



# Civics Mosaic:

## Comparing Political Systems

by Margaret Stimmann Branson

with the editorial assistance of Stephen L. Schechter and Thomas S. Vontz



*Comparing political systems around the world*

# Table of Contents

Lesson 1 Why compare political systems?

## Unit I: What are the historical and philosophical foundations for politics and government?

Lesson 2 What is politics?

Lesson 3 What is government and why have it?

Lesson 4 What are the purposes and forms of government?

Lesson 5 Why is justice a universal ideal?

Lesson 6 Is democracy a universal ideal?

Lesson 7 What are observable kinds of democracy?

Lesson 8 How and why do authoritarian regimes operate as they do?

## Unit II: What are the sources of public authority and political power?

Lesson 9 What is the difference between power and authority?

Lesson 10 What are sources of political authority?

Lesson 11 How can political power be distributed?

Lesson 12 What roles do ideology and religion play in legitimizing government?

Lesson 13 What are constitutions and which purposes and principles do they embody?

Lesson 14 What is constitutionalism?

## Unit III: How does political culture influence institutions and practices?

Lesson 15 What is political culture?

Lesson 16 How are political beliefs, attitudes and values transmitted?

Lesson 17 What is the relationship between political culture and economic development?

Lesson 18 What factors and forces promote social change?

## Unit IV: What are the rights and responsibilities of individuals and groups in different political systems?

Lesson 19 How did the idea of rights develop over time?

Lesson 20 What are natural rights?

Lesson 21 How has the idea of human rights evolved over time?

Lesson 22 What are legal rights and how are they enforced?

Lesson 23 How are legal systems alike and different?

## Unit V: How do representation and participation vary?

Lesson 24 Who is a citizen?

Lesson 25 What are the major kinds of electoral systems?

Lesson 26 What roles do political parties play?

Lesson 27 What is civil society and why is it important?

Lesson 28 Why does leadership matter?

## Unit VI: How are nations governed and how is policy made?

Lesson 29 What are institutions and why are they necessary?

Lesson 30 How are legislatures organized to carry out the functions expected of them?

Lesson 31 How are executive institutions organized to carry out the functions expected of them?

Lesson 32 How are judicial institutions organized to carry out the functions expected of them?

Lesson 33 What is public policy and how is it made?

Lesson 34 What roles do bureaucracies and non-governmental organizations play in carrying out public policy?

## Unit VII: How and why is governance changing in a globalizing world?

Lesson 35 What is the role of the nation-state in today's world?

Lesson 36 What considerations shape foreign policy within nation-states?

Lesson 37 What is the role of the United Nations and of regional organizations?

Lesson 38 How do international non-governmental organizations (INGOs) influence policy-making?

Lesson 39 How is international law formed, applied, enforced, and adjudicated?

Lesson 40 What are the major challenges that globalization poses?

### *Auxiliary Materials*

Appendix

Glossary

Index

Civics Mosaic is funded by a grant, R304A020002-03, from the United States Department of Education, Cooperative Civic Education and Economic Education Program. However, the contents of Civics Mosaic material do not necessarily represent the policy of, or assume endorsement by, the Department of Education.

Aim at an exact Knowledge of the Nature, End, and Means of Government.

Compare the different forms of it with each other and each of them with their

Effects on the public and private Happiness.

—John Adams, 1759

## Lesson 7: What are Observable Kinds of Democracy?

### Purpose of lesson of lesson

The word democracy has been used to describe a variety of regimes throughout history and the world. This lesson begins by explaining why so many countries throughout the world today claim to be democracies, when, in fact, for some countries, those claims are premature, questionable, or false. Although democracy is manifest in many different ways around the world, political scientists have developed a list of its most essential elements in practice. These generally accepted, minimal criteria can be used to judge the extent to which a country practices democracy and supports democratic ideals.

Being able to distinguish countries that are democracies from those that are democratic in name only will not only expand your understanding of democracy. It will also help you to compare the development of democracy in different countries, including your own.

After completing this lesson, you will be able to:

- Describe and explain the minimal criteria used to determine if a country is a democracy.
- Discuss in comparative perspective the development of democracy in Great Britain and France including comparing their constitutions, governance, and legal systems.

### Terms to Know

civil (codified) law	parliament
common law	precedent
democracy	president
divine right	prime minister
federal system	referenda
incumbent	republic
legislature	statutory law
Magna Carta	unitary state

### What Are Minimal Criteria for Democracy?

Today democracy has become a rallying cry across the world. Political regimes of all kinds style themselves as democracies, even though there may be vast differences between what they purport to be and what, in fact, they are.

Their claims may be premature in countries where democracy is new and fragile or incom-

plete. Their claims may arise from a misunderstanding of the concept of democracy.

Those claims also may stem from a minimalist definition of democracy. For example, some regimes may think that holding free and fair elections is all that democracy entails. In other instances, however, the words “democratic” and/or “people’s” are misused. Some of the world’s most repressive regimes have used the words “democratic” or “people’s” in their official names, hoping thereby to create an aura of legitimacy or to imply that the people have consented to their rule. Consider these examples:

- People’s Republic of Algeria
- People’s Republic of China
- Democratic Republic of the Congo
- Democratic People’s Republic of Korea (North)

As Philippe Schmitter, a political scientist at Stanford University, reminds us:

*For some time, the word democracy has been circulating as a debased currency in the political marketplace. Politicians with a wide range of convictions and practices strove to appropriate the label and attach it to their actions.... But, for better or worse, we are ‘stuck’ with democracy as the catchword of contemporary political discourse. It is the word that resonates in people’s minds and springs from their lips as they struggle for freedom and a better way of life; it is the word whose meaning we must discern, if it is to be of any use in guiding political analysis and practice.<sup>1</sup>*

In an effort to blunt charges that a country is undemocratic, politicians—and sometimes scholars—have attached adjectives to the word democracy. They have spoken of “partial democracy,” or “guided democracy” or even “paper democracy.” Such terms have fallen into disfavor, because they usually do not accurately describe a government and provide little more than a façade or window dressing.

Political scientists tend to agree that there is no one single set of institutions or practices that a

<sup>1</sup> Philippe C. Schmitter and Terry Lynn Karl, “What Democracy Is . . . And Is Not,” *The Global Resurgence of Democracy*, Larry Diamond and Marc F. Plattner, eds. (Baltimore: The Johns Hopkins University Press, 1993), p. 37.

country must have to be considered a democracy. In this sense, countries can be “differently democratic.”<sup>2</sup> Even so, there is a growing consensus about the values of democracy presented in the previous lesson and about the minimal conditions that must be present for modern political democracy to exist. Seven conditions, put forward by Robert Dahl of Yale University, and generally accepted, are adapted below.<sup>3</sup>

- Control over government decisions about policy is constitutionally vested in elected officials.
- Elected officials are chosen in frequent and fairly conducted elections in which coercion is comparatively uncommon and opposition candidates are free to campaign against the incumbent candidate.
- Citizens of majority age have the right to vote in the election of officials.
- Citizens of majority age have the right to run for elected offices in the government.
- Persons have a right to express themselves peaceably without the danger of prior restraint or punishment for the content of their political speech.
- Persons have a right to seek out both official and alternative sources of information. Moreover, both sources of information exist and are protected by law.
- Persons have the right to form independent nongovernmental organizations, including political parties and interest groups.

### What Do You Think?

1. How would you explain what Philippe Schmitter meant when he called the word democracy “a debased currency circulating in the political marketplace”? What evidence can you cite that agrees or disagrees with that assessment?
2. Do you think that only citizens should have the right to vote or run for elected office? Why?
3. Do you think that all persons in a democracy, regardless of their citizenship, should be entitled

to all the rights listed in conditions 5, 6, and 7? Why?

4. Do you think a democracy should be required by law to protect alternative sources of information? Why or why not?

5. Thinking of your own country, what protections currently exist for alternative sources of information? How adequate are those protections in your judgment?

### How Did Britain and France Become Democracies?

Britain and France are two countries that are “differently democratic,” to use Philippe Schmitter’s phrase.<sup>4</sup> Understanding both their differences and their similarities as democracies is important, because both countries have profoundly influenced the political development of other countries throughout the world.

One of the ways in which these two democracies differ is the manner in which they were born. Democracy came to Britain slowly and over the course of centuries. It gradually evolved beginning in medieval times when the landed barons and the clergy first wrung concessions from the kings who then claimed a divine right to rule.

One of the most famous encounters took place in 1215 when the barons met King John on the meadows of Runnymede and demanded that he sign what became known as Magna Carta. Among its 63 provisions, Magna Carta forbade the king to levy taxes without the consent of a council. It established strict procedures for the conduct of trials or what today is called “due process of law.” While absolute monarchies were evolving in other areas of Europe, including France, Magna Carta established the principles of limited government and shared powers in Britain. Its long-term significance lay in the recognition of the rule of law, which means that the law is supreme and even a king is subject to it.

Magna Carta was originally viewed as an agreement only between the barons and the Crown. In time, however, the English insisted that its provisions apply to all freemen. Kings who succeeded King John called on representa-

<sup>2</sup> *Ibid.*, p. 47.

<sup>3</sup> Robert Dahl, *Dilemmas of Pluralist Democracy* (New Haven: Yale University Press, 1982), p.11 as quoted in *The Global Resurgence of Democracy*, p. 45.

<sup>4</sup> Although the United Kingdom of Great Britain and Northern Ireland is its official name, it often is referred to as Britain or the United Kingdom (UK) for brevity’s sake.

tives of other classes to form a council composed of knights, the lower clergy, and the emerging middle class. That council met separately from a council of nobles and high clergy, and those councils gradually evolved into the two houses of Parliament—the House of Commons and the House of Lords respectively.

On various occasions the British Parliament reinforced and extended ideas about the rights of Englishmen first enunciated in Magna Carta. Two of the important enactments were the Petition of Right in 1628 and Bill of Rights in 1689.

Magna Carta, the Petition of Right, and the Bill of Rights continued to shape the development of democracy in Britain, and they all are major parts of Britain's constitution.

Democracy in Britain was achieved through an evolutionary process. In France a new era began with a revolution, a turbulent upheaval that overthrew the monarchy and installed a republic, a form of government in which sovereign power resides in the electorate and is exercised by elected representatives responsible to the people.

The French Revolution was not a single event. It was a series of developments that stretched over a number of years. The opening act of the French Revolution took place on 20 June 1789, when a self-proclaimed National Assembly met in an indoor tennis court and took an emotional oath never to disperse until they had given France a constitution. During July 1789 French mobs stormed the Bastille, an old prison, and rebellion spread throughout the countryside. The following month the National Assembly abolished all the special privileges the nobility and the clergy had enjoyed. It ended feudalism and serfdom as well as special taxes used to support the Catholic Church. Then, on 17 August 1789, the National Assembly took what probably was its most significant action. It adopted the Declaration of the Rights of Man and of the Citizen. This Declaration was intended to apply to all men, not just to French citizens. It became one of the seminal proclamations of democracy of all time.

The Declaration opens with these words:

*... Considering that ignorance, forgetfulness or contempt of the rights of man are the sole causes of public misfortune and governmental depravity... the National Assembly recognizes and declares in the presence and under the*

*auspices of the Supreme Being the following rights of man and of the citizen.*

The Declaration then identifies the rights that “every political institution” must preserve—liberty, property, security, and resistance to oppression. It also proclaims that “The free communication of thoughts and opinions is one of the most precious rights of man; hence every citizen may speak, write, and publish freely, save that he must answer any abuse of such freedom according to the cases established by legislation.” The First Republic proved to be short-lived. It was replaced by a rapid succession of regimes. On average France has experienced a new constitutional regime every 25 years. These have included five republics, two monarchies, two empires, and the authoritarian Vichy regime, which collaborated with the Nazi occupation during World War II.<sup>5</sup>

Today France is governed under the Fifth Republic. Established in 1958, the Fifth Republic has proved to be among the most durable in modern French history.

### **How Similar are the British and French Constitutions?**

Great Britain does not have a single document that it calls a constitution. Its “unwritten constitution” is found in part in key historical documents and acts of Parliament. Among the most important, as you have learned, are Magna Carta, the Petition of Rights, and the Bill of Rights. A series of Reform Acts (from 1832 to present) also are part of the constitution. These Acts extended the right to vote and regulated voting. Other parts of the constitution come from common law or the decisions made by judges based on customs, beliefs, and ancient practices.

Much of the British constitution is not even written. Instead the constitution relies on custom or convention. The British cabinet system of government and the relationship between the monarch and her or his ministers are examples of conventions included in the constitution. There is no official selection of documents for inclusion in the British constitution. As the noted English constitutional scholar, S. E. Finer,

---

<sup>5</sup> *The Concise Encyclopedia of Democracy* (Washington, DC: Congressional Quarterly Press, 2000), p. 187.

put it: “The Constitution is a rag-bag of statutes and judicial interpretations....”<sup>6</sup>

In contrast to the British constitution, that of the French is a single written document. Adopted in 1958, it is the 16<sup>th</sup> Constitution since the fall of the Bastille in 1789. The Preamble provides that:

*The French people solemnly proclaims its attachment to the Rights of Man and the principles of national sovereignty as defined by the Declaration of 1789, reaffirmed and completed by the Preamble of the Constitution of 1946.*

Before the Constitution goes on to set the powers and limits of institutions of government, it makes an emphatic statement about the nature of its government and the democratic principles for which it stands.

*France is a Republic, indivisible, secular, democratic and social. It shall ensure the equality of all citizens before the law, without distinction of origin, race or religion. It shall respect all beliefs....*

*The motto of the Republic is ‘Liberty, Equality, Fraternity.’ Its principle is government of the people, by the people, and for the people.<sup>7</sup>*

Later you will learn more about how the French Constitution organizes the institutions of government and what powers and limits the Constitution puts upon them.

### **What Is the Role of the Executive?**

The United Kingdom is a constitutional monarchy with a democratic parliamentary system of government. The monarch heads the executive, but that role has evolved into a symbolic one. By tradition the monarch almost never engages in any political acts, expresses an opinion on political issues, or takes sides when politicians or parties are engaged in controversies.

The actual head of government is the prime minister who is the leader of the political party with the majority, or the most seats, in the House of Commons. The prime minister heads the cabinet, which collectively exercises political leadership and directs the administration. Cabinet ministers almost always are selected from the membership of Parliament. Together, prime minister and

cabinet are referred to as “the government.” When reference is made to a particular prime minister and his or her cabinet, as in the Thatcher Government, a capital letter is used.

The prime minister makes or ratifies major decisions, plans parliamentary business, arbitrates between departments and coordinates government. The prime minister also must appear weekly in the House of Commons to answer questions put by its members. Those appearances known as “Question Time” are open to the public and televised both nationally and internationally.

Cabinet ministers in the United Kingdom also act in executive roles. Each minister is responsible for a particular department.

Under the Constitution of the Fifth Republic in France, executive power is divided between the president, who is head of the state, and the prime minister who heads the cabinet of ministers and directs the day-to-day operations of government. In England the monarch symbolizes the power and majesty of the nation; in France it is the president who symbolizes the unity and majesty of the state, but the French president also has more constitutional power than does any other Western democratic regime. The president conducts foreign affairs, is in charge of defense and can assume extraordinary powers during a crisis. The president appoints the prime minister, as well as the ministers who serve in the cabinet and head specific departments. The president is deeply involved in political affairs and is a key decision-maker.

### **How Can Legislatures Be Compared?**

Under the British system of government, Parliament is supreme. There are no formal constitutional checks on its authority. No court can strike down acts of Parliament. Parliamentary acts are binding and can be set aside only by Parliament itself.

The British Parliament has three major functions: (1) to pass laws; (2) to authorize taxes; and (3) to exercise oversight of the government. Parliament chooses the government (prime minister and cabinet), which exercises executive power but is responsible to the legislature. Parliament can bring down a government or cause it “to fall” on a vote of no confidence.

The British Parliament consists of two houses, the House of Commons and the House of Lords. Although totals can vary, the Commons currently

<sup>6</sup> S.E. Finer, Vernon Bogdanor and Bernard Rudden, *Comparing Constitutions* (New York: Oxford University Press, 1995), p. 42.

<sup>7</sup> Title I, article 2.

has about 650 members. They must squeeze into a small room, one-fourth the size of the U.S. House of Representatives, designed to foster reasoned discussions. Any citizen over 21 years of age can run for a seat. Members of Commons are elected to five-year terms.

The House of Lords is an unelected body that currently numbers about 1,200 members, although its total also can vary. For centuries this House was the province of the nobility. Today, however, many of its members are citizens who hold honorary peerages or ranks that the monarch has conferred on them for distinction as lawyers, scientists, artists, or members of the clergy. However, only 300 or so attend daily.

The House of Lords serves mainly as a chamber of revision, providing expertise in redrafting legislation proposed by Commons. The House of Lords also is the supreme judicial authority and the final court of appeal for both civil and criminal cases.

In contrast to Parliament that is supreme in Britain, the French Constitution confines the French Parliament to a strictly limited role. The Constitution states that it may enact legislation to “establish the rules” for civil rights, the basis for assessing and collecting taxes, and marriage, inheritance, and gifts. The French Constitution also provides that the legislature can “lay down the basic principle of national defense, education and property rights.” (Title II, Article 34). A leading scholar, Mark Kesselman of Columbia University, sums up the limitations on the power of the French legislature in this way:

*In the French political system, the operative assumption seems to be that parliament should be seen but not heard.... Parliament lacks the autonomy and separation from the executive...[and] cannot hold the executive accountable.... The French parliament provides a poor forum for important national debates, fails to represent conflicting interests, and has proved a feeble mechanism for checking abuses of power. With that said, parliament does provide a means by which the government negotiates compromises within the majority coalition and parliament has gradu-*

*ally gained power since the early years of the Fifth Republic.*<sup>8</sup>

The French legislature consists of two houses, a 577-member National Assembly and a 322-member Senate. Citizens over the age of 18 elect members of the Assembly for five-year terms. The National Assembly is by far the more powerful house. It can censure the government or bring down a government by a vote of no confidence. In practice, however, it has rarely used this authority. The Senate is considered to be “a body of reflection” designed to represent the interests of the various provinces. Senators serve nine-year terms. Mayors and town councilors select those Senators. The mayors and town councilors come from each of the 100 administrative districts into which mainland and overseas France is divided.

### What Do You Think?

1. Compare the manner in which democracy came to Britain and to France. What long lasting effects, if any, do you think those origins may have had?
2. Compare Magna Carta and the Declaration of the Rights of Man and the Citizen. Why do you think both those documents have continued to influence the development of democracy?
3. What might be the advantages of an “unwritten” constitution such as Britain has? The disadvantages?
4. How is the role of the prime minister in France different from the role of the prime minister in Britain?
5. One of the criteria of democracy referred to earlier in this lesson is that “control over government decisions about policy is constitutionally vested in elected officials.” Do you think that the House of Lords and the French Senate meet that criterion? Why?
6. What role does education play in the security and stability of democracy?

---

<sup>8</sup> Mark Kesselman, Joel Kreiger and William A. Joseph, *Introduction to Comparative Politics: Political Challenges and Changing Agendas*, 2<sup>nd</sup> edition (Boston: Houghton Mifflin Company, 2000), p. 115.

### How Do Common and Civil Law Differ?

Common law originated in England at a time when there were few written laws. Beginning about the time of King Henry II (1154-1189), English kings began to send judges to villages throughout the realm to dispense justice, but they had little or no statutory law to guide them. Statutory law is law passed as statutes by elected representative bodies. When conflicts had to be settled and there was no written law to guide them, judges had to rely on custom and on their own sense of equity and fairness. In time, the judges began to develop common principles that could be used for deciding cases that involved similar issues. Those principles became the common law; that is, law as past precedent and principles of decisions made by judges.

The common law brought greater uniformity to judicial decisions. Cases that were decided according to accepted principles became precedents that served as models or rules that other judges had to respect and apply when they decided cases of a similar nature. These precedents or legal guidelines became “common,” not in the sense that they were ordinary, but because they were common to all parts of the realm—hence the name “common law.”

France traces the origins of its system of laws to the Romans. When the Emperor Justinian I (483-565 A.D.) wanted to systematize how cases were to be judged, he ordered all the laws of Rome and the writings of legal scholars compiled or codified. They were gathered together into what was called the *corpus juris civiles* or *The Body of the Civil Law*.

The idea of codifying law spread to various parts of the Roman Empire. As early as the late fifth century, some local leaders initiated written collections of legal customs. The codes primarily concerned the amount of fines for various offenses. Since the fifth century forward Europe depended increasingly on codes rather than on binding judicial precedents.

The most famous example of codified law is the Code of Napoleon of 1804. One of the great reforms that Napoleon Bonaparte introduced after the French Revolution, his Code restructured traditional still semi-feudal French law into a more rational and consistent structure based on the principles of Roman law. Those principles included:

- the general equality of citizens
- respect for freedom of contract
- respect for freedom of persons
- the separation of civil law from church law

Code Napoleon is still in existence in modified form in France. It also has influenced the development of many other legal systems. Today the codified or civil law system is dominant in most European countries, in Canada, Japan, Turkey, and in former French colonies throughout the world. The state of Louisiana in the United States also follows the civil law tradition.

One of the reasons that the civil law system appeals to countries is that it is supposed to cover all cases by using only written or statutory law that has been approved by the legislature. Civil law leaves much less room for judges to interpret the law as they apply civil law to specific cases. Judicial decisions are based on the code as designed by the legislature rather than on binding precedents set by judges.

Common law supporters counter arguments about the alleged benefits of civil law. They say that French legal reasoning starts with a highly generalized proposition of law to which the facts are then fitted. In common law each case begins with a detailed examination of the facts in that particular matter. After the facts have been ascertained, a judgment is made based on an accepted principle or rule.

### How Much Power Do Local Governments Have?

Both Britain and France are democratic unitary states. A unitary state is one in which local or sub-divisional governments can exercise only those powers given to them by the central government. Those powers may be changed or withdrawn by the central government.

Most of the world’s states are unitary. China, Japan, and Egypt are other examples of unitary states. Along with Britain and France they stand in contrast to countries that have a federal system in which political authority is shared between general and regional or state governments. Many of the largest and most diverse countries have opted for federal systems. The United States, Russia, Germany, India, Nigeria, Brazil, Mexico, and Canada are examples of federal systems.

In Britain local governments deliver services such as education, police protection, refuse

collection, housing, and cemeteries. Elected councils are responsible for those services, but grants and subsidies from the central government is the major source of revenue. As Richard Rose, a university professor in Scotland, explains it:

*Because central government depends on local authorities to deliver programs and local authorities depend on the center for their legal authority and money, the two groups cannot ignore each other. However, when they negotiate, they are unequally matched. The center's control of legislation and finance gives it the power to impose its way.<sup>9</sup>*

In response to democratic pressure from citizens, some efforts have been made to shift more power to local governments. Even so, the most important political decisions and control of the money remain with the central government.

Despite frequent changes of regimes in France over the past two centuries, it has remained a highly centralized “one and indivisible” state. Ever since the French Revolution, sub-national governments have been regarded as administrative arms of the central government in Paris rather than as autonomous units. Local governments were supposed to help implement national policies rather than actively govern themselves.

Until the 1980s responsibility for managing local affairs was in the hands of prefects, administrators appointed by and responsible to the central government. Prefects had enormous powers until decentralization reforms transferred some responsibilities to elected local governments.

Today there are more than 36,000 village and city governments in France, more than all the local governments in other major Western European countries combined.<sup>10</sup> Decentralization is popular among most French citizens, but power is still concentrated in the central government.

### Reviewing and using the lesson

1. Compare common law and civil or codified law. In what ways are these legal systems alike?

How do they differ? Which do you think is preferable? Why?

2. Distinguish between a unitary state and a federal system. What might be the advantages and disadvantages of each?

3. Why do you think there have been recent efforts to decentralize government in both the United Kingdom and France?

4. In what ways have Britain and France influenced the development of democracy in countries throughout the world? What evidence can you cite in support of your answer?

5. Thinking of your own country, what evidence is there that either Britain or France has influenced the development of its political system.

---

<sup>9</sup> Richard Rose, “Politics in England” in *Comparative Politics Today*, 7<sup>th</sup> edition by Gabriel A. Almond and G. Bingham Powell (New York: Longman, 2003), p. 209.

<sup>10</sup> Mark Kesselman, “France” in *Introduction to Comparative Politics*, 2<sup>nd</sup> edition, Mark Kesselman, Joel Krieger and William A. Joseph, eds., p. 113.