



AHMADU BELLO UNIVERSITY LAW JOURNAL

FACULTY OF LAW

AHMADU BELLO UNIVERSITY, ZARIA - NIGERIA.

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AN EXAMINATION OF THE CONSTITUTIONAL DEMOCRACY IN THE UNITED STATES OF AMERICA AND THE PEOPLES' REPUBLIC OF CHINA

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Abstract

There is consensus among theorists and development practitioners that one of the greatest challenges to the development of nations is political leadership. In many developed nations of the world, Political power with effective leadership manifested in the high standard of living of the citizens with the provision of critical infrastructures that render efficient services to ensures human capital development. Consequently, where a nation stagnated and underdeveloped, it means that the leadership has failed to harness the resources and the ingenuity of the people for national development. Therefore the wholesome development and security of a Nation is line with the quality of its leadership. Some of the countries under Electoral Democracy experienced leadership failure over the years. So how do these systems that are considered as the most successful overcame the leadership failure? In order to achieve its objective, this paper used doctrinal method and analyses literatures on Electoral Democracy, Electoral College of the United States of America and the Politburo of the Peoples' Republic of China. The research findings reveal that under both the Electoral College and the Politburo, leaders were elected by few individuals rather than the general public as anticipated by the Electoral Democracy. The research makes recommendation that Countries with leadership failures should consider another system of electing head of states.

Keywords: Electoral Democracy, Electoral College, Politburo

1.1 Introduction

The process of comparative study probably began with the observation that the rules and principles of law or the legal institutions of another state were in some way superior and therefore can be imitated or adopted. The Comparative Law Lawyers are of the view that very little in law is original and borrowing other laws is necessary for legal change. It was observed that the moving of a rule or a system of law from one country to another has been shown to be the most fertile source of legal development since most changes in most systems are the result of borrowing. The history of law is the history of legal borrowings. It is argues that birth of a new rule or institution happens rarely, and borrowing and imitation is the major source for legal change.¹ The problem-solving approach in Comparative Law asks the question, how a specific social or legal problem is encountered and resolved in both society A and society B? Which legal or other institutions cope with this problem? Comparative Law system seek out a social problem or need in one society, discover the institution that deals with it and then looks to other societies for institutions, legal or otherwise, which deal with the same problem and copy the process of dealing with such problem.² Therefore where a particular Nation is having failure in its policy or even the most important aspect of its existence (leadership) the most sensible route for such a Country is to look at other Countries or system that are considered successful to better itself and make sure it survive and developed.

The aim of this paper is to examine the process of electing leaders under the Constitutional Democracy in the United States of America and the Peoples' Republic of China, as the two countries are considered among the best in the

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¹ Omar Useini, Note on Comparative Laws (Unpublished Manuscript, International Islamic University Malaysia 2015) (4)

² Ibid p.9

World.³ The objective of the paper is to find out what makes the leadership of these two systems successful, with the view of finding solution to the leadership problem of other Countries. In order to achieve this, this paper used doctrinal method and analyses literatures on Electoral Democracy, Electoral College and the Politburo. In Conclusion, the Findings from the analyses are mentioned and the paper makes recommendations.

1.2 Political Leadership and the Electoral Democracy

The struggle for political power and authority has always been a defining feature of the human societies. This was the case in the ancient Greece and up to the modern States of today, it has been at the centre of individual and collective tussle, often led to conflict. The need for political power and leadership is deeply ingrained in human nature, driven by a fundamental desire for autonomy. Political power, in its various forms and manifestations, plays a crucial role in shaping the social, economic and cultural fabric of a society. At its core, political power refers to the ability of individuals or groups to exert influence over the decision-making processes that govern the allocation of resources, the distribution of wealth and the exercise of authority. The acquisition and exercise of political power can take many forms, including electoral politics, social movements, interest group advocacy and institutional leadership among others.⁴

In many developed nations of the world, Political power with effective leadership manifested in the high standard of living of the citizens with the provision of critical infrastructures that render efficient services to ensures human capital development. Good and effective leadership provides a sense of direction and vision, a healthy environment for innovation and creativity for national development. The attainment of good governance is a function of effective

³The Top 10 Largest Economies in the World in 2024 available at <<https://www.forbesindia.com>>top> accessed on 3 October 2024

⁴ Torsten Menge, 'The Role of Power in Social Explanation' *European journal of Social Theory* (2018) (21) (1) (23-38) <https://phipapers.org> accessed on 15 February 2025

leadership. Thus, The history of great nations have been linked to visionary and purposeful leadership, be it in the advanced industrialized countries or developing nations. Such leaders have played significant roles in the socio-economic development and political emancipation of their countries. Consequently, where a nation stagnated and underdeveloped, it means that the leadership has failed to harness the resources and the ingenuity of the people for national development.⁵ Therefore the wholesome development and security of a Nation is line with the quality of its leadership.

There is consensus among theorists and development practitioners that one of the greatest challenges to the development of nations is political leadership. The progress, development and fortunes of many nations are tied to the type and quality of political leadership that they have had and continue to have.⁶ By all indications, political conditions in Africa are the greatest impediment to development. It has been established that the best approach for the emergence of political leadership in modern world is through the electoral process. Many countries all over the world are therefore constantly refining their electoral processes to ensure the emergence of the right kind of political leadership.⁷ With the advent of Electoral democracy, a system whereby a leader was elected through voting by the majority of the citizen of a country, the community of nations insisted that all countries must adopt the Electoral democracy as the only legitimate way of electing a leader. Countries that are not practising democracy are frown at, in some instances were forced into accepting democracy through sanctions of various nature.⁸

⁵ Ibid p.188

⁶ Okwong Atte Enyenih 'IT-Based Solutions to the Electoral System in Nigeria' West African Journal of Industrial and Academic Research (2012) (5) (1) 127 < <https://www.ajol.info/article>> accessed on 2nd October 2024

⁷ Ibid p.128

⁸ Khursid Ahmad 'Islam and Democracy: Some conceptual and contemporary Dimensions' Policy Perspective, (2007) (2) (1) 4 <<https://www.researchgate.net>> accessed on 14 October 2024

The word democracy entered the English language in the sixteenth century from the French *democratie*. The word is Greek in origin being derived from *demokratie*, the root meaning being *demos* (people) and *kratos* (rule).⁹ It is a concept of popular sovereignty and principle on popular support, ensuring people's participation in governance through expressing their will in the choice of rulers as well as policies of the Government. The concept of democracy (popular will) emerged in the post-Renaissance era of European history, when the kings' divine right to rule was challenged. There was a rebellion against the monarchs and the church throughout Europe. This rebellion resulted in the principle of sovereignty of the people, severing the relations of politics with religion and divine authority 'The People' now became the source of political power and the source of all values and authority.¹⁰

The modern notions of democracy evolved from several attempts to provide answers to the question of absolutism or authoritarianism and the assumptions of the sovereign power of monarchs over their people, instances such as the 17th-century mass rebellion of Oliver Cromwell (1642) against the monarchy of England which popularized sovereignty and representative government. Reinforcing democracy and good governance, it is conceived that any democratic government that part ways with good governance is not strictly a democratic government. For this reason the meaning of democracy goes beyond elections and has several scopes including having a say in government policy and political participation of the citizenry, the accountability of rulers to the ruled through the rule of law and civilian control over the military.¹¹

⁹ Ibid p.5

¹⁰ Ibid p.7

¹¹ Yahaya Seriki Alhassan, Y.S. & Oluwatoyin Abimbola Sanusi 'Effective Political Leadership: A Determinant of Sustainable Democracy in Nigeria' *Nigerian Journal of Social Studies*, (2020) (23) (2) 182 <<https://www.njss.org.ng>eff>> accessed on 18 September 2024

1.3 The Process of Electing Leaders under the Electoral Democracy

Democracy is regarded as the best form of government because its ideology promotes peoples' will. The people have political right to decide who should govern them in a free and fair election. Therefore, elections constitute an essential principle in liberal democracy. Election in a democracy is very important, as it is the means by which people give legitimacy to a leadership succession.¹² In a democracy, elections serve as an important mechanism and viable means that ensure orderliness in the process of leadership succession and change. It gives legitimacy and political authority to every administration. Elections play dominant roles in a democracy as it ensures that the people have the opportunity of accepting or refusing the men who are to rule them; this means that under electoral democracy political leaders are choosing by conducting elections. Elections ensure how popular a government is and it reveals the social pacts that exist between the leaders and the citizens. Elections and the struggle for power are essential because it gives the oppressed classes the chance to put the question of alternative ideologies on the agenda, especially where the ruling government fails to deliver.¹³

Democracy as a system of government becomes the most popular system of the modern world. The major concern for democracy is the mandate of the people to elect their leader directly. This entails every citizen having the power to vote for the candidate of his/her choice irrespective of their educational background; as such the process is referred to as electoral democracy. An Electoral Democracy describes a democratic government based on a system that enables all citizens to select one candidate from a list of competitors for political office. The process is called an election where each citizen becomes a voter who casts a secret ballot

¹² Zhizhi Meshach .R. & Ibrahim Mohammed Nasiru (2020) 'Electoral Democracy And Administration of Elections in Nigeria' (2020) 3 <https://ssrn.com/abstract=4146536> accessed on 28 September 2024

¹³ Ibid p. 9

with their choices.¹⁴ Generally, the main attributes of electoral democracy can be seen in competitive multiparty political system, universal adult suffrage, regularly contested elections based on secret ballots and generally open political campaigning.¹⁵ Apart from free and fair elections, Electoral democracy also implies the existence of those civil and political freedoms to speak, publish, assemble and organization that are necessary to political debate and the conduct of electoral campaigns.¹⁶

1.3.1 The Electoral College of the United States of America

The Constitution established the United States as a democratic republic. It is democratic because the people govern themselves, and it is a republic because the government's power is derived from its people. This means that the governments; federal, state, and local – are elected by the citizens. Citizens vote for their government officials and these officials represent the concerns and ideas of the citizens in government. For example, a State Governor is elected by the voters in the state. The Governor is in charge of the executive branch of the state. Voting is one important way that citizen can participate in democracy. In order to vote for President in a federal election, a citizen must be 18 or older. Voting in an election and contacting our elected officials when there is a need to amend an existing law are two ways that Americans can participate in democracy¹⁷ in a genuine democracy, the citizen is sovereign and the voter decides.

It is interesting to note that the United States of America did not trust its citizens to elect the President and the Vice-President rather they were elected by few

¹⁴ 'Electoral Democracy' The European Center for Populism Studies
<www.populismstudies.org> accessed on 2 October 2024

¹⁵ Charles Manga Fombad 'An Overview of the State of Electoral Democracy in Africa' African Journal of Legal Studies (2022) <<https://repository.up.ac.za/handle/>> accessed on 8 October 2024

¹⁶ Ibid p. 4

¹⁷ Intermediate Level rights and responsibilities of the United States' of American Citizen: Participating in Democracy < <https://www.uscis.gov/citizenship>> accessed on 4 October 2024

individuals (Electoral College)¹⁸ A new President and new Vice President are chosen in an election every four years. Each political party names a candidate for, or nominates, a President and Vice President, which voters vote for together. Most known parties are the Republican and Democratic Party, but other, smaller political parties also nominate candidates. Election Day is always on the first or second Tuesday of November. The Constitution and federal government set some basic election rules, like the date and who can vote. State governments are in charge of most of the decisions for how elections are held. This means that every state has different rules and timelines for voter registration, early voting, absentee voting, and counting votes. This also explains why we may see election results from some states before others. How a winner is decided in the Presidential election is different than how a winner is decided in a state or local election. In state and local elections, the winner is decided by the popular vote, which means that the candidate with the most votes wins. However, the President and Vice President are not chosen by the popular vote. They are chosen through a process called the Electoral College.¹⁹

In the Electoral College each state has one electoral vote for each member of Congress (the House of Representatives and the Senate). Every state has at least three members of Congress, so each state has at least three electoral votes. Larger states have more members in the House of Representatives, so they also have more electoral votes. There are 435 Representatives and 100 Senators. Washington, D.C., also has three electoral votes, so there are 538 electoral votes in all. Each state has its own rules for how electors must vote. In 48 states and Washington, D.C., all of the state's electors must vote for the winner of the state's popular vote. Maine and Nebraska do it slightly differently. A Presidential

¹⁸ Thomas H. Neale 'The Electoral College: How it Works in Contemporary Presidential Elections' Congressional Research Service (2017) <<https://www.crs.gov>> accessed on 4 October 2024

¹⁹ 'Plain Language: Presidential Election Process in the United States' <<https://www.aucd.org/plain>> accessed on 14th January, 2025

candidate must win at least 270 electors (more than half of all 538 electors) to win the Presidential election. The Presidential candidate who gets the most popular votes usually wins the most electoral votes, too, but not always. If neither candidate wins 270 Electoral Votes, the House of Representatives votes to choose the President and Vice President. This is very rare and has only happened one time in the history of the United States (1824).²⁰

The Electoral College as provided under section I, Article II of the Constitution of the United States of America, is the formal body of electors whose votes actually determine the next president of the United States irrespective of the outcome of the general election. Sometimes the national popular vote doesn't align with the Electoral College's outcome. This happened in 2016 when Hillary Clinton led Donald Trump by over 2.8 million votes. Yet Donald Trump secured the Electoral College by 304 to 227 votes.²¹ In the Electoral College, the electors are the real determiners of the U.S. presidential election. 538 electors gather in their respective state capitals about a month after the general election and cast their ballots to determine the next president and vice president of the United State of America, 270 electors are the actual voters of the President and the Vice-President of the United States of America.²²

Some political writers are of the view that electoral democracy where every citizen has equal voting rights ends up bringing in bad leadership and subsequent collapse of a country, citing example of Venezuela where a very strong economy was brought down within very short period of time as a result of bad leadership.²³ The framers of the United States of American's Constitution believed that the general electorate would not make an informed, dispassionate, rational judgment;

²⁰ Ibid

²¹ Josiah Peterson, 'The Electoral College: Critical to Our Republic' (New Jersey, The King's College Press 2017) 4

²² Ibid p.7

²³ Ibid p.9

they believed that ordinary citizens, most of who could neither read nor write, were too poorly informed to choose wisely. More important, the framers feared that popular election could enable a tyrant to capture the presidency by appealing to the people's fears and prejudices.²⁴

1.3.2 The Politburo and its Standing Committee of the Chinese Communist System

The Peoples' Republic of China operates Communist System of Governance, where a State is run by a single party; the State would control the means of production, suppress opposition, counter-revolution and remain in power perpetually. The Communist party of China has been in sole control of the People's Republic of China's Government since 1949.²⁵ The Communist Party of the People's Republic of China rest at the peak of the power structure, controls and dominates all sectors of State, and penetrates in every corner of society, with party branches as the party's basic cells established at all levels of government and within almost all political and public institution.²⁶

The important element of the communist party's bid for ideological based legitimacy is the notion that people rise within the party or state hierarchy based on what the party Constitution described as "their moral integrity and their Professional competence" and "on their merits without regard to their origins". The party which manages personnel appointments across the Chinese political system, the Military and all public institution, sees this arrangement as the

²⁴ James P. Pfiffner & Jason Hartke, 'The Electoral College and the Framers' Distrust of Democracy' White House Studies (2023) (3) (3) 261-273 <<https://pfiffner.gmu.edu/E>> accessed on 10 October 2024

²⁵ Kerry Dumbaugh & Michael F. Martin, 'Understanding China's Political System' Congressional Research Service (2009) 22 <<https://www.crs.gov/R41007>> accessed on 3 October 2024

²⁶ Ibid

bedrock that make China's political system superior to the political systems of countries that elect their leaders in competitive, multi-party elections.²⁷

The China's Communist Party dominates state and society in China and the party is committed to maintaining a permanent monopoly on power and it is intolerant of those questioning its right to rule. The China's leading Political institution are the Communist Party, its Military, which is the Peoples' Liberation Army, the State Council and the National Peoples' Congress (NPC). The striking feature of China's formal Political culture is that China has had no supreme leader per se rather a 24 Men Committee that is the Politburo (Political Bureau) with further centralised power of 7 Men Committee (Politburo Standing Committee) who sit on the country's most senior decision-making body which form a collective leadership in which each Man has a rank, from one to seven, and shoulders primary responsibility for a specific portfolio, party General-Secretary is ranked first among the seven, his responsibility includes the politburo standing committee and larger politburo meetings (all 24 members). He also controls some of the most consequential portfolios; including Military and Foreign affairs. So indirectly he can be regarded as the leader. However, it should be noted that he must still win consensus from the rest of the group for major decisions, as under China's Communist Party decisions are reach through Consensus and not voting.²⁸

Politburo Standing Committee (committee of 7 members) are the real force steering almost everything, followed by the general Politburo (24 Members) and to a lesser extent the Secretariat. The selection of the politburo members, their qualifications, and military background and so on were all considered by the politburo and it's Standing Committee. This committee has functioned continuously since 1956 and it is the highest collective authority in the party. The

²⁷ Susan V. Lawrence & Michael F. Martin, 'Understanding China's Political System' Congressional Research Service (2013) <<https://www.crs.gov/R41007>> accessed on 30 September 2024

²⁸ Wikipedia <<https://en.m.wikipedia.org/wiki>> accessed on 30 September 2024

recent members of the politburo were considered as youngest with average age of 60.6 years. When it comes to level of education, in 2004 all the members of politburo standing committee were engineers, as the majority of the politburo members.²⁹

The Politburo's primary objective was to oversee the implementation of communist ideology and ensure the party's dominance in the State. The Politburo typically consists of a small, elite group of high-ranking party officials, often handpicked by the party's leader or general secretary. The membership is usually composed of: The General Secretary or Party Leader: The highest-ranking official, responsible for setting the party's overall direction and agenda. Senior Party Officials, Experienced leaders with significant influence and expertise in various areas, such as economics, foreign policy, and internal security. Regional Representatives: Officials responsible for overseeing party activities and implementing policies at the regional or local level. The Communist Party tried to apply a long-term planning approach to grooming future political leaders; in some instances 10 years apprenticeship, while in some, five years apprenticeship.³⁰ A future Party Secretary can be in the Politburo for many years and will be in the Politburo Standing Committee for additional years before becoming the over-all leader.

1.3.3 Leadership Succession under the Politburo and Its Standing Committee

The Politburo is elected by the Central Committee, however, in practice; scholars of Chinese elite politics believe that the Politburo is a self-perpetuating body, with new members of both the Politburo and its standing committee chosen through a series of deliberations by current politburo members and retired Politburo

²⁹ Anthony Saich, (2004) *Government and Politics of China* (Palgrave MacMillan (New York) 2004) (2) 91 <<http://www.palgrave.com/politics/saich/>> accessed on 15 September 2024

³⁰ S.V. Lawrence & M.F. Martin op cit p.6

Standing Committee Members. The current and former politburo members conduct a series of informal “straw polls” to determine the group’s level of support for each new candidate’s membership in the politburo. The process for selecting the new politburo begins with a closed door meeting by the incumbent politburo standing committee in the summer before the National Congress of the Chinese Communist Party convenes.³¹

As to the power succession under the communist party, succession can be planned and arranged for quite some time. For example; Den Xiaoping in 1980 claiming to be “the core of the second generation leadership” hand-picked Jiang Zemin as the core of the third generation leadership and Hu Jintao as the fourth generation leadership, this arrangement of power succession has been maintained without facing any significant challenges. All these leaders continue to preside over the party politburo standing committee.³²

The leadership succession in China has become an institutionalize process. This refers to the process in which certain rules or norms emerge, consolidate and become relatively stable for actors to follow and conform to in their interactions.³³ The fact that leadership succession in China is non-electoral; as such it involves two processes that happen simultaneously. That is terminating the current leader’s tenure and installing a successor. This is becoming institutionalized. Typical example of institutionalization can be seen where Hu Jintao was recruited as a young leader in the Politburo Standing Committee laying down the foundation of a hand over from “third generation” to “fourth generation” which took place, as planned 10 years earlier. In 2012, another round of planned power transfer took

³¹ Ibid p.8

³² Sujian Guo, *Chinese Politics and Government; Power, Ideology and Organisations* (Routledge (New York) 2012) 16 <<https://www.researchgate.net/publication/264175314>> accessed on 27 September 2024

³³ Zhengxu Wang. & Anastas Vangeli, ‘The Rules and Norms of Leadership Succession in China: From Deng Xiaoping to Xi Jinping and Beyond’ *The China Journal* (2016) (76) 18 <<https://www.researchgate.net/publication/303463957>> accessed on 17 September 2024

place when a new cohort headed by Xi Jinping took over from that headed by Hu. In these 20 years, between 1992 and 2012, the party witnessed the evolution of a formal process of orderly transition.³⁴

The institutionalization of age limit for the top leaders even though not formalize yet, certain convention is in motion to that regard. The selection of new members of the Politburo is usually done with an eye to a designated position in certain years to come, mostly not later than five years of mentorship. It is further observed that while rules regarding exit, selection and process by which the heir to the top position gradually assumes full powers are relatively clear and specific, succession politics has not become completely mechanical.³⁵

Nonetheless, the power transition in the China Communist Party has now become structured, stable and basically predictable, much more predictable than possible in a genuine democratic system. This is possible due to some certain changes; both the party and State Constitution stipulated not more than two consecutive five year terms of office for top party and state positions, and top leaders are to retire when they turn 68 (the official age limit for retirement). The fact that there exist in the party the politburo committee with members of about 24 and also the politburo standing committee with 7 members from the 24 members makes it easier for movements in the committee based on seniority.³⁶ All the members of the politburo have been well educated, are reform-minded and obtained considerable experience working in localities as well as in the centre. The party's criteria for selection its leaders are obvious; high level of education, professional training, and political reliability and relatively youthful. The political

³⁴ Ibid

³⁵ Ibid p.8

³⁶ Shanding Zhou, 'China's New Top Leaders: A Preview of the C.C. P's Eighteenth National Congress' Regional Outlook Paper (2012) 88 <<https://www.griffith.edu.au/asiainstitute>> accessed on 18 September 2024

institutionalization has resulted in a political structure in which formal institution play more important roles than informal networks.³⁷

The Election of leaders under the Chinese Communist System is clearly carried out by the Politburo Standing Committee with the help of its retired members. While it has face its criticism, the Politburo can be seen as a successful story looking at the China in the global standing.

1.4 Conclusion

From the analysis above, the paper made the following findings:

- i. The real determinants of who will become the President and Vice President of the United States of America and the Leader of Peoples' Republic of China are some few individuals (Electoral College and the Politburo) and not the general public as supposed to be under the Electoral Democracy
- ii. Unlike the Electoral Democracy, voting rights in Electing Leaders under both the Electoral College of the United States of America and the Politburo of the Chinese Communist Constitution were confined to educated few in the society.

From the above findings, the paper made the following recommendations:

- i. Considering the failure of many electoral democracy and the success of both the United States of America and the Peoples' Republic of China, Countries under electoral democracy should consider changing the process of electing their head of states.
- ii. Electoral democratic system of countries with leadership failures should consider setting certain criteria for voting rights as potential leaders always use the citizens' ignorance in winning elections.

³⁷ Ibid