Guide to Learning Features

Preview Each chapter begins with a short outline of the contents of the chapter, designed as a preview of what to expect in the pages that follow.

PREVIEW

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So far we have looked mainly at the broad sweep of comparative

So far we have looked mainly at the broad sweep of comparative policis, including two concepts, research methods and regime types. In the next few chapters we will focus on policial institutions, beginning here with a review of constitutions and the courts that accompany them. Constitutions outline the rules of policial systems, and tell us much about the aspin of states, the structure of governments and the rights of citizens. For their part, courts strive to mail that the rules are respected and equally applied just as humans are imperfect, however, so are the las institutions they create and manage lines are significant gaps between constitutional ideals and practic questions about the efficacy of courts. The downed mericing with the compared of court interview to the value the use when they do their chapter.

questions about the efficacy of courts. The chapterbegins with an assessment of constitutions: what they are, what they do, their character and durability, how their performance can be measured, how they are changed and how they have evolved. There is no fixed template for constitutions they vary videly in terms of their length and efficacy, and the gap between aspiration and achievement differs from one constitution to another. The chapter goes on to look the structure and role of courts and their relationship with constitutions, examining the differences between supreme courts and constitutional courts and the incidence of judicial activism. It then focuses on judges how they are nextured, the terms of their tenuer and how such differences impact judicial independence. It ends with an assessment of the place of constitutions and courts in authoritarian regimes.

Highlights Each chapter begins with six key arguments, chosen to underline some of the more important points made in the chapter.

HIGHLIGHTS

- Constitutions are critical to achieving an understanding of government, offering a power map through key political principles and rules.
- As the number of states increased, so did the number of constitutions, and more than half the states in the world have adopted a new constitution since 1990.
- Understanding governments requires an appreciation not just of the content of constitutions, but also of their durability and how they are amended. ess of the structure and role of courts is also critical, as is the distinction between su ind constitutional courts.
- Judges have become more willing to enter the political arena, making it more important to und the rules on judicial recruitment.
- In authoritarian regimes, constitutions and courts are weak, with governments either using them as a facade or bypassing them altogether.

Marginal definitions The first time a key term is used it appears in

boldface and is defined in a marginal box. The definitions are kept as brief and clear as possible, and each term is listed at the end of the chapter in which it is defined.

Using Theory A new feature is introduced in every chapter that focuses on one of the major theories used in comparative politics.

Constitution A document or a set of documents that outlines the powers, institutions and structure of government, as well as expressing the rights of citizens and the limits on government.

USING THEORY 7

INSTITUTIONALISM

The study of governing institutions has long been a central interest of political sci-ence in general and of comparative politics in particular. In fact, institutions were long regarded as the core subject matter of political science, and scholarship was dominated by **institutionalism**, using approaches that were often descriptive and less interested in developing theory. Institutionalism briefly fell out of favourin the 1960s as the behavioural movement emerged (see Using Theory 14) but was revisited in the 1980s when new research on social and political structures com-tioned with the reform of envernment institutions in developing numbers to take but in the diverse for the other of the science institutions in developing numbers to take but in the diverse of the reform of envernment institutions in developing numbers to take but in the diverse of the reform of envernment institutions in developing numbers to take but in the diverse of the reform of envernment institutions in developing numbers to take but the science of the numberse of the science of the numberse of the science of bined with the reform of governing institutions in developing countries to give birth to what became known as **new institutionalism** (or neo-institutionalism) (March and Olsen, 1984).

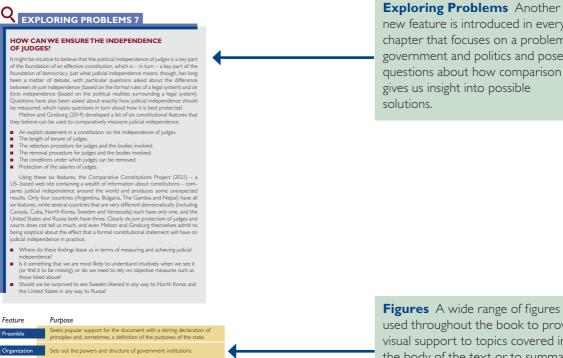
(March and Olsen, 1984). This reformulation looked not just at the formal rules of government but also at how institutions shaped political decisions, at the interaction of institutions and society and at the informal patterns of behaviour within formal institutions. This approach lent itself well to comparative politics as researchers undertook cross-national studies, many of them interested in better understanding the process of democritations.

national studies, many of them interested in better understanding the process of democratization. The of the institutional approach is that it can tell us not only how institutions work but also where their strengths and weaknesses lie and what can be done to make them more efficient. It also helps remind us that institutions are constantly changing in response to new circumstances and are frequently sub-ject to a process of **institutionalization**. This begins following their creation, as they develop rules and procedures, build internal complexity, entrench their posi-tion, are clearly distinguished from their environment and come to be accepted by external actors a part of the governing apparatus. It continues as they evolve in response to pressures for change, as well as new needs and opportunities. We should also remember asymptic the other superstructure of government is a facabe behind which personal networks and exchanges are the key driving force in policis. Even in democracies, it is always worth asking whose interests benefit from a particular institutional arrangement, just as an institution can be created for specific purposes, so too can it survive by serving the interests of those in change.

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GUIDE TO LEARNING FEATURES xxi



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new feature is introduced in every chapter that focuses on a problem in government and politics and poses questions about how comparison gives us insight into possible

Figures A wide range of figures is used throughout the book to provide visual support to topics covered in the body of the text or to summarize lists of subjects covered in the text.

Tables These display statistics or key features of a topic in the nearby text, or summarize subjects covered in the text.

Discussion questions Each chapter closes with a set of six open-ended discussion questions, designed to consolidate knowledge by highlighting major issues and to spark classroom discussions and research projects.

Further reading An annotated list of six suggested readings is included at the end of each chapter, with an emphasis on the most recent and helpful surveys of the topics covered in that chapter.

DISCUSSION QUESTIONS

Figure 7.1 Features of constitutions

Standing

Examples

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Covers individual and often group rights, including access to legal redress

Constitutional court

Only specified institutions can

Austria, Egypt, France,

Germany, most of Easter Europe, Russia, South Africa,

Mainly abstract.

bring cases

UК

Outlines the procedure for revising the constitution.

Table 7.2: Comparing supreme courts and constitutional courts

Anyone with legal standing

Australia, Brazil, Canada,

Nigeria, Sweden, Turkey, United States

China, India, Japan, Mexico,

Supreme court

Mainly concrete

can bring a case.

Yes

- Which is best a constitution that is short and ambiguous, leaving room for interpretation, or one that is long and detailed, leaving less room for misunderstanding?
 What are the advantages and disadvantage of supreme courts and constitutional courts?
 Judical restraint or judical activism which is best for the constitutional well-being of a state?
 What is the best way of recruiting judges, and what are the most desirable limits on their terms in office if any?
 What are the best forms of protection to ensure the independence of judges and courts?
 Which of the four roles of constitutions in authoritarian regimes do you find most convincing?

FURTHER READING

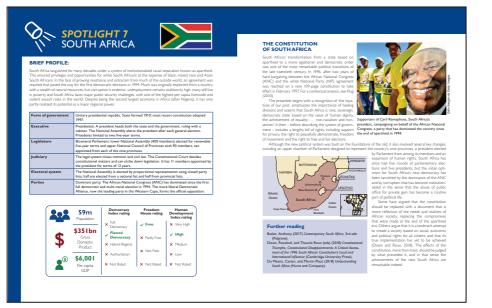
- Ginsburg, Tom, and Alberto Simpser (eds) (2014) Constitutions in Authoritarian Regimes (Cambridge University Press). An edited collection on the design, content and consequences of constitutions in authoritarian
- Harding Andrew, and Peter Leyland (ed) (2009) Constitutional Courts: A Comparative Study (Wildy, Simmonds & Hill). A comparative study of constitutional courts, with cases from Europe, Russia, the Middle East, Latin America and Asia. Issacharoff, Samuel (2015) fragile Democracies: Contextud Pauaries tha Europe, Course of the Section 2015.
- America and Asia. schardf(Samuel (2015) Froglie Democracies: Contested Power in the Era of Constitutional Courts (Cambridge University Press). Argues that strong constitutional courts are a powerful antidote to authoritariansm because they help protect against external threats and the domestic consolidation of power. consolided, Michel, and Andris Saigle (eds) (2013) The Oxford Handbook of Comparative Constitutional Low (Oxford University Press). A comparative collection of studies of history, types, principles, processes and transfer in the operative time.
- Smith, Rogers M., and Richard R. Beeman (eds) (2020) *Modern Constitutions* (University of Pennsylvania Pre

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GUIDE TO SPOTLIGHT FEATURES



These focus on the 18 country cases from which examples are most often quoted in the body of the text. They include a brief profile of each country (or regional organization, in the case of the European Union), brief descriptions of their political features, some key demographic and economic data and a short case study of each country in the context of the topic of the chapter in which the Spotlight appears.

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Торіс	Features and sources
Form of government	A general description of the form of a government, including dates on state
	formation and the adoption of the most recent constitution.
Executive	Form and structure of the executive.
Legislature	Form and structure of the legislature.
Judiciary	Form and structure of the judicial system.
Electoral system	Form and structure of the electoral system.
Parties	Outline of the party system and the major parties at work in the country.
Population	Data for 2020 from World Bank (2021a).
Gross Domestic Product	Total value of goods and services produced by a country, in US dollars. Data
	for 2019–20 from World Bank (2021a).
Per capita Gross Domestic	Total value of goods and services produced per head by a country, in US
Product	dollars. Data for 2019–20 from World Bank (2021a).
Democracy Index rating	From the Economist Intelligence Unit (2021), which divides states into full
	democracies, flawed democracies, hybrid regimes and authoritarian regimes.
Freedom House rating	From Freedom House (2020a), which divides states into groups rated Free,
	Partly Free or Not Free.
Human Development Index rating	From the United Nations Development Programme (2021), which divides
	states into groups rated Very High, High, Medium and Low.

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