Constitutional democracy as the ordered alternation of parties

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CONSTITUTIONAL DEMOCRACY AS THE ORDERED ALTERNATION OF PARTIES*

by José Luis Sardón

1. Civil Society and Civil Associations

Martin Heidegger used to say that every question outlined a response. The questions that the organizers of this conference have asked this panel—a panel concerned with democracy’s institutional infrastructure—are no exception to this rule. They insinuate that this infrastructure depends more on the existence of a strong civil society rather than on the existence of parties.

That statement contains a grain of truth, but only to the extent that civil society is conceived of as Alexis de Tocqueville saw it. As we know, de Tocqueville, in his classic work Democracy in America, offered a suggestive interpretation of democracy based on a vigorous conception of civil associations and organizations.

De Tocqueville emphasized the importance of intermediary social organizations—those that stand between the individual and the state—for strengthening democracy. Without these institutions, democracy is destined to fail because government would tend to exceed its limits due to the lack of institutional counterweights.


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When he visited the United States in 1831, one of the things that most surprised him was the large number of civil associations. Every American was affiliated with numerous and various associations. These included churches, trade and professional guilds, sports and cultural clubs, etc.

According to de Tocqueville, the vitality of these civil associations made it possible to keep government at bay because they defended civil and economic liberties more efficiently than individuals could on their own—as was the practice in the Europe of his time.

To be sure, this theory has been polished in our time by authors like Robert D. Putnam on the left, and by Peter L. Berger, Richard Neuhaus y Michael Novak on the right. All of them have emphasized the importance of civil society (understood as civil associations) for the strengthening of democracy, itself understood as limited government.

2. Pressure Groups and Political Parties

However, the term civil society is not always understood as synonymous with civil associations but, rather, is often used as a synonym for pressure groups or, worse yet, for non-governmental organizations (NGOs). Used in this way, it would therefore be absurd to claim that civil society is a substitute for political parties.

Both parties and pressure groups are political structures, as structural-functionalism confirms. Nevertheless, essential differences exist between the two. For one thing, pressure groups intend to influence the content of public policy without assuming political power, whereas parties aspire to such power.
For this reason, political parties’ behavior is more democratic than that of pressure groups, in the sense that it is more transparent and open to public scrutiny. Inevitably, pressure groups’ behavior becomes somewhat suspicious given that they do not play the political game directly.

From this difference in strategy stems the fact that pressure groups are forever condemned to represent particular interests, whereas political parties can come to have a wider constituency, depending on their electoral success.

It is important to note that political parties are made by and for the rigors of electoral competition. Entrenched in the private sphere, pressure groups and NGOs, on the other hand, do not expose themselves to these rigors. These organizations act before or after elections, but do not participate in elections themselves. Pressure groups and NGOs want to be influential; parties want power.

In any case, the difference between political parties and pressure groups lies not only in their objectives and strategies but also (and perhaps more decisively) in their relationship with the political order. Wherever they exist, political parties not only express democratic pluralism but also shape the political order.

Through political parties, societies can be both pluralist and politically ordered at the same time. The comparable experience of contemporary economic development processes indicate that this combination is fundamental, given that it makes possible long-lasting limited government.

Pressure groups and NGOs are channels for the expression of ideas and interests of various social groups. In this sense, they also express a desirable pluralism. However, they contribute
nothing to political order, which is the other essential requirement for economic development. For this reason, they will never replace political parties.

3. Latin America and the United States

Consequently, I consider it correct both to claim that the problems of Latin American democracy stem from a lack of vigorous social organizations and, going further, to suggest that what are lacking are political parties. Although there are a few differences between the various countries of the region, it may be said that what we have in the region are factions rather than parties.

The reason why it is impossible to speak of political parties in the Latin American context stems from the absence of party systems. As Giovanni Sartori has explained, the existence of parties depends on the existence of party systems, which are understood to be situations in which there is interdependence between the various parties that act on the political stage.

Only where there are party systems does the peculiar transformation that characterizes the democratic game operate: parties, each of which represents a segment of society, go on to represent all of society after an electoral triumph. Factions, on the other hand, impose the ideas and interests of only a segment of society when they assume power.

Latin America has yet to overcome the situation that existed in Europe for centuries in which political life was dominated by factional struggle. In fact, the first country that managed to overcome this situation (and achieve a superior political order) was the United States, as Sartori himself maintains.
The Founding Fathers of the United States had a great fear of factional struggle and deliberately laid down the political institutions necessary to minimize this risk. In contrast to what happened in many other places, that country’s Constitution was conceived of as a set of political game rules.

The Bill of Rights—a dogmatic element of that Constitution—was added in 1791 to the original articles of 1789, which centered around describing the functions and, above all else, the electoral mechanisms of the federal government. Through these mechanisms, the authors of these articles intended to establish not so much a democracy as a republic.

In *Federalist No. 10*, James Madison defined a republic as a “scheme of representation.” Madison clearly hated pure democracy, which would condemn the nascent Union to factional struggle. The way of avoiding this was to establish a political system structured according to three principles: federalism, presidentialism (the separation of powers), and a two-party system.

These three principles are embodied in the Constitution: the first in the last amendment of the Bill of Rights; the second in the second article of the original text; and the third in the first article of the original text, which establishes the method of election of the members of the House of Representatives.

4. **Majority representation and proportional representation**

As we know, the American system of representation is one of plurality representation (simple majority representation) based on single-member districts. This system, like its opposite (a
proportional representation system based on multimember districts), has important political consequences.

Majority representation is a method of assigning seats by which contested seats in each electoral district are granted to candidates of the party that wins the most votes. This method contrasts with the system of proportional representation, by which seats are distributed among the various competing parties in proportion to the vote obtained.

Majority representation may be used with single-member or multimember districts; however, it is more naturally associated with the first. In contrast, proportional representation may only be used with multimember districts. The type of electoral district and the method of assigning seats tend to go hand-in-hand.

In addition, it should be mentioned that majority representation has two variants: simple majority and absolute majority. The first, used in the United States and England, is also known as plurality representation; the second, used in France and Australia, is also known simply as majority representation.

During the twentieth century, proportional representation prevailed in Latin America. Just as it was in Europe at the end of the nineteenth century, this system was introduced here with the argument that it favored ideological pluralism—in particular, that it favored those parties that stood for a third way that was neither capitalist nor communist.

The first country to use this system was Chile in 1925. Peru took the first steps in that direction in 1931, using a moderate proportional representation formula similar to the incomplete list.
Under this system, the first party to obtain a majority took two-thirds of the seats in play, while the party placing second took the remaining third.

However, in the final decades of the twentieth century, some countries—like Ecuador and Peru—reached the paroxysm of proportional representation by establishing a single national district.

In any case, the majority representation system favors accountability by creating a direct link between the legislator and his constituency. In contrast, in an election by lists, the link is indirect and confused, becoming more so as the number of electoral districts increases.

In this sense, the majority representation system is more democratic than the proportional system, since an election by lists allows party leaders to wield more influence over the political process and relegates the relationship between legislators and their electoral base to a secondary position.

5. Two-party systems and multiparty systems

In this manner, systems of representation affect the qualitative aspect of political representation. By either bringing them closer to or distancing them from their electoral base, legislators’ behavior will correspondingly be more or less responsible. Elections of individuals incentivize diligent conduct whereas elections by list incentivize negligent conduct.

However, systems of representation also affect the quantitative dimension of party systems. According to the observations of numerous authors—from Condorcet to Maurice Duverger and Bernard Owen, among many others—proportional representation foments multiparty systems, whereas majority representation gives rise to two-party systems.
If it were necessary to point to clear examples it would suffice to observe what took place in Peru in particular and Latin America in general. In Peru, due to proportional representation, the average number of parties in Congress from 1978 to the present is ten. The present Peruvian Congress of 2001-2006 is composed of eleven different parties!

During the twentieth century, the number of political parties in the legislatures of the nine largest Latin American countries, according to a study by Michael Coppedge, exceeded 1,300. Thus, it could be said that all of Latin America has been plagued by multiparty systems and the volatility of parties.

On the other hand, the cases of the United States and England show how majority representation helps consolidate two-party systems. During twentieth century England, for example, a third party, the Liberal Party, held an average of 3% of the seats in the House of Commons despite winning an average of 17% of the vote.

The importance of the two-party system stems from the fact that it allows for the rise of what Madison called a republic and what we should now perhaps refer to as constitutional democracy (which, in turn, should be contrasted with mass democracy). The central characteristic of a constitutional democracy is the ordered alternation of parties in power.

A democracy thus defined is consistent with economic growth since it generates an ordered pluralism, articulated or structured, thanks to the transformation of factions into parties. Thanks to this political scheme, the party in power knows with certainty that it may soon be left as the opposition party, but it also knows that it may return to power in the future.
On the other hand, multiparty systems generate a short-term vision—a vision that suggests “let us eat and drink, for tomorrow we die,” as Calderón de la Barca used to say. In a multiparty system, parties (factions, really) are unclear about the possibility of governing; thus, if they do take over, they take as much advantage of their position as they can because they will soon be left not as the opposition party, but instead land in jail.

6. **Democracy and growth**

An analysis of twentieth century Latin American economic growth statistics yields depressing results. In the last fifty years, on average, Latin American countries have doubled their GDP per capita. This is in stark contrast to the results obtained in East Asia, which has managed to multiply this number eightfold.

The explanations that economists tend to give for this difference concentrate on economic policy. Thus it is said that, whereas in East Asia healthy monetary policy was pursued, free trade was established, and property rights were respected, the opposite path was followed in Latin America.

Undoubtedly, such explanations have much validity. Inflationary monetary policy, protectionism, and a lack of respect for property rights (by excessive taxation and over-regulation) have affected the prospects for Latin American economic growth. However, this is not all there is to observe.

Another part of the explanation—perhaps more profound and decisive—stems from differences with respect to the political order. It is true that in East Asia political regimes have not been very pluralist; but in Latin America we have gone to the other extreme and sacrificed the political order to the more uncontrolled brands of pluralism.
As some have said in prior SELA conferences, Latin America has followed a political pendulum that has caused its countries to oscillate between dictatorships and misrule. We have yet to find the formulas that provide the right combination of power and control of power. Without a doubt, this failure has something to do with the design of our political institutions—in particular, our systems of representation.

It would therefore be a grave error to try to solve the problems of Latin America democracies by suggesting a larger role for NGOs. What is needed is fundamental reform of the systems of representation so that they are able to sprout party systems that feature an ordered alternation of parties in power.

For better or worse, reforms are now underway. In various countries the single-member election of part of the legislative chamber has been introduced. However, the most suitable reform would seem to be Chile’s bet, which calls for the entire legislature to be elected in two-member districts that offer a quite tempered form of proportional representation.

In the Peruvian case, after the fall of Fujimori in December 2000 the Congress approved the reestablishment of departmental (provincial) districts. Although casting aside the absurd single national district was a step in the right direction, it is clear that this latest measure has not been enough. The political prospects of the country are still quite complicated.