

Bangladeshi citizens enjoyed a competitive, multiparty political system with regularly contested elections. Despite serious weaknesses of other democratic institutions—including the Election Commission; a trust deficit among major political parties particularly among two major parties: the Bangladesh Nationalist Party (BNP) and the Bangladesh Awami League (BAL); and repeated episodes of political violence—free and fair elections in regular

the parliament to impeach Supreme Court judges. When the High Court and the Supreme Court annulled the amendment (2017), the ruling party engaged in the vilification of the Chief Justice, who later “resigned” and left the country.

Bangladesh’s experience since 2009, particularly two constitutional amendments, shows how a hybrid regime utilized the legislature as a tool for strengthening its authoritarian tendencies. ■

Bangladesh embraced parliamentary democracy in 1991, after a short-lived one-party authoritarian system in 1975 and 15 years of military and pseudo-civilian rule. However, by 2018, it is an example of how an enfeebled legislative body can become a tool of the executive in its authoritarian agenda.

intervals allowed Bangladeshis to change the government as a result of the constitutional provision of holding elections under a caretaker government (CTG). The constitution stipulated that the incumbent resign 90 days before the election and that a non-party government headed by the immediate past Chief Justice of the Supreme Court be appointed by the president to oversee the election.

In the 2008 election, the BAL secured a two-thirds majority in the parliament. Three years later, the parliament scrapped the CTG provision, citing a court verdict that described the CTG system as contrary to the democratic spirit of the constitution because it is an unelected government. However, the court maintained in the verdict that the next two elections be held under the CTG system and that the parliament be dissolved 42 days before the election. The parliamentary committee, appointed in July 2010 to add amendments to the constitution, “held 27 sessions [during an 11-month period] and consulted experts, political parties (including the ruling party), journalists and civil society representatives” (Majumdar 2013) and agreed to retain the CTG with minor changes (Riaz 2013). However, at the behest of the prime minister, the CTG provision was eliminated and the provision of holding elections under the incumbent’s supervision was inserted through the 15th amendment of the constitution. The opposition parties made good on their threat to boycott the 2014 election unless their demand for restoring the CTG system was met. Violence engulfed the nation during the election and less than 25% of voters cast their votes (Riaz 2014). More than half of the MPs were elected unopposed; without any opposition, a *de facto* one-party parliament emerged. In a hybrid regime, a weak and ineffective parliament becomes an accomplice instead of a check to the excesses of the executive. Bangladesh is no exception. The ruling party since 2014 has adopted an authoritarian style of government, enacted draconian laws, and clamped down on any dissent (Bertelsmann Transformation Index 2018).

In hybrid regimes, the judicial arena is subordinated through various means, including appointing and dismissing judges and officials (Levitsky and Way 2002), making the higher courts advocates of the current regime (Brown and Wise 2004). The removal of the Lord President of Malaysia by Mahathir in 1988 and curtailment of power of the Venezuelan Supreme Court under the Chavez government (1992–2012) (Urribarri 2011) are cases in point. The intent of the 16th Amendment of the Bangladesh Constitution (2014) fits into this pattern. The amendment empowered

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DEMOCRACY, LEGISLATURES, AND BUSINESS CONDITIONS IN POST-AUTHORITARIAN AFRICAN REGIMES

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Ghana was the first Sub-Saharan country to gain independence, some 60 years ago; virtually all Sub-Saharan countries subsequently followed. Yet, in many countries, colonial authoritarianism was replaced by military regimes, autocratic rulers, and one-party rule. It was not until the 1990s that “the Third Wave” of democratization (Huntington 1991) swept across Africa.

Table 1

Cross Correlations for 2018

	Legislative Power	Political Freedom	Economic Freedom
Legislative Power	1		
Political Freedom	0.6452	1	
Economic Freedom	0.5369	0.5014	1

The consolidation of democracy in Sub-Saharan Africa has been uneven. During the past 20 years, the “freedom status”¹ of 29 countries remained largely unchanged, with 10 countries classified as “not free,” 12 countries as “partially free,” and seven countries as “free” (Freedom House 2018).

Like democratization, legislative development in Africa has been uneven. Barkan (2009) pointed out that whereas African legislatures remain weak relative to the executive, most are more powerful and autonomous now than at any time since independence—and a small number have become institutions of countervailing power vis-à-vis the executive.

It is not surprising, then, that countries considered as “Liberal Democracies” or “Aspiring Democracies” by Freedom House (2018) also have the strongest legislatures according to Fish and Kroenig (2009). Furthermore, Pelizzo and Baris (2015) found that political stability, lower corruption, stronger enforcement of the rule of law, and policy continuity were associated with better oversight and more accountable governments.

In general, this statement holds: there is a strong association among democracies, legislatures, and economic freedom.

But is there association among stronger democracy, stronger legislatures, and better economic policies? We examine the various relationships among legislative power, democracy, and economic liberalization. Looking first at Fish and Kroenig’s (2009) index of legislative power and the most recent data on political freedom (Freedom House 2018), we found a strong correlation of 0.6452, supporting Fish’s (2006) contention that stronger legislatures equal stronger democracy. There also is a moderate correlation between stronger democracies and more liberal economic policies and greater economic freedom (0.5014), as well as between legislative oversight and economic freedom (0.5369) (table 1).

There are significant outliers. Both Lindberg and Zhou (2009) and Staphenurst and Pelizzo (2012) highlighted Ghana’s democratization as one of the political success stories in Africa. At the same time, however, its legislative power is weak and possibly becoming weaker (Draman 2018). Conversely, Rwanda has a low score regarding political freedom but a relatively high score in terms of legislative power—reflecting perhaps President Kagame’s tight control of power but encouragement of policy debate within parliament.

In short, as Africa has moved beyond colonial authoritarianism, some countries have seen further political liberalization whereas others remain stuck in single-party states or under another form of authoritarianism. In general, this statement holds: there is a

strong association among democracies, legislatures, and economic freedom. However, given significant outliers, more research at both the regional and the country levels is required to better understand these relationships. ■

NOTE

1. As measured by Freedom House, which ranks countries as “free,” “partially free,” or “not free.”

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CONCLUSION: TOWARD A THEORY OF LEGISLATIVE DECLINE

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From Moscow to Washington, DC, from Beijing to Ankara, there has been growth in executive power and the increasing inability of national legislatures to check the executive. Although the contributions in this spotlight focus largely on newer democratic or hybrid systems, as Charles Wise suggests in the introduction, many of these trends toward the weakening of legislative checks on the executive are also in evidence even in the more “consolidated” Western democracies. These contributions begin to formulate a theoretical framework to understand the general global trend toward the empowerment of executives at the expense of national legislatures.

The cases included were selected to represent a diverse sample of developing democracies, ranging from newer democracies emerging from the post-communist world (in both Eastern Europe and the Former Soviet Union) to more established but at times fragile developmental democracies in Asia (i.e., Turkey, India, and Bangladesh). The cases are different from one another but, in many ways, by using a most-different systems design, the spotlight investigates the various causes for a similar outcome—that is, the weakening of the national legislature relative to the