

# **Strengthening Democracies Through Parliamentarism**

Minerva University

SS166 - Designing Constitutions

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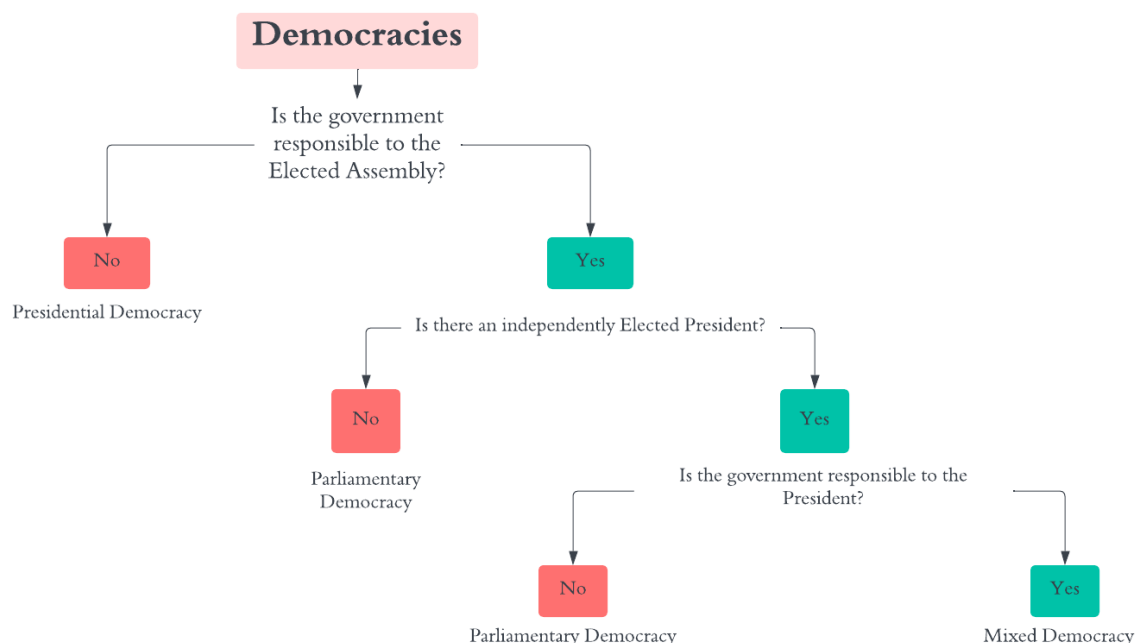
## **Strengthening Democracies Through Parliamentarism**

From the Code of Hammurabi to the current Chilean struggle with what it means to have a rule of the people, by the people, and for the people (Lauren, 2013), the age-old question of justice and human rights has traveled through history, settling in a global concept of constitutional rights and a healthy constitutional order. Despite the association and connotation of the rule of law with democracy, Tamanaha (2007) emphasizes that it does not entail democracy or human rights, making it necessary but insufficient on its own for a fair and just legal system. The question remains as to what is the best way to uphold democratic values and collective standards, not just through a constitution, a legal document that can be upheld or ignored, but through a complex political-legal system legitimized by the atemporal commitment to the law (Sartori, 1962; Maddox, 1982).

The greatest challenge in a democracy, a government that is essentially *pro tempore*, one in which the voters may hold those in power accountable and impose change at regular intervals (Linz, 1985), is its continuity. This paper contends that in the influential tri-partite distinction between presidentialism, semi-presidentialism, and parliamentarianism (see Figure 1), the latter better upholds the rule of law and enables more durable democratic representation due to a smoother legislative process with inter-party cooperation that reduces gridlock and direct accountability of the executive to the Parliament and the electorate.<sup>1</sup>

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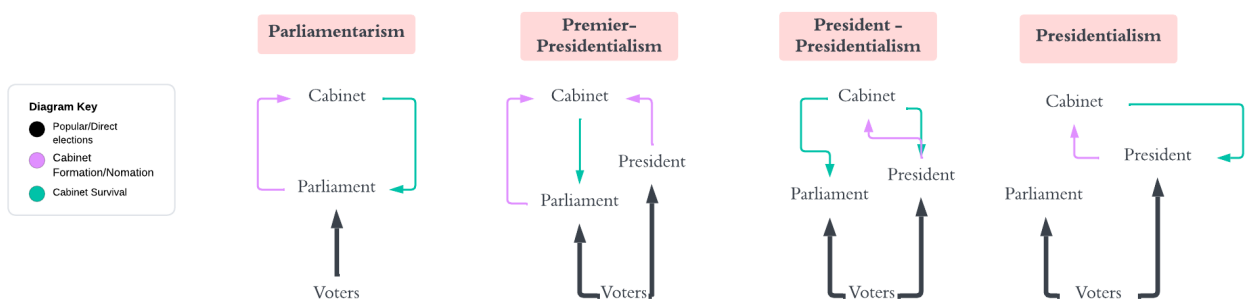
<sup>1</sup> #thesis: see HC/LO appendix.



**Figure 1.** This diagram illustrates the tri-partite distinction between presidentialism, parliamentarism, and semi-presidentialism, indicating their similarities and differences (Cheibub, 2006).

In a world where nearly half of the countries use a parliamentary system, and the majority of the world's "established" democracies use a parliamentary system, parliamentary systems are distinguished by a "mutual dependence" on the legislative and executive branches, as well as a horizontal structure that combines executive and legislative powers (Cheibub, 2006; Martinez, 2012). Simply, the legislature elects the head of government who is answerable to Parliament by a vote of no confidence and is dependent on the support of their party (Böckenförde et al., 2011). According to Cheibub (2006), every government, whether minority or coalition, has the backing of a legislative majority by default; when it does not, an election is held. In other words, the Parliament is the sole institution with democratic legitimacy, and the legislature's confidence gives

the government its power (Linz, 1985). Figure 2 illustrates how popular and direct elections produce a parliament that must work together to create a government and a cabinet. Because of this, one could contend that, unlike Presidentialism, which allows for the election of a president and a parliament with unwavering political beliefs (Who represents the people? The Executive or the Legislative? This is dual legitimacy), Parliamentaryism is more democratic and, as a result, more accountable to the people. Accountability to the people, logically, strengthens the legitimacy of the government and makes it simple to uphold the law. It is worth mentioning that semi-presidential regimes provide a medium ground by holding dual elections with a separation of origin. However, the government's survival depends on maintaining a legislative majority (Sedelius & Linde, 2017).



**Figure 2.** The diagram above illustrates the relationship between cabinet, parliament, and voters according to the main systems of government (Sedelius & Linde, 2017).

Parliamentarism enables a smooth legislative process with more interparty collaboration due to the nature of forming majorities to elect a prime minister; regardless of political ideas and

agendas, parties will have to come together and work to pick a leader ((Böckenförde et al., 2011). Governments are compelled to make policy changes in order to maintain majority support, as was the case with the Angela Merkel administration's response to the European migrant crisis in 2015, which required the Chancellor to use coalition dynamics among the Christian Democratic Union, the Christian Social Union, and the Social Democratic Party (Zaun & Ripoll Servent, 2021). Given that parties outside of the government would refrain from increasing conflicts due to the chance that they may, at some point, become members of the government, there is an incentive to cooperate as a direct result of this (Cheibub, 2006). On the other hand, presidentialism functions on the tenet that the president, their cabinet, and administration are directly elected by the people and are not subject to a formal vote of confidence by legislators (Linz, 1985). As was already said, the president's party and followers do not need to support the legislative majorities; coalitions are unlikely to form and frequently result in minority governments that are unable to work with their constituents and other parties (Cheibub, 2006). Parliamentarism builds a solid basis for the rule of law and democracy by emphasizing and incentivizing collaboration, accountability, and the necessity for continued majority support, ensuring that governments stay responsive to the will of the people and their elected representatives.

The transfer of authority and the interdependence of the three institutions of government, the executive, the legislative, and the judiciary, according to Böckenförde et al. (2011), are critical components of a constitution's institutional design. However, this article contends that for a constitution to be valid, people must have faith in their government, which is embodied in the rule of law. On the other hand, parliamentary systems lead to well-established democracies due to how the head of government is elected and their flexibility and cooperation.

**Word count:** 837

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## **Appendix: HC and LO**

**#SS166 - ExecutiveStructures:** I compared and contrasted the strengths and weaknesses of presidentialism, parliamentarism, and semi-presidentialism, putting an emphasis on the parliamentary system and how presidentialism often comes in opposition to it. I also used Figure 2 to help discern between the two main types of semi-presidential structures.

**#SS166 - RuleofLaw:** I applied to LO in parallel to democracy and legitimacy. Although the rule of law does not imply democracy, it requires legitimacy to establish a trusted constitution. And this trust is built through democratic institutions, in particular parliamentary systems.

**#Thesis:** My entire paper centers around a well-defined claim that not only has the main argument (Parliamentary systems are more democratic) but also presents two main explanations that I explore and provide evidence for in the text.

**AI statement:** I only used Grammarly to correct grammatical errors.



