

Comparative Government

Dr Chao-Yo Cheng



Week 3: Codifying



Today's plan

- ▶ Logistics: Seminar log and mini critical review (20% each)
- ▶ Recap: "Nations, States and Nation-States" (40 mins)
- ▶ Refresher lecture (1-1.5 hr)
 - Comparing constitutions
 - Judiciary in comparative perspective
- ▶ Reading exercise: "Constitutions and the Quality of Democracy"
(next week)



Seminar log

- ▶ Due on **February 13, 2026** (Friday)
- ▶ Write a **500-word** piece of connected prose (max)
- ▶ Choose one topic from Week 1-4 and answer the questions listed at the end of the lecture outline
- ▶ Review the readings (both required and optional ones), the recorded lecture and the refresher lecture in class
- ▶ Your response should
 - provide an overview of what you have learned and some of the key points you will take with you
 - provide thoughts from class discussion to demonstrate your reflection and understanding of the topics/issues, with specific examples



Mini critical review

- ▶ Due on **February 20**, 2026 (Friday)
- ▶ Write a **500-word** piece of connected prose (max)
- ▶ Choose one topic from Week 1-5
- ▶ In your review:
 - discuss the reading exercise to review relevant topics of the week, based on the questions we discuss in class
 - review the answers you heard in class discussion and provide your thoughts



Reminders and tips

- ▶ No need to be thorough – perhaps better to be focused and in-depth
- ▶ No need to worry too much about citations for these two assignments – the key is to share your thoughts as informed by readings, lectures and class discussions
- ▶ Balance between descriptive versus analytical
- ▶ Support is available
 - My office hours
 - College Study Skills Team
(<https://www.bbk.ac.uk/student-services/learning-development>)
 - School of Social Sciences Learning Dev Team (<https://www.bbk.ac.uk/school/social-sciences/learning-development>)



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ERIK VOETEN, JEFF D. COLGAN, AND FEDERICA GENOVESE JANUARY 22, 2026

Can climate policies survive the return of Trump?

Two experts discuss how the U.S. and the world move forward with climate mitigation.



SARAH BINDER AND MARK SPINDEL JANUARY 21, 2026

The Federal Reserve is still playing defense

Four takeaways from the latest bouts between Trump and the Federal Reserve.



ELIZABETH N. SAUNDERS JANUARY 20, 2026

Chalkboard Politics: What just happened in Venezuela? 

Understanding the U.S. intervention with Chalkboard Politics.



KELECHI AMAKOH JANUARY 15, 2026

Four things to watch in Uganda's 2026 election

From Museveni's long rule to repression of opposition parties, these issues have shaped this year's election.

<https://goodauthority.org/>



Exercise: “Democracy and Nationalism” (Eun A. Jo, College of William and Mary)

Good to Know: Nationalism and democracy

Democracy needs more than a good story.

EUN A JO · SEPTEMBER 29, 2025



<https://goodauthority.org/news/good-to-know-nationalism-and-democracy/>



- ▶ Is nationalism good or bad for democracy? Why?
- ▶ Does the "typology" make sense to you? Can you place countries you know in the table? Any exceptions?
- ▶ What activities can contribute to the construction of shared identity, namely "nation-building?"
- ▶ The article concludes by saying nationalism needs a better "narrative." What does that mean?



Recap: Nations, states and nation-states

- ▶ Nations
 - "Imagined Communities" (Benedict Anderson 1983)
 - Top-down and/or bottom-up construction of shared identity
- ▶ States
 - Political authorities/entities with the legitimacy to use coercive power (Charles Tilly 1990)
 - Centralized armed forces (military and police), bureaucracy, and "infrastructure" (e.g., transportation)
 - Taking various forms in history and contemporary era
- ▶ Nations and states do not always align, and when they do not
 - Nations without states: armed conflicts and secession/independent movement; "Wars in the Balkans" in the 1990s
 - Multi-ethnic/nation states: plural societies as put by Arend Lijphart 1977; Northern Ireland after the 1997 Good Friday Agreement



Refresher lecture

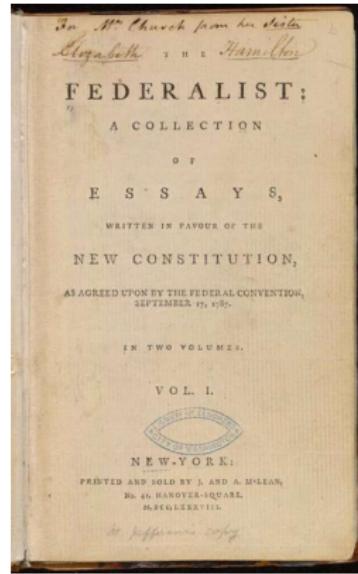
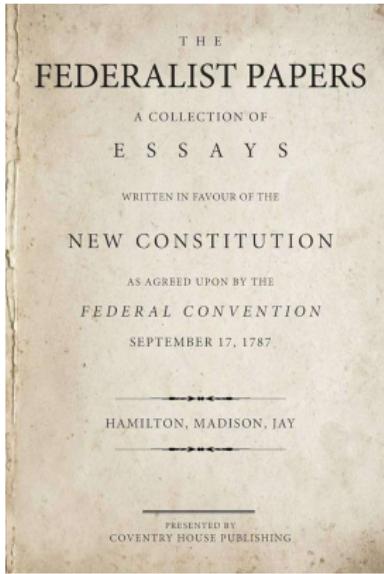
- ▶ Comparing constitutions
 - For legal scholars
 - For political scientists
- ▶ Judiciary in comparative perspective
 - Constitutional review
 - Emergency power
- ▶ Looking forward: Two visions of democracy



Comparing constitutions like a legal scholar

- ▶ Ideology (e.g., the Federalist Papers)
- ▶ Formats: Codified versus uncodified? Written versus unwritten (norms)?
- ▶ Texts
 - Length: Lengthy or succinct?
 - Substance: Principles or details?
 - Wording: Simple or sophisticated?
- ▶ Rules for changes: Hard/strong versus soft/weak? How difficult it is to change some parts of or the whole constitution? (see Abramson and Barber 2019)
- ▶ Key inquiries: Coming up with a "perfect" constitutional law





<https://guides.loc.gov/federalist-papers/full-text>





“Comparative Constitutions Project”



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Informing constitutional design.

Producing data about constitutions. **Impacting** the constitution-making process. **Promoting** peace, justice, and human development.

<https://comparativeconstitutionsproject.org>



“Comparative Constitutions Project”



Zachary Elkins
(University of Texas, Austin)



Tom Ginsburg
(University of Chicago)



This is a complete table of constitutional ranking statistics from every current constitution surveyed by the CCP (last updated April 8, 2016). Updated rankings are available on [Constitute](#), with accompanying visualizations.

See the [CCP Indices](#) for a description of each index. Click on the column header labels to re-sort by that column. Use your browser's in-page search function (Ctrl+F or command+F) to locate specific details within the results table.

Country	Year Enacted	Scope	Length (in Words) ▾	Executive Power	Legislative Power	Judicial Independence	Number of Rights
India	1949	0.60	146,385	4	0.19	4	44
Nigeria	1999	0.63	66,263	2	0.38	4	57
Brazil	1988	0.70	64,488	5	0.48	5	79
Malaysia	1957	0.59	64,080	4	0.10	2	31
Papua New Guinea	1975	0.47	58,490	2	0.33	2	53
Mexico	1917	0.76	57,087	4	0.33	4	81
Pakistan	2002	0.64	56,240	5	0.29	3	45
Zimbabwe	2013	0.81	55,883	6	0.33	4	74
Ecuador	2008	0.79	54,555	7	0.14	2	99
United Kingdom	1215	0.43	54,408	0	0.09	3	44
Ghana	1992	0.71	53,985	3	0.29	4	61
Saint Kitts and Nevis	1983	0.56	49,643	3	0.10	1	36

<https://comparativeconstitutionsproject.org/ccp-rankings/>



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Countries with longer constitutions are poorer and more corrupt: evidence from the OECD

Posted on June 6, 2016 by



In a recent journal article **George Tsebelis** and **Dominic J. Nardi, Jr.** present statistical evidence that longer constitutions are associated with lower levels of GDP per capita. In this post they summarise their findings and speculate that this may be because detailed constitutions are more likely to prevent governments from adopting measures necessary to combat economic shocks.

When the Eurozone crisis struck in 2009, it soon became apparent that southern European countries would have to drastically restructure government spending and improve their competitiveness in order to reduce excessive levels of public debt. However, some states found themselves unable to do so, and not merely because of lack of political will. In some cases, detailed socioeconomic provisions in their constitutions limited their scope of action. For example, Greece's 1975 Constitution prohibits the privatization of universities (art. 16(5)). In short, such constitutional provisions risk locking governments into policies that in other countries would not even be considered questions of constitutional law.

<https://constitution-unit.com/2016/06/06/countries-with-longer-constitutions-are-poorer-and-more-corrupt-evidence-from-the-oecd/>





The Constitution Unit

28 November 2019

Do We Need a Written Constitution?

Prof Sionaidh Douglas-Scott and
Prof Nick Barber debate this
longstanding question



<https://youtu.be/dcdBnn2NXmM>



Comparing constitutions like a political scientist

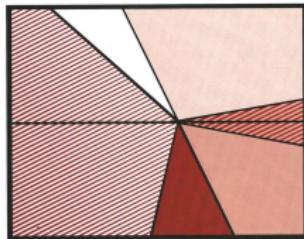
- ▶ Varieties of constitutional democracy
 - Executive system: presidential versus parliamentary
 - Electoral system: majoritarian/plurality, PR and mixed-member (and the resulting party system)
 - Legislative system: uni- or bi-cameral
 - Central-local relations: federal, unitary and decentralized
- ▶ Key inquiries: Underlying power dynamics driving the "creation" as well as the "practice"
 - Power concentration and dispersion (Lijphart 1999; Powell 2000), and the resulting design of judiciary
 - Rigid or adaptative constitutions (Levitsky and Murillo 2009)
- ▶ Two visions of democracy: Westminster Model versus Concensus Model as a response to "Madison's dilemma"



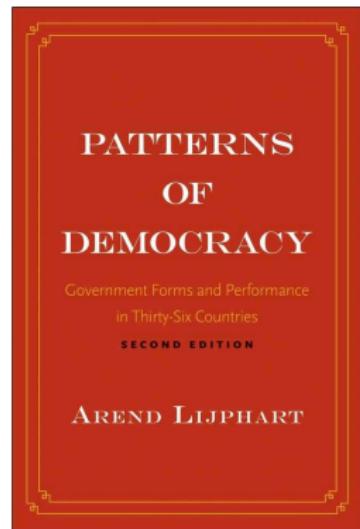
Constitutional “engineering” in plural societies (Lijphart 1977)

Democracy in Plural Societies

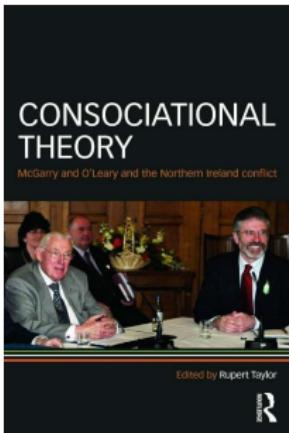
A Comparative Exploration



Arend Lijphart



Consociational democracy: Power-sharing among groups



Supreme courts and constitutional review

- ▶ Judiciary in the constitution organizes relations between the executive and legislative branches of government:
 - **Parliamentary supremacy:** a principle according to which judges' decisions remain subordinate to decisions of the legislative majority (e.g., UK before 2009)
 - **Judicial review:** the ability of a country's high court to invalidate laws the legislature has enacted by declaring them unconstitutional (e.g., USA, Germany and UK after 2009)
- ▶ What explains the adoption of either principle? What is the "politics" behind the operation of these principles?





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US Supreme Court appears reluctant to let Trump fire Fed's Lisa Cook

During two hours of arguments, some justices pressed US lawyer on why Cook was not given a chance to formally respond.



Lisa Cook, member of the United States Federal Reserve Board, has called the allegations against her an effort to pressure the Fed to cut US interest rates [File: Aaron Schwartz/EPA]



AfD classified as extreme-right by German intelligence



| Alice Weidel, joint AfD leader, said the decision was a "severe blow against German democracy"

Paul Kirby

Europe digital editor

2 May 2025

Germany's Alternative für Deutschland (AfD) party has been designated as right-wing extremist by the country's federal office for the protection of the constitution.



"Domestic intelligence cannot push for a ban on the party – that can only go through the **two houses of parliament, government or the constitutional court** – but its latest decision could encourage others to start the process."



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UK Supreme Court rules legal definition of a woman is based on biological sex

© 16 April 2025



"Why Govts Call A State of Emergency" (Bjørnskov and Voigt 2018)

- ▶ Countries w/o constitutionalized emergency provisions declare states of emergency (SoE) significantly more often than those that have them
- ▶ When the cost to declare SoE is low, governments will do so more frequently for natural disasters (but not for political "turmoils")
- ▶ Large natural disasters are more likely to lead to an official SOE when the legislature holds more power
- ▶ Takeaway lessons
 - Constitutional provisions (as institutional checks) matter
 - Not all SoEs are identical





<https://www.thehindu.com/books/a-list-of-books-documenting-emergency-in-india-its-excesses-and-consequences/article69734711.ece>



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Executive Orders | August 11, 2025

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By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 740 of the District of Columbia Self-Government and Governmental Reorganization Act (Public Law 93-198), as amended (section 740 of the Home Rule Act), and section 301 of title 3, United States Code, it is hereby ordered:

<https://www.whitehouse.gov/presidential-actions/2025/08/declaring-a-crime-emergency-in-the-district-of-columbia/>



Case study: (Absence) of SoE declaration for the pandemic in the UK



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Published on 28 April 2020

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The history of emergency legislation and the COVID-19 crisis

Why has the UK government not declared a state of emergency in the current pandemic?

The history of emergency powers highlights the difficulties of defining an 'emergency' and the challenges any government would face if one were declared

