

Democratization and Reform: Constitutional Systems and Democratic Government

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Aristotle and Types of Government

Number of Rulers	Rule in General Interest ("Right" Type)	Rule in Selfish Interest ("Wrong" Type)
One	Kingship	Tyranny
Few	Aristocracy	Oligarchy
Many	Polity	Democracy

Based upon The Politics of Aristotle, ed. and trans. by Ernest Barker (1970), pp. 113-115.

Constitutions as Political Structures

- The State
- Constitutions as “Power Maps”

Written and Unwritten Constitutions and Constitutional and Unconstitutional Regimes

	Government With a Written Constitution	Government Without a Written Constitution
Constitutional Government (i.e. limited powers)	United States	United Kingdom
Not Constitutional Government (i.e. unlimited powers)	Russia ?	Zimbabwe?

What Do Constitutions Do?

- An Expression of Ideology or Philosophy
- Most Basic Laws of the Regime
- Organizational Framework for Government
- Describe Levels of Government
- Provide Rules for Amendment

Separation of Powers

- The Idea that Too Much Power is Dangerous
- Montesquieu (France); Locke (England)
- Power must balance power
 - “Checks and Balances” in U.S.
- Locke’s “three branches” of government


Locke's Second Treatise on Government (1690)

* (Section 124) First, there wants an established, settled, known law... (the legislature)

* (Section 125) Secondly, In the state of nature there wants a known and indifferent judge, with authority to determine all differences according to the established law... (the judiciary and courts)

* (Section 126) Thirdly, In the state of nature there often wants power to back and support the sentence when right... (the executive)

Executive Roles

1. Chief of State
 2. Chief Executive
 3. Commander-in-Chief
 4. Chief Diplomat
 5. Chief Legislator
 6. Chief of Party
 7. Voice of the People
 8. Protector of Peace
 9. Manager of Prosperity
 10. World Leader
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- a. Symbolic role
 - b. Political role

The Legislative Role

- The function of a legislature is to make the values, goals, and attitudes of a social system authoritative in the form of legislative decisions.
- Legislators serve as role models for the public and in this way serve an educative function for society generally.
- Legislatures can be useful to society by allowing for the expression of grievances in a public forum.
- As a very general rationale, we may assert that the very prevalence of legislative institutions may be construed as affording prime facie evidence of their relevance for inquiry.

The Judicial Role and Rule of Law

- Locke's Third Branch
- The Idea of Judicial Review
- The Idea of Law
- “Government of Law and Not of Men”
 - Scientific Law
 - Moral Law
 - Divine Law
 - Natural Law
 - Positive Law

Legal Culture

- Society, Law and Politics

A nation's legal culture will shape the role that the law and legal institutions play in the political realm.

- “Roman Law” and “Common Law”
- Judicial Precedent (*stare decisis*)
- Judiciaries in Politics
- Judicial Review

Some Countries Whose Political Systems Include Judicial Review

Western Europe and North America	Latin America	Asia and the Pacific	Other
Austria	Argentina	Australia	Ghana
Canada	Brazil	India	Israel
Denmark	Colombia	Japan	Nigeria
Ireland	Mexico	Philippines	
Norway		Pakistan	

Source: Monte Palmer and William Thompson, The Comparative Analysis of Politics (1978), p. 136.

Which Structures Are “Best”?

- Goals
 - Stability
 - Quality of Life
 - Human Rights
 - Economic Status
 - Peace

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