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Different Contexts, Different Institutional Choices?

In the 1990's, western political scientists and policy makers recommended to the East European states emerging from behind the Iron Curtain a different set of institutions for democracy than they had for post-colonial states a half century earlier. Has there been a normative shift in emphasis? Have empirical data and analyses cast doubt upon prior prescriptions? Is Europe just to be treated differently? What is suggested here is that emergence from colonialism provided a different context, both of domestic and interstate systems, one for which different goals were perceived as having primary importance for institutional selection. For the constituted states of Eastern Europe, emerging from communist regimes of varying degrees of totalitarianism, the key objectives may well have been different.

Goals: Stability or Representation

At the risk of oversimplification - but necessary for the scope of this essay - there are two goals of institutional framers: stability and representation. The ideal types of common institutions emphasize one or the other of these goals. Germany's hybrid attempts to strike a balance between the two which has rarely been replicated elsewhere.

Stability refers to the durability of the state and regime, rather than government or policy. Stability can be challenged by external (other states, IGOs, the interstate system, non-state actors) and internal (separatism, coups) forces. Article 352 of the Constitution of India suggests the following de-stabilizing factors: threat to security of the state by war or external aggression or by internal disturbance, a breakdown in the constitutional government of a state and/or a threat to

financial stability. Stability is a concern of every state, and consequently each government, and commonly addressed through the centralization of authority and limitations on the legitimate expression of grievances¹. Strong state institutions, elite consensus, a defractionalized party system, and protections for rights promote stability. Certain historical experiences, social cleavages and policy results may also be helpful. As these are not *directly* manipulable, short of ethnic cleansing and indoctrination, the focus will be on institutions. An operationalization of stability would seek to uncover regime duration along with, as Powell suggests, the maintenance of order or prevention of political violence (Powell 21). A single-member district plurality system with rigorous requirements for party entry, including national scope², and institutional checks³ on policy change can promote stability. While Powell found presidentialism to increase government durability, Linz suggests it could lessen regime durability (Linz 55). Within presidentialism, Foweraker suggests SMDP and concurrent elections defractionalize party systems (Foweraker 674). As the case for presidentialism is unclear or even irrelevant, the focus here will be on the SMD/PR divisions of democracies.

Representation is intimately associated with democratic development. The story of the evolution of democracy in the first modern democratic state - Britain - is a tale of ever-increasing

¹ This may still be relatively democratic: channeling of said grievances through a party system with penalties for extra-constitutional expressions which involve violence. While this is a limitation on the free expression of those criticisms, consolidated democracies have adopted such restrictions.

² New parties may be required to compile petitions in a number of administrative districts dispersed across the state or to win a set proportion of the national vote.

³ This may include differently-elected upper houses, ratification, bureaucratic obstacles, and/or powers of judicial review in the court system.

representation through the expansion of the franchise to additional social groups: aristocrats, land owners, professionals and capital controllers, workers, women, and finally youths. In fact, in Robert Dahl's classic polyarchy formulation, the concept of representation (as both participation and contestation) forms the key axes for a presentation on which a variety of states are placed. Representation has also linked to itself the question of identity: who is a citizen? As citizenship may vary in its definition, an operationalization should uncover the proportion of people *residing within that state territory*, rather than including an arbitrary correction for the definition of citizenship or full citizen rights⁴, whom are represented - included in the franchise. Yet, representation must go beyond even this: Even in non-democratic states, people vote. During the New Order regime, Golkar received two-thirds or more of the vote. Participation was high but voting was not free due to voter intimidation by armed forces and barriers to entry for new, alternative actors. Representation must in some way account for various social groups and ideologies being represented. Institutions of a more specific type than democracy are needed. What is the smallest proportion of the state population which can be represented in the parliament? Proportional representation with a low (approaching zero) threshold, large district magnitude (approaching state-wide), large number of MP's in parliament, and limited barriers to entry provide for a more representative system.

⁴ This can amount to a significant number. In the United States, some 80 million residents are legally denied franchise. There is even the case of Bhagat Singh Thind, in which the US Supreme Court stripped Asian Indians who were citizens of the US of that citizenship (261 U.S. 204(1923)). The division of represented numbers by the citizenship totals would fail to reflect such restrictions.

Differently situated states⁵ will emphasize the various goals. Newly decolonized states whose identities are in flux may focus on securing the new state with internal and external security. Colonial boundaries were drawn in the ministry offices of London and Paris, often without regard to demographic and economic contours of the areas being demarcated. Colonies were extremely multi-ethnic. Many ethnic groups as well were left divided by such boundaries. This became more of a problem when the boundary was transformed from an administrative division under a single metropole to an interstate border. Struggles to overturn the old order sought to construct a super-identity of the movement. New state elites faced the difficult task of creating and legitimating central authority with identities not yet consolidated. Any regime change is a risk-laden transition but all the more so prior to stateness being finalized. Creation and maintenance of stability is the primary objective of such nascent states.

Alternatively, in Eastern Europe⁶, the states were established. National identity had been constructed. With the fall of communism, establishing representative institutions was the major concern. The strugglers against communism sought to overturn the rule of their co-nationals and establish electoral outlets for grievances.

For the general case, it is argued:

H1: States which have not successfully legitimated a national identity when democratizing will prefer more stable institutions.

H2: Authoritarian states with stateness secure when democratizing will prefer more

⁵ The states, of course, are not unitary, rational actors. Actors within a state apparatus collectively make choices which produce an output.

⁶ This claim is based largely on Poland, the Czech Republic, and Hungary. Several former Yugoslavian states have the same identity issues as are rampant in the Third World.

representative institutions.

H3: States with less representative democratic institutions will transition to more representative institutions once identity questions have been resolved if facing a crisis of legitimacy.

States for which these hypotheses should be examined include all those which are currently democratizing or have done so in a period for which sufficient data are available. The key factor separating the proposed sets of cases is this issue of stateness.

Pre-Democracy Regime Type	Stateness secure?	Democratic Institutional Focus
Colonial	No	Stability
Domestic Authoritarian	Yes	Representation

There remain non-democratic alternatives to achieve the goal of stability, which it is argued post-colonial states have faced. In fact, most post-colonial states even if beginning independence as democracies have endured authoritarian rule.

Cases from the 1940's

Indonesia (1949)

Indonesia has experienced four regime subtypes since gaining independence from the Netherlands: parliamentary democracy (1949-1959), personal dictatorship (1959-1967), military dictatorship (1967-1998), and recently presidential democracy (1998-present). The initial regime was a European-style representative one. William Liddle has identified four factors which undermined the initial parliamentary democracy: weak state, lack of elite commitment to democracy, fractionalized party system, and two key actors (independence leader President Sukarno, army) were excluded from the system. The party system was fragmented to the point

that the four leading parties almost evenly divided 80% of the vote in the 1955 elections with the leading PNI receiving 22%. Even a coalition of two major parties would not command a majority of parliamentary without the support of others. The situation was further complicated by party polarization, a separate but related phenomenon (Sartori 151). These parties were arrayed across critical axes, class and religion, including communists (PKI) and Santri modernists (Masjumi), both extremist parties. Indonesia had constructed a system which provided for a good deal of representation of the variety of social cleavages. By the late 1950's these divisions had immobilized parliament. In a military coup, President Sukarno overthrew the regime and installed an executive-dominated Guided Democracy which was more stable and effective but inherently less representative.

India (1947)

India, on the other hand, has experienced parliamentary democracy for almost all of its post-colonial history. The institutions selected included courts with judicial review, federalism, President's Rule emergency powers, and the option for a coalition to fall without forcing new elections. Each may limit responsiveness and representation but provide for some degree of stability. Judicial review and federalism limit the ability of a Union government alone to create policy (at least in some policy domains). Powers of the Prime Minister acting through the President can stabilize executive authority through crises. SMDP⁷ creates a rather significant hurdle in each district for a party or candidate to surmount: rather than meeting a 5% threshold, a ticket must win a plurality usually requiring over one-third of the vote. During the first thirty years of independence, the party system was relatively defractionalized. Effective parties were

⁷ Except for regional parties which became a problem later.

few in number. Where parties fragmented they were on the extremes. This created a dominant-party system led by the Congress System. In fact, even after Congress split in the late 1960's, one wing - Congress (R) - won 48% of the vote and a commanding majority of the seats in 1971. It is in this translation that SMDP plays an important role: mere pluralities can be transformed into commanding majorities. Polarization was also limited as mainstream appeal only was rewarded. Extremist parties were rarely seated in substantial numbers. Institutional choices offered incentives for a few large moderate parties with significant organizational bases. Often governments included only a handful of parties which provided for stability. Powell found Indian government durability on a level with consolidated democracies Britain and Australia (Powell 19). Government durability avoided the decision-making paralysis which marked the last years of Indonesia's parliamentary democratic regime. With similar social and economic characteristics but a different set of political institutions, Indian democracy sustained itself where Indonesia's proved not to be durable. Both states struggled with issues of identity, of stateness, and should have focused on stabilizing institutions.

Recent cases

More recently, a number of states have democratized coming from a different history. The states on Eastern Europe have largely been advised to adopt European-style PR systems to remedy shortfalls in representation from the communist period. There has, however, been some variation. Russia's Duma derives its members from a mix of PR and SMD elections and has created a strong presidency. Russia is, however, a multiethnic state whose identity is in flux with the collapse of empire.

Afghanistan, most recently, will be constructing new political institutions after two

decades of civil war which since 1996 have had an inter-ethnic character. As the primary politically salient identity hierarchy places tribal and ethnic affiliation ahead of that of the nation, stateness is still in doubt. In fact the country is an often-cited example of the failed state. Key ethnic groups (Pashtun, Uzbek, Tadjik, Turkmen, Baluchi) extend across interstate boundaries. The restoration of stability along with representing all major groups will be key aims of institutional selection. The majoritarian powers US and UK have stated the intention to impose consociationalism with a broad-based political entity. Consociationalism requires elite agreement but can break decision-making barriers (Lijphart 218). Policy-makers need to prioritize the creation of stability in decision-making above representing the totality of society. Democracy is unlikely to endure if decision-making institutions are paralyzed by fully reflecting existing social divisions. The set of cases to consider in formulating recommendations for Afghanistan come from those post-colonial states.

Conclusion

States can have different aims. The most advantageous institutional choices for Eastern European states may be different than those for the Third World. In choosing institutions, each state must evaluate and prioritize its objectives. States still struggling with national identity should focus initially on the creation of stability. Post-authoritarian states, with stateness secure, should aim to increase representiveness. *Ceteris paribus*, each will produce a relatively more durable democracy. In answer to the questions posed above, what appears to be a normative shift in prescriptions may be in fact due difference in the needs of the states under consideration.