

Democracy and Elections in Bangladesh: Understanding the Institutional Challenges

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Abstract

Free and fair elections are instrumental for democracy, democratic culture and effective democratic institutions. Elected government is key for establishing the foundations of democracy and democratic consolidation. Nevertheless, the crucial feature of electoral democracy is the peaceful transfer of power through free and fair elections. This paper is a systematic attempt to examine the responsible institution for free and fair election in Bangladesh. In this study, we took three types of institution: Constitutional institution- The Election Commission; Political institution-Political parties; and Social institution- Media; to explore the challenges of democracy in Bangladesh. In doing so, this study examines the context of national elections in Bangladesh and analyzes the results of national elections held under caretaker governments and interim governments. The paper also describes the debate between Awami League and BNP over the caretaker government for the upcoming 2023 elections. This study is qualitative in nature and data is collected from secondary sources.

Key Words: Democracy, Election, Vote, Voter, Election Commission, Political party, Media.

Introduction

Free and fair elections are at the heart of democracy, and address citizen participation in governance. Larry Diamond (2004) describes democracy as a system of government with four key elements: free and fair elections, active participation of citizens, protection of human rights and rule of law. There is no doubt that free and fair election is essential for democracy, but now the question is how we can measure a free and fair election and who is responsible for that? There are some determinants of free and fair elections which are straightforward and expected in a true democracy. These are : voter registration, voter access to reliable information, a citizen can run election, all voters can vote, voters are not intimidated, voting is free from fraud, ballots are counted accurately, correct results are reported, and the results are respected (Liberties E.U., 2021). After nine months of war in 1971, Bangladesh became independent from Pakistan and declared a democratic country by adopting a constitution which safeguards democracy. However, democratic journey was interrupted. In 1991, democracy became freed from military rule, and Bangladesh resumed its democratic journey for the 2nd term. Free and fair election is one

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of the components that ensure the legitimacy of a government. Hence scholars are deeply concerned about a free, credible and acceptable election in Bangladesh. (ALJAZEERA, December 29, 2018). Eleven general elections have been held in Bangladesh, but there are many variations in the election process. Constitutionally, it has an election commission for the conduction of election, but it stays in a crisis of impartiality and level playing field. The violence-free competitive, fair, and credible national election is a prioritized issue in Bangladesh's politics and governance discourse now (Mollah, M.A.H. and Jahan, R., 2018). It is argued that the Election Commission of the country is independent, practicing multi-party system existed, and free media is in action in Bangladesh. Still, they face a significant challenge to perform their role to ensure free and fair elections. In this understanding, this research aims to find the institutional limitation of Bangladesh to conduct a free and fair election. A qualitative approach is used to conducting this research. In this study, three institutions are analysed to capture the challenges for conducting free and fair elections in Bangladesh : Election commission, political parties and media.. The study in this regard sheds light on the limitations of institutions responsible for free and fair elections in Bangladesh.

Conceptual Framework

Democracy election nexus

In a democratic system of government people chose their leader through election. Candidates participate in the election and the voters vote for their choice-able candidate. The candidates with the maximum number of votes get the power to make government. Election is a procedure of decision making by a formal group of participants in which the voter can choose their representative. Alam, who worked as secretary of Bangladesh Election commission (1992-1995) claimed *“Election is a modern system of selection and pushing up good leaders in society. If leaders gain ascendancy by foul means, they cannot establish a credible administration. Elections should be fair in principle as well as in practice. If the voters are not capable of casting their votes conscientiously, just government cannot be formed.”* (Alam, Shamsul A.Z.M., 1996). When citizens are able to vote their choice-able candidate is called a free election. Beside that when all votes exercise equal power and are counted accurately is called a fair election. In practically peoples ruling power can materialize only through elections. Where people can choose their policymaker and elections authorize political elites to compete for power. For establishment of democracy election is the most remarkable method. The International Encyclopedia of Social Sciences defined election as “a form of procedure, recognized by the rules of an organization, whereby all or some of the members of the organization choose a smaller member of persons or one person to hold office of authority in the organization.” (Encyclopedia, 2018)

Samuel P. Huntington explained election as an integral part of democratization in his seminal work, “The third wave : democratization in the late twentieth century” that described how a third wave of democratization started 1974 to onwards (Schmitter, 1993). According to him, “Modern democracy is not just a democracy of villages, clans or city-

states; It is a nation-state democracy. Moreover, its emergence is linked to the development of the nation-state.”(Huntington, Third Wave, first chapter, P-5-13) In the mid-20th century, democracy was analyzed within three approaches: a form of government (the source of authority for government), the purpose served by government, and the method of government formation. And in the process, problem arises with the selection procedure of the leaders. Joseph Schumpeter makes important points in this regard (Schumpeter, 2013). What he calls "the classical theory of democracy", which defines the "will of the people" and the "common good" as components of democracy that is achieved through a competitive struggle for the popular vote. Robert Dahl saw this as critical to his realist democracy or pluralism. According to Robert Dahl, democracy among a large number of people has certain requirements that the opportunity to do: requires the following institutional guarantees: Freedom to form and join organizations; Freedom of expression; Right to vote; Eligibility for Public Office; Right to compete for support of political leaders; The right to contest the votes of political leaders; Alternative sources of information; Free and fair elections. 8. Institutions rely on votes and other expressions of choice to formulate government policies. (Dahl, Robert Alan (1971). Polyarchy: Participation and Opposition, Yale University Press, 2-3.)

Study Method

The purpose of this study is to find out the limitations of the institutions responsible for free and fair elections in Bangladesh. The study used qualitative method where data was collected from secondary sources. Various research articles, relevant books, national and international newspaper reports related to the national elections of Bangladesh have been used as secondary sources of information.

National Elections in Bangladesh: At a glance

Bangladesh became independent in 1971, and it adopted a constitution in 1972. This constitution-making process was democratic as the members of the constitution-making committee were made up of members elected in the 1970 general elections of Pakistan. The constitution mentions Bangladesh as a parliamentary democratic country. The constitution focused on forming an election commission for conducting a free and fair election. According to the constitution article 118, the election commission forms with the chief election commissioner and not more than 4 election commissioners. The chief election commissioner is the chairman, and the rest are the members. The constitution mentions that the commission is independent of its activities, and it maintains only the constitution and other laws. In 1973, the general election was held by the election commission's supervision.

1975 turned into a dark chapter in the history of Bangladesh. Military rule was established and it disrupted the normal political process of the country. The military government held general elections in 1979. The major political parties were the Bangladesh Nationalist Party, Awami league (A.L.), Bangladesh Muslim League, etc. Another national election was held in 1986 under the military government. The major

political parties were the Jatiya party, Awami League, Bangladesh Jamaat-e-Islami, Jatiya Samajtantrik Dal, etc. The fourth general election was held in 1988. It was also under the military regime. The leading party was the Jatiya party in this election, but the other major political parties boycotted the election. Political parties and general people raise a movement for a free and fair election under a caretaker government and exit the General government. The concept of the caretaker government has been introduced in Bangladesh's political history. The election was held by undoubtful participation, and BNP won the election. Another big political party also accepted the result peacefully; it is the history of Bangladesh politics to tolerance other's won. The BNP government arranged the next general election under them, but the major party Awami league did not accept it; they raised a movement to create a caretaker government and election through the caretaker government. Then BNP government was bound to do this, and in the 1996 election, the Awami League won the majority seats. In 2001 election and 2008 election were held by the caretaker government, and every election changed the government. It will be clear to see the following table.

Parliamentary Elections in Bangladesh under Caretaker Government

Date of Election	Voters(Milion)	Turnot	AL	BNP	JP	Jammat
27 February 1991	62.18	55.4	88	140	35	18
12 June 1996	56.72	75.6	146	116	32	3
October 1, 2001	75	74.9	62	193	14	17
27 December 2008	81	85.26	230	30	27	2

Source: Waresul Karim 2004, & Election Commission Report 2008

The Awami league government abolished the caretaker government in 2010, amending the constitution (B.B.C., January 3, 2014). The elected members of parliament held the general election 2014 and the general election 2018, and the result is Awami League won the elections, and another large political party boycotted the election. The other political parties rejected the result of the election.

Considering the consequence of the election and analyzing the results of elections, we realize some issues like the result is fractured with the governing body election, political parties' double standard about supporting the conduction body of election, political participation in election and parties' acceptance and rejection of result, general people's participation in the election. These issues focus on which or who conducts the election—wondering that there is an absence of the election commission, the main body of the election. Why the election commission is backside? What are the limitations of it? This research focuses on finding the answer.

Institutional Challenges of Democracy

The Election Commission

Although the election commission is a constitutional institution, its' power is limited by the constitution. The president recruits the chief election commissioner and the other commissioners; it is apparent that the president does not take any action without the prime minister's concern. Therefore, it is obvious that the prime minister decides who will become the commissioner. The commissioners also show they obedience for of their recruitment and are loyal to the government, not the constitution and law. According to the constitution, the commission does the duties related to election like preparing a voter list and dividing the territory of the constituencies focusing on the population. The commission also completes the registration procedure for political parties.

India, the next neighbor to Bangladesh is a role model for democratic exercise executing the free and fair election procedure. If we search for the key element of India's fair election, though it is a large country with the power of diversity, the election commission is a major part of success. The election commission is independent, and it does its duty without any pressure. Bangladesh election commission does not exercise such freedom. The election commission is dependent on the government for its' expenditure. Nevertheless, Bangladesh started its constitutional journey by following the 'Indian model'. (Jahan, R.,1974) But failed in follow the Indian tradition to equip the election commission with proper power and institutional freedom to conduct election independently.

From the beginning, the commission could not exercise constitutional power to conduct the election rather worked as an administrative body. Population data collection, providing the national I.D. card, registration of political parties, providing material support for election and declaring the election result, etc., are the main work for the election commission. When Bangladesh needs an impartial role in a critical situation, and people expect that the election commission will come with a better solution, the commission does not take any initiative. These activities proved that the commission has not free or is not neutral. According to Ali Riaz (ALJAZEERA, December 29, 2018), the election commission acted a blind role in the 2014 general election.

Political parties' activities and limitations

Role of Political parties are important for conducting free and fair election, and essential element for democracy. Support from people is intregal of political parties. Political parties participate in elections to win and form government. Bangladesh has a rich history of political party both in colonial time and also in the Pakistani perion. The role of Awami League is glorious because the party leaded the country in the political struggle of independence against Pakistan. After her independence, many parties were established both from civil and military root. Nevertheless, there exists lack of institutional procedures for establishing political parties in Bangladesh like having no system to register for a political party until 2008. Political party registration rules 2008

has opened the formal system. The military rulers have formulated two major political parties: BNP and Jatiya Party. The starting point was nondemocratic so that confusion may remain about their activities and nature. However, these parties got registration by the election commission and have political support. According to the election commission, Bangladesh has 39 registered political parties. Though, the number signals a multi-party system, but, in the practical scenario is, there exists a two-party system. However, Jahan (2018) argued that national election of 2014 have paved the way of Bangladesh to move to one-party system. Analyzing the results of the elections, an interesting trend is noticeable that Bangladesh has never seen a situation where the incumbent has returned to power before the 2014 election (ALJAZEERA, December 29, 2018). Refusing the result of elections is the common trend of the Bangladesh politics. The trend clearly observed in different national elections. Moreover, boycotting election is another common practice by the political parties. BNP was absent in the national election of 1986, and in 1988, both major two parties Awami League and BNP were absent. This boycotting culture was continued after the rebirth of democracy in Bangladesh after 90s. Awami League boycotted the 1996 (February) election for demanding a neutral caretaker government formation, and in the same demand the 2014 election was boycotted by BNP. However, Boycotting the 1996 election brought Awami League success while in 2014, BNP did not see the success from the strategy. They wanted to use the same strategy used in the 2014 election, the boycotting strategy was failed (Hanif, A. M., 2018 ALJAZEERA).

In Bangladesh Politics, money is an important factor for working of political parties and party organization. Party financing is necessary for any political party, however, in election time, money plays a vital role for political calculation in Bangladesh. Political leaders extend support to the businessmen for their financial interests. Businessmen also sought to gain access to power and gain greater profits over political power. "While during the early 1970s only a quarter of M.P.s were businessmen, in the fifth through ninth parliament over half of the M.P.s belong to the business class" (Jahan, 2018, p.17; Jahan and Amundsen, 2012, p.32). The businessmen are seen to be involved in political parties and elections to serve their interest. (Khan, 2011; Momen, N., & Begum, M., 2014).

Ideological conflict is one of the major hindrance for achieving democratic cohesion in Bangladesh politics. The major political parties are divided, and they bitterly oppose each other over nationalism (Moniruzzaman, M., 2009; Rasheduzzaman, 1994). Awami League strongly support Bengali nationalism while the ideology of BNP is based on Bangladeshi nationalism that sharply divided the political landscape of the country. Nevertheless, religion is the strong element of the party's ideology in Bangladesh, of which AL supports secularism while BNP is supporting the role of religion in society. However, Bangladesh is officially a secular country, yet the majority of population is Muslim. Factionalism and lack of unity is the major challenge of the political party system in Bangladesh. "All the A.L., N.A.P., the BNP and the J.P. were founded by breakaway factions of existing parties" (Jahan, 2018, P.15). Party follows the dynastic

leadership (Jahan, 2018) that hampers the democratic culture of the country. Political parties' leaders and workers are divided on their interests. When a misunderstanding or conflict about interest arrives, leaders intention is to break down. Consequently, new party is founded out of factionalism. That's why Bangladesh has many political parties but not all are active in political activities. Moreover, the crisis of not having a strong and charismatic leadership is a major challenge for political parties to play an active role in elections. Electoral speech, campaigning, and communication skills are basic features for leadership during election and create effective environment for electioneering.

Professional Background of the Candidates of the 2008 Parliamentary Election in Bangladesh

Profession	Bangladesh Nationalist Party (BNP)	Awami League (AL)
Business	157	114
Law	20	36
Military Bureaucrats	10	15
Civil Bureaucrats	20	17
Doctors, Engineers and others	11	30
Politicians	4	5
Agriculture	18	23
Others	16	5
Total	256	245

Source: Mahiuddin, K. M. (no date). "Candidate Selection Process: A Analysis of Post 1990 Parliamentary Elections in Bangladesh" Research Report, Available at <http://www.scribd.com/doc/25055756/Party-Candidate-Selection-Process-in-Bangladesh> (Last accessed on August 25, 2012)

Media and Election

Media is a medium of information and a bridge between the public and the vote. Media can play an effective role in democracy by providing information. If anywhere of the election process going wrong, the media can alert the population. Election corruption is rampant in the conflictual Bangladesh politics. Media can play a significant role in contain the corruption for ensuring a free and fair election. Conversely, the media also can play negative role in election politics by sliding towards the interest of the influentials. Political leaders and the ruling elites can use the media as their device to create a positive impression for their electoral publicity and business. A great example is General Ershad's political use of media during election. He used the media for his electoral interest which is described as 'vote piracy' by 'media coup' (Molla, G., 2000). Therefore, it can be said that tradinational media can play a positive role in democratization, while also can act as a negative force. However, the present age is the age for Digital media. Social media like Facebook, WhatsApp, etc. has changed the media landscape by accesing the people directly. These social means were introduced as a digital communication tool, but soon they began to influence the political factors. Political parties and leaders are using these mediums to influence people. The Internet

makes communication easier; it connects people with the political system. As people can collect information from the media, they are also convinced easily by this media. However, there is danger in social media also. Availability of Internet can provide an opportunity to create a fake news or spread hate speech can hamper the election environment. Nevertheless, it is true that in the globalization age, we have no choice to internet communication.

Bangladesh's scenario is not different from other developed countries in term of Internet usage. Though there is a criticism about its negative utilization by the people, we cannot avoid its communicating power. Nevertheless, we should emphasis on its positive role and utilization in the Bangladesh election system. Legally it is claimed that media in Bangladesh is free and independent. However, we have serious issues on the legal status of media in the country. Some colonial British laws are still active in Bangladesh, which creates an invisible barrier for the media to play independent role. For example, the official secret act 1923 is active in Bangladesh. The office authority can deny providing any information on behave of this act. Though, Bangladesh established the right to information act 2009. This law can be helpful to the media of Bangladesh. Because media can help create an easy ground for the R.T.I. implementation.

Another barrier is the ownership and the license system of media. Bangladesh media is biased- this is the common criticism. Yes, this is true that they are biased because they are not independent. Privately, they are controlled by the political leader, ruling elite, or businessman because they are the owner of the media. So, no media can talk or provide information against the owners. The most important tool of controlling the media by the financial sector. The media are dependent on the advertisement for their finance. This financial interest builds a relationship between the media and the business interest. This mutual relationship breaks down media's back bone and confidence which can be described as a main cause why media cannot work independently. Government control is another challenge of media. Licensing is one of the controlling methods. In addition, the media is bound to maintain several conditions provided by the government. For example, the Bangladesh government has a T.V. channel named Bangladesh television (B.T.V.). The private Television channels are bound to telecast news that provides the B.T.V. This condition is peculiar but sustaining.

The election is the process of gaining the governing power. All-powerful politicians use media as their propaganda tool. Though there are many criticisms about the media's role in the election, the information providing role cannot be ignored. It is said that media is the mirror of society. So, media cannot avoid some positive role. Some examples are that electronic media make some programs like a political talk show, which is the media's significant role. This talk show allows general people to understand political leaders' ideology and arguments easily. In addition, the media helps ensure political accountability by asking a question in the live program and reporting. Technology and the Internet are becoming significant to the election. The number of internet users is increasing day by day in Bangladesh. Political parties and leaders have to be concerned

about this because they can easily reach the people. A table has been provided below, which shows the comparative estimate of the internet user numbers.

Table: Changes in Population and Internet User in the Years of National Elections

JatiyaSangsad elections	Total population (million)	Population growth rate	Internet users (million)	Users percentage of the total population
2001	134.12	1.90	8.08	0.1
2008	148.81	1.13	22.95	2.5
2014	159.41	1.16	39.77	13.9
2018	167.10	1.03	92.47	55.34

Source: Al-Zaman, M. (2018). Impact of Digital Media on Electoral Campaign: A Study on 2018 Parliamentary Election in Bangladesh. *The Jahangirnagar Review, Part II: Social Sciences*. (World Bank (2017). *Total population*. Retrieved from: <https://bit.ly/2F6ksNH> World Bank (2017). *Population Growth*. Retrieved from: <https://bit.ly/2Q3Sqr3> Bangladesh Telecommunication Regulatory Commission (October 2018). *Internet Subscribers*. Retrieved from: <https://bit.ly/2rbNSjA> World Bank (2016). *Individuals Using the Internet*. Retrieved from: <https://bit.ly/2BGjdB8> World Population Review (September 18, 2018). *Bangladesh Population*. Retrieved from: www.bit.ly/2AJ2Ced)

Present situation

The upcoming elections will be held in Bangladesh between 2022 and early 2023 as per the system. BNP is pressuring the government to form a caretaker government to conduct the elections. They do not want to participate in the elections conducted by the ruling government made up of elected members of Parliament as before. But the acting Awami League government does not want to amend the constitution to return back to a caretaker government. The government argues that the caretaker government is not constitutionally mandated from people, and government in power will apply its neutral power to conduct election. The government focuses on the commitment of conducting fair election and emphasis on the neutrality of the election commission. BNP, on the other hand, going with idea of boycotting if election not held under interim neutral government. Nevertheless, the government felt pressure from the international communities to arrange a participatory election. If the next election is boycotted by BNP's, it will definitely create legitimacy crisis to the government. So, it is the major challenge to arrange participatory and inclusive election within a free and fair election manner. However, the caretaker government is the centre of the crisis. 'The concept of Caretaker Government is not unknown in developing countries like Bangladesh' (Karim, 2004; 3), and in political science, it is not a new concept (Rabbani, G. & Prodip, A. M., 2014). The system was introduced in the 1991 election in Bangladesh, and Jahan (2008) argued that in 1996 and 2001 elections were two successive elections under caretaker government system. International leaders and the institutions declared that the election was free and fair. And the results of the elections also proved that the election was fair because no party could consequently hold power. Therefore, a lot of challenges can be counted to be faced in the next election to ensure inclusive participation. In this perspective, it can be argued that

pragmatic initiatives is needed to bring the conflicting parties closer to ensure free and credible election in the country.

Conclusion

A free and fair election is not a single task and cannot be done by one leader or party or any institution. It is a combination of many aspects, and it also requires a common intention to achieve the vision without any singular or special interest. When an individual, organization can fulfill their responsibility properly, it will be possible to create a fair and credible election environment. This research focuses on the institutions' challenges of election commission, political parties and media for conducting inclusive election in Bangladesh. This study points out some imperatives necessary for conducting free and fair election in the country. First, the election commission has to gain the trust of the citizen. Second, political parties need to exercise the democratic process to select the leadership and decrease the dependency on the chief leader. Third, the party needs to abolish the dynasty politics and build unity on party interest. And the finally, media freedom should be ensured. Freedom of media is the key element of democracy and good governance. If these institutions can overcome the challenges, they are expected to contribute to free and fair elections.

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