1970 and 1994 in 210 Vermont towns of fewer than forty-five hundred residents. From the records of 1,129 of these town meetings he concluded that

the average number of people in attendance when the attendance count was the highest at each meeting was 139. An average of 45 of these participated at least once. . . . [O]n average 19 percent of a town's eligible voters will be present at town meeting and 7 percent of a town's eligible voters (37 percent of the attenders) will speak out at least once. . . . The great majority of people that speak will do so more than once. . . . The average meeting takes almost four hours . . . of deliberative time. It lasts long enough to give each of its attenders two minutes and 14 seconds of time to talk. Since many fewer speak than attend, of course, the average time available for each speaker is almost exactly five minutes. . . . Conversely, since there are about four times as many participations as there are participators, the average town meeting allows for only one minute and 20 seconds for each act of participation.⁷

Town meetings, it appears, are not exactly paragons of participatory democracy. Yet that is not the whole story. When citizens know the issues to be dealt with are trivial or uncontroversial, they choose to stay home—and why not? But controversial issues bring them out. Although my own town in Connecticut has largely abandoned its traditional town meeting, I can recall questions on which citizens were sharply divided and turned out in such numbers that they overflowed the high school auditorium; a second meeting scheduled for those unable to get in to the first proved to be equally large. As in Vermont, discussions at town meetings are not dominated by the educated and affluent. Strong beliefs and a determination to have one's say are not by any means monopolized by a single socioeconomic group.

With all its limitations, assembly democracy has much to be said for it.

BUT BIGGER IS BETTER, SOMETIMES

As we saw in Chapter 2, the Greeks did not escape the dilemma. As they were aware, the Achilles heel of the small state is its military weakness in the face of a large state. Ingenious and valiant though the Athenians were in preserving their independence, they could not prevent defeat by the superior forces of Philip of Macedon in 322 B.C.E. or the centuries of foreign domination that followed. Once the centralized national state began to emerge, the remaining city-states were doomed. The last great city-state republic, Venice, fell without resistance to Napoleon Bonaparte's forces in 1797 and thereafter never regained independence.

In recent centuries, notably the twentieth, the limited capacities of self-governing units small enough for assembly democracy have shown up again and again, not only in military matters but in dealing with economic affairs, traffic, transportation, communications, the movement of people and goods, health, family planning, agriculture, food, crime, education, civil, political, human rights, and a host of other matters of concern.

Short of a world cataclysm that would drastically and permanently reduce the world's population and destroy its advanced technology, it is impossible to foresee a world in which all large political units will have vanished, to be replaced *entirely* by completely independent political units with populations so small (say fewer than fifty thousand persons at most) that its citizens could govern themselves, and would choose to govern themselves, exclusively by a system of assembly democracy. To make matters worse, a world of small and completely independent units would surely be unstable, for it would take only a few such units to coalesce, engage in military

aggression, pick off one small unit after another, and thus create a system too large for assembly government. To democratize this new and larger unit, democratic reformers (or revolutionaries) would have to reinvent representative democracy.

THE DARK SIDE: BARGAINING AMONG ELITES

For all its advantages, representative government has a dark side. Most citizens in democratic countries are aware of it; for the most part they accept it as a part of the price of representation.

The dark side is this: under a representative government, citizens often delegate enormous discretionary authority over decisions of extraordinary importance. They delegate authority not only to their elected representatives but, by an even more indirect and circuitous route, they delegate authority to administrators, bureaucrats, civil servants, judges, and at a still further remove to international organizations. Attached to the institutions of polyarchal democracy that help citizens to exercise influence over the conduct and decisions of their government is a nondemocratic process, *bargaining among political and bureaucratic elites*.

In principle, elite bargaining takes place within limits set through democratic institutions and processes. But these limits are often broad, popular participation and control are not always robust, and the political and bureaucratic elites possess great discretion. Despite the limits on popular control, the political elites in democratic countries are not despots, out of control. Far from it. Periodic elections compel them to keep a ready eye on popular opinion. In addition, as they arrive at decisions the political and bureaucratic elites mutually influence and check one another. Elite bargaining has its own system of mutual checks and balances. To the extent that elected representatives participate in the bargaining process, they are a channel through which popular desires, goals, and values enter into

governmental decisions. Political and bureaucratic elites in democratic countries are powerful, far more powerful than ordinary citizens can be; but they are not despots.

CAN INTERNATIONAL ORGANIZATIONS BE DEMOCRATIC?

So far we have been concerned with the possibilities of democracy in units of a smaller scale than a country or nation-state. But what about units of a larger scale, or at least a very different scale: international organizations?

During the late twentieth century democratic countries increasingly felt the consequences of internationalization—economic, cultural, social, political, bureaucratic, military. What does the future hold for democracy? Even if the governments of independent countries yield much of their power to international governments of one kind or another, won't the democratic process simply move up to the international level? If so, as emerging international governments are democratized, democratic values won't be impaired and may even be enhanced.

One might draw on history for an analogy. As we saw in Chapter 2, the original locus for the idea and practice of democracy was the city-state. But city-states could not withstand the increasing power of national states. Either the city-states ceased to exist as recognizable entities or, like Athens and Venice, they became local governments subordinate to the government of the country. In the twenty-first century, then, won't national governments simply become more like local governments that are subordinate to democratic international governments?

After all, one might say, the subordination of smaller local governments to a national government was not the end of democracy. On the contrary, the democratization of national governments not only vastly extended the domain of democracy but allowed an im-

portant place for democratic processes in the subordinate units—towns, cities, cantons, states, provinces, regions, and the like. So, in this view, the challenge is not to halt internationalization in its tracks, which is impossible. The challenge is to democratize international organizations.

Appealing as this vision is to anyone who places a high value on democracy, to my regret I am compelled to conclude that it is excessively optimistic. Even in countries where democratic institutions and practices have long existed and are well established, it is extremely difficult for citizens to exercise effective control over many key decisions on foreign affairs. It is far more difficult for them to do so in international organizations.

The European Union offers telling evidence. There, such nominally democratic structures as popular elections and a parliament are formally in place. Yet virtually all observers agree that a gigantic “democratic deficit” remains. Crucial decisions mainly come about through bargaining among political and bureaucratic elites. Limits are set not by democratic processes but mainly by what negotiators can get others to agree to and by considering the likely consequences for national and international markets. Bargaining, hierarchy, and markets determine the outcomes. Except to ratify the results, democratic processes hardly play a role.

If democratic institutions are largely ineffective in governing the European Union, the prospects for democratizing other international systems seem even more remote. To achieve a level of popular control that is anywhere near the level already existing within democratic countries, international organizations would have to solve several problems about as well as they are now dealt with in democratic countries. Political leaders would have to create political institutions that would provide citizens with opportunities for political participation, influence, and control roughly equivalent in effectiveness to those already existing in democratic countries. To

take advantage of these opportunities, citizens would need to be about as concerned and informed about the policy decisions of international organizations as they now are about government decisions in their own countries. In order for citizens to be informed, political and communication elites would need to engage in public debate and discussion of the alternatives in ways that would engage the attention and emotions of the public. To insure public debate, it would be necessary to create an international equivalent to national political competition by parties and individuals seeking office. Elected representatives, or functional equivalents to them (whatever they might be), would need to exercise control over important international bureaucracies about as well as legislatures and executives now do in democratic countries.

How the representatives of a hypothetical international citizen body would be distributed among the people of different countries poses an additional problem. Given huge differences in the magnitude of the populations of different countries, no system of representation could give equal weight to the vote of each citizen and yet prevent small countries from being steadily outvoted by large countries; thus all solutions acceptable to the smaller democracies will deny political equality among the members of the larger demos. As with the United States and other federal systems, acceptable solutions may be cobbled together as one has been for the European Union. But whatever compromise is reached, it could easily be a source of internal strain, particularly in the absence of a strong common identity.

Strain is all the more likely because, as I have said, just as in national democracies most decisions are bound to be seen as harming the interests of some persons, so, too, in international organizations. The heaviest burden of some decisions might be borne by particular groups, regions, or countries. To survive these strains, a political culture supportive of the specific institutions would help—

might indeed be necessary. But developing a political culture takes time, perhaps many generations. In addition, if policy decisions are to be widely acceptable and enforceable among the losers, probably some common identity, equivalent to that in existing democratic countries, would have to develop.

It seems to me highly unlikely that all these crucial requirements for the democratization of international organizations will be met. But if the requirements are not met, by what process will international decisions be made? They will be made mainly, I think, by bargaining among political and bureaucratic elites—chief executives, ministers, diplomats, members of governmental and non-governmental bureaucracies, business leaders, and the like. Although democratic processes may occasionally set the outside limits within which the elites strike their bargains, to call the political practices of international systems “democratic” would be to rob the term of all meaning.

A ROBUST PLURALISTIC SOCIETY WITHIN DEMOCRATIC COUNTRIES

Although democracy is unlikely to move up to the international level, it's important for us to keep in mind that every democratic country needs smaller units. In a modern country, these are of staggering variety. Even the smallest democratic countries require municipal governments. Larger countries may have others: districts, counties, states, provinces, regions, and others. No matter how small a country may be on a world scale, it will require a rich array of independent associations and organizations—that is, a pluralistic civil society.

How best to govern the smaller associations of state and society—trade unions, economic enterprises, specialized interest groups, educational organizations, and the rest—admits of no single answer. Democratic government may not be justified in all associations;

marked differences in competence may impose legitimate limits on the extent to which democratic criteria should be met. And even where democracy is justified no single form is necessarily the best.

Yet no undemocratic aspect of any government should go unchallenged, whether of the state and its units or independent associations in a pluralist civil society. Democratic principles suggest some questions we might ask about the government of any association.

- In arriving at decisions, does the government of the association insure equal consideration to the good and interest of every person bound by those decisions?
- Are any of the members of the association so definitely better qualified than others to govern that they should be entrusted with complete and final authority over the government of the association? If not, then in governing the association, must we not regard the members of the association as political equals?
- If the members are political equals, then should the government of the association not meet democratic criteria? If it should, then to what extent does the association provide its members with opportunities for effective participation, equality in voting, gaining enlightened understanding and exercising final control over the agenda?

In almost all, perhaps all, organizations everywhere there is some room for some democracy; and in almost all democratic countries there is considerable room for more democracy.

CHAPTER 10

Varieties II

CONSTITUTIONS

Just as democracy comes in different sizes, so, too, democratic constitutions come in a variety of styles and forms. But, you might well ask, do differences in the constitutions of democratic countries really matter? The answer, it seems, is no, yes, and maybe.

To explain why, I'll begin by drawing mainly on the constitutional experience of the older democracies, countries where the basic democratic institutions have existed continuously since about 1950—twenty-two in all (Australia, Austria, Belgium, Canada, Costa Rica, Denmark, Finland, France, Germany, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Sweden, Switzerland, the United Kingdom, and the United States).¹

The variations among them are sufficient to provide a fair idea of the range of possibilities. The constitutional arrangements of newly democratized countries, however, are no less important. Indeed, they may be even more because they can be crucial to the success of democratization.

In describing *constitutions* and *constitutional arrangements* I wish to use these terms broadly so as to include important practices that may not be specified in the constitution, such as electoral and party systems. My reason for doing so will become clear in the next chapter.

What then are the important variations in democratic constitutions, and how much do they matter?

CONSTITUTIONAL VARIATIONS

Written or unwritten? An unwritten constitution may seem to be a contradiction in terms, yet in a few countries certain well-established institutions and practices are understood as comprising the constitutional system, even though they are not prescribed in a single document adopted as the country's constitution. Among the older democracies (and assuredly among the newer ones), an unwritten constitution is a result of highly unusual historical circumstances, as it was in the three exceptional cases of Great Britain, Israel,² and New Zealand. The adoption of written constitutions has, however, become the standard practice.

Bill of Rights? Does the constitution include an explicit bill of rights? Again, although an explicit constitutional bill of rights is not universal among the older democracies, it is now standard practice. For historical reasons and because of the absence of a written constitution, the notable exception has been Britain (where, however, there is significant support for the idea).

Social and economic rights? Although the American constitution and those that survive from the nineteenth century in the older democratic countries generally have little to say explicitly about social and economic rights,³ those adopted since World War II typically do include them. Sometimes, however, the social and economic rights prescribed (occasionally at great length) are little more than symbolic.

Federal or unitary? In a federal system the governments of certain smaller territorial units—states, provinces, regions—are guaranteed permanence and a significant range of authority; in unitary systems their existence and authority depend on decisions by the national government. Among the twenty-two older democratic countries, only six are strictly federal (Australia, Austria, Canada, Germany,

Switzerland, and the United States). In all six countries, federalism is the result of special historical circumstances.⁴

Unicameral or bicameral legislature? Although bicameralism predominates, Israel has never had a second chamber, and since 1950 the four Scandinavian countries, Finland, and New Zealand have abolished their upper houses.

Judicial review? Can a supreme court declare unconstitutional laws properly enacted by the national legislature? This practice, known as judicial review, has been a standard feature in democratic countries with federal systems, where it is seen as necessary if the national constitution is to prevail over laws enacted by the states, provinces, or cantons. But the more relevant issue is whether a court can declare a law enacted by the *national* parliament unconstitutional. Switzerland, in fact, limits the power of judicial review *only* to cantonal legislation. As we have just seen, however, most democratic countries are not federal, and among the unitary systems only about half have some form of judicial review. Moreover, even among countries where judicial review does exist, the extent to which courts attempt to exercise this power varies from the extreme case, the United States, where the Supreme Court sometimes wields extraordinary power, to countries where the judiciary is highly deferential to the decisions of the parliament. Canada provides an interesting variant. A federal system, Canada has a supreme court endowed with the authority to declare both provincial and federal laws unconstitutional. The provincial legislatures and the federal parliament can override the court's decision, however, by voting a second time to pass the act in question.

Tenure of judges for life or limited term? In the United States members of the federal (that is, national) judiciary are, by constitutional provision, given life tenure. The advantage of life tenure is to insure judges greater independence from political pressures. But if

they also have the power of judicial review, their judgments may reflect the influence of an older ideology no longer supported by popular and legislative majorities. Consequently, they may employ judicial review to impede reforms, as they sometimes have in the United States, famously during the great reform period from 1933 to 1937 under the leadership of President Franklin D. Roosevelt. With American experience in view, some democratic countries that have explicitly provided for judicial review in constitutions written after World War II have rejected life tenure and instead have chosen to provide for limited, though lengthy, terms, as in Germany, Italy, and Japan.

Referenda? Are national referenda possible, or in the case of constitutional amendments, perhaps obligatory? Switzerland provides the limiting case: there, referenda on national issues are permissible, obligatory for constitutional amendments, and frequent. At the other extreme, the U.S. Constitution makes no provision for referenda (and no national referenda have ever been held), although they are common in many states. In contrast to the United States, however, in more than half the older democracies a referendum has been held at least once.

Presidential or parliamentary? In a presidential system the chief executive is elected independently of the legislature and is constitutionally vested with important powers. In a parliamentary or cabinet system the chief executive is chosen and may be removed by the parliament. The classic example of presidential government is the United States; the classic example of parliamentary government is Great Britain.

Presidential government was invented by the delegates to the American Constitutional Convention in 1787. Most of the delegates admired the British (unwritten) constitution for its “separation of powers” into a judiciary independent of both the legislature and the executive; a legislature (Parliament) independent of the executive;

and an executive (the monarchy) independent of the legislature. Although the delegates sought to emulate the virtues of the British constitution, a monarchy was clearly out of the question; so they were stumped by the problem of the executive. Left with no relevant historical models, they wrestled over the question for almost two months before producing their solution.

Although the convention was an extraordinary assembly of constitutional talent, the passage of time has endowed the delegates with far greater foresight than the historical records reveal to us or that human fallibilities would seem to allow. As with many inventions, the originators of the American presidential system (or, better, presidential-congressional system) could not possibly foresee how their creation would evolve over the next two centuries. Nor could they foresee that parliamentary government was just about to develop as an alternative and more widely adopted solution.

Although by now parliamentary government is all but unthinkable among Americans, had their Constitutional Convention been held some thirty years later it is altogether possible that the delegates would have proposed a parliamentary system. For what they (and, for that matter, observers in Britain as well) did not understand was that the British constitutional system was itself undergoing rapid change. In short, it was evolving into a parliamentary system in which executive authority would effectively rest with the prime minister and cabinet, not with the monarch. And though nominally chosen by the monarch, the prime minister would in actuality be chosen by the majority in Parliament (in due time, the House of Commons) and would remain in office only with the support of a parliamentary majority. The prime minister in turn would choose the other members of the cabinet. This system was pretty much in place by about 1810.

As it turned out, in most of the older, stable democratic countries of today, where democratic institutions evolved during the

nineteenth and early twentieth centuries and endured, variants of parliamentary government, not presidential government, came to be the accepted constitutional arrangement.

Electoral system? How precisely are seats in the national legislature allocated in proportion to the preferences of the voters in elections? For example, will a party whose candidates get, say, 30 percent of the votes in an election gain close to 30 percent of the seats? Or might they win only 15 percent or so? Although the electoral system need not be specified in the “constitution” in a strict sense, as I suggested earlier it is useful to consider it a part of the constitutional system because of the way electoral systems interact with other parts of the constitution. More about this subject in the next chapter.

Although the list of alternatives could be extended even further, it is surely enough to show that constitutional arrangements among the older democracies vary widely. Moreover, the variations I have mentioned are rather general; if we were to move to a more concrete level of observation we would discover further important differences.

So, you might now conclude, the constitutions of democratic countries differ in important ways. But do variations make some constitutions *better*, or perhaps *more democratic*? Is there perhaps one best type of democratic constitution?

These questions raise yet another: How are we to appraise the relative desirability of different constitutions? Evidently we need some criteria.

HOW CONSTITUTIONS MAKE A DIFFERENCE

Constitutions might matter to a country’s democracy in many ways.

Stability. A constitution might help to provide *stability* for the basic democratic political institutions described in Chapter 8. It

could not only lay down a democratic framework of government but also insure all the necessary rights and guarantees that the basic political institutions require.

Fundamental rights. A constitution might protect majority and minority rights. Even though this criterion is implicitly included in the first, because of variations among democratic constitutions it is useful to give special attention to the basic rights and duties that provide guarantees for both majorities and minorities.

Neutrality. A constitution could maintain neutrality among the country's citizens. Having insured fundamental rights and duties, the constitutional arrangements could also insure that the process of making laws is designed neither to favor nor to penalize the views or the legitimate interests of any citizen or group of citizens.

Accountability. The constitution could be designed to enable citizens to hold political leaders accountable for their decisions, actions, and conduct within a "reasonable" interval of time.

Fair representation. What constitutes "fair representation" in a democracy is the subject of endless controversy, in part because it bears on the next two criteria.

Informed consensus. A constitution might help citizens and leaders to develop an informed consensus on laws and policies. It could do so by creating opportunities and incentives for political leaders to engage in negotiations, accommodation, and coalition building that would facilitate the conciliation of diverse interests. More about this in the chapters to come.

Effective government. By effectiveness I mean that a government acts to deal with what citizens understand to be the major issues and problems they confront and for which they believe government action is appropriate. Effective government is particularly important in times of great emergency brought on by war, the threat of war, acute international tension, severe economic hardship, and similar crises. But it is also relevant in more ordinary times, when major

issues head the agendas of citizens and leaders. To be sure, in the short run a nondemocratic government might sometimes meet this criterion better than a democratic government; though whether it would do so in the long run seems more doubtful. In any case, we are concerned with governments functioning within democratic limits. Within those limits, it seems reasonable to want a constitutional system that has procedures to discourage protracted deadlock, delay, or evasion in confronting major issues and encourage taking action to deal with them.

Competent decisions. Desirable as effective government may be, we would hardly admire a constitution that facilitates decisive and resolute action yet makes it hard for a government to draw on the best knowledge available for solving the urgent problems on the country's agenda. Decisive action is no substitute for wise policy.

Transparency and comprehensibility. By this pair of criteria I mean that the operation of the government is sufficiently open to public view and simple enough in its essentials that citizens can readily understand how and what it is doing. Thus it must not be so complexly constructed that citizens cannot understand what is going on and, because they do not understand their government, cannot readily hold their leaders accountable, particularly at elections.

Resiliency. A constitutional system need not be so rigidly constructed or so immutably fixed in writing and tradition that it cannot be adapted to novel situations.

Legitimacy. Meeting the previous ten criteria would surely go a long way toward providing a constitution with sufficient legitimacy and allegiance among citizens and political elites to insure its survival. Yet in a specific country certain constitutional arrangements could be more compatible than could others with widespread traditional norms of legitimacy. For example, paradoxical though it may seem to many republicans, maintaining a monarch as head of state

and yet adapting the monarchy to the requirements of polyarchy has conferred additional legitimacy on democratic constitutions in the Scandinavian countries, the Netherlands, Belgium, Japan, Spain, and Britain. In most democratic countries, by contrast, an attempt to blend a monarch as head of state would clash with widespread republican beliefs. Thus Alexander Hamilton's proposal at the Constitutional Convention in 1787 for an executive with life tenure—an "elective monarchy"—was rejected almost without debate. As another delegate, Elbridge Gerry remarked, "There were not 1/1000 part of our fellow citizens who are not agst. every approach towards monarchy."⁵

HOW MUCH OF A DIFFERENCE DO THE DIFFERENCES MAKE?

Do constitutional differences like these really matter?

To answer this question we need to add two more bodies of evidence to that of the twenty-two older democratic countries. One collection of experiences can be drawn from the "newer" democracies, countries in which the basic democratic institutions were established and maintained during the second half of the twentieth century. Another consists of the tragic but illuminating history of countries in which the democratic institutions were established at some point in the twentieth century but broke down and yielded, at least for a time, to an authoritarian regime.

Although these three immense sources of evidence are by no means fully reported or analyzed, I believe that they produce some important conclusions.

To begin with, each of the constitutional alternatives listed earlier has existed in at least one stable democracy. Consequently, it is perfectly reasonable, indeed logically necessary, to conclude that many different constitutional arrangements are compatible with

the basic political institutions of polyarchal democracy that were described in Chapter 8. The political institutions of polyarchal democracy can, it appears, take many specific forms.

Why is this so? Certain underlying conditions highly favorable to the stability of the basic democratic institutions (discussed in Chapter 12) have prevailed in all these older and highly stable democracies. Given these favorable conditions, constitutional variations like those I have described have no great effect on the *stability* of the basic democratic institutions. Judged solely by that criterion, the variations I've described don't appear to matter. Within broad limits, then, democratic countries have a wide choice of constitutions.

In contrast, where the underlying conditions are highly unfavorable, it is improbable that democracy could be preserved by *any* constitutional design.

With only slight exaggeration we might summarize the first two points like this:

If the underlying conditions are highly favorable, stability is likely with almost any constitution the country is likely to adopt. If the underlying conditions are highly unfavorable, *no* constitution will save democracy.

There is, however, a third and more intriguing possibility: in a country where the conditions are neither highly favorable nor highly unfavorable but mixed, so that democracy is chancy but by no means impossible, the choice of constitutional design might matter. In brief: if the underlying conditions are mixed in a country, and some are favorable but others are unfavorable, a *well-designed constitution might help democratic institutions to survive*, whereas a *badly designed constitution might contribute to the breakdown of democratic institutions*.

Finally, crucial as it is, stability isn't the only relevant criterion. If we were to judge constitutional arrangements by other criteria, they might have important consequences even in countries where condi-

tions are highly favorable to democratic stability. And they do. They shape the concrete political institutions of democratic countries: executives, legislatures, courts, party systems, local governments, and so on. The shape of these institutions might in turn have important consequences for the fairness of the representation in the legislature, or the effectiveness of the government, and as a result they might even affect the legitimacy of the government. In countries where the underlying conditions are mixed and the prospects for democratic stability are somewhat uncertain, these variations might prove to be exceptionally important.

Indeed, this does appear to be the case, for reasons we explore in the next chapter.

CHAPTER 11

Varieties III

PARTIES AND ELECTORAL SYSTEMS

Probably no political institutions shape the political landscape of a democratic country more than its electoral system and its political parties. And none display a greater variety.

Indeed, the variations are so great that a citizen familiar only with his or her own country's electoral arrangements and party system may well find the political landscape of another democratic country incomprehensible, or, if understandable, unappealing. To a citizen of a country where only two major political parties contest elections, a country with a multiplicity of parties may look like political chaos. To a citizen in a multiparty country, having only two political parties to choose from may look like a political straitjacket. If either were to examine the other country's party system, they might find the differences even more confusing.

How can we account for these variations? Are some electoral or party systems more democratic than others or better in other respects?

Let's begin with the main variations in electoral systems.

ELECTORAL SYSTEMS

Electoral systems vary without end.¹ One reason they vary so much is that no electoral system can satisfy all the criteria by which you might reasonably wish to judge it. There are, as usual, trade-

offs. If we choose one system we achieve some values at the expense of others.

Why so? To provide a tolerably brief answer, let me reduce the baffling array of possibilities to just two.

PR. Among the older democracies the most common electoral system is one deliberately designed to produce a close correspondence between the proportion of the total votes cast for a party in elections and the proportion of seats the party gains in the legislature. For example, a party with 53 percent of the votes will win 53 percent of the seats. An arrangement like this is usually known as a system of *proportional representation*, or PR.

FPTP. If PR systems are designed to meet one test of fairness, you might suppose that all democratic countries would have adopted them. Yet some have not. They have chosen instead to maintain electoral arrangements that may greatly increase the proportion of seats won by the party with the largest number of votes. For example, a party with, say, 53 percent of the votes may win 60 percent of the seats. In the variant of this system employed in Great Britain and the United States, a single candidate is chosen from each district and the candidate with the most votes wins. Because of the analogy with a horse race, this is sometimes called a *first-past-the-post* system (in short, FPTP).

Words About Words

In the United States, such an arrangement is often referred to as a *plurality system* because the candidate with a plurality (not necessarily a majority) of votes is the winner. Political scientists often refer to it as a system of “single member districts with plurality elections,” a more literal but excessively cumbersome title. *First-past-the-post* is standard usage in Britain, and I’ll adopt it here.

PR versus FPTP. As I pointed out earlier, debate continues over the question of what kind of electoral system best satisfies the requirement that elections should be both free and *fair*. But critics of FPTP contend that it generally fails the test of fair representation and sometimes fails it badly. For example, in the British parliamentary elections of 1997 the Labor Party gained 64 percent of the seats in Parliament—the largest majority in modern parliamentary history; yet it did so by winning only 44 percent of the votes cast. The Conservative Party, with 31 percent of the votes, won just 25 percent of the seats, and the unfortunate Liberal Democrats, who were supported by 17 percent of the voters, ended up with only 7 percent of the seats! (The candidates of other parties won a total of 7 percent of the votes and 4 percent of the seats.)

How do differences like these between the percentage of votes cast for a party and the percentage of the seats it wins come about? Imagine a tiny democratic system with only a thousand members, who are divided among ten equal districts from each of which the voters elect just one representative to the legislative body. Suppose that in our little democracy 510 voters (or 51 percent) vote for the Blue Party and 490 (or 49 percent) vote for the Purple Party. Now let us imagine (unlikely though it may be) that the support for each is perfectly uniform throughout our minidemocracy: each of the ten districts happens to contain 51 Blue voters and 49 Purple voters. How would the election turn out? The Blue Party wins in every district and thus gains 100 percent of the seats and a “majority” in parliament of ten to zero (table 2, example 1)! You could expand the size of the system to include a whole country and greatly increase the number of districts. The result would remain the same.

We can be reasonably certain that no democratic country would retain FPTP under these conditions. What prevents this bizarre—and completely undemocratic—outcome is that party support is *not*

TABLE 2.

Hypothetical illustration of the First-Past-the-Post electoral system

There are ten districts, each with one hundred voters, divided between the two parties (Blue and Purple) as shown.

EXAMPLE 1. Support for the parties is uniform

District	Votes for		Seats won by	
	Blue (number)	Purple (number)	Blue	Purple
1	51	49	1	0
2	51	49	1	0
3	51	49	1	0
4	51	49	1	0
5	51	49	1	0
6	51	49	1	0
7	51	49	1	0
8	51	49	1	0
9	51	49	1	0
10	51	49	1	0
Total	510	490	10	0

EXAMPLE 2. Support for the parties is not uniform

District	Votes for		Seats won by	
	Blue (number)	Purple (number)	Blue	Purple
1	55	45	1	0
2	60	40	1	0
3	40	60	0	1
4	45	55	0	1
5	52	48	1	0
6	51	49	1	0
7	53	47	1	0
8	45	55	0	1
9	46	54	0	1
10	55	45	1	0
Total	502	498	6	4

spread evenly across a country: in some districts the Blues may have 65 percent of the voters, whereas in others they have only 40 percent, say, and the Purples have the remaining 60 percent. The districts, that is, vary around the national average. For a hypothetical illustration, see table 2, example 2.

It is obvious, then, that in order for FPTP to result in acceptably fair representation, party support must *not* be distributed evenly across a country. Conversely, the more evenly voting support is distributed, the greater the divergence between votes and seats will be. Thus if regional differences decline in a country, as appears to have been the case in Britain in 1997, the distortion caused by FPTP grows.

If that is so, then why don't democratic countries with FPTP systems switch to PR? For one thing, we can't ignore the heavy weight of history and tradition in countries like Britain and the United States, where this system has prevailed from the beginnings of representative government. The United States provides a prime example. The American system of FPTP can result in depriving a substantial minority of African Americans of fair representation in state legislatures and the national House of Representatives. To make sure that African-American voters can gain at least some representatives in their state legislature or Congress, legislatures and judges have sometimes deliberately drawn district boundaries so as to form an area with an African-American majority. The shape of the resulting district occasionally bears no relation to geography, economy, or history. Under a PR system, if African Americans chose to vote for African-American candidates, they would be represented in proportion to their numbers: in a state where, say, 20 percent of the voters were black, they could be sure of filling about 20 percent of the seats with African Americans, if that were their choice.

But if this is so, why hasn't PR been adopted as a solution? Mainly because hostility to PR is so widespread in the United States that

neither legislatures nor judges give it serious consideration as a possible alternative to racial gerrymandering.

Words About Words

Gerrymandering, or carving out electoral districts to obtain strictly political ends, is an old practice in the United States. It takes its name from Elbridge Gerry, whom we encountered earlier as a delegate to the American Constitutional Convention. Elected governor of Massachusetts, in 1812 Gerry brought about a redrawing of district boundaries for representatives to the state legislature that helped Democrats to maintain a majority. When someone noticed that one district bore the shape of a salamander, a critic remarked that it looked more like a “Gerrymander.” The term *gerrymander*, including the verb form *to gerrymander*, subsequently entered into the American vocabulary.

Historical prejudices in favor of FPTP are buttressed, however, by more reasonable arguments. In the view of its supporters, the tendency of FPTP systems to amplify the legislative majority of the winning party has two desirable consequences.

Two-party versus multiparty systems. FPTP is often defended precisely because it does handicap third parties, and by doing so it helps to produce a two-party system. The usual outcome of PR, in contrast, is a multiparty system. Particularly in the English-speaking democracies, two-party systems are much admired and multiparty systems are correspondingly disliked and denigrated. Which is better?

An enormous debate whirls around the relative virtues of two-party and multiparty systems. Generally speaking, the advantages of each mirror their disadvantages. For example, one advantage of a two-party system is that it places a smaller burden on voters by

simplifying their options to two. But from the point of view of an advocate of PR, this drastic reduction of the alternatives available seriously impairs voters' freedom of choice. Elections may be perfectly free, they would say, but because they deny representation to minorities they certainly aren't fair.

Effective government. Advocates of two-party systems also support FPTP because it has a further consequence. By amplifying the legislative majority of the winning party, FPTP makes it harder for the minority party to form a coalition able to prevent the majority party from carrying out its program—or, as the leaders of the majority would claim, their “popular mandate.” With an amplified majority of party members in the legislature, party leaders will usually have enough votes to spare even if some of their party members defect to the opposition. Thus, it is argued, FPTP helps governments to meet the criterion of effectiveness. By contrast, in some countries PR has helped to produce so many competing and conflicting parties and alliances in the parliament that majority coalitions are extremely difficult to form and highly unstable. As a result, the effectiveness of the government is greatly reduced. Italy is often cited as an example.

What the advocates of FPTP often ignore, however, is that in some countries with PR systems extensive reform programs have been enacted by stable parliamentary majorities consisting often of a coalition of two or three parties. Indeed, several democracies with PR systems, such as the Netherlands and the Scandinavian countries, are veritable models of pragmatic reform combined with stability.

SOME BASIC OPTIONS FOR DEMOCRATIC CONSTITUTIONS

We can now see why the task of designing a new constitution or redesigning an existing one should not be taken lightly. The task is as difficult and complex as designing a crewed rocket ship for prob-

ing outer space. Just as no sensible person would hand over the task of designing a rocket ship to amateurs, so, too, framing a constitution requires a country's best talents. Yet unlike rocket ships, if important constitutional innovations are to endure they will also require the assent and consent of the governed.

The main constitutional options and the various ways of combining them present a formidable array of alternatives. By now I hardly need to repeat my previous warning that every general alternative permits an almost limitless variety of more specific choices.

However, with this caution firmly in mind, let me offer some general guidelines for thinking about constitutional alternatives.

A good place to start is with five possible combinations of electoral systems and chief executives.

The continental European option: parliamentary government with PR elections. Parliamentary government is the overwhelming choice of the older democracies, and among democracies it generally predominates over presidential government.² The favored combination among the older democracies, as we have seen, is a parliamentary system in which members are elected by some system of PR. Because this combination is predominant in Europe, where the newer democracies have also followed the standard European path, I'll call this combination the continental European option.

The British (or Westminster) option: parliamentary government with FPTP elections. Because of its origins and its prevalence in English-speaking democracies other than the United States, I'll call this the British option. (It is sometimes also called the Westminster model, after the British seat of government.) Only four of the older democracies have maintained this solution over a lengthy period; not surprisingly, they are the United Kingdom, Canada, Australia, and New Zealand (which, however, abandoned it in 1993).³

The U.S. option: presidential government with FPTP elections. Because the United States stands alone among the older democracies

in employing this combination, we may call it the U.S. option. A half-dozen newer democracies have also chosen this arrangement.

The Latin American option: presidential government with PR elections. In their strong preference for presidential government, Latin American countries have followed the same constitutional path as the United States. But in their choice of electoral systems, during the late twentieth century they generally followed European practice. As a result, in the fifteen Latin American countries where democratic institutions were more or less in place in the early 1990s, the basic constitutional pattern was a combination of presidential government and PR.⁴ So we might call this combination the Latin American option.

It is striking that—with one exception, Costa Rica—none of the older democracies has opted for this combination. Although the older democracies are strongly predisposed to PR, as we have seen they have overwhelmingly rejected presidential government. Costa Rica stands out as the exception. Because Costa Rica, unlike every other country in Latin America, has been steadily democratic since about 1950, I count it among the older democracies. Unlike the others, however, it combines presidentialism with PR.

The mixed option: other combinations. Alongside these more or less “pure” types, several older democracies have created constitutional arrangements that depart in important respects from pure types. They have done so in an effort to minimize the undesirable consequences of the pure types while retaining their advantages. France, Germany, and Switzerland provide important illustrations of constitutional ingenuity.

The constitution of the French Fifth Republic provides for both an elected president with considerable power and a prime minister dependent on the parliament. France has also modified the FPTP electoral system. In a constituency where no candidate for the national assembly receives a majority of votes, a second runoff election

is held. In the runoff, any candidate who won more than 12.5 percent of the registered voters in the first election can compete. Small parties thus have a shot at winning a seat here and there in the first round; but in the second round they and their supporters may decide to throw in their lot with one of the two top candidates.

In Germany, half the members of the Bundestag are chosen in FPTP elections and the other half by PR. Versions of the German solution have also been adopted in Italy and New Zealand.

In order to adapt their political system to their diverse population, the Swiss have created a plural executive consisting of seven councillors elected by the parliament for four years. The Swiss plural executive remains unique among the older democracies.⁵

THINKING ABOUT DEMOCRATIC CONSTITUTIONS: SOME GUIDELINES

Drawing on the experiences of the older democracies touched on in the last two chapters, I would offer the following conclusions:

- Most of the basic problems of a country cannot be solved by constitutional design. No constitution will preserve democracy in a country where the underlying conditions are highly unfavorable. A country where the underlying conditions are highly favorable can preserve its basic democratic institutions under a great variety of constitutional arrangements. Carefully crafted constitutional design may be helpful, however, in preserving the basic democratic institutions in countries where the underlying conditions are mixed, both favorable and unfavorable. (More about this in the next chapter.)
- Essential as it is, maintaining fundamental democratic stability is not the only relevant criterion for a good constitution. Fairness in representation, transparency,

comprehensibility, responsiveness, and effective government are, among others, also important. Specific constitutional arrangements can and probably will have consequences for values like these.

- All constitutional arrangements have some disadvantages; none satisfy all reasonable criteria. From a democratic point of view, there is no perfect constitution. Moreover, the results of introducing or changing a constitution are bound to be somewhat uncertain. Consequently, constitutional design or reform requires judgments about acceptable trade-offs among goals and the risks and uncertainties of change.
- Over two centuries Americans seem to have developed a political culture, skills, and practices that enable their presidential-congressional system with FPTP, federalism, and strong judicial review to function satisfactorily. But the American system is exceedingly complicated and would probably not work nearly as well in any other country. In any case, it has not been widely copied. Probably it should not be.
- Some scholars contend that the Latin American combination of presidential government with PR has contributed to the breakdowns of democracy that have been so frequent among the republics of Central and South America.⁶ Although it is difficult to sort out the effects of constitutional form from the adverse conditions that were the underlying causes of political polarization and crisis, democratic countries would probably be wise to avoid the Latin American option.

Moved by his optimism about the French and American revolutions, Thomas Jefferson once asserted that a revolution about every generation would be a good thing. That romantic idea was shot down during the twentieth century by the numerous revolutions

that failed tragically or pathetically or, worse, produced despotic regimes. Yet it might not be a bad idea if a democratic country, about once every twenty years or so, assembled a group of constitutional scholars, political leaders, and informed citizens to evaluate its constitution in the light not only of its own experience but also of the rapidly expanding body of knowledge gained from the experiences of other democratic countries.

This page intentionally left blank