

AMERICAN UNIVERSITY OF ARMENIA

CONTRIBUTION OF PRESIDENTIAL AND PARLIAMENTARY FORMS OF  
GOVERNMENT TO DEMOCRACY

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## Abstract

The role of the government in establishing democratic institutions is substantial. Democracy can emerge and develop in a country where there is a *separation of powers* between the different branches of the government, effective system of *checks-and-balances* ensuring transparency and accountability within the government, as well as a *strong legislature* to enact laws and see for their implementation. Government institutions are very important factors affecting democratic process. Without transparency and accountability of government institutions one can never hope for effective democracy.

Although the role of the government is crucial for the establishment and further development of democracy, government alone cannot overcome all challenges and be responsible for success or failure in democracy. Economic development, respect for the rule of law, and established cultural values and beliefs of the society are important preconditions for effective democracy. The role of citizens is no less important. People should express willingness and readiness to acquire new values, beliefs and norms necessary for liberal democracy. In other words, for democracy achievement there is a need for not only *capability* but also *desirability*.

## Introduction

This thesis project studies presidential versus parliamentary forms of government, particularly their contribution to democratization and democracy consolidation. Government has a significant role in the emergence, as well as durability of democracy process. What distinguishes democracy from other political regimes is the necessary correspondence between the governmental policies and the citizens' interests and preferences with regard to these policies. However, this correspondence can be ensured only with the help of institutions necessary for democratic governance. Two of the most important institutions necessary for democratic governance are the separation of powers between different branches of government and a system of checks-and-balances among the branches to ensure that political power is decentralized and is not concentrated within a single branch of the national government. This kind of a system enhances the possibility of curtailing abuse in government and keeping the government close to the people which is one of the fundamentals for democratic rule.

Political participation is one of the most powerful tools by which citizens can influence public policy. This assumes active engagement of citizens in policy and decision making process since political participation is one of the most powerful tools by which citizens can affect government decisions and make government activities in accordance with their preferences and interests. People's active participation in politics also stimulates competition among political leaders and officials. Competition in its turn leads to better government in a sense that officials tend to have more incentives to satisfy citizens' expectations since otherwise they won't be reelected and will be replaced by other political leaders who earn citizens' trust. Only in competition of different political parties citizens have the chance of alternatives and choices. For this reason competition is considered one of the basic features of democratic governance, which in turn is strongly influenced by citizens' active participation.

The role of individual rights should be given high priority in the process of democratization in any country. Every person should be free of discrimination regardless of

religion, nationality, race, or a membership to a particular social group. Victims of any kind of discrimination should be subject to equal treatment under independent and impartial judiciary. Courts should take the responsibility to protect individual rights against violations by not only state governments but also any other agency, company or a person by assuming the role of the main defender of common law on basic individual rights and freedoms.

Apart from the importance of a political system, there are also other factors, however, which should be taken into consideration when analyzing process of democratization. The underlying economic, constitutional and cultural peculiarities are important prerequisites for both the emergence and durability of democracy in a particular country.

In chapter 1 we present research questions, research methodology, hypotheses and literature review as to reveal what is the current academic thinking on the contribution of Presidential and Parliamentary forms of government to the process of democratization. In chapter 2 we go on with our analysis mostly elaborating on the impact of the governmental institutions on the democratization process by comparing the political systems of the United States and the United Kingdom. In chapter 3 we focus on the factors, other than the political system, that are necessary preconditions for democracy to emerge and develop.

The reason why I chose this topic was to study the advantages and disadvantages of both Presidential and Parliamentary forms of government and to reveal how each of these advantages or disadvantages affects democracy process. Another reason for choosing this topic was to figure out what other factors, together with the form of government, are important for democracy.

The aim of this essay is to define the importance of democratic government and to reveal peculiarities of Presidential and Parliamentary systems necessary for good and democratic governance. The aim is also to identify the importance of various factors to democracy process, reveal why and how these factors influence democracy process, as well as figure out whether democracy and democratic institutions can be set up at any country.

## Chapter 1.

### Research Questions

In order to build our research project and understand on what our research is going to mostly concentrate, we formulated research questions to lead us to correct data analysis. Since the research study proposes to gather information concerning the role of Presidential and Parliamentary forms of government in democracy process, as well as other major factors which affect emergence and development of democracy, the research questions of this project are the following:

1. What impact do Presidential and Parliamentary forms of government have on the process of democratization?
2. What are the advantages and disadvantages of Presidential and Parliamentary forms of government contributing or obstructing democracy process?
3. What are the major factors for the emergence and consolidation of democracy?
4. Can democracy and democratic institutions be applied to all countries and be easily set up at any time?

### Problem Statement

Democracy and democratic governance are considered to be among the main prerequisites of good governance in the 21<sup>st</sup> century. However, there are still many states facing challenges to transition and implementation of democratic systems of governance. The political institutions and governmental systems differ from one country to another hence having different impact on the overall process of democratization. Although governments are the main actors in designing and implementing policies that will foster democratization in their states, the democratic institutions alone cannot guarantee the democratic politics. The cultural, traditional values and the worldviews of the society have great influence on the overall democratization process. The



emergence of civil society is another important factor, however, the problem is that while referring to the role of the civil society in democratization we have to take into account historical, structural, institutional, political and cultural context. Thus, the main problem is that how structures work in one political system, unfortunately, cannot be easily applied to other systems thus making the democratization process even more difficult to achieve.

### Research Purpose

The aim of this project is to define the importance of democratic government and to reveal peculiarities of Presidential and Parliamentary systems necessary for good and democratic governance. The aim is also to identify the basic prerequisites and factors of successful democratic governance, to discover the importance of various factors to democracy process, reveal why and how these factors influence democracy process, as well as figure out whether democracy and democratic institutions can be set up at any country.

### Hypotheses

As the aim of this research project is to reveal the need for democracy and democratic governance, as well as to reveal the basic prerequisites and factors of successful democratic governance, the hypotheses of this research are the following:

1. H0: The less powerful the legislature is, the more accountable and transparent the government will be.

H1: The more powerful the legislature is, the more accountable and transparent the government will be.

2. H0: Countries with parliamentary form of government are less prone to establishing democratic institutions than those with presidential form of government.

H1: Countries with parliamentary form of government are more prone to establishing democratic institutions than those with presidential form of government.

3. H0: The form of government is the only factor to contribute, delay or impede democracy process.

H1: The form of government is not the only factor to contribute, delay or impede democracy process.

### Research Methodology

The research design of this project is the qualitative design since for the research to be more accurate the data collection for confirming or disconfirming the hypotheses was done with the help of secondary data analysis; meta-analysis of existing data and consequently, literature review. Since the challenges of good governance vary from one country to another, we based our assumptions on the researches already done on this topic taking into consideration the views of both proponents and opponents of democratic governance, powerful legislature, parliamentary versus presidential form of government.

### Literature Review

#### **Democracy**

#### **What is Democracy and What Kind of Democracy We Want to Achieve?**

Since the focus of this research project is on enhancing democratic governance, before we can identify the parliamentary and presidential contribution to democracy we should first define what we mean and understand by “democracy” and what kind of values we want to achieve by enhancing such kind of democracy. By ‘democracy’ we understand a political system, a form of

government where the members of any group or association have influence over its rules and policies, where every citizen has an equal opportunity for cultural or political participation either directly or by representation and where there is a guarantee of basic citizen rights. Democracy also assumes institutions of representative and accountable government, multi-party system, as well as an active citizen body or civil society.

### ***Liberal Democracy***

The contribution of democracy seems to go beyond the borders of a particular country and the needs of a particular society, that is to say: a democratic state is not only beneficial and desirable for its own people but also for the people living in the neighboring countries since liberal states, democratic governments, and free people tend to be more prone to peace and peaceful relationships with others than those countries with totalitarian or authoritarian regimes. As Doyle quotes President Ronald Reagan's words in a speech before the British Parliament in June of 1982 "Promoting freedom will produce peace, we have often been told". According to Doyle, President Reagan proclaimed that governments founded on a respect for individual liberty exercise "restraint" and "peaceful intentions" in their foreign policy. He then announced a "crusade for freedom" and a "campaign for democratic development" (Doyle, 1986, p. 1151). One strand of liberalism, often associated with President Woodrow Wilson, saw the spread of democracy as the key to world peace, based on the claim that democratic states were inherently more peaceful than authoritarian states (Walt, 1998).

For the government to become and sustain its democratic political system, the state should be founded on liberal ideology, or, at least, adopt liberal characteristics and principles such as respect for basic individual rights, equality before law, freedom of expression without which a state simply cannot be considered democratic in which every citizen enjoys freedom. According to the liberal theory of International Relations, what we tend to call liberal resembles a family portrait of principles and institutions, recognizable by certain characteristics-for example,

individual freedom, political participation, private property, and equality of opportunity- that most liberal states share, although none has perfected them all (Doyle, 1986).

Another prerequisite for liberal democracy is the government's openness to public criticism. This criticism is expressed through freedom of expression, as well as through free and fair elections. As Budge (2005) states, although democracy is distinguished from other political regimes with its creation of 'a necessary correspondence' (Saward, 1988, p. 51) between government's policies and citizens' interests, a simple correspondence of interests and policy is not enough. According to him, what distinguishes real democracy is the institutional mechanism for ensuring this correspondence, and that mechanism is the democratic election because only in the presence of free, fair and democratic elections citizens have an opportunity to express and empower their interests in policy (Budge, 2005).

### ***Representative Democracy as Opposed to Direct Democracy***

One of the main features of democracy is the participation of citizens' in designing policies pertaining to their everyday life in order to transform their collective will into policy. This participation can be either directly or indirectly, that is to say, by representation. Direct participation best reflects the democratic system of governance since citizens directly vote for a particular policy initiative that they want to be implemented. Hence, policies determined in direct voting are closer to the majority's preferences than those determined by elected representatives, as is in the case of representative democracy. One advantage of direct democracy is that it somehow motivates people, ordinary citizens to gather information and become knowledgeable about policies and their possible outcomes since they feel themselves an important body granted with power to make decisions and influence public policy. Another advantage is that direct participation by citizens in designing policies has more potential to bring policy closer to the desires and expectations of the public than is the case in representative democracy since citizens can never be sure of their representative's future intentions at the time of elections. According to

Kessler (2003), the elected representatives enjoy some discretion in their political acts, and the representative's future political choices need not necessarily reflect the popular will (Kessler, 2003).

Although direct voting for a particular policy gives more opportunities to passive or excluded groups than does representative democracy, it seems a very time-consuming process and rather difficult to accomplish especially for communities with large population. Budge (2005) supports this argument by stating that among the negative features of direct democracy are difficulty, impossibility of achievement, especially when there is policy voting on overall programs because of the impossibility of gathering all the citizens (Budge, 2005). Besides, in direct democracy people sometimes may also be granted with the right to participate in executive decision-making and in electing or dismissing state officials. But ordinary citizens are not all political scientists and might not be knowledgeable enough to make crucial decisions for the state. As Budge (2005) further states, another negative feature of direct democracy is the "incapacity of citizens to make detailed policy decisions" (Budge, 2005, p. 17). Besides, although citizens know much better what they want and which policy outcome they prefer than any other representative does, they may not be competent enough to know how and at what cost this outcome can be achieved depending on some subtle circumstance which may be known only to the specialists in the field. Rather they can elect representatives who will serve as government officials and who will represent a particular group of people, their interests and make their voice heard in the government, at the same time being competent at making crucial decisions on behalf and in favor of those people who elected them, and for the state as a whole.

The choice whether to have direct or representative democratic system really seems to be a tough one. According to Kessler (2003), a number of authors (Niskanen, 1971; Tullock, 1980; Kaltand Zupan, 1990) have stated that there are likely to be inefficiencies associated with agency problems between constituents and their representatives in the absence of effective voter control. So this means that even if the system is representative, citizens have still to be engaged in policy-

making by monitoring their representative's activities and see for the implementation of the desired policies in order to keep elected officials responsible for their actions. According to Rydberg (2009), over the past two decades, widespread theoretical arguments have concluded that the initiative must entail greater convergence between citizens and their representatives, constituents must be able to both monitor the behavior of the officials, and discipline any observed shirking. According to Matsusaka (1992), even well-intentioned representatives may sometimes fail to design and implement policies that reflect the preferences of a majority.

In order to avoid the kind of problems associated with both systems mentioned above, at the same time making use of their advantages thus bringing policies closer to the desires and expectations of the public, some scholars suggest to mingle direct and representative democracy, which, according to Kessler (2003), is often used in practice. According to him, after the politician has made his decision but before it is implemented, there is an intermediate stage where the official's choice may be placed in a popular ballot for a referendum against the status quo, either by a citizen-initiated petition or by law. Rydberg (2009) further states, that it is the presence of the initiative process that makes public policy more responsive to constituents.

Others, however, found direct democracy proper and feasible for communities with little population, and representative democracy to be proper and feasible for communities with large populations. For instance, according to Lidbom and Björn Tyrefors (2007), from 1919 to 1938, Swedish local governments with a population of 1,501 or more were required by the national law to have representative democracy while those below could choose to have direct democracy. According to them, the two main arguments for forcing localities to have representative democracy rather than their traditional form of government, direct democracy, was that representative democracy would better reflect the preferences of the majority and that politicians would make more informed decisions than voters.

According to Budge (2005), one should not expect a representative democracy to function without a constitution, rules of procedure and debate. Hence, he thinks that the solution under

direct democracy as under representative democracy is not to abandon it but to strengthen procedures to encourage mediation rather than discourage it. As he states, “In the modern world, direct and representative democracy have come together, through the pervasiveness of policy voting and the party role in organizing it.” Representative democracy no longer rests on individual representation but rather on voting for specific programs with the successful party as guarantor of that program (Budge, 2005, p. 16).

### **Political Parties**

The role of political parties is of great importance for democratization process, being responsible for political competition and political representation thus keeping the government as close to the people as possible. Political parties constitute a linkage between society and government, bringing the complaints of society to government’s consideration, and the parliament is an institution where political parties are and should be able to compete and collaborate for the good of the society which makes parliament the central institution of democracy. The contribution of political parties can even sometimes be viewed through their role of bringing direct and representative democracies together in a sense that by giving their constituents the opportunity to choose among various programs, they somehow also give them the opportunity to “vote” for the policies that a particular party aims to implement.

### ***As a Mechanism for Citizens’ Political Representation***

People’s active participation in politics makes an important component of liberal democracy. In representative democracy this participation is done with the help of political parties since citizens have no right of direct voting for this or that policy initiative. Instead political parties raise the issues bothering the public and put the importance of these issues in a broader context. However, this is another way of empowering people to influence public policy, since political parties constitute a linkage between society and state, bring citizens’ needs to

government and make their voice heard in government, having the responsibility for the government's responsiveness to the citizens' needs and ensuring equal participation of people in public life. According to Scott and McLoughlin (2012), there are some prerequisites for democratization process to succeed, and these prerequisites are political participation as a means of improving state accountability and responsiveness, political representation of certain groups, including minorities and excluded groups, as well as citizen satisfaction with the electoral process (Scott and McLoughlin, 2012). By electing a political party, citizens choose the program of that particular party which they consider the most important for their interests, and the respective party takes the responsibility for the implementation of that particular program, thus ensuring that the actual public policy reflects the people's preferences and making the government more responsive and accountable to the society. However, not only people's participation in politics makes the authorities be accountable and responsive to their needs, but also the other way round: when government policies are in accord with people's expectations and when people feel satisfied with government policies, they tend to participate more and more feeling an important body in decision-making for public policies. As Flavin and Griffin (2006) explain, citizens usually feel more externally and internally efficacious and tend to increase their involvement in politics when the direction of government policy is in accord with citizens' strong preference for that policy, or when their expectations from the government match what the government actually does. Sitoula (no date provided) further reinforces this assumption by stating that when citizens are delegated more authority, they feel the most powerful organ of the state.

The importance of political parties for representative democracy and for the process of democratization is not limited only to representing citizens' interests through one program, but also finding ways to come up with a collective solution to bring several programs together for overcoming controversies among policy initiatives and arriving at mutually beneficial decisions for the collective gains of the society, and not just satisfying one particular group of citizens. As



Burnell (2004) states, political parties are crucial for representative democracy because they aggregate and represent interests, disseminate political information, manage conflicts of interest, hence democracy in the modern world is incomprehensible without healthy political parties and an effective party system (Burnell, 2004). This assumption is further reinforced by Scott and Mcloughlin (2012), claiming that strong political parties are the main vehicles for organizing political representation, political competition, and democratic accountability.

### *As a Vehicle for Political Competition*

Besides serving as a vehicle for the citizens' political representation and active participation in politics, political parties also are the central body to be responsible for political competition. Political competition is another important component for liberal democracy in a way that it gives the political parties outside the government the opportunity to present themselves and their programs as alternatives for the citizens' needs and expectations, the chance to make debates over the legitimacy of these programs and compete for the citizens' preference for these programs. Parties compete on the basis of their programs and policy initiatives, and not on the basis of personal merits of representatives. Hence, only through political competition and debates citizens can get acquainted to the programs and policies that a particular party aims to implement. If there is no political competition there is no choice for alternatives and no chance for the citizens to choose among different initiatives either. As the Office for Democratic Institutions and Human Rights (2011) states, governments should be responsive to the grievances of political parties since rigid regulation has the danger of eliminating the real competition because only in competition of different political parties citizens have the chance of alternatives and choices. "A state that is opposed to political parties is detrimental to society" (Office for Democratic Institutions and Human Rights, 2011). This view is further supported by Sitoula (no date provided) by arguing that participation, voting, being voted, discussing, competing are the

basic features of democratic governance. Competition always brings out the best form of government (Sitoula, no date provided).

### **Strong Legislature**

The role of strong legislature is another important component for democratization process (together with political parties). The contribution of strong and effective legislature to consolidation of democracy is its responsibility for legislative oversight upon government activities for the sake of hindering the executive branch from concentrating power and providing more accountable government. Another important contribution of strong legislature to liberal democracy is the protection of human rights. As the central institution having the obligation of enacting laws which protect the basic individual rights, the parliament enjoys the support of strong legislature to oversee the implementation of these laws thus ensuring that these laws are not only on paper but also in practice. Finally, strong legislature supports democratization process by fostering the development of political parties.

### ***Distribution of Power among Different Branches of Government***

For democracy to be considered as liberal, a great importance is given to sharing of power among different branches of government in order to hinder the executive branch from centralizing the power within its hands. Decentralization of power promotes transparency and accountability both with the branches of government and within the government and society. As Russell (2001) states, unlike “illiberal democracies”, in liberal democracies constitutionalism or rule of law means that the power of leaders and government bodies is limited (Russell, 2001, p. 58). Limited power of government enhances the likelihood of political debates and competition, as well as induces a system of checks and balances to prevent possible abuses of power, assuming that both debates and competition, and checks and balances are considered as main components of democratic governance. According to the US Department of State (1998), one of the most important contributions to democratic practice has been the development of a system of

checks and balances to ensure that political power is dispersed and not concentrated within a single branch of the national government. In the case of decentralization of power, there is much possibility for curtailing abuse in government and keeping the government as close to the people as possible which are fundamentals for democratic rule.

### ***Oversight by the Legislature over the Executive Branch***

Responsiveness, transparency and accountability of government to the citizens are achieved not only by separation of the legislative and executive branches, but also the legislative branch having the oversight role over executive branch. This role makes legislature even more powerful than curtailing the probability of abuse of power by merely sharing of the political power among the branches of government. Being the central body charged with the responsibility of enacting laws and seeing for their implementation, the oversight role of legislature gives it the right and also the responsibility to eliminate possible breaches and violations first of all in government then by ordinary citizens. As Steven (2006) states, “the presence of a powerful legislature is the institutional key to democratization”. According to him, those of post-communist countries which created stronger legislatures, that led them to become more developed democracies than those countries that adopted weaker legislatures. The reason, according to the author, is that weak legislature inhibits democratization by undermining accountability, “the controls that state agencies are supposed to exercise over other state agencies” (Guillermo O’Donnell) to hinder the executive branch from concentrating power (Steven, 2006, p. 12). This view is further reinforced by Pelizzo et al. (2004), stating that in order to promote and enhance government accountability and transparency, states should strengthen parliamentary oversight.

The oversight role of the legislative branch gives it the mandate to oversee the activities and eliminate violations not only in the executive branch but also in the judiciary. As being the central body of enacting laws protecting basic individual rights, the legislative branch should see for their implementation by ensuring the impartiality of the courts and equality of all citizens

before the law. As Russell (2001) states, Unlike the illiberal democracy, the liberal democracy guarantees not only free and fair elections, but also the advocacy of the basic individual rights, like the right to life and property, and to freedom of religion and speech. According to him, in order to protect these basic individual rights, constitutional architects in the Western Europe and the United States emphasized the sharing of the power of each branch of government, equality under the law, impartial courts (Russell, 2001).

### **Parliament**

Parliament is the national legislature with functions of representation, lawmaking, and monitoring the activities of the government by acting as an overseer of the executive. While respect for the fundamental rights is the responsibility of all citizens, it is the particular responsibility of parliament as the legislative power to enact laws protecting these rights and to ensure that their protection is not only on paper but also in practice. Powerful legislature also implies more accountable government since the political power is decentralized and not concentrated within the executive branch of the national government thus promising more secure respect for the rule of law. Parliament, being the central institution of democracy, acts as a mediator between government and citizens, making their voice heard and enabling them to influence policies pertaining to their everyday life thus providing more transparent and accountable governance.

### ***Parliament as an Institution for Political Debate and Competition***

Political parties should be granted the opportunity for debate over various programs and policies, and the chance to compete for these policies to be implemented. Parliament is the institution where this competition among political parties and their programs is possible, and where the debates yield laws and policies to be designed and enacted for the good of the society. As Tudela (no date provided) states, Parliament, being the reflection of human intelligence, is the

place where political and societal changes take place, where the strength of words are measured, where great ideas are debated to become laws to help society achieve greatness. The same view is further reinforced by the Office for Democratic Institutions and Human Rights (2011), noting that Parliament is considered to be an institution where political parties should be able to compete and collaborate for the good of the society.

Being considered as the central institution of democratic political system, Members of Parliament take the responsibility to assure free, fair and equal participation of all parties, whether government or opposition, in important public debates. Parliament also has the responsibility to ensure peaceful atmosphere for debate, to reconcile contradicting interests among different parties and to make political parties come to compromise when necessary. As the Office for Democratic Institutions and Human Rights (2011) further states, equal and fair participation in parliament requires all parties to be responsible in important public debates. The Inter-Parliamentary Union (2005) in its turn emphasizes the role and unique responsibility of. In Parliament the conflicting interests and rendering expectations of different groups and communities are reconciled through the democratic means of dialogue and compromise. Indeed, as an institution elected by citizens for representing their interests in government, Parliament assumes the responsibility to justify the expectations of citizens by arriving at collective decisions by conciliation and compromise in order to satisfy not just a particular group of citizens but the whole public.

### ***Parliament as a Central Institution of Democracy***

As was mentioned above, parliament has the responsibility of providing citizens with policies based on the citizens' own preferences. This is one of the core functions that a democratic state should perform. The unique feature of democracy, unlike the other political systems, is that government is derived from the will of the people giving them the hope that democracy will justify their expectations regarding the responsiveness of the government to the

citizens' grievances. As the Inter-Parliamentary Union (2005) notes, being the central institution of democracy, parliaments embody the will of the people in government, and carry all their expectations that democracy will be responsive to their needs and will help them solve the most pressing problems that they confront in their daily lives.

Another important commitment of Parliament for the democratic governance is the passage of laws pertaining to the protection of basic individual rights. Protection of human rights is one of the major aspects of democracy, and it is the duty of Parliamentarians to enact laws compatible with the international human rights standards, as well as to guarantee respect by each citizen for these rights. As the Inter-Parliamentary Union (2005) further states, being the key legislative organ, parliaments have the task of adapting society's laws to its rapidly changing needs and circumstances, and these are parliamentarians, who are concerned to respond to the challenges of the contemporary world, and to provide effective leadership in meeting them.

Finally, Parliament is the institution which is elected by citizens with their trust that it will oversee the government activities and will curtail any violation or breach of law both in the executive and the judiciary branches, in other words, to create a system of checks and balances which is a core characteristic of democracy. Having been granted with such a mandate, it is now both the right and responsibility of the Parliament to ensure the transparency and accountability of the government to its citizens and to keep the government as close to the people as possible. As Beetham (2006) claims, although there are problems and challenges that all parliaments face, there are examples that show how hard parliaments work in order to be more effective public communicators, to be more open to the media, to enable civil society to contribute to the legislative process and to exercise more effective oversight over the executive thus providing a more effective parliamentary component.

## **Differences between Parliamentary and Presidential Systems of Government**

While drawing differences between the Parliamentary and Presidential systems of government, a particular attention should be given to the separation of powers among different branches of government. The extent to which political power is shared among the executive and legislative branches and the extent to which one branch has control over another differ in each of these systems. In a presidential system, political power is shared between the executive, legislative and judicial branches. The executive and legislative branches are independent of each other, and the legislature has no control over the executive since the President has great control over his cabinet of ministers whom he appoints himself in order to serve him, whereas in the Parliamentary system the political and administrative powers are merged between the executive and legislative branches. The Prime Minister is the leader of the party that wins the majority of votes in the legislature who also appoints his cabinet of ministers, but, unlike the presidential system, these members should be legislative members from the ruling party or ruling coalition, thus the legislature having control and oversight role over the executive.

Another important difference between the Presidential and Parliamentary systems lies in the terms of office that the chief executive can serve and the power to remove a chief executive or to dissolve the legislature. Since in the presidential system the political power is separated among the executive and legislative branches of government, consequently presidents and members of the legislature are separately elected for a given period of time. This means that even if the political party that the President represents becomes a minority in the legislature, the President will still continue to serve in his office for the period of time for which he was elected. Unlike the presidential system, in a parliamentary system the Prime Minister's (chief executive) term of office is directly linked with the rest of the legislature, and unlike the fixed term of the chief executive's office under the presidential system, in a parliamentary system the Prime Minister can be removed from office in two ways. The first is the vote of no-confidence, filed by the opposition or a coalition of opposition parties calling for a vote in the legislature to

demonstrate that the legislature no longer has confidence in the Prime Minister and his cabinet of Ministers. The second is the virtue of a party vote which assumes that the Prime Minister is removed by his/her own party members. In case of the first one not only the Prime Minister is forced to leave his office, but also his cabinet of Ministers, which leads to new legislative elections. But in case of the second one, since the ruling party itself decides to change its leader, the removal of the Prime Minister does not presuppose new legislative elections.

Despite the advantage of the presidential system that the President is elected directly by the people and that President has no authority to remove members of the legislature, the fixed term of the chief executive under presidential system is viewed as a disadvantage since that prevents flexibility in the system thus making the system rigid and less prone to changes. As Thakur (2008) notes, a fixed term makes presidential systems more rigid, unlike the parliamentary system which assumes greater flexibility since governments can be formed and re-formed by the votes of confidence to reflect changing political realities. According to him, despite the view that the constant changeover of governments may create an image of instability, in fact, such flexibility prevents the crisis of a particular government to be converted into a crisis of regime, and the Prime Minister's removal from the office poses no threat to democracy itself (Thakur, 2008). However, others view the President's fixed term of office as an advantage rather than disadvantage for the country and the system as a whole. For instance, Cheibub (no date provided) claims that the term stability represents an advantage of presidential system over parliamentary one because it orders and makes the political calendar predictable.

The limit of the chief executive's term of office is especially important for the consideration of democratic principles since this limit represents the extent to which the constituents are able to change the current government policies in favor of their true interests. If the term is fixed, there is a greater possibility that the President, once elected, will have no incentive to serve and act in favor of citizens' interests since he doesn't run the risk of being removed from the office until the end of the term for which he was elected. The parliamentary



system, on the contrary, grants its constituents the opportunity to oust the ruling party whenever it ceases to justify their expectations by granting the opposition party the majority vote. This, by all means, is viewed as an advantage since the government has motives to satisfy the citizens by launching policies which are in accord with citizens' interests. As Cheibub (no date provided) states, elections are normally considered to be one of the most important instruments to induce governments to act in the interests of voters making politicians to pursue the interests of voters in order to be re-elected. According to him, voters must be able to punish officials who perform badly by removing them from office, and this is necessary for making government to act in the interest of voters. He further states that constitutional term limits break this opportunity by preventing voters not only from punishing ineffective politicians, but also from rewarding good officials Cheibub (no date provided). Besides, a system which grants citizens such a power also encourages competition between ruling and opposition parties, which is advantageous to the democratic rule, since we already know that competition brings out the best form of government.

Political parties constitute an important linkage between society and government mainly for making citizens' voice heard in government and keeping government responsive for citizens' grievances thus keeping government as close to the public as possible. However, the structure and scope of activities of political parties differ with the political system. In presidential system political parties are granted more freedom with their preference to vote or not vote with their own party since even if they do not vote this will not threaten to individual members of the party or to bring the government down. This also gives the parties an opportunity to prioritize their duties to be responsive to their constituents needs and satisfy their expectations over their loyalty to the party and its platform. As UNDP (date not provided) indicates, parties in presidential system are usually directly elected and identifiable with particular districts or regions, and this makes many members see the duty to their constituents of a particular district as the first priority, with allegiance to the party and its platform as secondary. And this is viewed by the UNDP somehow as an advantage of weaker political party discipline in presidential system since the

President and individual members are directly accountable to the voters resulting in stronger relations between individual members and constituents (UNDP, date no provided).

Unlike presidential system, parties in parliamentary system are structured toward unified actions which reflect the members' loyalty to their party and party platform. However, this loyalty is also induced by the fact that any deviation by any member from the party may result in the exclusion of that member from the party and in bringing the government down since if the ruling party is voted out of the legislature, the executive also changes. This, however, according to UNDP, creates an advantage for a parliamentary system in a sense that strong, highly organized parties and stable party coalitions within parliament can be held accountable to the public based on their promotion of the party platform, also acting as a link between party leaders and constituents at local levels. However, it could be a mistake to assume that political parties in presidential system have no incentives to form coalitions. As Cheibub (no date provided) claims, the notion that political parties under presidential system have an overwhelming incentive to operate alone, that they will not cooperate with each other and will not support the president is misguided. He further claims that, contrary to one strongly held belief, presidential regimes can be compatible with multiparty systems and the difference in coalition formation between parliamentary and presidential democracies lies in the number of these coalitions and not in quality (Cheibub, no date provided).

As UNDP further indicates, Parliamentary systems require agreement between the executive and legislative branches upon all the important issues for the government not to dissolve (UNDP, no date provided). This is an advantage of a parliamentary system since solutions are reached only by compromise. Another advantage, as observed by the UNDP (no date provided), is that stronger party discipline in a parliamentary system makes the chief executive accountable to his/her party and the parliament as a whole by a vote of no confidence at any time. However, parties in a parliamentary system are allowed much more active

competition, usually among the ruling and the opposition party, providing the latter with the opportunity to get the majority preference and majority vote at any time.

The literature analyzed so far suggests that it is rather difficult to assess which of the two systems (presidential or parliamentary) is better and why. Both systems have advantages and disadvantages. Some scholars argue that systems with strong presidents are problematic and that they eventually generate government and even regime crises. Others argue that presidential systems are at higher risk of collapsing into an authoritarian regime when the number of parties is small. Another group of scholars contend that the parliamentary system can also lead to one party controlling the state and locking other ethnic or regional groups out of power, especially in deeply divided societies. As Thakur (2008) argues in his article, the parliamentary system in New Delhi did not justify the expectations that one might have from the parliamentary form of government, with regard to the chaotic spectrum of splinter parties, the weakening hold of politics and the corruption in India. Yet, even along with this characterization, he avoids to suggest that presidential form of government would offer better solutions to these problems. Proponents of presidential system believed that presidential government, being more stable, would deal with the lack of authority and stability and would restore order in New Delhi. However, as Thakur (2008) later argues, the problem with the chaos in New Delhi was in the lack of quality and competence of politicians, rather than in the system. The state officials proved to be incapable of taking decisive actions when faced with urgent problems, and Thakur (2008) is rather skeptic that these problems and such chaotic situation would be solved with the transition to presidential system. What he suggests is quite interesting- according to him, parliamentary system failed in India, and this was one of the primary causes to all this instability in the country, and what India needed was to strengthen the parliamentary system rather than to switch to another system (2008).

Another reason that parliamentary form of government contributes more to democracy is its propensity to constant co-operation between the executive and legislative branches which, in

fact, is a very important prerequisite for the government to be effective in implementing its policies. The consensus building here is much affected by the fact that the executive authority under parliamentary system is derived from the legislature and the constituency of the executive and legislature are the same. As Thakur (2008) states, parliamentary form of government places a great importance on the political skills of bargaining and consensus building enabling coalitions to offer effective and continuous representation to a variety of interests which would be excluded from the administration in a presidential regime. According to him, in presidential systems in case of a clash between the President and the legislature there is no democratic means of resolving differences of policy, and this can be especially acute if the legislature is controlled by a different party Thakur (2008).

Even though there is more optimism among scholars toward the contribution of parliamentary system to democratization than that of presidential system, there is no evidence that presidential systems cannot succeed in it. The United States proves that it is possible for a presidential form of government to adopt values, norms, institutions completely consistent with democratic governance. Even sometimes democratization and maintenance of democracy can be more related to the society and cultural heritage of a particular state than to the political system. Cheibub (no date provided) points out the importance of social and economic conditions for democratization. According to him, one should not be sure that the experience of current democracies can be applied to any other state because currently stable democracies are also the wealthiest countries in the world, however, at low levels of income, both types of democracy face equally high risks, with the form of government making little difference for the survival of democracy (Cheibub, no date provided).

## Chapter 2. Impact of the Governmental Institutions on the Democratization Process

The purpose of any Government is to provide public services and be responsible for maintaining social order, enforcement of laws and responsibilities for the common good, and protection of citizens' rights. The separated institutional structure of the US federalism has encouraged the country to adopt a particular approach to democratization and define the state's ability to adopt policies consistent with its citizens' preferences.

There are major differences between the political system of the United States and that of most other developed democracies. These include strong legislature, a greater power held by the Supreme Court, the separation of powers between the legislature and the executive, and the dominance of only two main parties.

Governmental power and functions in the United States are shared between three branches of government: the legislative, judicial, and executive. The different branches of government are created in order to share power not allowing it to become centralized in the hands of one person or group. This also prevents any person or any group from having absolute control over government activities. To ensure the government is effective and citizens' rights are protected, each branch has its own powers and responsibilities, including working with the other branches.

### **Powers of the Executive Branch of the U.S. Government**

All modern societies must have a chief executive able to carry out the responsibilities of government, from the simple administration of a program to directing the armed forces to defending the nation in wartime. However, a line must be drawn between giving the executive sufficient powers to do the job and, at the same time, limiting that authority to prevent a dictatorship. In the United States, the Constitution has drawn clear lines around the powers of the president, and while the office is one of the strongest in the world, its strength derives from consent of the governed and the ability of the occupant of the White House to work well with the other branches of government. Here again, the actual organization of the chief executive's office is not the issue, but rather the constraints imposed upon that office by such principles as

"separation of powers." In a democracy, a president must rule through his or her political skills, establishing a framework of cooperation with the legislature and above all with the people. At the same time, the citizenry must feel secure that constitutional constraints ensure that the president or prime minister is always the servant, and not the master, of the people (The White House, 2013).

The power of the Executive Branch is vested in the President of the United States, who also acts as head of the state and Commander-in-Chief of the armed forces. The President is responsible for implementing and enforcing the laws written by the Congress and, to that end, appoints the heads of the federal agencies, including the Cabinet. The President also has the power to negotiate treaties with other countries and to appoint ambassadors to other countries, with the Senate's approval. Although the President has considerable power in the US, his/her power is constrained by the approval of the Senate in many important issues (The White House, no date). This kind of limited power of the government hinders the executive branch from centralizing the power within its hands. Sharing of power promotes transparency and accountability both with the branches of government and within the government and society. Limited power of government as well induces a system of checks and balances to prevent possible abuses of power,

The President has the power either to sign legislation into law or to veto bills enacted by the Congress, although the Congress may override a veto with a two-thirds vote of both houses. The Executive Branch conducts diplomacy with other nations, and the President has the power to negotiate and sign treaties, which also must be ratified by two-thirds of the Senate. The President can issue executive orders, which direct executive officers or clarify and further existing laws. The President also has unlimited power to extend pardons and clemencies for federal crimes, except in cases of impeachment (The White House, 2013).

To support the President to make decisions and govern effectively, the Executive Office of the President (EOP) is assigned with the responsibility for tasks ranging from communicating the

President's message to the American people to promoting U.S. trade interests abroad hence the EOP consists of the President's closest advisers. Most of the advisers are appointed with full Presidential discretion and are overseen by the White House Chief of Staff, however, for some advisers, like the Director of the Office of Management and Budget there is the need for Senate's confirmation (The White House, 2013).

The Vice President is also part of the Executive Branch. The primary responsibility of the Vice President of the United States is to be ready to assume the Presidency if the President is unable to perform his duties. This can be because of the President's death, resignation, or temporary incapacity to run the office, or if the Vice President and a majority of the Cabinet judge that the President is no longer able to perform the duties of the presidency. The Vice President also serves as the President of the United States Senate, where he or she casts the deciding vote in the case of a tie. Except in the case of tiebreaking votes, the Vice President rarely actually presides over the Senate. Instead, the Senate selects one of their own members, usually junior members of the majority party, to preside over the Senate each day (USA Government, 2013).

The above mentioned duties of the Vice President are those prescribed by the Constitution, however, the President has the right of discretion to assign duties and responsibilities to the Vice President. As the White House (2013) states, each Vice President approaches the role differently — some take on a specific policy portfolio, others serve simply as a top adviser to the President.

The Cabinet and independent federal agencies are responsible for the day-to-day enforcement and administration of federal laws. The Cabinet includes the Vice-President and the heads of 15 executive departments. The Cabinet's role is to advise the President on whatever he or she may require relating to the duties of each member's respective office. The heads of the 15 executive departments are appointed by the President and confirmed by a majority vote (51 votes) of the Senate. The members of the departments cannot be a member of Congress or hold any other elected office simultaneously. The President appoints the Cabinet members for the

duration of the respective administration and can dismiss any member at any time, without approval of the Senate. The President also appoints the heads of more than 50 independent federal commissions, as well as federal judges, ambassadors, and other federal offices. The independent agencies in their turn were established by the Congress to address concerns that go beyond the scope of ordinary legislation. These agencies are responsible for keeping the government and economy running smoothly (USA Government, 2013).

### **Access to Information**

The Freedom of Information Act (FOIA) in the United States is a federal law on freedom of information which allows any person to have access from the federal government to federal agency records or information unless these records and information are not protected from disclosure by the nine exemptions and three exclusions of the FOIA. The right of access to information is enforceable in court. Each agency of the US government is required to release information in their website about the type of records that the agency maintains. This means that agencies are required to systematically release information online in advance of any public request. All agencies of the US government are also required to disclose records and information upon receiving a written request for them unless that information is protected from public disclosure. The Executive branch, led by the President, is responsible for the administration of the FOIA across the government. The Department of Justice's Office of Information Policy oversees agency compliance with these directives and encourages all agencies to fully comply with the directives. The Congress, the President, and the Supreme Court all recognize that the FOIA is a vital part of the US democracy (United States Department of Justice, 2011).

The Freedom of Information Act is designed in order to keep the US citizens aware of their government activities and make the government transparent and accountable. As the Office of the Attorney General (2009) indicates, application of the proper disclosure standard cannot alone ensure transparency, but there is also a need for an effective system for responding to FOIA requests. Requests should be responded promptly and in a timely manner which means that each



agency should be fully accountable for its administration of the FOIA thus ensuring open and responsive government. Access to information makes an essential part of effective democracy and transparent government by making ordinary citizens aware of their leaders' activities and policies that affect their lives. Besides, the transparency of the government, access to information makes crucial part of democracy because of constituting one of the most important individual rights. People should have the right to know about government policies which affect their lives, let alone policies which might be detrimental for the society. Hence, information definitely makes people powerful to oppose policies which they consider to be detrimental for them. Giving such a power to ordinary people makes a crucial part of effective democracy, as well as of a transparent, accountable and responsive government.

### **Powers of the Legislative Branch of the U.S. Government**

In the United States, law is made at many levels, from local town councils, on up through state legislatures, to the U.S. Congress. But at all these levels, there is a large input from the citizenry, either directly or indirectly. Law-making bodies recognize that they are responsible to their constituents, and if they do not legislate in the people's best interests, they will face defeat at the next election. The key to democratic law-making is not the mechanism or even the forum in which it takes place, but the sense of accountability to the citizenry and the need to recognize the wishes of the people (U.S. Department of State, 2001).

Even though the U.S. President has significant power and control over many issues, his power in the law-making process is limited. As the White House (2013) indicates, the President can at most recommend legislation, but the right to enact the legislation belongs only to the Congress.

The legislative branch is the law making branch of the U.S. government and is made up of the Senate and the House of Representatives which together form the Congress. The U.S. Constitution grants the Congress the sole power to enact legislation. The Senate has the authority to confirm most of the President's appointments, as well as ratify treaties. However, in order to

approve appointments to the Vice Presidency there is also a need for the approval of the House. The Senate also has the right to conduct investigation and to try impeachment cases for federal officials referred to it by the House. Apart from the power to impeach federal officials, the House is also authorized to elect the President in the case of an electoral-college tie. The Constitution provides the Vice President of the United States with the power of formal control over the Senate serving as the President of the Senate and having the right to cast the decisive vote in the event of a tie in the Senate (The White House, 2013).

Although the Congress has the sole power to enact legislation, it does not enjoy absolute power because there are several articles in the Constitution by which the Constitution prohibits the Congress to pass laws or deny rights in certain spheres of life. On the other hand, the Congress cannot pass any bill without the approval of the President. After both the Senate and the House pass the same bill by majority vote and pass legislation, the legislation is sent to the President for consideration. Here the President's right of veto grants him considerable power, as well as great responsibility in the legislative process. The veto means that the President does not approve the bill by returning it back to the Congress unsigned and in most cases providing an explanation of why he rejected that particular bill. However, the Congress can override a presidential veto by approving it by the two-thirds of each chamber (USA Government, 2013).

Apart from signing a bill into a law or rejecting it by veto power, the President can choose the third option- to do nothing. In this case either the legislation will become a law without the President's signature or the bill will die. The legislation will become a law without the President's signature if the Congress is in session ten business days after the President receives the bill. However, if the Congress adjourns within ten business days of giving the bill to the President, the bill dies. This process is also referred as a *pocket veto* or 'the President kills the bill' mainly because in this case the Congress can do nothing to override the President's decision (United States Senate, 2013).

The Presidential veto is considered to be an extremely powerful tool of the executive branch to exercise control over legislative process thus hindering the Congress from centralizing the law-making power within its own hands. However, the President must often compromise in case the Congress passes a bill that somehow goes against his policy but he still agrees with it. Compromise is a very important factor in decision-making process and makes an integral part of the President's success in working with the Congress. As United States Senate (no date) indicates, going into compromise over certain issues with the Congress is a crucial aspect of the President's success not only in effectively running the government but simply keeping the government moving. If the President refuses to pass any legislation that he disagrees with and Congress behaves in the same way, the government will simply stop to operate (United States Senate, 2013). Hence, the ability of the President to work with Senators and Representatives who disagree with his agenda is crucial for keeping the government moving.

The ability to compromise, in general, is also a very important aspect of democracy. We have often been told that democracy in action is often defined as little more than a series of compromises. The necessity of compromising between the executive and legislative branches of the U.S. government in its turn advances democracy very much.

The compromising task of a U.S. President seems really a tough one since he/she is required to make compromises with the Congress on the one hand, and with the American population on the other hand. In other words, the President partly relies on the support of the American people to accomplish certain policies. The public elects the President and the members of the Congress to design and launch policies that are in accordance with their preferences and interests. Once the President acts in a way that diverges from the preferences of the public, the President will lose the public support. Once the public is critical of the President and disapproves him, Senators and Representatives will distance themselves from the President and his agenda as well because otherwise they will become unpopular together with the President and the probability that their constituents will not re-elect them will increase. Thus, if the President loses

popular support, he will lose support in Congress as well thus becoming unable to get any of his suggested legislation enacted. Thus, acting in accordance with citizens' preferences is crucial for the U.S. government. As the House of Representatives (2013) states, in order to operate as transparently as possible, the House provides to the public a variety of disclosure documents, legislative resources, and video archives.

The judicial branch in its turn also has considerable power in defining laws for the population. After the President signs the bill into law, the law immediately goes into effect. However, from this moment, the Constitution grants the Supreme Court the unique power to remove the law from the books by declaring it unconstitutional (USA Government, 2013). This kind of a structure makes the government activities more transparent and accountable as neither branch has full discretion and absolute control over law-making process.

The power of the Congress to pass laws and interpret the original Constitution is important for consolidation of democracy especially when there is a need to interpret the original Constitution and adjust it in order to meet the needs of changing times. As U.S. Department of State (2001) states, the framers of the American Constitution made the amendment process difficult but not impossible. Most of the amendments have extended democracy by enlarging individual rights and wiping away differences based on race or gender. None of these amendments were lightly undertaken, and when adopted, all had the support of a great majority of the people (U.S. Department of State, 2011). Congress is also empowered to enact laws considered "necessary and proper" for the execution of the powers given to any part of the government under the Constitution (The White House, 2013).

Another important function that the Congress performs is the oversight role over the executive branch. The oversight power of the Congress is especially important for ensuring checks and balances within the government. By this the Congress gets control over the President's discretion in implementing laws and making regulations thus ensuring that the power of the President is not abused. As the White House indicates, a major way that Congress

conducts oversight is through hearings. The House Committee on Oversight and Government Reform and the Senate Committee on Homeland Security and Government Affairs are both devoted to overseeing and reforming government operations, and each committee conducts oversight in its policy area (The White House, 2013).

The Congress has extensive investigative powers as well. For this end there is the Government Accountability Office (GAO) which has the responsibility to audit and generate reports on every aspect of the government, ensuring that the government operates in an accountable and transparent manner (United States Senate, no date).

The Congress is also authorized with removing the President from his office through the process of impeachment. Once the House of Representatives feel that the President has committed acts of "Treason, Bribery, or other High Crimes and Misdemeanors" they can impeach him with a majority vote. After this, the case goes to the Senate. Overseen by the Chief Justice of the Supreme Court, the Senate reviews the case and votes whether or not to convict the President. If they vote in favor of conviction by a two-thirds margin, then the President is removed from office (United States House of Representatives, no date).

Both chambers of Congress have the right to claim evidence or testimony for anything they suppose is necessary. This right grants both chambers extensive investigative powers. As The White House (2013) states, members of the Congress spend much of their time holding hearings and investigations in committee. Refusal to cooperate with a Congressional subpoena can result in charges of contempt of Congress, which could result in a prison term (The White House, 2013). Such a power of the Congress grants the legislative branch kind of a supervising role over the executive and judicial branches. Since Congress is elected by the people with their trust in it, it has the obligation to satisfy the citizens' expectations that it will oversee the government activities and will curtail any violation or breach of law both in the executive and the judiciary branches. This kind of a system provides checks and balances within the three branches of the government which is a very important component for democratic governance.

## **Powers of the Judicial Branch of the U.S. Government**

The role of individual rights has taken a high priority in the process of democratization in the United States. Victims of discrimination have been granted the right to equal treatment under impartial and independent judiciary. Courts gained the authority to protect individual rights against violations by state governments. The Supreme Court stood firm as a defender of common law of basic individual rights and freedoms. Courts can be very powerful in a democracy, and in many ways are the operating arm through which constitutional constraints are interpreted and enforced. In the United States, the courts may declare acts of Congress and of state legislatures invalid because they conflict with the Constitution, and may enjoin presidential actions on similar grounds. The greatest defender of individual rights in the United States has been the court system. This is made possible because most judges have life tenure and can focus on legal issues without the distraction of politics. While not all constitutional courts are the same, there must be a body that has the authority to determine what the Constitution says, and when different branches of government have exceeded their powers (The White House, 2013).

A Constitution is the framework for the government providing the rules for a government. The Constitution of the United States provides the supreme law for states. The Constitution established the Supreme Court as the highest court in the United States and the only part of the federal judiciary. The Supreme Court sets the extent and limits of government powers and the rights of the people (The White House, 2013).

The judiciary's function is to interpret the United States Constitution and federal laws and regulations. One of the Supreme Court's most important responsibilities is to decide if a law or government action violates the Constitution. This responsibility of the Supreme Court is referred as *judicial review* and empowers the Court to invalidate both federal and state laws if they conflict with the Constitution. Decisions made by the Supreme Court cannot be appealed to any authority, as it is considered to be the final judicial arbiter in the United States on matters of federal law. Since the Supreme Court stands as the ultimate authority in constitutional

interpretation, its decisions can be changed only by a constitutional amendment (The White House, 2013). This kind of a power of the Supreme Court makes the judicial branch the most important body in defending the rights of the people.

Judicial review grants the Supreme Court significant power making it the ultimate authority for many of the most important issues in the United States. By granting the Supreme Court the power and role of a referee in disputes among various branches of the Federal, as well as state governments, judicial review puts it in a pivotal role in the American political system. The power to decide whether a particular law or governmental action violates the Constitution, as well as the right to resolve disputes between the executive and legislative branches are exercised to provide checks and balances on the legislative and executive branches.

The U.S. Constitution does not define the number of Supreme Court Justices, the number is defined instead by the Congress. Under the Constitution the Congress is given significant discretion to determine the shape and structure of the federal judiciary (USA Government, 2013). This means that while the members of the Executive and Legislative branches are elected by the people, members of the Judicial Branch are appointed by the President and confirmed by the Senate.

The Constitution also grants the Congress the power to establish lower Federal courts inferior to the Supreme Court in case it considers them necessary (like the district courts and the courts of appeal established by the Congress). Federal courts enjoy the sole power to interpret the law, determine the constitutionality of the law, and apply it to individual cases. Once the Supreme Court interprets a law, inferior courts must abide by not only the U.S. Constitution but the Supreme Court's interpretation of federal laws as well. The inferior courts are thus constrained by the decisions of the Supreme Court and have to apply the Supreme Court's interpretation to the facts of a particular case (USA Government, 2013).

The Congress is also endowed with the power to remove Federal judges. As the White House indicates, federal judges can only be removed through impeachment by the House of

Representatives and conviction in the Senate. The Congress can claim the production of evidence and testimony through the use of a subpoena. This power of the Congress is especially important for curbing corruption in the judiciary and keeping the Court impartial.

Judges and justices serve no fixed term — they serve until their death, retirement, or conviction by the Senate (White House, 2013). This kind of a system insulates judges from political pressure when deciding cases and allows them to apply the law with only justice in mind, and not electoral or political concerns because in such a system judges do not have re-election concerns. If the members of the judicial branch were to be re-appointed, they would be subject to pressure by both the Executive and Legislative branches in order to get approval for another term. By all means, this would distort the impartiality of the courts.

The separation of power between three branches and the system of checks and balances prescribed by the U.S. Constitution give a very good example of a democratic governance under presidential system. Both the separation of power and the system of checks and balances are crucial preconditions for democratic rule by ensuring that the power is not concentrated within the hands of one person or group. As the U.S. Federal structure shows, no branch of the U.S. government is given too much discretion or power. Moreover, each branch is responsible for its activities. For the oversight power over the executive branch, the system needs not to be parliamentary. Like the U.S. system, the legislative and judicial branches can constrain the discretion of the executive branch, as well as have oversight role over its activities. In most cases, the President needs the Senate's approval for particular actions. This makes the government accountable and responsible for the people's needs. On the other hand, if the U.S. President is not given an absolute control over government activities, this does not mean that the President does not possess power at all. The President has significant administrative power, he is the Head of the State and the Head of the executive branch. As the Head of the executive branch, the President has the right to appoint the heads of each Executive Branch department. However, these appointments are subject to the approval of the Senate. Moreover, the President can



become active in the legislative process by exercising his/her Constitutional right to veto bills approved by Congress. The President also nominates individuals to serve in the Federal judiciary. However, at the same time Congress has the right to impeach the President and Federal court justices and judges, and the Supreme Court can declare a law enacted by Congress or an action by the President unconstitutional.

The system of separation of powers makes the three branches operate independently of each other. Each branch having its distinct powers and responsibilities still has the obligation of balance of power and keeping the government transparent and accountable. The balance of power within the government makes the democratic and transparent governance possible.

### **Elections, Political Parties and Interest Groups**

Though millions of Americans vote in a presidential election every four years, the President is not, in fact, directly elected by the people. Instead, on the first Tuesday in November of every fourth year, the people elect the members of the Electoral College which is the formal body which elects the President and Vice President of the United States. Each state has as many "electors" in the Electoral College as it has Representatives and Senators in the United States Congress, with the District of Columbia having three electors. In the Presidential election voters actually vote for the slate of electors. These electors then cast one vote for President and another for Vice President. In the case of an electoral college tie the House of Representatives elects the President (United States House of Representatives). The role of a two-stage electoral campaign system is crucial since it gives citizens the opportunities to choose among different candidates and elect candidates who are most likely to pursue policies which they favor. The role of campaigns is also very important in increasing voter turnout and educating citizens about the importance and influence of their vote.

Members of Congress are now elected by a direct vote of the people of the state (for Senate) and the district (for House of Representatives) they represent. This makes the members of the Congress representatives of the people.

The Senate is composed of 100 Senators, 2 for each state. Senators are elected for six-year terms. Since the ratification of the 17th Amendment in 1913, they have been *elected* to six-year terms *by the people* of each state. The Senate is a continuing body because there is never an entirely new Senate. Senator's terms are staggered so that about one-third of the Senate is up for reelection every two years. The 17th Amendment of the Constitution also allows the governor or executive authority of each state, if authorized by that state's legislature, to appoint a senator in the event of a vacancy, until a general election takes place (United States Senate, 2013).

Direct election of Senators makes the system more democratic in a sense that Senators become more responsible for implementing policies in accordance with their constituencies. The pressure from the populace can be much tougher in case of direct election than if Senators are elected by state legislatures. Direct election also eliminates hostilities, conflicts, contentious battles, as well as corruption in state legislatures for electing Senators. Sometimes these problems can become so acute and increase tensions which can even disturb peace in a particular state. Finally, direct election of Senators makes the latter become closer to citizens and their grievances in order to act in accordance to their needs and satisfy their expectations.

The House of Representatives is made up of 435 elected members. Each state receives representation in the House in proportion to the size of its population, entitled to at least one Representative. Each member represents an area of a state, known as a congressional district. The number of representatives is based on the number of districts in a state. Members of the House are *elected* every two years *by the people* of the states. Every two years, voters choose all 435 representatives. Unlike the Senate which is a continuing body, the entire House membership faces re-election every two years. Unlike the Senate for which in case of vacancies state governors may fill vacancies, vacant House seats must be filled by election only. This makes the system even more democratic by putting citizens' consideration in a pivotal role. Representatives choose their presiding officer, the Speaker, from among the membership of the majority party (United States House of Representatives, 2013).

Members in the House are called *representatives*. The term representative already indicates that they are there in order to represent people's interests and needs in the government and do their best in order to meet their needs. As United States Senate (2013) indicates, the House of Representatives was intended to be "the people's house" and the Founders wanted House members to be closely bound to their constituencies.

As IIP Digital (2012) states, "political parties have been woven into the fabric of U.S. democracy almost since the nation's founding, even though the U.S. Constitution never mentions them". In the United States political parties perform important functions that link the public to the institutions of American government. Parties create coalitions of citizens who share political goals, elect candidates to public office to achieve those goals, and organize the legislative and executive branches of government (IIP Digital, 2012). Two political parties, the Democratic Party and the Republican Party, have dominated American politics since the American Civil War (U.S. Department of State, 2013). Although other political parties also exist, third parties, in the United States, have less political influence than the two major parties. Instead, interest groups are very active in the United States.

As U.S. Department of State (2013) mentions, in the United States interest groups enhance the representative process by giving citizens a role in shaping policy agendas, hence are considered an important mechanism for influencing public policy because they give citizens the opportunities to make their needs and concerns known to the officials.

One feature of the American system that enhances the influence of the interest groups is the relative weakness of U.S. political parties, which, according to the US Government, is mainly due to the separation of powers between the executive and legislative branches. In a parliamentary system such as Great Britain, where the prime minister's hold on office depends on majority support in Parliament, parties exert considerable control over legislators and, as a consequence, over policy making. In contrast, elections of the U.S. president and Congress are politically separate events, even when held at the same time. Each legislator must construct a

winning coalition in his or her state or district, and the nature of these coalitions is quite different from the majority coalition that the successful presidential candidate assembles. Clear evidence for this is the fact that Congress and the presidency have been in the control of opposing parties most of the time since World War II. As a consequence, neither Democrats nor Republicans are invariably bound to support the positions of their party's president or their party's electoral platform. Weak party loyalty enhances interest-group influence, both during elections, when their financial support can be critical, and afterwards, when groups that supported the winning candidate become closely involved in policy making (U.S. Department of State, 2013).

A second feature of the system that encourages interest groups is the decentralization of political power to states and localities, known as the federal system, or "federalism." Citizen associations often get started at the state and local levels, later combining into national organizations. Decentralization thus encourages a greater variety of interest groups. It also further weakens the party system, because the social and economic diversity of the 50 states make strict party discipline difficult (U.S. Department of State, 2013).

In addition, a strong, independent judiciary in the American system enhances the power of interest groups. U.S. courts often rule on issues that, in other democratic polities, would be under the control of the legislature or bureaucracy. Thus, interest groups can utilize litigation to achieve policy objectives that they cannot obtain through legislative action (U.S. Department of State, 2013).

Finally, the American tradition of virtually unlimited freedom of speech, press, and assembly means that nearly any point of view expressed by an interest group, no matter how radical, is permitted a public airing. To be sure, the increasing centralization of the media since World War II has made it more difficult for groups with fringe views to gain a serious hearing. However, this centralizing trend has been partially counteracted by the open access granted to groups on the Internet. On the whole, the American free speech and free press traditions, which

offer numerous opportunities to publicize societal problems and lay out positions on public policy, encourage group formation (U.S. Department of State, 2013).

The importance of interest groups lies in the necessity of the correspondence between citizens' needs and preferences and government policies. By acting as linkage between citizens and government officials, interest groups make law-making somehow a dialogue between the voters and their elected representatives in Congress or in state and local governments. Democracy assumes the need of citizens' ability to make their voice heard on specific matters.

### **The UK Political System**

The United Kingdom is a parliamentary democracy where government is voted into power by the people in order *to act in the interests of the people*. The UK is also a constitutional monarchy which means that there is an established monarch who remains politically impartial and with limited powers (UK Government, 2013).

The Parliament and government of the United Kingdom both play a part in forming the laws of the country. They are separate institutions that work closely together in order to perform the responsibilities of running the government (UK Parliament, 2013).

### **Powers of the U.K. Government**

The government, also known as the Executive, is run by the Prime Minister with the support of the Cabinet and ministers. Since the Prime Minister is the head of the UK government, he/she is responsible for the policies and decisions that the government makes. As the head of the UK government the Prime Minister oversees the operation of the Civil Service and government agencies, appoints members of the government, as well as acts as the principal government figure in the House of Commons (Inside Government, 2013).

The political party that wins the most seats in a general election forms the new government, led by their party leader who takes the position of the Prime Minister. The Prime Minister, who is the chief executive of the country, appoints ministers, including the Cabinet,

and presides over the Cabinet. The Cabinet is made up of the senior members of the government. Unlike the system in the U.S., the Prime Minister of the U.K. appoints members of the Cabinet without the approval of any Houses of the Parliament because government ministers are chosen from the members of the House of Commons and House of Lords. They may or may not be a member of the party forming the current Government. These ministers often work in a government department in order to run and develop public services and policies. Ministers must regularly respond to oral and written questions from MPs and Lords (UK Parliament, 2013). This is done to ensure the oversight of legislative branch over the executive in order to keep the government accountable for their decisions and actions. Each Minister is responsible for the actions, achievements and failures of their respective departments.

The Deputy Prime Minister of England is the deputy head of U.K. government supporting the Prime Minister on the full range of government policy and initiatives. He is responsible for leading the government's political and constitutional reform agenda. The Prime Minister also consults with the Deputy Prime Minister on any decision that he/she is going to make (Inside Government, 2013).

The **Civil Service**, managed by the Prime Minister, does the practical and administrative work of the government. **Government departments and their agencies** are responsible for putting government policy into practice. Executive agencies, being part of government departments, usually provide government services rather than decide policy. Instead, policies are decided by the department that oversees the agency. After a Bill becomes an Act of Parliament, it is the responsibility of the relevant government department to implement that law (Inside Government, 2013).

There are also **non-ministerial departments** which are headed by senior civil servants and not ministers. They usually have a regulatory or inspection function (Inside Government, 2013). This regulatory and inspection function helps the government to police itself in order to make

sure that all government departments and agencies perform their duties effectively and transparently.

The UK government has responsibility for developing and implementing policies and for drafting laws. Each year the government informs Parliament of its plans for new legislation in the Queen's Speech. The Government introduces most plans for new laws and changes to existing laws. However, new laws can originate from an MP or a Lord, or even a member of the public or private group as well. Before draft laws, known as Bills, are introduced into Parliament, there is often consultation or discussion with interested parties such as professional bodies, voluntary organizations and pressure groups (UK Parliament, 2013). This is especially important for acting in the interests of the citizens because these discussions and consultations can give people the power to influence decisions that affect their lives. Even though people do not have the right to choose policies and vote for or against them individually, the professional bodies, voluntary organizations and pressure groups can act on behalf of the people thus making the people indirectly active in public policy.

New legislation is usually introduced in the form of a Bill that must be debated and approved by Parliament before it can become an Act of Parliament. A Bill is a proposal for a new law, or a proposal to change an existing law, presented for debate before Parliament. As mentioned above a Bill does not need necessarily be originated in the Executive, it can start in the Commons or the Lords, however, it must be approved in the same form by both Houses before becoming an Act or law (UK Parliament, 2013).

### **Access to information**

The government of the United Kingdom gives high priority to people's right of freedom of information. The government considers this important for operating transparently. The government publishes information about how government works to allow people to be informed of government activities that affect their everyday lives and to make informed decisions. By this the government tries to make politicians, public services and public organizations more

accountable. As Inside Government (2013) indicates, the Freedom of Information Act gives people the right to ask any public sector organization for all the recorded information it has on any subject. Anyone can make a request for information. There are no restrictions in age, nationality or where they live (Inside Government, 2013).

Apart from providing information about the government activities, the U.K. government also makes people informed about how much public money has been spent on what, the job titles of senior civil servants and how much they are paid, as well as how the government is doing against its objectives. For this end, it produces official statistics about most of the areas of public life (Inside Government, 2013). All this information, together with statistics and data, are important tools for not only ordinary people but also government officials themselves in order to measure the success of government policies and services, as well as make informed decisions. As for the ordinary population, by providing all this information, statistics and data, the government helps them to become active in public policy and have their say in the reform of public services. Access to information is crucial especially for a country where the government is elected directly by the people. In order to make right decisions, people should be informed of government activities and become knowledgeable about policies that the government is going to initiate. In a democratic state, it is one of the basic individual rights of the people to be aware of the possible outcomes of this or that government activity or policy, especially when these policies affect the lives of the people.

### **Powers of the U.K. Parliament**

Parliament is the highest legislative authority in the UK. It is the Constitution of the United Kingdom that makes Parliament the supreme legal authority in the UK, which can create or end any law. Generally, the courts cannot overrule its legislation and no Parliament can pass laws that future Parliaments cannot change. Being granted sovereignty by the Constitution, Parliament makes an essential part of UK politics. Its main functions and responsibilities are:

- Examining and challenging the work of the government (scrutiny)



- Debating, approving and passing new laws (legislation)
- Enabling the government to raise taxes (UK Parliament, 2013).

Like in the U.S. legislature, the UK Parliament also consists of two Houses: the House of Commons and the House of Lords. The work of both Houses is similar: they make laws (legislation), check the work of the government (scrutiny), and debate current issues. The House of Commons is also responsible for approving proposals for government taxes and spending. Generally, the decisions made in one House have to be approved by the other (UK Parliament, 2013). In this way the two-chamber system ensures checks and balance for both Houses.

One of the main responsibilities of the Parliament is to approve new laws and enact legislation. In the process of *draft legislation* considerable attention is given to the preferences of the people. For this end there is a distinction between white and green papers. White papers outline proposals for new laws. Green papers ask for *public comments* before the white paper is published (UK Parliament, 2013). This is done because elected by the votes of the citizens, Parliament, particularly the House of Commons, has the responsibility of providing citizens with policies based on their own preferences. By this, the UK government provides an important tool for citizens to influence public policy.

After the introduction of new laws or changes to existing laws by the government, both the House of Commons and the House of Lords must debate, vote for and approve these proposals before they can become laws. If a Bill or a proposal originated in either of these Houses, then again, before it can become a law, it should be approved by the other House. Either House can vote down a Bill in which case it will normally not become law, however there are exceptions. The Commons can pass the same Bill in two successive years, in which case it can become law without the agreement of the Lords. Bills relating to only money, that is to say raising taxes or authorizing government expenditure, are not opposed in the Lords. In formality the reigning monarch has to approve all new laws, called the Royal Assent. However in practice it is not

withheld. Royal Assent was last withheld in 1708. Once a Bill is given Royal Assent it becomes an Act of Parliament (UK Parliament, 2013).

House of Commons is where government ministers, including the Prime Minister and the Chancellor, as well as the leaders of the main political parties work. Members of the Commons (MPs) debate the big political issues of the day, consider and propose new laws, as well as have the right to scrutinize government policies by asking ministers questions about current issues either in the Commons Chamber or in Committees. The MPs are there to represent the interests and concerns of their constituencies in the House of Commons. Parliament checks the work of the government on behalf of UK citizens through investigative select committees and by asking government ministers questions. Both the House of Commons and the House of Lords use similar methods of scrutiny: asking questions to government ministers, debating issues and investigating the work of the committees. Ministers from each government department must on a regular basis respond to oral and written questions from MPs and Lords. The Prime Minister answers questions every Wednesday (Inside Government, 2013).

Debates make an important part not only in law-making process but also in everyday discussions in the UK Parliament. Both Houses of Parliament hold debates. Debates are an opportunity for the members of both Houses to discuss government policy, proposed new laws and current issues. Debates are designed in order to assist MPs and Lords to reach an informed decision on a particular subject. Votes can be held to conclude a debate, either on passing or rejecting a proposed new law (legislation) or for simply registering their opinion on a particular subject. All debates are recorded in a publication which is available online or in print (UK Parliament, 2013). What is the most important contribution of debates to democracy is that it allows MPs to voice the concerns, needs and interests of their constituents, however, as UK Parliament (2013) mentions, Members of the House of Lords can also speak about issues brought to their attention by the public.

Debates in the Commons are done in order to enact and amend laws. Debates can also concern to national and international issues and can be on any subject. Votes are often taken to see whether a majority of Members either support or reject any discussed law or proposal (UK Parliament, 2013).

The main responsibility of the House of Lords is to debate and revise major legislation, however as mentioned above Lords also take part in general debates and discuss subjects of interest, such as a new report, or a matter of public concern. In the House of Lords one day a week is set aside for general debates and short debates take place on most days. There are no votes on such debates (Inside Government, 2013).

Much of the work of the House of Commons and the House of Lords is done in committees, made up of around 10 to 50 MPs or Lords. These committees examine specific policy issues or legislation in detail, from government policy and proposed new laws, to wider topics like the economy. They can also be charged with offering advice, producing reports and altering legislation (UK Parliament, 2013).

**Select Committees** work in both Houses. Their job is to check and report on areas ranging from the work of government departments to economic affairs. However, those concerned with examining the work of government departments are House of Commons Select Committees. Committees in the House of Lords are charged with other main areas such as Europe, science, economics and the UK constitution (UK Parliament, 2013).

There is a Commons Select Committee for each government department, examining three aspects: spending, policies and administration. These committees should decide upon the line of inquiry and then gather written and oral evidence. Findings are reported to the House of Commons, printed, and published on the Parliament website. The government then usually has 60 days to reply to the committee's recommendations. Some Select Committees, however, can have a role that crosses departmental boundaries. Depending on the issue under consideration they have the right to look at any or all of the government departments. They can be involved in

a range of on-going investigations, for instance, for administration of the House itself or allegations about the conduct of individual MPs (UK Parliament, 2013).

MPs and Lords also work together in **Joint Committees**. These committees have similar powers to Select Committees. Some of these committees are set up on a permanent basis. A permanent committee meets on a regular basis, conducts an ongoing examination of a particular area in order to consider issues relating to that area. The permanent committees of the UK are those of the human rights which meet to consider *Human Rights* issues in the UK, and *Statutory Instruments* which meets to scrutinize delegated legislation. Other committees are set up on a temporary basis for specific purposes such as examining draft proposals for Bills on different subjects. Here again, all results are public and available in printed and online formats (UK Parliament, 2013). The fact that the results of these examinations are available to the public definitely makes the UK government more transparent and accountable since citizens become aware of their government activities and obtain power to criticize any government activity which they consider to violate their rights.

The main role of **General Committees** is to consider proposed legislation in detail. This committee system allows faster processing of Bills and is unique to the House of Commons; the Lords meet as a whole House in this function (UK Parliament, 2013).

The oversight role of these committees, as well as publication of the findings publicly contributes to the effectiveness of the government by regularly keeping government ministers accountable for their policies and decisions. The power of these committees to examine and challenge any department, except the one that they are responsible for, makes the system even more transparent by minimizing the probability of possible corruption between a particular department and the respective committee.

Another very important role of the Parliament is expressed through *confidence motion*. This means that the government needs the confidence and support of the majority of the House of Commons to function. As UK Parliament (2013) notes, if the House votes to indicate that it

has no confidence in the government, either by defeating the government on a confidence motion or by defeating a policy that the government has indicated, then a General Election would be called if a confidence motion in the new government was not passed within 14 days of the original no confidence motion. This kind of a system's contribution to transparent and accountable government lies in the fact that government will strive to provide policies in accordance with public preference provided with the fact that otherwise it can be changed as soon as it stops to justify the expectations of the legislature. This is indeed an advantage of a parliamentary system to be able to remove government once it ceases perform its obligations and not to wait until the term of the chief executive ends.

This kind of a system puts legislature on a pivotal place in the UK government. Strong legislature is an important component for democratic governance. It is important because of its power to oversee the government activities thus hindering the executive branch from concentrating power and providing more accountable and responsive government. Along with this oversight role, as the central institution having the obligation of enacting laws, the parliament enjoys the support of strong legislature to oversee the implementation of these laws thus ensuring that these laws are not only on paper but also in practice.

Parliament being an institution for political debate also contributes to democracy in the United Kingdom. Through debates Members of Parliament raise issues of public interests and concerns. Citizens elect the MPs in order to embody their will and make their voice heard in the government. For this very purpose, MPs in the UK Parliament are given chance to debate and compete for policies that are in accordance with the interests of their constituents thus making the UK government more responsive to its citizens' needs and grievances.

Another important factor for the UK democracy is its obligation to comply with International and EU legislation. Being a member-state of the European Union, England has to prioritize the EU law over national law, particularly those relating to democratic governance and human rights. The fact that the EU law has priority over national law somehow restricts the

jurisdiction of the UK Parliament to enact any law because these laws must be consistent with international and European standards. This mechanism by all means works for democracy consolidation and respect for basic human rights in the United Kingdom.

### **Powers of the Supreme Court of the United Kingdom**

Since Courts are considered to be the final arbiter between citizens and the state, they make a fundamental part in protection the citizens' rights. In the United Kingdom the Supreme Court was established to achieve a complete separation between the United Kingdom's senior Judges and the Upper House of Parliament. Before 2009, the Appellate Committee of the House of Lords acted as the highest court in the United Kingdom granted with the powers and functions of the Supreme Court. However, in October 2009, the Supreme Court replaced the Appellate Committee of the House of Lords assuming the role of the highest court in the United Kingdom. The Supreme Court's 12 Justices maintain the highest standards set by the Appellate Committee, but are now explicitly separate from both Government and Parliament. The Lord Chancellor, although having executive duties is also head of the judiciary (The Supreme Court, 2013).

As Neudorf (2012) argues, the establishment of the Supreme Court imported a new and much broader conception of judicial independence that goes beyond protecting judicial decision-making in individual cases from direct interference by the executive and legislature. The Supreme Court now interacts with the other branches of government as a distinct institution instead of working alongside them as a component of Parliament. According to him, this new judicial independence demands institutional autonomy and increasingly formal interactions between the judiciary and the other branches (Neudorf, 2012). Indeed, the separation of legislative and judiciary branches emphasizes the independence of the Supreme Court and increases transparency between Parliament and the courts. This is especially crucial for the Court to make impartial decisions relating to the society and aspects affecting their everyday life irrespective of the legislative pressure.

The main role of the Supreme Court is to hear appeals on arguable points of law of the greatest public importance, as well as consider cases of constitutional importance. It hears appeals from courts in the United Kingdom's three legal systems: England and Wales, Northern Ireland, and Scotland. Because of the doctrine of parliamentary sovereignty under the UK Constitution, the Supreme Court is much more limited in its powers of *judicial review*. The UK Supreme Court does not have the power to overrule or overturn legislation passed by the UK Parliament. It is not in the Court's jurisdiction to formulate public policy. Its function is to interpret law and apply it where necessary. The Supreme Court should give effect to directly applicable European Union law, and interpret domestic law as much as it is possible to be consistent with European Union law. The Supreme Court should also give effect to the rights contained in the European Convention on Human Rights. The fact that the European law has priority over national law restricts not only the Parliament's role in defining laws but also the Supreme Court's discretion in making judgments (The Supreme Court, 2013).

As the Supreme Court (2013) indicates, judicial independence is a cornerstone of their system of government in a democratic society and a safeguard of the freedom and rights of citizens under the rule of law (The Supreme Court, 2013). Indeed, the importance of judicial independence and the consequences of that independence have great direct effect on judicial accountability, especially when the Court is accountable to higher European institutions. The accountability of the UK Supreme Court to the European Court of Justice, as well as the European Court of Human Rights, is especially important for its transparency because the legislature in the UK has no oversight power over the activities of the Supreme Court. This could grant the Court a large range of discretion in its considerations. The Court could make decisions based not on impartiality and application of the law to that particular case but on corruption. However, the European Court deprives the UK Supreme Court from such discretion by keeping the UK Supreme Court transparent and accountable for any decision that it makes.

## **General Elections and Political Parties**

The UK government is formed by the political party that wins the majority of seats with the largest number of members in the House of Commons. The Commons is directly elected by the people. The UK public elects 650 Members of Parliament (MPs) to represent their interests and concerns in the House of Commons. The leader of the winning political party becomes the Prime Minister of the country. However, unlike the US president, the term of the Prime Minister in UK is not fixed. The government can be removed and changed any time once both the Prime Minister and the government as a whole lose the confidence of the majority in the House of Commons. Thus for functioning, the government first of all needs to retain the confidence of a majority in the Commons. If the House votes to indicate that it has no confidence in the government either by defeating the government on a confidence motion or by defeating a policy that the government has indicated, a General Election should be called if a confidence motion in the new government was not passed within 14 days of the original no-confidence motion. General election should also be called when a general election is agreed by two thirds of the total number of seats in the Commons including vacant seats (currently 434 out of 650). If neither of these two occasions happens then by law general elections should be held and a new Parliament should be elected every five years under the Act passed in 2011. Prior to this act the Prime Minister could call a general election at any time within the five year period (UK Parliament, 2013).

Members of the Parliament are elected to five-year term until it is dissolved by the Monarch. When Parliament is dissolved every seat in the House of Commons becomes vacant and a general election is held. After the dissolution of the Parliament MPs immediately become members of the general public and lose all the privileges associated with being a Member of Parliament. Until a new Parliament is elected, MPs do not exist. Those who wish to re-apply must stand again for election as candidates in their constituencies. Each constituency in the UK elects one MP (Member of Parliament) to a seat in the House of Commons. MPs are elected



from a choice of candidates by a simple majority system. Candidates may be from a political party registered with the Electoral Commission or they may stand as an 'Independent' rather than represent a registered party. The candidate with the most votes then becomes the MP for that constituency. This means that the MPs assume the obligation to protect the interests of the respective constituency that elected them (UK Parliament, 2013). Participation by direct representation best reflects the democratic system of governance since citizens directly vote for a particular policy initiative that they want to be implemented. Hence, policies determined in direct voting are closer to the majority's preferences than those determined by elected representatives.

When Parliament is dissolved, however, the government does not resign in order to run the government while there is no Parliament. Government ministers remain in charge of their departments until the results of the election are known. Only after the results of the elections the Queen will ask the leader of the majority party to form a new administration. During the period between dissolution and formation of the new government, however, major policy decisions are suspended and refrained (Inside Government, 2013).

Members of the **House of Lords** are not elected but appointed by the Monarch, and during dissolution they remain Members of the House of Lords. All business in the House comes to an end, and while Members of the Lords can access the premises of Parliament, only limited facilities and services are available to them (England's Government, 2013).

A **by-election** takes place when a seat in the House of Commons becomes vacant between general elections. A seat can become vacant during the lifetime of a Parliament either when an MP resigns from Parliament, for instance to take up a job which by law cannot be done by an MP, or because an MP has died. The law also allows a seat to be declared vacant because of an MP's bankruptcy, mental illness or conviction for a serious criminal offence. A by-election does not automatically take place if an MP changes political party. Until a new MP is elected, constituency matters are handled by an MP of the same party in a neighboring constituency (UK Parliament, 2013).

Members of both Houses of Parliament are required by law to take an oath of allegiance to the Monarch before they take their seats in Parliament after a general election or by-election and after the death of the monarch. Any MP or Member of the House of Lords who objects to swearing an oath can make a solemn affirmation instead. This process is known as swearing in. Until the oath or affirmation is taken, an MP may not receive a salary, take their seat, and speak in debates or vote.

Political party development has been an essential component of democracy consolidation in the United Kingdom. Although there are many political parties in the UK, the major three parties are the Conservative Party, the Labor Party and the Liberal Democrat. These three work in both the House of Commons and House of Lords. Almost all MPs in the UK represent political parties. As mentioned above, the party with the most MPs after a general election normally forms the Government. The second largest party becomes the official Opposition. If an MP does not belong to a political party, he/she is known as an 'Independent'. The UK government also gives the right to any member of either of House of Commons or the House of Lords to change political party at any time known as 'crossing the floor' (UK Parliament, 2013).

In addition to the main three parties, the **House of Commons** has a range of other political groups also elected by the public. This includes nationalist organizations like Plaid Cymru (Wales) and the Scottish National Party, Northern Ireland's various political parties and minority parties like the Green Party or Respect (UK Parliament, 2013).

Members of the **House of Lords** are also organized on a party basis, however largely not on political party basis. In the House of Lords, in addition to the main parties there are small number of Members who are not affiliated with a major political party and those belonging to minority groups. Unlike MPs, members of the Lords do not represent constituencies and many are not members of a political party. Those Lords who do not support one of the three major parties are known as Crossbenchers or Independent Peers. The Crossbench Peers group is currently the second largest group in the Lords (after Labor) and is formed by independent

Members who don't take a party whip - which means that they are not told how to vote by a political party. There are also a limited number of Church of England archbishops and bishops, as well as a small number of members who are not affiliated to any of the main groups (Parliament.uk, 2013).

As the UK Parliament (2013) indicates, the effectiveness of the party system in Parliament depends on the relationship between the Government and the Opposition parties. Indeed, the current UK government consists of two opposing political parties (the Prime Minister represents the Conservative Party and the Deputy Prime Minister represents the Liberal Democrat) and this gives the government a real opportunity to contribute to the creation of effective policies and legislation through constructive criticism by the opposition party. This kind of a system is only beneficial for the society because it gives the chance of exchanging ideas between different parties, and the opposition party is given the opportunity to work with the ruling party, oppose government proposals they disagree with and change whatever they think is detrimental for the society or for the country as a whole thus promoting democratic principles and values in their country. This kind of a structure also gives the chance of competition. That is to say the opposition party has the opportunity to put forward their own policies in order to improve their chances of winning the next general election. Political competition is considered an important component of liberal democracy because it grants the opportunity to opposition parties to present themselves and their programs as alternatives for the citizens' needs and expectations. If there is no competition, citizens cannot get acquainted to the programs and policies other than those of the ruling party. If there is no political competition there is no choice for alternatives and no chance for the citizens to choose among different initiatives either. In the UK political parties, indeed, constitute an important linkage between society and government mainly for making citizens' voice heard in government and keeping government responsive for citizens' grievances thus keeping government as close to the public as possible.

### Chapter 3. Economic Development, Rule of Law and Cultural Peculiarities as Prerequisites for Democracy

The concept of democracy is a contested one. In large it is easy to consider a democratic state the one which is bound with international law. However, it is really hard to say what makes democracy, whether it is majority rule that makes it, if yes then a question arises to what extent the majority should influence public policies. Many scholars emphasize the great role of economic liberalization in enhancing democracy, while others consider pro-poor state mechanisms make democracy effective. Among political regimes, democracy has proven more difficult to achieve than one can assume because of its multidimensional character. The concept of democracy implies a variety of activities ranging from free and fair elections to respect of human rights and fundamental freedoms. It is also rather difficult to estimate whether the electoral or the liberal components of democracy first emerge. The essential role of democracy lies in addressing the will of the people, and the need for citizens to participate in order to make democracy work. Once in his speech President Lincoln gave perhaps the best-known definition of democracy in American history by defining democracy as "government of the people, by the people, and for the people". As such, democracy should be recognized and adopted by both electoral and liberal dimensions. For this very purpose, we distinguished three important factors that are likely to deliver favorable conditions for the consolidation and durability of democracy. Political system of a particular country alone is not enough for democratic development in that country. Economic growth, rule of law, as well as cultural peculiarities make crucial part of democratic consolidation. There is still no consensus among scholars whether these three factors bring about democracy or democracy leads to the emergence of these factors. This paper does not suggest deterministic association either, rather it suggests probabilistic association, it tries to reveal co-relational, not causal, relationship between these factors and democracy. This paper tries to maintain that democracy is more likely to emerge and survive when there are certain economic, political and cultural conditions for it.

## Economic Development

Different scholars have come up with different answers to the question of whether democracy stimulates economic growth or vice versa. Some scholars emphasize the great impact of economic freedom and protection of property rights on democratization process. It is really hard to say for sure whether economic growth leads to the emergence of democracy or democratic rule promotes economic liberalization but today it seems there is a general consensus that economic growth is one of the prerequisites for the consolidation of democracy. This is likely to be the case because democracy assumes development, however, this development can hardly be imagined without economic well-being of a particular state. Lipset was the first to establish the theoretical link between the level of development of a given country and its probability of being democratic stating that “the more well-to-do a nation, the greater the chances that it will sustain democracy” (Lipset 1959, p. 75). He claims, for instance, that “industrialization, urbanization, high educational standards and a steady increase in the overall wealth of society are basic conditions sustaining democracy” (1959, p. 80). According to him, these factors constitute the *conditions*, not necessarily causes, for democracy. By contrast, based on their empirical analyses, Przeworski et al. claim that economic development makes democracies endure, but it does not make them more likely to emerge. According to them, democracies come into being almost randomly, with similar chances at all levels of development (National Endowment for Democracy, 2012). This view by all means is vague and unclear because democracy cannot emerge at any political regime, at any level of modernization, and at any time.

The proponents of the view that sustained economic development is supposed to lead to the emergence of democratic institutions and, eventually, sustainable democracy, support their argument by maintaining that democracy is reached through the combination of factors produced by this economic development. One important factor conducive to democracy is the emergence of strong middle class. Equality is one of the major characteristics of democracy, including

income equality. According to Pei (1999), economic growth transforms social structure and contributes to the creation of a large middle class which is the social basis of democracy. Lipset (1960) in showing the correlation between economic development and democracy also emphasized the strong role of the middle class in a modernized society. According to him, social, political and economic equality is central to democracy. However, this equality is achieved through economic growth as the gap between rich and poor is much wider in poorer than in developed countries (National Endowment for Democracy, 2012).

Another important thing on which economic development has a direct effect, according to Pei, is the increase in the level of education. Education is a crucial factor for the emergence of democratic institutions because an educated citizenry is likely to be more knowledgeable about the political process and aware of their rights thus becoming vigilant in defending its rights, as well as possessing more effective means of doing so. Education can also contribute to emergence and durability of democracy by promoting extensive social, cultural, as well as political linkages with the international community. These linkages in turn can act to facilitate the flow of information. By the access to various sources of information, people get acquainted to international recognized values, norms thus becoming sensitive and critical to authoritarian rule and autocratic rulers. As National Endowment for Democracy (2012) indicates, South Korea, Taiwan, and Spain succeeded in democratization mainly because significant economic growth had produced a strong middle class and an educated population that demanded political participation and respect for fundamental human rights. And economic success provided a solid foundation for consolidating democratic institutions. The power and major effect of a high level of education, as well as access to information is not that they deliver democracy, but that they increase people's capabilities and willingness to struggle for the establishment of democratic institutions.

Finally, economic growth conduces to the overall wealth accumulation in a particular country. Economic development allows private-sector actors to accumulate resources and

enhance their independence from the state. This also strengthens civil society as a counterweight to the state. By becoming economically better off, countries get more chances to reduce poverty by providing more job opportunities for the poor population to earn for their well-being. This in turn enhances sense of individuality, personal autonomy, and value of personal freedom and choice. This should be achieved *not* by wealth redistribution among different segments of population equally but rather creating more job opportunities for the poor people, in other words not giving the money to the poor but providing them with opportunities to earn that money. Otherwise, it would not only violate the rights of the rich and fail to enhance sense of individuality, personal autonomy and personal freedom of the poor, but would impose extra problems such as increasing social dependence of the poor on the state, as well as reducing the incentives for the poor to work. In order to avoid unfair redistribution of property and the growing gap between rich and poor there is a need for satisfy expectations of as many people as possible. As National Endowment for Democracy (2012) quotes Lipset's ideas, for any democratic regime to survive, it must provide sufficient legitimacy as perceived by its citizens. This legitimacy, according to Lipset, is achieved by continuous economic development. Hence, from this point of view socio-economic development is a required condition for stable democracy.

There is also, however, the opposite opinion among scholars that democratic governance promotes economic growth through economic liberalization. This view is also true because if we assume that autocratic regime is characterized by rulers who have no constraints to impose high taxes on citizens, if property rights are not respected, consequently there is no foreign direct investment, as well as wealth of the citizens can be taken by the government, then it is very difficult to imagine economic growth in such conditions. Indeed, democratic good governance should not be considered as an outcome or consequence of development but a necessary condition of development. To what extent the economic liberalization further reinforces democracy in that particular country is a debatable question. Some scholars consider that

economic liberalization itself violates the very essence of democracy: political rights of the people. However, this opinion is less likely to be supported because even if economic liberalization assumes market preference which, in fact, goes against with political preference, it creates more job opportunities, enhances capabilities of the poor and underprivileged by providing incentives for them to work, invent and compete for higher living standards. Given these advantages it would not be exaggerated to state that economic liberalization has the potential to contribute to overall human development. Opponents of economic liberalization like Persson and Tabellini (2006) state that democracy is associated with economic reforms, while economic liberalization only “sometimes” leads to democratization. The causality runs more from political to economic liberalization rather than from economic to political liberalization. That is to say, democracy increases market liberalization by eliminating monopolies and fostering market competition, whereas economic liberalization does not necessarily enhance the support for democracy. Proponents of this view maintain that democracy assumes wealth distribution among different groups of populations, that is to say political preference, however by political preference governments impose restrictions and regulations on markets thus hindering them from regulating effectively. However, one simply should not assume that democracy assumes wealth distribution because in this case despite the protection of the rights of the poor, the rights of the rich are in fact violated. Hence, it is not right to assume that democratic freedom is more for business and firms rather than for ordinary people. National Endowment for Democracy (2012) in its turn indicates the inevitable high degree of economic inequality that free markets involve. However, on the other hand, it states that Income transfers to the poor in the form of wealth redistribution can reduce incentives for the poor to work thus causing dependency (National Endowment for Democracy, 2012). Taking the adverse effect of economic liberalization into account, one might assume that economic liberalization should be gradual and limited as not to violate the political rights of ordinary citizens while keeping the economy open since without a liberalized and open economy there is little prospect for growth. Economic



liberalization assumes market liberalization which fosters free trade, as well as investment and growth.

One cannot deny the fact that democracy fosters economic growth by ensuring property rights both for the national of that country, but also for foreign investors. As Pei (1999) states, autocratic regimes are not supposed to have economic development mainly because they lack the advantages often associated with democracy such as secure property rights of the wealthy, as well as the power of the people to use their influence to ban socially inefficient policies. As National Endowment for Democracy (2012) quotes Mitchell Orenstein's ideas, democracy provides channels for public pressure to ensure that social-welfare expenditure is protected, and it helps countries "organize their social-protection programs in ways that correspond with a broad array of public demands and interests". Nobel Laureate Amartya Sen also links democracy with social protection of population. According to him, promoting economic growth, as well as being responsible to the needs of the citizens and overall welfare of the population these all are among the instrumental and protective functions of democracy (National Endowment for Democracy, 2012).

The political institutions which are crucial to economic growth are more likely to exist and function effectively under democratic rule because rulers in a democratic system are constrained by independent judiciary or parliamentary oversight, as well as competition in parliaments (like is the case in parliamentary systems where the government can change once it ceases to satisfy the citizens' expectations). By these constraints, the rulers do not have the discretion to abandon their financial obligations by imposing confiscatory rates of taxation, as well as refuse to respect citizens' property rights for the sake of personal gains. Protection of property rights, as well as respect of a particular government for its financial obligations will attract enormous foreign direct investment as well which by all means will further boost the economic growth of that particular country. As Acemoglu and Robinson state in their "Why Nations Fail: The Origins of Power, Prosperity, and Poverty", inclusive economic institutions that enforce property rights

encourage investments in new technologies conducive to economic growth than extractive economic institutions that extract resources from the many by the few. Such inclusive economic institutions, according to them, empower and protect citizens' abilities to innovate, invest, and develop (National Endowment for Democracy, 2012).

Economic development and democracy are indeed interconnected. However, it is not right to assume that economic development will immediately deliver democracy. Although for the economy to boost there is a need for economic liberalization and economic reforms ensuring property rights and poverty reduction. However, the concept of democracy is not limited to property rights only. Civil liberties and protection of basic individual rights make a major aspect of democratic rule. However, in some cases, little correlation can be discerned between economic growth and protection of individual rights and freedoms until the economic growth creates all those factors mentioned above (increase in education level, access to information, etc.) which gradually will affect the emergence, as well as consolidation of democracy.

To achieve as well as consolidate democracy by direct promotion of democracy itself rather than building appropriate economic institutions is much more desirable. However, the success of direct democratic promotion is highly uncertain because the beneficial effects of democracy may not be immediately achieved but may take a long time to yield those benefits. As a result of this, new and unconsolidated democracies will be more vulnerable to economic pressures and will collapse easily. According to Pei (1999), statistical analysis performed by some political scientists show that poor democracies tend to die because of economic crisis. This implies that democracy as an end should not be pursued at any level of modernization since this can bring about destabilization of the political process in especially underdeveloped societies. Hence, in order to achieve democracy, establishing economic institutions first sounds more realistic because even if the strategy of direct democratic promotion works, it is very likely to face enormous problems with weak socioeconomic and institutional foundations necessary for the durability and consolidation of democracy. As National Endowment for Democracy (2012)

indicates, in some regions, such as East Asia and the Iberian Peninsula, economic development was certainly a key factor in the emergence of stable democracy.

Although this study aims to maintain that for the democracy to emerge and survive there is a need for positive economic conditions, it by no means argues that any country which runs economically well can become a democracy. Moreover, it would be naïve to assume that boosting an economy alone can be used as a means or strategy of achieving democracy and good governance. The concept of democracy assumes more than mere economic growth. In other words, apart from *capacity* it requires also *desirability* to adopt democratic values, norms, beliefs thus establishing democratic standards of living. Most importantly, democracy can be much more influenced by people's perception of rule of law and cultural peculiarities, rather than mere economic well-being of a particular country. Even though a state should run economically well in order to be able to make some democratic reforms, the aspects of democracy like the obedience to rule of law or protection of human rights can be achieved even without economic growth. Acemoglu et al. (2005a, 2005b, 2007a) in their turn show that the effect of economic development on democracy is not robust to the inclusion of country fixed effects, so that there is “no evidence that economic development has a causal effect on democracy” (Robinson, 2006, p. 12). Przeworski and Fernando Limongi argue that economic development affects not the emergence but the durability of democracy. According to the results of their analysis, wealth has a measurable effect on the survival rate of democracy, but not on the emergence rate of democracy. What they try to maintain is that poor democracies are more likely to collapse than wealthy democracies. Their analysis shows that rising wealth does not increase democracy because according to them certain wealthy autocracies remain autocratic even after rising wealth, however, the impact of wealth above a certain level on the durability of democracy is powerful and clear (Pei, 1999).

## Rule of Law

Constitutionalism or rule of law means that the power of leaders and government bodies is limited. In order to protect the basic individual rights, like the right to life and property, and to freedom of religion and speech, constitutional architects emphasized the sharing of the power of each branch of government, equality under the law, and impartial courts. In other words, Constitution is a law, but at the same time it is much more than that. It is the organic document of a government, *laying out the powers of the different branches as well as the limits on governmental authority*. A key feature of constitutionalism is that this basic framework cannot easily be changed because of the wishes of a transient majority. It requires the consent of the governed expressed in a clear and unambiguous manner. Constitution of any democratic state establishes the powers of the government, representative institutions, protection of minority rights, as well as the rights for private property and civil society. It is the first institution to define the laws that govern the behavior of the society in a particular country.

The relationship between rule of law and democratic governance is a complex one. It is rather difficult to determine whether democracy is a pre-condition to the rule of law or rule of law must be a pre-condition to democracy. Scholars have come up with various answers whether obedience to rule of law brings about democracy or establishment of democratic institutions conduces to the emergence of rule of law. Rule of law implies the superiority and influence of law as a constraint upon behavior, including behavior of government officials. By such, it becomes one of the central institutions of democracy assuming the responsibility to protect basic individual rights and fundamental freedoms. These rights include property rights, right of people to influence public policy affecting their everyday life, as well as protection of individual freedoms.

For the very purpose of rule of law, first of all there is a need for accountable and responsive government. Since it acts as a constraint on the governmental activities, separation of powers and the oversight of one branch over another is another crucial factor. This should be

done in order to ensure the applicability of justice to all citizens of a particular country. Rule of law prohibits weak and arbitrary governance, weak protection of civil liberties and inadequate regulatory and legal framework to ensure property rights. Hence, independence of the judiciary, increasing access to justice, as well as impartial courts should be a necessity in order to ensure that all rights of people are protected. The importance of rule of law to democracy consolidation rests on the fact that political institutions critical to democracy are more likely to exist and function effectively under rule of law. These institutions include economic development which can be impossible without protection of property rights. Rule of law has proved to be the most important institution that can protect property rights. The relationship between rule of law and property rights has become uncontroversial, as the majority of scholars agree that these concepts should be separated since there is no guarantee for protection of property rights without the imposition of rule of law. Absence of respect for property rights will also deprive a country from foreign direct investment. Protection of property rights give people incentives for creativity, productivity and entrepreneurship. When there is no protection of these rights, people will have no incentive to work, create, accumulate wealth because all their savings can be confiscated by the government officials. As Pei (1999) states, economic historians have persuasively demonstrated that secure property rights constitute the institutional foundations of sustained economic development. Sharma (2007) also states that inadequate regulatory and legal framework which does not guarantee property rights, enforce contracts, and reduce the transaction costs, deprive these countries of needed productive investment and economic growth. According to her, improvement of the quality of governance is essential for economic development (Sharma, 2007).

Under rule of law individual liberties are as well protected. Freedom of expression and independent media are the core factors of liberal democracy. Unlike sovereign democracy, liberal democracy is open to public criticism and does not regard the criticism of the public as “interference to country’s internal affairs”. For this end, people have the right to get true

information and be aware of any government activity and public policy that affects their life. However, freedom of expression which in turn ensures the production and unimpeded flow of information can only be guaranteed under effective rule of law. People's right to free and fair elections should also be guaranteed under rule of law because by free and fair elections people get the opportunity to choose policies that are mostly in accordance with their preferences and interests. The relationship between rule of law and democratic institutions such as free elections, freedom of expression, and access to information is reciprocally interrelated: rule of law influences the reinforcement of these democratic institutions, however, these institutions in their turn strengthen and defend rule of law. Not only rule of law influences realization of fair elections, but implementation of free elections further strengthens the functioning of law because rule of law will have its defenders: candidates, parties that will realize that their advocacy for rule law will be in their interests. For this very purpose, competition is considered as one of the core characteristics of a democratic government because competition ensures alternatives and opportunities for the citizens to choose among different political leaders. Politicians have incentives to act in accordance with laws and citizens' preferences because otherwise they will lose their trust and won't be re-elected. This makes them be responsive to the needs and demands of their people because their right to govern is derived from public support as a result of competitive and fair elections. The ability and power of people to evict corrupt and unjust officials is crucial for enforcement of rule of law and consolidation of democratic governance. As Pei (1999) indicates, democracy and democratic institutions such as multi-party systems, competitive elections, and a free press should be viewed as part of the political foundations of the rule of law because the functioning of these institutions ensure the existence of the rule of law. According to him, rule of law has become such an inseparable part of democracy that it is difficult to imagine a democracy without the rule of law (Pei, 1999). For a democratic government to survive, it must provide sufficient legitimacy as perceived by its citizens. This legitimacy first of all is provided by the protection of citizens' rights, whether they property

rights, individual liberties, their right to fair elections in order to make their voice heard in the government, or they right to be able to provide themselves with high living standards. Those governments which place unlawful restrictions on NGOs, human rights activities, constrain and suppress their activities by intimidation, threatening or harassment, can never enjoy legitimacy among citizens. Only a state which authority is derived from the choice of its people based on rule of law, can claim that it embarks on the ‘good governance’ based on the liberal norms and beliefs of liberal democracy.

For the government to be transparent, accountable and responsive to its citizens’ needs, there is a need for institutional checks and balances that prevent theft of public wealth, as well as ensure individual liberties. The core essence of democracy is that it ensures decentralization of power among different branches of government and among the officials. It ensures that no single individual or political party will acquire so much political power as to overrule all other forces, thus preventing any individual or party from being above the law or threaten the rule of law. As Pei (1999) states, the rule of law can maintain its effectiveness only when the rulers, whether democratically elected or not, are placed under certain political constraints which need not be formal or constitutional. A system which ensures separation of powers, oversight role of one branch over another, and, most importantly, independence of the judiciary and impartial courts, curtails also the probability of corruption not only in government but also in general. As Sharma (2007) states, democratization and decentralization without simultaneous strengthening of property rights and the rule of law may not always lead to effective democratic governance.

Although all of the features and characteristics of democracy mentioned above seem to be perfect prerequisites for a state to be ideally responsive to its citizens’ preferences, pure democratic rule can have an adverse impact and even sometimes be dangerous for the state to prosper and develop. Imposition of strict rule of law can have its adverse effect on democracy in a sense that it can undermine the core democratic values and norms by giving the priority to the majority rule. By taking into consideration the opinions and preferences of the majority, the

government can enact laws that are in accordance only with the majority's interests while depriving or even violating the rights of the minority or unrepresented groups. This can happen especially when we are accompanied with the widespread definition of democracy as “**majority rule**, while minority rights are protected”. I'd challenge the first part of this definition, the rule of majority, because it's not always that the majority is right or competent enough in order to make crucial decisions. I'd like to quote an example of one of my beloved professors which better illustrates the adverse side of the majority rule. The example is the following: there is a boat lost in an ocean, the boat consists of 2 sailors and 8 passengers, so the passengers make majority but the two sailors know better what to do and what direction to go in order to be saved. The same is for the state: the majority, in this case the people, whose voice might be crucial for government decisions may be less knowledgeable than government officials who may know much better in which direction to go in order for the state to develop.

Another problem with the definition of democracy as “majority rule, while minority rights are protected” is that we can even sometimes find a contradiction between the first and second parts of this definition, that is to say, majority's views sometimes can contradict with the minority's rights. For instance, in Armenia, or in some other post-Soviet countries people might oppose to the rights for sexual minorities, however this also contradicts with the very concept of democracy, since the protection of human rights is one of the major aspects of democracy. The point that this paper argues is that, by all means, people should have equal opportunity for political participation and have their say in order to influence public policy especially those pertaining their everyday life. Too much democracy can also be detrimental for the state, especially when ordinary citizens might not be knowledgeable enough to make crucial decisions, but to yield the decision-making power to government officials who are more competent in their job. Majority rule does not always bear a desired outcome for a democratic state, and, according to Budge (2005), “a traditional fear expressed with regard to direct voting is majority tyranny” (Budge, 2005, p. 51). Hence, while enacting laws and imposing them on the people, it is very



important for the government of any state to ensure that these laws do not violate rights of any group of people. The imposition of the rule of law can have legitimacy only if this imposition is for the good of the society. The importance of rule of law to democracy is much more crucial than that of economic development because if we can somehow imagine transparent, accountable and responsive government, as well as protection of basic individual rights and fundamental freedoms of people without massive economic growth, then we simply cannot imagine all these factors without the imposition of rule of law.

### Cultural Peculiarities

Among various political regimes, democratic regime has proven to be the most difficult to establish and consolidate. There is also a commonly accepted view that no democracy has so far been genuine. This is because of its multidimensional characteristics and sometimes even conflicting notions. By all means, the form of government, rule of law and economic development play a considerable role in the process of democracy establishment and development. However, mere establishment of democratic institutions does not guarantee the realization and functioning of democracy. Besides political values democracy requires the presence of relevant cultural values as well. By cultural peculiarities we mean norms and beliefs established in a society which also impede 'willingness' and 'readiness' of that society to accept new values, norms and beliefs. Hence, it is wrong to assume that democracy can be achieved at any place, at any time and under any circumstances. Besides economic development and rule of law, another very important factor can conduce, delay or obstruct the democracy process: that is the cultural heritage of a particular nation. Important factor such as cultural peculiarities should never be disregarded when studying the possible prospects of a particular country of establishing democratic governance. Cultural heritage proved to be a very powerful factor for the functioning of democratic institution. Cultural peculiarities can never be imported from abroad unless its values are recognized as one's own. These peculiarities come from within and do not change

easily. Their change requires long period of time since it requires, first of all, people to adopt new values and norms, perceive them as important or necessary thus making them as commonly accepted beliefs. Imposition of democratic values will never yield the true benefits of democracy, especially when the society is not ready for adoption of these values and lacks the cultural prerequisites intrinsic to liberal democracy.

As National Endowment for Democracy (2012) quotes Tocqueville's ideas, "the customs of the community" and "the habits of the heart" are necessary for democratic transition. One should never forget that democracy is not only 'of and for people' but also 'by people', by their perception of liberal democracy and by their assessment of the value of norms and beliefs intrinsic to liberal democracy. Forced democracy will never work unless people realize the importance of these values to themselves and to the society as a whole.

Values, norms, beliefs come from within the society. Cultural peculiarities cannot and should not be imported from abroad. The example of one country should not be applied to another if there are not adequate conditions for democracy. Values such as respect for basic human rights, fundamental freedoms, tolerance, justice, are all manifested differently in different parts of the world. Hence, transformation of these values into practice of a particular society takes time. Although we assume that cultural peculiarities are the legacy of cultural heritage, it does not mean that culture is static and unchangeable. Culture is changeable and, in fact, it always changes as a result of modernization. However, this change requires effort and time from the society to gradually adopt and maintain values intrinsic for democracy. As Chan (2002) further states, feasibility of liberal democracy is dependent on the desirability of liberal democracy as perceived by the citizens which may be influenced by the culture and traditions of a particular society, and which may also be affected by their understandings of what 'liberal democracy' is and what it can reasonably achieve in the present global context.

Thus, having democratic political system alone does not deliver all the expectations of the citizens. If a person wants his or her rights protected by the state but at the same time is not

willing to respect others' rights, the government alone cannot deliver it. Government alone cannot overcome the challenges especially pertaining to refusal of democracy establishment because of cultural values and beliefs. Even though the government with the rule of law can and should eliminate, for instance, maltreatment against people because of their religious beliefs, disabilities or sexual orientation, these issues are more concerned with cultural heritage: views, beliefs and norms. It would be very difficult for the government to overcome such challenges without the willingness and help of the society. First of all society should be concerned with persistence of many serious human rights violations for the government to have incentives to protect these rights. However, at the same time one should avoid forced laws and regulations because of the adverse effects that forced democratization can have. In the absence of cultural prerequisites for democracy, establishment of mere formal democratic institutions can never promise genuine democracy and its consolidation. For the democracy to function there is a need for the society to accept democratic values, norms, beliefs as their own, not imported from abroad and perceived as an obligation to adapt. It is especially important for the law-makers while enacting laws and amending Constitution to take into consideration citizens' cultural peculiarities and make sure and these laws are derived from within the society and not imported from abroad and imposed by foreigners. As Welzel (2002) states, observers noticed that many of the newly emerging democracies show severe deficiencies, especially in their human rights performance. Political scientists have claimed that a country's past regime experience is important for many of its current features (Linz and Stepan, 1996). These assumptions lead us to another important and interesting discussion on comparison and contrast between ways of acquisition of the three preconditions of democracy discussed above: economic development, rule of law, and cultural values, particularly whether these factors should come within a country and society or they can be imposed by foreign actors as well.

## Democratic Preconditions- Imposition versus Internal Necessity

Economic development, respect for rule of law, as well as willingness and readiness to accept democratic values are all important preconditions necessary for a democratic state. However, the ways of acquisition of each of these preconditions varies. Economic well-being of a particular country can come from within, for instance due to national wealth, as it can be in the case of countries possessing huge energy and oil resources, or having a liberalized and open economy. However, economic conditions for democracy promotion can also be created from outside through financial assistance from other countries. The United States and the European Union serve the best example of providing less developed countries with financial aid for initiating democratic reforms. This means that economic conditions necessary for establishing democratic institutions might not by all means come from within but rather these conditions can be provided from outside.

Respect for rule of law might as well be imposed by external actors. The imposition of rule of law should be, first of all, by the government of a particular state. However, if the government fails to make its people abide with laws (of course if the laws do not violate rights of any person or group), this imposition can be made by other countries or foreign institutions by imposing sanctions on that country for violation of its citizens' rights. However, these sanctions can only be imposed only if the country which refuses to respect the rule of law is a member of an organization or is a signatory of a treaty or a convention by which it has the obligation to respect the rule of law. For instance, Armenia is a signatory of ECHR which makes Armenia bound with international law and with obligation to respect this law. As such, the European Court of Human Rights has the right to impose sanctions on Armenia for violating basic rights of its citizens.

Unlike the first two factors, cultural values and beliefs cannot be imposed by foreign countries. For effective democracy, cultural values should come from within the society of a particular state. For the democracy to function there is a need for the society to accept democratic values, norms, beliefs as their own, not imposed from abroad and perceived as an

obligation to adapt. Imposition of cultural norms, values and beliefs will never work for effective democracy and can never guarantee spread of democracy. One needs to remember the policy of “forced democratization” of the Bush Administration in Iraq. Iraqi society was not ready psychologically for this transition. This means that culture really matters for democratization. As Chan states, “liberal underpinnings of liberal democracy are not suited to non-liberal or illiberal cultures or societies” (2002, p. 12).

Democracy once established should be authentic rather than having mere presence of democratic institutions but no actual functioning of democracy. Although cultural values and beliefs are the fundamental factors of democracy, they should not be imposed by foreigners and at any cost. Values and norms should never be imposed by outsiders but accepted by insiders, even if these norms and values are democratic and, according to outsiders, beneficial for that society. Hence, although each of these three factors can have equal effect on democracy process, they can, in fact, be achieved by different ways and means.

The analysis leads us to conclude that application of one country’s democratic experience to another country expecting the same results can turn out to be problematic unless the two countries possess the same socio-economic, political and cultural values. Democracy should be established only at the right time and at the right place. If countries lack the prerequisites for genuine democratic governance then it would be better to first acquire these prerequisites and create conditions necessary for maintenance of democratic values, and only then try to establish democratic institutions. Mere democratic institutions will not guarantee stable democracy. Durability of democracy is, in fact, dependent on economic, political and cultural prerequisites.

## Conclusion

The overall conclusion which our analysis, based on different scholars' views, leads us to is that democracy, like any governmental system, has flaws and weaknesses, and can even have negative impact on the overall outcome of decision making and governance if democracy is too much. This refers to the power of the people to influence governmental decisions and public policy. Although being a very important body, citizenry may not have enough knowledge and experience in order to make important decisions for a whole country and population. A leader, a person who has all the necessary knowledge of governing a country, will know better what to do and how to govern in situations when there is a need of urgent decision making. However, back to Winston Churchill's observation that "democracy is the worst form of government except for all those others that have been tried", we assume that democracy is not the best form of government but a better form of government, even together with its flaws and weaknesses, democracy is better than the other systems of government. As Hatzilambrou (1994) states, the solution is not to abandon democracy, but to strengthen it by negating those aspects of democracy that have adverse impact.

As such, democracy assumes principles that should make the integral part of any democratic state. First, and foremost, in a democracy the authority is derived from the people. All powers in government must come from the people, and must be accepted by them as legitimate. A second general principle is that there must be a separation of powers so that no branch of the government can become so strong as to overrule the will of the people. The powers of each branch should be drawn by the Constitution of that particular country. The judiciary branch also exists to impose limitations not only on the executive but on the legislative branch as well. Third principle is a system of checks-and-balances for keeping all the branches of the government transparent, accountable and responsive to their citizens' needs. A powerful legislature can exercise its oversight role to ensure the transparency and accountability. Fourth, basic individual rights and fundamental freedoms of any person should be protected by the state.

The rights of minorities should also be respected, and the majority should never use its power to deprive any person of their basic rights. All these major principals of democracy can be guaranteed equally in both presidential and parliamentary systems. Neither presidential nor parliamentary form of government possesses such a peculiarity that is critical to democracy and which cannot be found in the other. For effective democratic process, the importance is not in the political system but in the powers of each branch of the government. A powerful legislature, which indeed is an important requisite for democratic governance, is usually considered to be better suit in parliamentary system. However, the separation of powers in the US government proved that powerful legislature can exist in presidential system as well. However, one advantage of parliamentary system is that competition among political leaders can occur any time, unlike the presidential system where the president can only step down after his/her presidential term is ended.

Support for political party development is an important part of democracy promotion in new and emerging democracies since political parties connect society and the state by aggregating and representing interests. Although political parties can be seen as unique in stimulating political competition, they should not be regarded as the only way of representing citizens' interests in the government or the only way of connecting state and society. As we saw in the case of the United States, interests groups can be no worse substitute for making people's voice heard in the government serving as instruments for further consolidating the principles of good governance.

Better governance means better living conditions and improvement in the quality of life. However, absence of governmental accountability will certainly raise problems for establishment of democratic government. Good governance can bring about improved economic performance and social welfare, as well as reinforcement of the rule of law and adaptation of democratic values, norms and beliefs. However, all these factors in their turn contribute to the consolidation of democratic rule.

It is rather difficult to differentiate between cause-and-effect relationship and say for sure whether these three factors bring about democracy or they merely help sustain democracy once it is established, or democratic governance itself delivers the emergence of these factors. One thing is sure: democracy is not just an end and once established it will always be there. Democracy is a continuous process. Moreover, it has never been and even can't be perfect which means that there is always a room for its development and improvement. This means that even though establishment of democratic institutions can be achieved without economic development, rule of law and cultural peculiarities, these three factors are *necessary* prerequisites for the democracy to sustain. A question also arises- If these factors are not necessary conditions for democracy to emerge, how is democracy achieved then? To say that the origin of democracy is occasional is vague and unclear. For this reason, we conclude that the relationship between economic development, rule of law, cultural peculiarities and democracy is strong. These factors affect both the emergence and the durability of democracy. Democratic governance in its turn contributes to further reinforcement of these factors. In other words for democracy to emerge and sustain, there is a need for continuous cause and effect relationship between these three factors and democracy, each being both the cause and the effect at different stages of process of democracy as if they occur simultaneously. This assumption leads us to another important conclusion that democracy process is and should be realized not only from top to bottom but from bottom to top as well. In other words, the political system and the government as a whole should not be considered the only responsible body for the presence of democratic institutions. Ordinary people have a considerable and significant role in the democratization process by adopting values that push for and are conducive to democracy, as well as demanding and seeing for the implementation of effective democratic institutions. People should have both the desirability and capability to accept liberal democracy as a better form of government and struggle for it. Without people's desirability and insistence, government will have little incentives to establish democratic responsive governance.



Building democratic institutions alone does not guarantee the spread of democratic politics. All the three factors discussed alone can each conduce, delay or obstruct democratization, depending on how, when, and where they are applied. Moreover, each factor affects another. Taken by all these characteristics of democracy, its process will be unique in every country because the success of any country will depend on many intertwined features, and it would not be right to rush to the conclusion that democracy can be achieved everywhere and at any time since it is a process rather than a condition and as such it requires time to be established, strengthened and only then yield its beneficial outcomes.

Thus, our first hypothesis that *the more powerful the legislature, the more accountable and transparent the government will be* is confirmed. This hypothesis is confirmed because powerful legislature ensures checks-and-balances between the different branches of the government. The oversight role of the legislature makes all the branches responsible for their activities and policies. This role makes legislature responsible for curtailing the probability of abuse of power in the government. Being the central body charged with the responsibility of enacting laws and seeing for their implementation, the oversight role of legislature gives it the right and also the responsibility to eliminate possible breaches and violations not only in the executive but in the judicial branch as well. As being the central body of enacting laws protecting basic individual rights, the legislative branch should see for their implementation by ensuring the impartiality of the courts and equality of all citizens before the law.

Second hypothesis that *countries with parliamentary form of government are more prone to establishing democratic institutions than those with presidential form of government* is disconfirmed. This hypothesis is disconfirmed because for effective democracy the importance is not in the political system but rather in the sharing of power between the different branches, checks-and-balances between the branches of the government, as well as in the strong legislature. All of these necessary factors for democracy can easily be achieved under presidential system. Although it seems that strong legislature (which is responsible for checks-

and-balances) is better suit in parliamentary systems, the study of the US political system proved that strong legislature can exist under presidential system as well.

Third hypothesis that *the form of government is not the only factor to contribute, delay or impede democracy process* is confirmed. This hypothesis is confirmed because democracy process is unique in every country depending on a variety of factors, including the existing economic, political and cultural conditions, rather than on a mere political system. The government has a great role in effective democracy, however, the government cannot alone achieve democracy if the country lacks the necessary economic and political conditions, as well as if there is no willingness and readiness in society to accept democratic values, norms and beliefs.

#### Recommendations

- Any government should try to reach democracy within the institutions of the existing political system because for effective democracy the importance is not in the political system but in the sharing of power between different branches of the government, strong legislature, and checks-and-balances between the branches. These three factors can equally be achieved in both presidential and parliamentary systems. Moreover, shift from one system to another can in turn create extra challenges for a state such as important peculiarities intrinsic for that particular system that the state does not possess yet (like established strong political parties) and require time for that state to adopt these peculiarities. The time required for acquisition of conditions necessary for this or that political system will by all means delay democracy process.
- Any government should apply the experience of other countries succeeded in democracy only if there are similar economic, political, as well as cultural conditions favorable for democracy. Democracy process will be unique in every country depending on a variety of factors, including the existing economic, political and cultural conditions. If a country lacks the necessary conditions for democracy, then acquisition of these conditions

should come first and establishment of democratic institutions should come after. Building democratic institutions alone will never guarantee the spread of democratic politics unless there are necessary economic conditions, respect for rule of law, as well as willingness and readiness of the society to acquire new democratic values, norms and beliefs.

- For effective democracy, any government should empower ordinary people to influence public policy and have their say in the government, especially for those policies which affect their every-day lives. However, public influence should not be too much as to influence important government decisions which may be crucial for the state and for the society as a whole. Too much democracy can have an adverse impact on the development of the state and can be detrimental for the society bringing chaos rather than order. Important government decisions (for instance those relating to the security, defense, economy of the country) should be made by knowledgeable political leaders who are experts in the field and know better what is good for the country than the majority of ordinary people might know.

#### Limitations and Further Research

There were several limitations in conducting this research project. First, because of the limit of this research project we compared only succeeded democracies (the US and the UK political systems). However, for more comprehensive study about the contribution of presidential and parliamentary systems to democracy it would be useful to study also failed parliamentary and presidential systems in order to figure out what deficiencies caused failure of democracy establishment in these countries. Hence, for further research one should pay attention to not only factors that contribute democracy but also to reveal impediments in government institutions that obstruct the government to establish democratic governance. It would be useful to study semi-

presidential system of government as well in order to find out some intermediate dimension for the government institutions to establish democratic institutions.

Second limitation relates to the economic, political and cultural preconditions for effective democracy. There is still no consensus among scholars whether economic development, the rule of law, and need for cultural values and beliefs are conditions necessary for the *emergence* of democracy or for the *durability* of democracy. Hence, for further research there is a need for more elaboration on the contribution of each of these three factors to establishing democratic institutions in order to more deeply analyze the prerequisites for the emergence of economic, political and cultural conditions necessary for democracy, as well as to study the impact that each of these factors can have on the development of the other two.

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