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## CHAPTER 17

### CONCLUSIONS AND RECOMMENDATIONS

**T**wo conclusions of this book stand out as most important. The first is that the enormous variety of formal and informal rules and institutions that we find in democracies can be reduced to a clear two-dimensional pattern on the basis of the contrasts between majoritarian and consensus government. The second important conclusion has to do with the policy performance of democratic governments: as far as the executives-parties dimension is concerned, majoritarian democracies do not outperform the consensus democracies on effective government and effective policy-making—in fact, the consensus democracies have the better record—but the consensus democracies do clearly outperform the majoritarian democracies with regard to the quality of democracy and democratic representation as well as with regard to what I have called the kindness and gentleness of their public policy orientations. On the second dimension, the federalist institutions of consensus democracy have little effect on the performance variables examined in the previous two chapters, but they do have obvious advantages for large countries and for countries with deep religious and ethnic divisions.

These conclusions have an extremely important practical im-

plication: because the overall performance record of the consensus democracies is clearly superior to that of the majoritarian democracies, the consensus option is the more attractive choice for countries designing their first democratic constitutions or contemplating democratic reform. This recommendation is particularly pertinent, and even urgent, for societies that have deep cultural and ethnic cleavages, but it is also relevant for more homogeneous countries.

### THE GOOD NEWS

Two pieces of good news and two pieces of bad news are attached to this practical constitutional recommendation. The first bit of good news is that, contrary to the conventional wisdom, there is no trade-off at all between governing effectiveness and high-quality democracy—and hence no difficult decisions to be made on giving priority to one or the other objective. Consensus democracy on the executives-parties dimension has advantages that are not offset by countervailing disadvantages—almost too good to be true, but the empirical results presented in Chapters 15 and 16 demonstrated that it *is* true. The mixed and neutral findings with regard to the effects of consensus-federalist democracy on the performance variables similarly mean that, if federal-type institutions are desirable for countries because of their size or internal divisions, there are no significant disadvantages attached to this choice.

Additional good news is that it is not difficult to write constitutions and other basic laws in such a way as to introduce consensus democracy. Divided-power institutions—strong federalism, strong bicameralism, rigid amendment rules, judicial review, and independent central banks—can be prescribed by means of constitutional stipulations and provisions in central bank charters. How these constitutional provisions work also depends on how they are interpreted and shaped in practice, of course, but the independent influence of explicit written rules should not be underestimated. It may also be possible to strengthen these institutions

by choosing a particular form of them; for instance, if one wants to stimulate active and assertive judicial review, the best way to do so is to set up a special constitutional court (see Chapter 12). A central bank can be made particularly strong if its independence is enshrined not just in a central bank charter but in the constitution—or to outsource the central bank function to a strong supranational central bank like the European Central Bank (see Chapter 13).

The institutions of consensus democracy on the executives-parties dimension do not depend as directly on constitutional provisions as the divided-power institutions. But two formal elements are of crucial indirect importance: proportional representation and a parliamentary system of government. Especially when they are used in combination, and if the PR system is proportional not just in name but reasonably proportional in practice, they provide a potent impetus toward consensus democracy. On the conceptual map of democracy (see Figure 14.1), almost all of the democracies that have both PR and parliamentary systems are on the left, consensual side of the map, and almost all of the democracies that have plurality or majority elections or presidential systems of government or both are on the right, majoritarian side.

Because the hybrid Swiss system can be regarded as more parliamentary than presidential (see Chapter 7) and because the Japanese SNTV electoral system, which was used until 1996, can be regarded as closer to PR than to plurality (see Chapter 8), there are, among our thirty-six democracies, only four major and two minor exceptions to the proposition that PR and parliamentarism produce consensus democracy. Three parliamentary-PR systems are on the majoritarian side of the map: Greece, Malta, and Spain. Greece and Spain are the two PR countries with notoriously impure PR systems (see Chapter 8) and are therefore not major exceptions. The only major exception is Malta, where the proportional STV system has not prevented the development and persistence of an almost pure two-party system. The three exceptions on the other side—clear and significant exceptions—are India, Mauri-

tius, and Uruguay. The ethnic and religious pluralism and the multiplicity of ethnic and religious groups in India and Mauritius have produced multiparty systems and coalition or minority cabinets in spite of plurality elections. Uruguay is the only presidential system on the consensus side of the map for several special reasons: its almost purely proportional system for legislative elections, its multipartism and factionalism, its corporatist tendencies, and its strong but not dominant presidency. It should also be noted that all of the exceptional democracies are only moderately exceptional in one respect: they are not located at either of the extreme ends of the majoritarian-consensus continuum; in fact, they are all within one standard deviation from the center. A final case that needs to be highlighted is New Zealand, which has become a parliamentary-PR democracy, but is still on the majoritarian side. However, as Figure 14.2 shows, it has moved a considerable distance toward the center on the strength of its electoral reform in the 1990s. If PR is retained, it is bound to cross into consensual territory where most of the other parliamentary-PR democracies are also located.

Both parliamentarism and PR can be fine-tuned to fit the conditions of particular countries and also to allay any fears that the combination of PR and parliamentary government will lead to weak and unstable cabinets and ineffective policy-making—however exaggerated such fears may be, given the analysis in Chapter 15 of this book. An important reinforcement of parliamentary government that has been introduced in several countries is the German-style constructive vote of no confidence, which requires that parliament can dismiss a cabinet only by simultaneously electing a new cabinet. One problem with this rule is that a parliament that has lost confidence in the cabinet but is too divided internally to elect a replacement may render the cabinet impotent by rejecting all or most of its legislative proposals; this scenario is similar to the divided-government situation that often afflicts presidential democracies. The problem can be solved, however, by adding the French rule that gives the cabinet the right to

make its legislative proposals matters of confidence—which means that parliament can reject such proposals only by voting its lack of confidence in the cabinet by an absolute majority (see Chapter 6). The combination of these German and French rules can prevent both cabinet instability and executive-legislative deadlock without taking away parliament’s ultimate power to install a cabinet in which it does have confidence.

Similarly, PR systems can be designed so as to control the degree of multipartism. The evidence does not support fears that PR, if it is too proportional, will inevitably lead to extreme party proliferation. Nevertheless, if, for instance, one wants to exclude small parties with less than 5 percent of the vote from legislative representation, it is easy to do so by writing a threshold clause into the election law and (unlike the German election law) not allowing any exceptions to this rule. The only cautionary advice that needs to be given about electoral thresholds, especially if they are as high as 5 percent or even higher, is that in unconsolidated party systems there may be many small parties that will be denied representation—leading to a major overrepresentation of the larger parties and an extremely high degree of disproportionality.

#### AND THE (SEEMINGLY) BAD NEWS

Unfortunately, there are also two pieces of bad news: both institutional and cultural traditions may present strong resistance to consensus democracy. As far as the four institutional patterns defined by the PR-plurality and parliamentary-presidential contrasts are concerned, there is a rough but remarkable congruence with four geographical regions of the world, defined in terms of the Eastern, Western, Northern, and Southern hemispheres (Powell 1982, 66–68). In the Eastern hemisphere, the “North” (western and central Europe) is mainly PR-parliamentary, whereas the “South” (especially the former British dependencies in Africa, Asia, and Australasia) is characterized by the plurality-parliamentary form of government. In the Western hemisphere, the “South” (Latin America) is largely PR-presidential in character, whereas the “North”

(the United States) is the world's principal example of plurality-presidential government.

Most of the older democracies, but only a few of the newer (like the Czech Republic, Hungary, Slovenia, and Estonia), are in the PR-parliamentary "North-East." Most of the newer democracies—both those analyzed in this book and the somewhat younger ones—as well as most of the democratizing countries are in the "South-East" and "South-West." These two regions are characterized by either plurality elections or presidentialism. The majoritarian propensities of these institutions and the strength of institutional conservatism are obstacles to consensus democracy that may not be easy to overcome.

The second piece of bad news appears to be that consensus democracy may not be able to take root and thrive unless it is supported by a consensual political culture. Although the focus of this book has been on institutions rather than culture, it is clear that a consensus-oriented culture often provides the basis for and connections between the institutions of consensus democracy. For instance, four of the five elements of the executives-parties dimension are structurally connected—PR leading to multipartism, multipartism to coalitions cabinets, and so on—but there is no such structural connection between these four and the fifth element of interest group corporatism. The most plausible explanation is cultural. Consensus democracy and majoritarian democracy are alternative sets of political institutions, but more than that: they also represent what G. Bingham Powell (2000) calls the two "visions" of democracy.

Similarly, four of the five elements of the second dimension of consensus democracy are structurally and functionally linked to the requirement of operating a federal system, as theorists of federalism have long insisted (see Chapter 1). But there is no such link with central bank independence. Instead, the most likely connection is a political-cultural predisposition to think in terms of dividing power among separate institutions. My final example concerns the connection found in Chapter 16 between consensus

democracy and several kinder and gentler public policies. It appears more plausible to assume that both consensus democracy and these kinder, gentler policies stem from an underlying consensual and communitarian culture than that these policies are the direct result of consensus institutions.

#### GROUNDS FOR OPTIMISM

These two items of bad news do not necessarily mean that consensus democracy has no chance in newly democratic and democratizing countries, because there are three important counterarguments. One is that South Africa, a former British colony and located in the “South-East,” adopted a parliamentary-PR system when it became democratic in 1994. The provisional constitution that went into effect in 1994 prescribed both a standard parliamentary system with a prime minister and cabinet subject to parliamentary confidence—although the prime minister is formally called “president” and also serves as head of state, as in Botswana—and with one of the most proportional PR systems for parliamentary elections used anywhere in the world. This system remained unchanged in the permanent constitution that went into effect in 1999. South Africa has become one of the most successful and stable democracies on the African continent and hence a prominent model—considerably more prominent than Botswana, Namibia, and Mauritius because of its much larger size—for other aspiring democracies in Africa.

Second, we tend to think of culture and structure in terms of cause and effect, respectively, but there is actually a great deal of interaction between them; this is especially true of political culture and political structure. As Gabriel A. Almond and Sidney Verba (1963, 35) argue in *The Civic Culture*, structural and cultural phenomena are variables in “a complex, multidirectional system of causality.” This means that, although a consensual culture may lead to the adoption of consensus institutions, these institutions also have the potential of making an initially adversarial culture less adversarial and more consensual. Consensus

democracies like Switzerland and Austria may have consensual cultures today, but they have not always been so consensual: the Swiss fought five civil wars from the sixteenth to the middle of the nineteenth century, and the Austrians fought a brief but bloody civil war as recently as 1934. In the early twenty-first century, Belgium, India, and Israel have—and clearly need—consensus institutions, but they do not have consensual cultures. Observers of the Belgian political scene often wonder whether the country can stay together or will fall apart. Israel and India, too, can only be described as having highly contentious and conflictual political cultures.

Third, although the institutional traditions in the “South-East” and “South-West,” where most of the newly democratic and democratizing countries are located, are not favorable to consensus democracy—but note the countervailing example of South Africa—the prevalent political cultures in these areas of the world are much more consensual than majoritarian. In his classic work *From Empire to Nation*, Rupert Emerson (1960, 284) argued that the assumption that the majority has the “right to overrule a dissident minority after a period of debate does violence to conceptions basic to non-Western peoples.” While he conceded that there were important differences among the traditions of Asian and African peoples, “their native inclination is generally toward extensive and unhurried deliberation aimed at ultimate consensus. The gradual discovery of areas of agreement is the significant feature and not the ability to come to a speedy resolution of issues by counting heads.” Sir Arthur Lewis (1965, 86), a native of St. Lucia in the Caribbean and of African descent, not only strongly advocated consensus democracy for the West African countries (see Chapter 3) but also emphasized their strong consensually oriented traditions: “The tribe has made its decisions by discussion, in much the way that coalitions function; this kind of democratic procedure is at the heart of the original institutions of the people.”

The same point has been made forcefully and repeatedly in the book *Will of the People: Original Democracy in Non-Western*

*Societies* by Philippine statesman and scholar Raul S. Manglapus (1987, 69, 78, 82, 103, 107, 123, 129). He argues not only that the non-West has strong democratic traditions but that these traditions are much more consensual than majoritarian: “the common characteristic [is] the element of consensus as opposed to adversarial decisions.” And time and again he describes the non-Western democratic process as a “consensual process” based on a strong “concern for harmony.” My final example is a statement by Nigerian scholar and former United Nations official Adebayo Adedeji (1994, 126): “Africans are past masters in consultation, consensus, and consent. Our traditions abhor exclusion. Consequently, there is no sanctioned and institutionalized opposition in our traditional system of governance. Traditionally, politics for us has never been a zero-sum game.”

Such statements are often regarded as suspect because they have been abused by some non-Western political leaders to justify deviations from democracy (Bienen and Herbst 1991, 214). But the fact that they have sometimes been used for illegitimate purposes does not make them less valid. All of the authors I have cited are both sincere democrats and sensitive observers without ulterior nondemocratic motives. Hence the consensus-oriented political cultures of the non-Western world can be regarded as a strong counterforce to its majoritarian institutional conservatism, and they may be able to provide fertile soil for consensus democracy.