

# STRONGER LEGISLATURES, STRONGER DEMOCRACIES

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There has been extensive debate among students of democracy over the merits of different types of constitutional design. For the most part, discussion has focused on the relative advantages and drawbacks of the three major modes of structuring the relationship between the executive and legislative branches: parliamentarism, presidentialism, and semipresidentialism. That debate has yielded some very useful insights, but it has also been largely inconclusive.

This essay proposes a new and arguably more fruitful way of thinking about how political institutions influence democratization, one that examines the capacity or power of specific offices. In particular, it focuses upon the strength of the legislature and its consequences for the advance of democracy. The evidence shows that *the presence of a powerful legislature is an unmixed blessing for democratization*.

Let me begin by briefly recapping the arguments made by the proponents of the three leading types of constitutional design. Some advocate parliamentarism. In this system, elements of the legislature form the government, the prime minister exercises considerable executive power and answers to the legislature, and there is either no president at all or a largely ceremonial one. Proponents of parliamentarism are suspicious of presidents with real executive power. They laud the permanent dependence of the most powerful executive (the prime minister) and his or her government on the legislature. They note that no matter how powerful prime ministers may appear to be, in a parliamentary system they serve at

the pleasure of the assembly and can be dismissed by that assembly if they lose their majority. Parliamentary's defenders contrast the rigidity of the fixed terms that presidents serve—which may force electorates to suffer an incompetent or malign executive for years—with the flexibility of parliamentarism, which enables legislatures to depose undesirable prime ministers and their governments in short order.<sup>1</sup>

Presidentialism also has its advocates. It is a system in which the president is directly elected, the government is appointed by and answerable to the president, and the president enjoys weighty prerogatives. Presidentialism's defenders sometimes tout the advantages of a separation of power, holding that the presence of two entities (the presidency and the legislature), each with its own source of electoral legitimacy, reduces the danger of radical missteps. They maintain that a president elected by the whole people can embody the national will better than any legislature can. They further contend that a president, as a unitary actor, may be more capable of rapid, decisive action than a legislature.<sup>2</sup>

Semipresidentialism, sometimes called a “dual” or “mixed” system, combines features of presidentialism and parliamentarism.<sup>3</sup> It provides for mutual, and often contested, control of the prime minister and the government as a whole by both the president and the legislature. Semipresidentialism may be defended on the same grounds as parliamentarism and presidentialism. Since it provides for some separation of powers, it may, like presidentialism, temper the blunders of either the legislature or the president. Since it involves direct election of the president, the people as a whole have a decisive voice in the selection of the chief executive. Yet since it affords the legislature some say over the government, it may reduce the risks of presidential arrogance.

The tripartite classification of parliamentary, presidential, and semipresidential constitutions is not the only one in use. For example, in an effort to formulate more finely differentiated categories, some scholars have embraced a distinction between “premier-presidential” and “president-parliamentary” constitutions.<sup>4</sup>

However useful they may be, such categories do not necessarily tell us where power really resides, which may be what matters most for politics. For example, the United States, Mexico, and Uzbekistan all have presidential systems. Yet the U.S. Congress has formidable sway; the Mexican Congress has much less power; and the Uzbekistani Majlis (parliament) is powerless. In formal terms, Russia, Kazakhstan, Poland, and Mongolia all have semipresidential systems. Yet in Russia and Kazakhstan presidents rule and the legislatures sit on the sidelines. In Poland and Mongolia presidents are hemmed in by legislatures that dominate national politics.

Thus, in order to assess the real impact of different governmental arrangements on democratization—or, for that matter, on political stability, economic growth, or some other good—we must penetrate beyond

general categories for classifying constitutional systems and measure the power of specific institutions. For this purpose we need new and better yardsticks. This essay presents a new instrument for measuring the powers of national legislatures across different constitutional frameworks. It also offers data on the powers of legislatures in one world region. It further analyzes the effects of the powers of legislatures on movement toward greater or lesser democracy.

Though my research on legislatures includes all regions of the world, this essay focuses only on postcommunist countries. They all underwent regime change at virtually the same time, but their new constitutions varied greatly as to how they distributed power. These countries' subsequent experiences in terms of democratization also cover a broad spectrum. Thus the postcommunist region is a good laboratory for examining how constitutional provisions affect democratization.

### **A New Means of Assessment**

In an effort to measure the powers of national legislatures, a colleague and I have created a Parliamentary Powers Index (PPI).<sup>5</sup> It is based on 32 items that cover the parliament's ability to monitor the president and the bureaucracy, parliament's freedom from presidential control, parliament's authority in specific areas, and the resources that it brings to its work (see box on page 8). The items in the survey are posed in such a way that affirmation of the statement indicates greater rather than lesser power for the legislature (one could also think in terms of a "check mark" next to each statement). More check marks indicate a stronger legislature. We calculate the PPI simply by dividing the number of affirmative answers by the total number of questions. The left-hand column of numbers in the Table on page 11 presents the PPI score for each country.

In order to enhance the accuracy of the assessments, we canvassed experts on the various countries. We asked the experts to answer "yes" or "no" to each of the 32 items for a specific country, and we obtained at least five expert responses per country. If the experts split over a given item, we went with majority vote. We confirmed the accuracy of responses by checking them against national constitutions. In the rare event that experts were evenly divided and constitutions were silent or ambivalent on a given item, we engaged in another round of consultations with the experts before arriving at the answer. Our project, the Legislative Powers Survey (LPS), commenced in 2002 and is still in progress. As of late 2005 we have complete data for all postcommunist countries, except Bosnia, Yugoslavia (Serbia and Montenegro), and Turkmenistan. Extreme instability and foreign intervention in the first two countries and the absence of a legislature in the third lead us to exclude them from the project at this time.

The powers of legislatures have not remained fixed in all the coun-

**THE FISH-KROENIG LEGISLATIVE POWERS SURVEY**

1. The legislature alone, without the involvement of any other agencies, can impeach the president or replace the prime minister.
2. Ministers may serve simultaneously as members of the legislature.
3. The legislature has powers of summons over executive branch officials and hearings with executive branch officials testifying before the legislature or its committees are regularly held.
4. The legislature can conduct independent investigations of the chief executive and the agencies of the executive.
5. The legislature has effective powers of oversight over the agencies of coercion (the military, organs of law enforcement, intelligence services, and the secret police).
6. The legislature appoints the prime minister.
7. The legislature's approval is required to confirm the appointment of individual ministers; or the legislature itself appoints ministers.
8. The country lacks a presidency entirely; or there is a presidency, but the president is elected by the legislature.
9. The legislature can vote no confidence in the government without jeopardizing its own term (that is, without, the threat of dissolution).
10. The legislature is immune from dissolution by the executive.
11. Any executive initiative on legislation requires ratification or approval by the legislature before it takes effect; that is, the executive lacks decree power.
12. Laws passed by the legislature are veto-proof or essentially veto-proof; that is, the executive lacks veto power, or has veto power but the veto can be overridden by a simple majority in the legislature.
13. The legislature's laws are supreme and not subject to judicial review.
14. The legislature has the right to initiate bills in all policy jurisdictions; the executive lacks gatekeeping authority.
15. Expenditure of funds appropriated by the legislature is mandatory; the executive lacks the power to impound funds appropriated by the legislature.
16. The legislature controls the resources that finance its own internal operation and provide for the perquisites of its own members.
17. Members of the legislature are immune from arrest and/or criminal prosecution.
18. All members of the legislature are elected; the executive lacks the power to appoint any members of the legislature.
19. The legislature alone, without the involvement of any other agencies, can change the constitution.
20. The legislature's approval is necessary for the declaration of war.
21. The legislature's approval is necessary to ratify treaties with foreign countries.
22. The legislature has the power to grant amnesty.
23. The legislature has the power of pardon.
24. The legislature reviews and has the right to reject appointments to the judiciary; or the legislature itself appoints members of the judiciary.
25. The chairman of the central bank is appointed by the legislature.
26. The legislature has a substantial voice in the operation of the state-owned media.
27. The legislature is regularly in session.
28. Each legislator has a personal secretary.
29. Each legislator has at least one nonsecretarial staff member with policy expertise.
30. Legislators are eligible for reelection without any restriction.
31. A seat in the legislature is an attractive enough position that legislators are generally interested in and seek reelection.
32. The reelection of incumbent legislators is common enough that at any given time the legislature contains a significant number of highly experienced members.

tries since the adoption of their original postcommunist constitutions. Albania, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Poland, Slovakia, and Ukraine all made changes. Albania adopted its first postcommunist constitution in May 1991 but revised it in October 1998; the basic powers of the legislature are essentially the same in the two constitutions, though they are spelled out with greater clarity in the later document. Belarus adopted changes in November 1996 that strengthened the president's already expansive powers. Kazakhstan and Kyrgyzstan enacted changes that bolstered their presidencies in August 1995 and February 1996, respectively. Moldova put the legislature in charge of electing the president in 2001. Poland did not have a constitution until May 1997, but between 1992 and 1997 it operated under a "Little Constitution" that was the blueprint for the constitution which was finally enacted formally in 1997. Slovakia switched from election of the president by parliament to direct election of the president in 1999. Ukraine initiated some changes that promised to enhance the powers of the legislature in 2005. The scores shown in the Table on page 11 and used here reflect the powers of legislatures in the countries' *original* postcommunist constitutions, *before* the changes just enumerated were made.

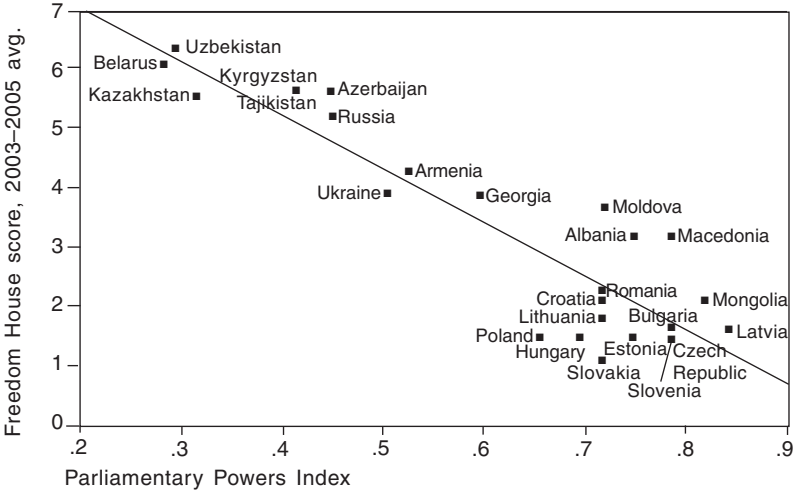
## Legislatures and Patterns of Democratization

The numbers help us to assess the relationship between the powers of parliaments, on the one hand, and democratization, on the other. To measure democratization, I use the scores from Freedom House's survey of Freedom in the World (hereafter referred to as FH scores).<sup>6</sup> These scores represent an average of the scores for "political rights" and "civil liberties." I use a three-year average from the most recent years for which scores are available (the 2003, 2004, and 2005 annual surveys). In Freedom House's assessment, 1 stands for "most free" and 7 for "least free."

Figure 1 illustrates the relationship between the strength of legislatures and the extent of democratization. The correlation is very high.<sup>7</sup> Since lower FH scores represent more political openness, the relationship between the strength of the legislature and democracy is positive.

Before concluding that stronger parliaments promote democracy, we must consider whether stronger parliaments might instead be a mere effect of more open politics. Definitively establishing the direction of causation is difficult. The causal arrow probably points both ways. The extent of democratization at the time of the constitution's inauguration (what I call "the constitutional moment") may influence the powers granted to parliament. Certainly one would expect that constitutions made in closed polities would provide for weak legislatures while lodging the bulk of power in the president (or the general secretary of the hegemonic party or the head of the military).

FIGURE 1—DEMOCRATIZATION AND PARLIAMENTARY POWERS



To measure political openness at the constitutional moment, I use FH scores for the last year before the adoption of the constitution. They capture the state of democratization at the time that the legislature’s powers were defined. The right-hand columns of the Table show the date at which each country originally adopted its fundamental law and the FH score that reflects conditions at that time. Some countries cannot be included. Those of the former Yugoslavia enacted constitutions before FH scores were issued for them. Latvia is excluded for the same reason. In May 1990, before the demise of the Soviet Union and before FH scores were available for Latvia, the republican legislature reverted to the 1922 Constitution of the Republic of Latvia. That document has subsequently been amended but has remained in force. Alone in the region, Latvia did not adopt a new constitution.

Figure 2 shows the relationship between FH scores at the constitutional moment and the powers of the legislature. It treats the legislature’s powers as the dependent variable, under the assumption that the extent of democratization at the constitutional moment shaped the powers that parliament received. In general, countries that had more open politics at the time that they adopted their constitutions did create stronger legislatures.

Yet, as Figure 2 illustrates, the correlation is not very strong.<sup>8</sup> In many countries, the powers of parliament are not what one would expect them to be if more democratization had caused the creation of a stronger legislature. Hungary was just beginning democratization at the time that it adopted its fundamental law, and its FH score was still quite low. Yet it embraced a constitution that provided for a powerful legislature. Romania’s FH score was even lower at the time it adopted its constitution in 1991. Nicolae Ceaușescu had been deposed, but the presidency was held by Ion Iliescu, a holdover from the old regime.

**TABLE—THE PARLIAMENTARY POWERS INDEX AND FREEDOM HOUSE SCORES AT THE CONSTITUTIONAL MOMENT**

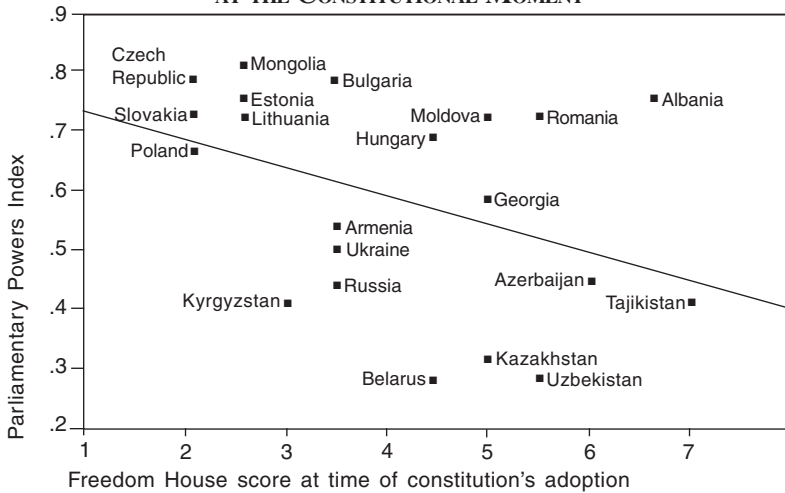
COUNTRY	PARLIAMENTARY POWERS INDEX	FREEDOM HOUSE SCORE AT THE TIME OF CONSTITUTION'S ADOPTION	DATE OF CONSTITUTION'S ADOPTION
Albania	.75	6.5	May 1991
Armenia	.53	3.5	July 1995
Azerbaijan	.44	6.0	Nov. 1995
Belarus	.28	4.5	March 1994
Bulgaria	.78	3.5	July 1991
Croatia	.72	—	—
Czech Republic	.78	2.0	Dec. 1992
Estonia	.75	2.5	June 1992
Georgia	.59	5.0	Oct. 1995
Hungary	.69	4.5	Oct. 1989
Kazakhstan	.31	5.0	Jan. 1993
Kyrgyzstan	.41	3.0	May 1993
Latvia	.84	—	—
Lithuania	.72	2.5	Oct. 1992
Macedonia	.78	—	—
Moldova	.72	5.0	July 1994
Mongolia	.81	2.5	Feb. 1992
Poland	.66	2.0	Nov. 1992
Romania	.72	5.5	Dec. 1991
Russia	.44	3.5	Dec. 1993
Slovakia	.72	2.0	Jan. 1993
Slovenia	.78	—	—
Tajikistan	.41	7.0	Dec. 1994
Ukraine	.50	3.5	June 1996
Uzbekistan	.28	5.5	Dec. 1992

Iliescu and other powerholders at the time were in no hurry to democratize. Yet Romania's new constitution provided for a strong legislature. Russia was a more open polity in 1993, when it adopted its constitution, than Romania was in 1991. Nonetheless, Russians created a comparatively weak legislature. The evidence does not support the notion that the powers of legislatures were mere effects of the extent of democratization at the time that the powers of legislatures were defined.

In fact, the correlation in Figure 1 is much higher than that in Figure 2. This suggests that the power of legislatures, as established in constitutions adopted between the late 1980s and mid-1990s, predicts political openness in the mid-2000s more accurately than political openness at the time of the adoption of constitutions predicts the power of legislatures.

To probe further, we may calculate the change in FH scores between the time of the constitution's adoption and 2005, and examine the correlation between this change and the PPI score. Figure 3 shows the

**FIGURE 2—PARLIAMENTARY POWERS AND DEMOCRACY  
AT THE CONSTITUTIONAL MOMENT**

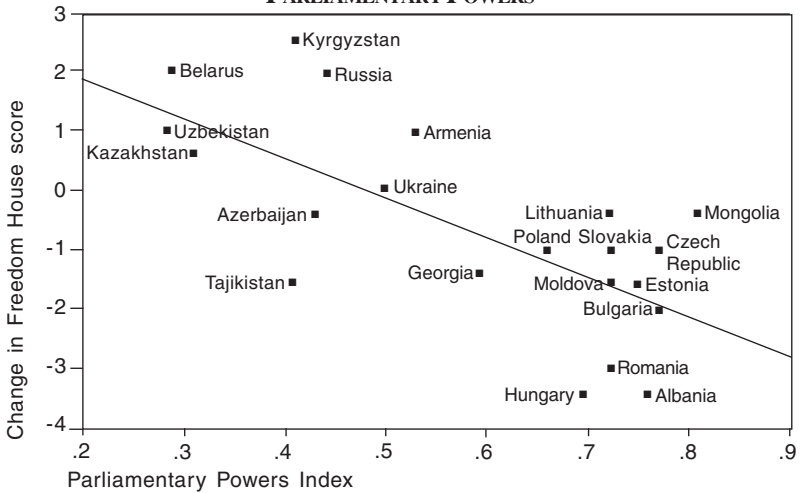


relationship. Since lower FH scores stand for more democracy, in Figure 3 improvement in FH scores is expressed as a negative number; deterioration as a positive number, and no change as zero. The correlation is fairly strong.<sup>9</sup> All six of the countries whose FH score was worse (meaning higher in numerical terms) in 2005 than in the year of the constitution's adoption had a PPI score of less than .60. Eleven of the 14 countries whose FH score improved had a PPI score higher than .60. What is more, the effect of the PPI score on change in FH scores holds up well in statistical analyses that control for other variables that might affect democratization, such as economic development.<sup>10</sup> The PPI is an excellent predictor of how countries fare in democratization after they adopt their constitutions.

How does weakness on the part of the legislature inhibit democratization? First, it undermines “horizontal accountability,” which Guillermo O’Donnell defines as “the controls that state agencies are supposed to exercise over other state agencies.”<sup>11</sup> In polities where authoritarian regimes have broken down and new regimes are taking their place, the temptation to concentrate power in the executive is great. People often confuse concentrated power with effective power, and the president is usually the beneficiary. While one might expect the judiciary to provide some protection against abuse of power, habits of judicial quiescence inherited from the authoritarian period often ensure that the courts will not counterbalance executive power in the early years of transition.<sup>12</sup> Under such circumstances, the legislature is the only agency at the national level that is potentially capable of controlling the chief executive. Where the legislature lacks muscle, presidential abuses of power—including interference in the media, societal



**FIGURE 3—CHANGE IN EXTENT OF DEMOCRACY AND PARLIAMENTARY POWERS**



organizations, and elections—frequently ensue, even under presidents who take office with reputations as democrats.

Legislative weakness also inhibits democratization by undermining the development of political parties. In polities with weak legislatures, political parties drift and stagnate rather than develop and mature. Parties are the main vehicles for structuring political competition and for linking the people and their elected officials. The underdevelopment of parties therefore saps political competition of its substance and vigor and checks the growth of “vertical accountability,” meaning the ability of the people to control their representatives.

### Two Telling Cases

A telling comparison is found in the trajectories of regime change in Russia and Bulgaria. Both countries experienced substantial but incomplete democratization as their communist regimes collapsed. Neither country opened up as thoroughly as, for example, Poland. At the time that Poland adopted its “Little Constitution” in late 1992, it was already a democracy. Poland’s FH score for 1992 was 2, which qualified it, in Freedom House’s parlance, as a Free polity. On the other end of the spectrum, Uzbekistan’s FH score was 5.5 at the time that it adopted its constitution in December 1992. Freedom House thus placed it in the group of countries dubbed Not Free. Uzbekistan never underwent real political opening. It merely slid from one form of autocracy to another. Russia and Bulgaria, however, were intermediate cases. Each had an FH score of 3.5 at the time that it adopted its constitution (Bulgaria in mid-1991, Russia in late 1993). Freedom House rated them as Partly Free polities.

Yet the two subsequently went in very different directions. Bulgaria's FH score improved to 2.5 during the 1990s and to 1.5 by the middle of the current decade. In 2005, Bulgaria was on par with Greece and Japan and ahead of Lithuania and Israel. Russia moved in the opposite direction. Its FH score deteriorated during the 1990s and early 2000s. In 2005 it stood at 5.5, placing it at the same level as Egypt and Pakistan and behind Uganda and Yemen. Bulgaria became a Free polity, while Russia fell to the Not Free category.

How can one explain this dramatic divergence? Many factors may affect regime change. In terms of their starting points, Russia and Bulgaria differed in some traits and matched one another in others. In general, it would be difficult to say that one country had a structural or cultural profile that made it more likely than the other to democratize. The style of Sovietism practiced in the two countries during the 1960s through the 1980s was similar. Todor Zhikov, the first secretary of Bulgaria's communist party, self-consciously imitated Leonid Brezhnev's rule. Brezhnev's Russia and Zhivkov's Bulgaria were both thoroughly closed polities with fully closed economies.

At the onset of regime change, Russia was the richer country. In 1990, its GDP per capita was about US\$3,700, compared to about \$1,700 in Bulgaria. In both countries, 14 percent of the workforce was engaged in agriculture.<sup>13</sup> Bulgaria had the advantage of continuity in its statehood, while Russia had to redefine its territorial boundaries. What is more, Russia was not part of Europe, while Bulgaria was. Bulgarians were lured by the possibility of membership in the European Union, while Russians were not. On the other hand, Bulgaria is something of a backwater, tucked away in the corner of southeastern Europe in one of the world's most tumultuous political neighborhoods. In contrast, Russia is the preeminent entity in the Slavic world, the site of world-class cities that are home to a large and vigorous intelligentsia. Both Russia and Bulgaria have Orthodox Christian majorities with large Muslim minorities. As of the early 1990s, both countries seemed capable of democratization, and each had already made progress in political opening. Yet neither country's democratic prospects appeared as promising as those of the Catholic countries of East-Central Europe that border Germany and Austria.

The fateful difference between Russia and Bulgaria may be found in constitutional choice. Bulgaria opted for a strong legislature. It chose a system in which the legislature forms the government. In Bulgaria, the leader of the party that wins the parliamentary elections becomes prime minister, and he or she answers to the legislature. The prime minister is more powerful than the president. Bulgaria's PPI score is .78, which means that 25 of the 32 items in the LPS are answered in the affirmative for Bulgaria. Russia's constitution is quite different. It enshrines a system with a strong presidency. Russia's PPI score is .44; only 14 of the 32

items in the LPS are affirmative for Russia. Unlike the Bulgarian parliament, the Russian Duma has modest influence. It has little say in the formation of the government, scant oversight authority, and meager resources—particularly in comparison with the formidable assets of the executive branch.

The relative clout of legislatures in Russia and Bulgaria shaped their countries' trajectories of democratization. In Russia, presidential abuse of power, committed in the presence of a legislature that cannot curb such abuse even when it is inclined to do so, has been a hallmark of postcommunist politics. The weakness of the legislature has undermined horizontal accountability. Both of Russia's postcommunist presidents, Boris Yeltsin and Vladimir Putin, used their unchecked power to curb rights and fix elections. Putin has gone much further than his predecessor, seizing all electronic media with national reach and allowing only his own version of events to be aired. In doing so, he explicitly violates Article 29 of the Constitution, which guarantees freedom of speech and information. But there is no one to stop him. In contrast, Bulgarian presidents have been highly constrained. Of course, they have not been happy about it. Zhelyu Zhelev, who served as Bulgaria's first postcommunist president (1990–96), stated in 1998 that he had coveted Yeltsin's powers and thought that a Russian-style constitution would have been wonderful for Bulgaria.<sup>14</sup> Zhelev and his successors, after all, were and continue to be boxed in by a robust legislature. Bulgarian democratization has profited immensely as a result.

## Parliaments and Political Parties

The strength of parliaments also affected the development of political parties and thereby influenced vertical accountability. The impetus to build parties depends largely on the power of the legislature. In Bulgaria, where the legislature occupies center stage, politicians must invest in parties in order to advance their careers. The Bulgarian Socialist Party (BSP) was born out of the remnants of the formerly hegemonic communist party; it established a strong presence on the left. The Union of Democratic Forces (UDF) brought together Bulgaria's liberals, while the Movement for Rights and Freedoms (MRF) represented much of the country's large Turkish minority. Throughout the 1990s, these three parties structured political competition. The BSP and the UDF each served stints in government, and they offered voters a distinct choice. Each party developed a fairly coherent social base, with the BSP faring better in the countryside and small towns and among less-educated voters, and the UDF enjoying support in the major urban centers and among upwardly mobile strata. The MRF integrated Turks into the mainstream of national politics and checked the scourge of ethnic demagoguery, both Turkish and ethnic Bulgarian.<sup>15</sup>

The two largest parties faltered in 2001, when a new party arose to challenge the then-governing UDF. The Simeon II National Movement (NDSV), led by the country's former monarch, drew support from the

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traditional bases of both the UDF and the BSP and won more than two-fifths of the vote. The BSP and the UDF nevertheless weathered the crisis and maintained coherent organizations. In the parliamentary elections of 2005, the BSP won about a third of the vote and the leadership of the government. The NDSV picked up a fifth of the vote, followed by the MRF and the UDF. In Bulgaria, several coherent parties

identify politicians, structure political competition, and represent constituents. By so doing, they promote vertical accountability.

Russia's parties have failed in these tasks. Electoral volatility is much higher in Russia than in Bulgaria. In each election voters face a different line-up of parties. In the Duma, the lower house of the legislature, half the deputies are elected on party lists, and committee chairmanships are distributed on the basis of party affiliation. These rules provide a stimulus to party-building. But the legislature's diminutive role in politics erases the potentially favorable effects of these rules. For politicians, the attractive positions are in the executive branch, and party work is not a prerequisite for a post there. For those who seek to influence policy, buying off an official in an executive-branch agency beats building a political party. Consequently, not political parties, but rather well-heeled cliques representing narrow business interests have formed the organizational growth sector in Russia.<sup>16</sup>

Russia shows that the upshot of a weak legislature may be the reduction of political parties to supplicants for presidential favor. In the party-lists portion of the balloting in the most recent parliamentary elections in late 2003, United Russia, whose sole reason for existence is supporting Putin, won a large plurality and control of the Duma. Of the other three parties that surpassed the 5 percent threshold for representation in the legislature, two were also reflexively pro-Putin: the misnamed Liberal Democratic Party of Russia, which does little but collect bribes from the presidential administration in exchange for support; and the Motherland party, a non-descript group that emerged on the eve of the election. The Communist Party of the Russian Federation was the only organization with an oppositional cast that surmounted the 5 percent barrier.

In Bulgaria, the strength of the legislature spurred the formation of parties that structured political competition and injected vigor into elections. Parliament's robustness also encouraged public participation in parties. As of 2000, according to data from the World Values

Surveys, 4 percent of Bulgarian adults were members of a party and 3 percent engaged in volunteer work on behalf of a party. The numbers may seem modest, but in Russia the analogous figures were 1 and 0 percent, respectively.<sup>17</sup> Party membership, like participation in other societal organizations, is lower in the postcommunist world than in other regions.<sup>18</sup> The figures for participation in parties in Bulgaria are actually higher than average for postcommunist countries.

Bulgaria, with its low level of economic development and other unfavorable conditions, did not top anyone's list of likely future democratic success stories at the onset of the 1990s. Yet a decade and a half later, it stands out as a case of achievement. Among the 88 countries of the world with at least a million inhabitants that had incomes per capita of US\$2,000 or less in 1990, Bulgaria is the only one that received an FH score as favorable as 1.5 in 2005.

Bulgaria is not the only pleasant surprise in the postcommunist region. Four countries in the region had incomes per capita of less than \$1,000 in 1990. They (and their 1990 level of per-capita income) are Albania (\$800), Macedonia (\$800), Mongolia (\$500), and Tajikistan (\$700). Among these highly disadvantaged countries, one (Mongolia) received an FH score of 2 in 2005, marking it as a Free polity, and two others (Albania and Macedonia) received scores of 3, placing them at the top of the category of Partly Free countries. Within this impoverished quartet, only Tajikistan, with a score of 5.5 that places it in the Not Free category, failed to undergo substantial democratization. Strikingly, all three of the poor-but-open polities opted for strong legislatures. Albania and Macedonia adopted their new constitutions in 1991; Mongolia adopted its in 1992. The PPI scores for Albania, Macedonia, and Mongolia are .75, .78, and .81, respectively. These are high scores, indicating the presence of commanding legislatures.

These three polities also have strong party systems. The World Values Surveys lack information for Mongolia, but other sources suggest that participation in political parties there is exceptionally high. As much as one-fifth of the adult population belongs to a political party. The country's politics have been consistently structured by a party of the left, the Mongolian People's Revolutionary Party, and a center-right coalition led by the Mongolian Democratic Party.<sup>19</sup> Among the postcommunist countries for which the World Values Surveys do have data for 2000, Albania and Macedonia rank first and second in terms of public involvement in parties. In Albania, 15 percent of all adults surveyed report membership and 11 percent perform voluntary work. The analogous figures for Macedonia are 12 and 8 percent. These numbers are by far the highest in the postcommunist region; the next highest figures are for Slovakia, where 7 percent belong to a party and 5 percent engage in voluntary work on behalf of one.<sup>20</sup> The evidence suggests that vesting power in the legislature spurs party development, which in

turn bolsters democratization. It further demonstrates that even impoverished countries emerging from long spells of harsh autocracy can become open polities.

### The Lesson for Democratizers

The strength of the national legislature may be a—or even *the*—institutional key to democratization. Every country that opted for a strong legislature—one that scored over .60 on the PPI—achieved FH scores of 3 or better in 2005. This group includes countries afflicted by poverty (such as Mongolia, Macedonia, and Bulgaria), ethnic tensions (such as Slovakia and Latvia), violent upheaval (such as Croatia), and extraordinarily cruel authoritarian legacies (such as Romania and Albania). None of the countries that adopted a constitution which provided for a legislature that scored below .50 on the PPI—a group that includes countries in which some initial conditions were auspicious for democratization—received an FH score as favorable as 3 in 2005. Failing to empower legislatures at the dawn of the postcommunist period was a sufficient condition for remaining mired in authoritarianism 10 to 15 years later.

Stronger legislatures served as a weightier check on presidents and thus a more reliable guarantor of horizontal accountability than did weaker legislatures. They also provided a stronger stimulus to party-building. Where legislatures were more powerful, people invested more in parties and parties grew stronger. The strength of parties varied positively with the strength of the legislature. Furthermore, stronger parties were better at linking the people and elected officials—that is, at promoting vertical accountability—than were weaker parties.

The practical implications of these findings are obvious. Would-be democratizers should focus on creating a powerful legislature. In polities with weak legislatures, democrats should make constitutional reforms to strengthen the legislature a top priority. The myriad problems that occupy the minds of democrats during the dizzying days of regime change, such as designing decentralization, crafting voting rules, building civil society, and controlling the military, may be of great importance. But if politicians fail to establish a national legislature with far-reaching powers, the people will soon find themselves in a polity where their votes do not count (or are not counted properly) and their voices are not heard. On the other hand, if a powerful legislature is established, the people will probably gain and retain their freedom and a say in how they are ruled—even in countries that embark upon regime change with inherited structural and historical disadvantages.

#### NOTES

1. Juan J. Linz and Arturo Valenzuela, eds., *The Failure of Presidential Democ-*

racy (Baltimore: Johns Hopkins University Press, 1994); Alfred Stepan and Cindy Skach, "Constitutional Frameworks and Democratic Consolidation," *World Politics* 46 (October 1993): 1–22.

2. Donald L. Horowitz, "Comparing Democratic Systems," in Larry Diamond and Marc F. Plattner, eds., *The Global Resurgence of Democracy*, 2<sup>nd</sup> ed. (Baltimore: Johns Hopkins University Press, 1996), 143–49; Scott Mainwaring and Matthew Soberg Shugart, eds., *Presidential Democracy in Latin America* (New York: Cambridge University Press, 1997).

3. Maurice Duverger, "A New Political System Model: Semi-Presidential Government," *European Journal of Political Research* 8 (June 1980): 165–87.

4. Matthew Soberg Shugart and John M. Carey, *Presidents and Assemblies* (Cambridge: Cambridge University Press, 1992).

5. M. Steven Fish and Matthew Kroenig, *The Legislative Powers Survey and the Parliamentary Powers Index: A Global Study of the Powers of National Legislatures*, forthcoming 2006. Formal distinctions among the meanings of "parliament," "legislature," "congress," "assembly," and other terms are found in the literature. Such distinctions are often blurred in practice. The Parliamentary Powers Index presented here refers to the powers of the national legislature, whether or not it carries the name "parliament."

6. Freedom House, "Annual Survey of Freedom, Country Ratings," available at [www.freedomhouse.org](http://www.freedomhouse.org).

7.  $r = -.92$ ;  $p < .001$ .

8.  $r = -.41$ ;  $p = .07$ .

9.  $r = -.70$ ;  $p < .001$ .

10. For a fuller treatment, see M. Steven Fish, *Democracy Derailed in Russia: The Failure of Open Politics* (New York: Cambridge University Press, 2005), ch. 7.

11. Guillermo O'Donnell, *Counterpoints: Selected Essays on Authoritarianism and Democratization* (Notre Dame: University of Notre Dame Press, 1999), 185.

12. James Holston and Teresa P. R. Caldeira, "Democracy, Law, and Violence: Disjunctions of Brazilian Citizenship," in Felipe Agüero and Jeffrey Stark, eds., *Fault Lines of Democracy in Post-Transition Latin America* (Miami: North-South Center Press of the University of Miami, 1998): 363–96.

13. United Nations Development Programme, *Human Development Report 2000* (New York: Oxford University Press, 2000); World Bank, *World Development Report 1997* (New York: Oxford University Press, 1997).

14. Zhelyu Zhelev, interview with the author, Sofia, Bulgaria, 14 January 1998.

15. M. Steven Fish and Robin S. Brooks, "Bulgarian Democracy's Organizational Weapon," *East European Constitutional Review* 9 (Summer 2000): 69–77; Venelin I. Ganev, "History, Politics, and the Constitution: Ethnic Conflict and Constitutional Adjudication in Postcommunist Bulgaria," *Slavic Review* 63 (Spring 2004): 66–89.

16. M. Steven Fish, "The Impact of the 1999–2000 Parliamentary and Presidential Elections on Political Party Development," in Vicki L. Hesli and William M. Reisinger, *The 1999–2000 Elections in Russia: Their Impact and Legacy* (Cam-

bridge: Cambridge University Press, 2003), 186–212; Michael McFaul, *Russia's Unfinished Revolution* (Ithaca, N.Y.: Cornell University Press, 2001).

17. Ronald Inglehart et al., *Human Beliefs and Values: A Cross-National Sourcebook Based on the 1999–2002 World Values Surveys* (Mexico City: Siglo Veintiuno, 2004) items A068 and A085.

18. Marc Morjé Howard, *The Weakness of Civil Society in Post-Communist Europe* (Cambridge: Cambridge University Press, 2003).

19. M. Steven Fish, “Mongolia: Democracy Without Prerequisites,” *Journal of Democracy* 9 (July 1998): 127–41.

20. Ronald Inglehart et al., *Human Beliefs and Values*.