# Table of Contents

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction: What Is Democracy?</td>
<td>1</td>
</tr>
<tr>
<td>Characteristics of Democracy</td>
<td>3</td>
</tr>
<tr>
<td>Rights and Responsibilities</td>
<td>7</td>
</tr>
<tr>
<td>Democratic Elections</td>
<td>12</td>
</tr>
<tr>
<td>Rule of Law</td>
<td>16</td>
</tr>
<tr>
<td>Constitutionalism</td>
<td>19</td>
</tr>
<tr>
<td>Three Pillars of Government</td>
<td>22</td>
</tr>
<tr>
<td>Free and Independent Media</td>
<td>27</td>
</tr>
<tr>
<td>Political Parties, Interest Groups, NGOs</td>
<td>29</td>
</tr>
<tr>
<td>Civil-Military Relations</td>
<td>32</td>
</tr>
<tr>
<td>The Culture of Democracy</td>
<td>34</td>
</tr>
</tbody>
</table>

# 목차

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>머리말: 민주주의란 무엇인가?</td>
<td>1</td>
</tr>
<tr>
<td>민주주의 특성</td>
<td>3</td>
</tr>
<tr>
<td>권리와 의무</td>
<td>7</td>
</tr>
<tr>
<td>민주선거</td>
<td>12</td>
</tr>
<tr>
<td>법치주의</td>
<td>16</td>
</tr>
<tr>
<td>입헌주의</td>
<td>19</td>
</tr>
<tr>
<td>정부 권력의 3대 축</td>
<td>22</td>
</tr>
<tr>
<td>자유롭고 독립적인 미디어</td>
<td>27</td>
</tr>
<tr>
<td>정당, 이익집단, 비정부조직(NGO)</td>
<td>29</td>
</tr>
<tr>
<td>민군(民軍) 관계</td>
<td>32</td>
</tr>
<tr>
<td>민주주의 문화</td>
<td>34</td>
</tr>
</tbody>
</table>
Introduction: What is Democracy?

Democracy may be a word familiar to most, but it is a concept still misunderstood and misused at a time when dictators, single-party regimes, and military coup leaders alike assert popular support by claiming the mantle of democracy. Yet the power of the democratic idea has prevailed through a long and turbulent history, and democratic government, despite continuing challenges, continues to evolve and flourish throughout the world.

Democracy, which derives from the Greek word "demos," or "people," is defined, basically, as government in which the supreme power is vested in the people. In some forms, democracy can be exercised directly by the people; in large societies, it is by the people through their elected agents. Or, in the memorable phrase of President Abraham Lincoln, democracy is government “of the people, by the people, and for the people.”

Freedom and democracy are often used interchangeably, but the two are not synonymous. Democracy is indeed a set of ideas and principles about freedom, but it also consists of practices and procedures that have been molded through a long, often tortuous history. Democracy is the institutionalization of freedom.

In the end, people living in a democratic society must serve as the ultimate guardians of their own freedom and must forge their own path toward the ideals set forth in the preamble to the United Nations’ Universal Declaration of Human Rights: “Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world.”

Human rights are people's entitlements to respect and protection under the law. This includes the rights to freedom, life, equality, self-determination, privacy, and personal autonomy. These rights exist independently of any political or economic context. They are human rights that everyone should enjoy. Freedom is a prerequisite for democracy.
Introduction: What is Democracy?

In 1215, English nobles pressured King John of England to sign a document known as the Magna Carta, a key step on the road to constitutional democracy. By doing so, the king acknowledged he was bound by law, like others, and granted his subjects legal rights.
Democracy is more than just a set of specific government institutions; it rests upon a well-understood group of values, attitudes, and practices - all of which may take different forms and expressions among cultures and societies around the world. Democracies rest upon fundamental principles, not uniform practices.

**Core Democratic Characteristics**

- Democracy is government in which power and civic responsibility are exercised by all adult citizens, directly, or through their freely elected representatives.
- Democracy rests upon the principles of majority rule and individual rights. Democracies guard against all-powerful central governments and decentralize government to regional and local levels, understanding that all levels of government must be as accessible and responsive to the people as possible.
- Democracies understand that one of their prime functions is to protect such basic human rights as freedom of speech and religion; the right to equal protection under law; and the opportunity to organize and participate fully in the political, economic, and cultural life of society.
- Democracies conduct regular free and fair elections open to citizens of voting age.
- Citizens in a democracy have not only rights, but also the responsibility to participate in the political system that, in turn, protects their rights and freedoms.
- Democratic societies are committed to the values of tolerance, cooperation, and compromise. In the words of Mahatma Gandhi, “Intolerance is itself a form of violence and an obstacle to the growth of a true democratic spirit.”

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민주주의 특성

**Characteristics of Democracy**

민주주의는 일반의 구체적 통치 조직이상의 개념이다. 민주주의는 잘 알려진 가치, 태도 및 관행을 기초한다. 이 모두는 세계 각 문화 및 사회에서 상이한 형태로 표출된다. 민주주의는 흔히 알려진 관행이 아닌 근본적인 원칙에 토대를 두고 있다.

민주주의의 주요 특성

- 민주주의는 모든 시민이 직접 또는 그들이 자유롭게 선출한 대표가 권력과 책임을 행사하는 정치 체제이다.
- 민주주의는 다수결 원칙 및 개인의 권리에 기초하고 있다. 민주주의는 모든 정부제도가 가능한 국민에게 접근가능하고 국민의 소리에 민감해야 함을 이해하면서 강렬한 중앙집권을 지양하고 정부권한을 지방으로 이양한다.
- 민주주의는 그 주요기가 연론과 종교의 자유, 법 아래에서 평등한 보호를 받을 권리, 정치·경제·문화적 생활에 있어서의 운전한 결단과 참여의 기회와 같은 기본적인 인권보호를 이해한다.
- 민주주의는 투표가능 연령의 모든 시민에게 개방된 자유롭고 공정한 선거를 정기적으로 실시한다.
- 민주국가의 시민은 자신들의 권리와 자유를 보호할 정치제도에 참여할 권리 및 책임을 가진다.
- 민주사회는 관용, 협동 및 협의의 가치가 담보되어야 한다. 마하트마 간디(Mahatma Gandhi)의 볼에 중 “불관용은 그 자체로 폭력의 한 형태로 참된 민주주의 정신의 성장을 가로막는 장애물이다.”라는 말이 있다.
Democracies fall into two basic categories, direct and representative. In a direct democracy, citizens, without the intermediary of elected or appointed officials, can participate in making public decisions. Such a system is clearly most practical with relatively small numbers of people - in a community organization, tribal council, or the local unit of a labor union, for example - where members can meet in a single room to discuss issues and arrive at decisions by consensus or majority vote.

Some U.S. states, in addition, place “propositions” and “referenda” - mandated changes of law - or possible recall of elected officials on ballots during state elections. These practices are forms of direct democracy, expressing the will of a large population. Many practices may have elements of direct democracy. In Switzerland, many important political decisions on issues, including public health, energy, and employment, are subject to a vote by the country’s citizens. And some might argue that the Internet is creating new forms of direct democracy, as it empowers political groups to raise money for their causes by appealing directly to like-minded citizens.

However, today, as in the past, the most common form of democracy, whether for a town of 50,000 or a nation of 50 million, is representative democracy, in which citizens elect officials to make political decisions, formulate laws, and administer programs for the public good.

**Majority Rule and Minority Rights**

All democracies are systems in which citizens freely make political decisions by majority rule. In the words of American essayist E.B. White: “Democracy is the
A recurrent suspicion that more than half the people are right more than half the time.”

But majority rule, by itself, is not automatically democratic. No one, for example, would call a system fair or just that permitted 51 percent of the population to oppress the remaining 49 percent in the name of the majority. In a democratic society, majority rule must be coupled with guarantees of individual human rights that, in turn, serve to protect the rights of minorities and dissenters - whether ethnic, religious, or simply the losers in political debate. The rights of minorities do not depend upon the good will of the majority and cannot be eliminated by majority vote. The rights of minorities are protected because democratic laws and institutions protect the rights of all citizens.

Minorities need to trust the government to protect their rights and safety. Once this is accomplished, such groups can participate in, and contribute to their country’s democratic institutions. The principle of majority rule and minority rights characterizes all modern democracies, no matter how varied in history, culture, population, and economy.

Pluralism and Democratic Society

In a democracy, government is only one thread in the social fabric of many and varied public and private institutions, legal forums, political parties, organizations,
and associations. This diversity is called pluralism, and it assumes that the many organized groups and institutions in a democratic society do not depend upon government for their existence, legitimacy, or authority. Most democratic societies have thousands of private organizations, some local, some national. Many of them serve a mediating role between individuals and society’s complex social and governmental institutions, filling roles not given to the government and offering individuals opportunities to become part of their society without being in government.

In an authoritarian society, virtually all such organizations would be controlled, licensed, watched, or otherwise accountable to the government. In a democracy, the powers of the government are, by law, clearly defined and sharply limited. As a result, private organizations are largely free of government control. In this busy private realm of democratic society, citizens can explore the possibilities of peaceful self-fulfillment and the responsibilities of belonging to a community - free of the potentially heavy hand of the state or the demand that they adhere to views held by those with influence or power, or by the majority.

Characteristics of Democracy

Public discussion on all kinds of topics - personal, cultural, political - is the lifeblood of democracy. Above: Nigerian Nobel-prize winner Wole Soyinka at a Swiss book fair.
Democracies rest upon the principle that government exists to serve the people. In other words, the people are citizens of the democratic state, not its subjects. Because the state protects the rights of its citizens, they, in turn, give the state their loyalty. Under an authoritarian system, by contrast, the state demands loyalty and service from its people without any reciprocal obligation to secure their consent for its actions.

Fundamental Rights

This relationship of citizen and state is fundamental to democracy. In the words of the U.S. Declaration of Independence, written by Thomas Jefferson in 1776:

*We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.*

More specifically, in democracies, these fundamental or inalienable rights include freedom of speech and expression, freedom of religion and conscience, freedom of assembly, and the right to equal protection before the law. This is by no means an exhaustive list of the rights that citizens enjoy in a democracy, but it does constitute a set of the irreducible core rights that any democratic government worthy of the name must uphold. Since they exist independently of government, in Jefferson’s view, these rights cannot be legislated away, nor should they be subject to the whim of an electoral majority.

민주국가는 정부가 국민을 위해 존재한다는원칙에 토대를 두고 있다. 한편 국민은 신민(臣民)이 아닌 민주국가의 시민이다. 국가가 시민의 권리를 보호해주는 대신 시민은 국가에 충성을 다한다. 대조적으로 권위주의 국가는 국가의 행동에 대한 합의를 구하는 상호간 계약 없이 국민으로부터 충성심과 봉사를 요구한다.

기본권

시민과 국가간

이런 관계는

민주주의의

기본요소이다.

1776년 토마스 제퍼슨(Thomas Jefferson)이 작성한 미국 독립선언문에는 다음과 같은 구절이 있다.

우리는 모든 사람이 평등하며, 장조주로부터 삶, 자유 및 행복 추구와 같은 양도할 수 없는 권리를 부여 받았다는 것을 자명한 진리로 믿는다. 이러한 권리는 확보를 위해 피자의 동의에 기초한 정당한 권력에 연연해 인간들 사이에 정부가 수립된다.

더 구체적으로 말하자면, 민주국가의 기본적이고 양도할 수 없는 권리는 언론, 표현, 종교, 양심 및 집회의 자유와 법의 평등한 보호를 받을 권리 등이 있다.
Speech, Assembly, and Protest

Freedom of speech and expression, especially about political and social issues, is the lifeblood of any democracy. Democratic governments do not control the content of most written and verbal speech. Thus democracies are usually filled with many voices expressing different or even contrary ideas and opinions. Democracies tend to be noisy.

Democracy depends upon a literate, knowledgeable citizenry whose access to information enables it to participate as fully as possible in the public life of society and to criticize unwise or oppressive government officials or policies. Citizens and their elected representatives recognize that democracy depends upon the widest possible access to uncensored ideas, data, and opinions. For a free people to govern themselves, they must be free to express themselves - openly, publicly, and repeatedly - in speech and in writing.

The protection of free speech is a so-called “negative right,” simply requiring that the government refrain from limiting speech. For the most part, the authorities in a democracy are uninvolved in the content of written and verbal speech.

Protests serve as a testing ground for any democracy - thus the right to peaceful assembly is essential and plays an integral part in facilitating the use of free speech. A civil society allows for spirited debate among those in disagreement over the issues. In the modern United States, even fundamental issues of national security, war, and peace are discussed freely in newspapers and in broadcast media, with those opposed to the administration’s foreign policy easily publicizing their views.

Freedom of speech is a fundamental right, but it is not absolute, and cannot be used to incite to violence. Slander and libel, if proven, are usually defined and controlled through the courts. Democracies generally require a high degree of threat to justify banning speech or gatherings that may incite violence, untruthfully harm the reputation of others, or overthrow a constitutional government. Many democracies ban speech that pro-

이들의 시민들이 민주국가에서 향유할 수 있는 권리로 증명할 수 있는 것의 반값이 아니다. 그러나 이는 민주국가의 이름이 결합하는 국가라는 보장해야 할 최소한의 권리를. 제후의 시각에서 이러한 권리는 정부의 독립적으로 존재하기 때문에 이를 권리로 법률로 박탈되거나, 선거에서 승리한 다수에 의해서도 영향을 받아서는 안 된다.

언론. 집회. 시위

언론 및 표현의 자유, 그 중에서도 특히 정치 및 사회 문제에 관한 언론과 표현의 자유는 민주주의의 근본적인 요소이다. 민주정부는 대부분의 문제와 발언을 통제하지 않는다. 따라서 보통 민주국가는 다양하고, 심지어는 상충되는 생각과 의견이 나쳐난다. 민주주의가와 소란스러운 경향이 있다. 민주주의는 교양과 식견이 있는 시민에게 달려 있다. 시민의 정서에 대한 접근을 통해 시민들은 사회의 공공생활에 참여할 수 있다고 생각하지 못하거나 양극적인 관료나 정책에 대해 비판할 수 있게 된다. 시민과 그들이 선출한 대표는 민주주의의 상품이 감염되지 않은 생각. 자료. 의견 등을 가능한 막내계 공유할 수 있음에 달려있다는 것을 알고 있다. 자유로운 국민의 자치(自治)를 위해서는 말이나 글로 자신의 의견을 승강없이, 공개적으로, 그리고 반복적으로 표현하는 것이 자유로워야 한다.

언론의 자유 보호는 단순히 정치가 발언을 통제해서는 안 되는 것을 요구하는 ‘소극적 권리’다. 대부분의 경우, 민주국가는 시민의 말이나 글에 관여하지 않는다.

시위는 민주주의의 시험대 역할을 한다. 따라서 평화적인 집회를 열 권리의 매우 중요하며, 이는 언론의 자유를 충진하는 필수적 역할을 담당한다. 시민 사회는 이건을 가진 사람들 간의 열린 논쟁을 허용한다. 현재 미국에서 신문과 방송은 정부 외교정책에 이건을 표시하며 그들의 전제를 표명하는 사람들과 국가인보, 전쟁 및 평화와 같은 근본적인 문제에 대해 토론한다.
언론의 자유는 근본적 권리이지만 진정적 권리는 아니며, 폭력적 정당화 하는 수단으로 약용될 수 없다. 비방이나 명예훼손은 그 사실이 입증되는 경우 대개 법정을 통해 구속과 통제를 받는다. 민주국가에서
motes racism or ethnic hatred. The challenge for all democracies, however, is one of balance: to defend freedom of speech and assembly while countering speech that truly encourages violence, intimidation, or subversion of democratic institutions. One can disagree forcefully and publicly with the actions of a public official; calling for his (or her) assassination, however, is a crime.

Religious Freedom and Tolerance

All citizens should be free to follow their conscience in matters of religious faith. Freedom of religion includes the right to worship alone or with others, in public or private, or not to worship at all, and to participate in religious observance, practice, and teaching without fear of persecution from government or other groups in society. All people have the right to worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes.

Like other fundamental human rights, religious freedom is not created or granted by the state, but all democratic states should protect it. Although many democracies may choose to recognize an official separation of church and state, the values of government and religion are not in fundamental conflict. Governments that protect religious freedom for all their citizens are more likely to protect other rights necessary for religious free-
dom, such as free speech and assembly. The American colonies, virtually theocratic states in the 17th and 18th centuries, developed theories of religious tolerance and secular democracy almost simultaneously. By contrast, some of the totalitarian dictatorships of the 20th century attempted to wipe out religion, seeing it (rightly) as a form of self-expression by the individual conscience, akin to political speech. Genuine democracies recognize that individual religious differences must be respected and that a key role of government is to protect religious choice, even in cases where the state sanctions a particular religious faith. However, this does not mean that religion itself can become an excuse for violence against other religions or against society as a whole. Religion is exercised within the context of a democratic society but does not take it over.

Citizen Responsibilities

Citizenship in a democracy requires participation, civility, patience - rights as well as responsibilities. Political scientist Benjamin Barber has noted, “Democracy is often understood as the rule of the majority, and rights are understood more and more as the private possessions of individuals. ...But this is to misunderstand both rights and democracy.” For democracy to succeed, citizens must be active, not passive, because they know that the success or failure of the government is their responsibility, and no one else’s.
It is certainly true that individuals exercise basic rights - such as freedom of speech, assembly, religion - but in another sense, rights, like individuals, do not function in isolation. Rights are exercised within the framework of a society, which is why rights and responsibilities are so closely connected.

Democratic government, which is elected by and accountable to its citizens, protects individual rights so that citizens in a democracy can undertake their civic obligations and responsibilities, thereby strengthening the society as a whole.

At a minimum, citizens should educate themselves about the critical issues confronting their society, if only so that they can vote intelligently. Some obligations, such as serving on juries in civil or criminal trials or in the military, may be required by law, but most are voluntary.

The essence of democratic action is the peaceful, active, freely chosen participation of its citizens in the public life of their community and nation. According to scholar Diane Ravitch, “Democracy is a process, a way of living and working together. It is evolutionary, not static. It requires cooperation, compromise, and tolerance among all citizens. Making it work is hard, not easy. Freedom means responsibility, not freedom from responsibility.” Fulfilling this responsibility can involve active engagement in organizations or the pursuit of specific community goals; above all, fulfillment in a democracy involves a certain attitude, a willingness to believe that people who are different from you have similar rights.

시민은 최소한 사회가 직면하고 있는 주요 사회문제에 관해 잘 알아야 하며, 그래야만 그들은 현명하게 투표할 수 있다. 민·형사 재판에 배심원으로 참석하기, 군 복무 등 일부 의무는 법으로 규정되어 있지만 그 밖의 대부분의 의무는 자율적이다.

민주적 행위의 요체는 시민이 평화롭고 농동적으로 자유롭게 선택해 공동체와 국가의 공적 영역에 참여하는 것이다. 학자 다이애н 레비치(Diane Ravitch)는 “민주주의란 구성원들이 함께 생활하며 만들어 나가는 과정이다. 민주주의는 정적인 것이 아니라 진화한다. 민주주의는 시민들 간 협력, 타협 그리고 관용을 필요로 한다. 민주주의를 작동시키는 것은 쉬운 일이 아니다. 자유는 의무를 의미하는 것이지 의무로부터 나온 것은 아니다.”라고 말했다. 이러한 의무 이행은 농동적으로 조직에 참여하거나 구체적인 공동체 목표를 추구하는 일에 동참하는 것을 포함할 수 있다. 무엇보다 민주국가에서 책임이행은 다른 사람도 당신과 유사한 권리를 가지고 있다는 것을 인정하는 의지를 포함한다.
Free and fair elections are essential in assuring the consent of the governed, which is the bedrock of democratic politics. Elections serve as the principal mechanism for translating that consent into governmental authority.

Elements of Democratic Elections

The late Jeane Kirkpatrick, scholar and former U.S. representative to the United Nations, offered this definition: “Democratic elections are not merely symbolic. ...They are competitive, periodic, inclusive, definitive elections in which the chief decision-makers in a government are selected by citizens who enjoy broad freedom to criticize government, to publish their criticism, and to present alternatives.”

Democratic elections are competitive. Opposition parties and candidates must enjoy the freedom of speech, assembly, and movement necessary to voice their criticisms of the government openly and to bring alternative policies and candidates to the voters. Simply permitting the opposition access to the ballot is not enough. The party in power may enjoy the advantages of incumbency, but the rules and conduct of the election contest must be fair. On the other hand, freedom of assembly for opposition parties does not imply mob rule or violence. It means debate.

Democratic elections are periodic. Democracies do not elect dictators or presidents-for-life. Elected officials are accountable to the people, and they must return to the voters at prescribed intervals to seek their mandate to continue in office and face the risk of being voted out of office.

As democracy expands worldwide, so does the ballot box. Above: Yemeni voter.
Democratic elections are inclusive. The definition of citizen and voter must be large enough to include the adult population. A government chosen by a small, exclusive group is not a democracy - no matter how democratic its internal workings may appear. One of the great dramas of democracy throughout history has been the struggle of excluded groups - whether racial, ethnic, or religious minorities, or women - to win full citizenship, and with it the right to vote, hold office, and participate fully in the society.

Democratic elections are definitive. They determine the leadership of the government for a set period of time. Popularly elected representatives hold the reins of power; they are not simply figureheads or symbolic leaders.

Democracies thrive on openness and accountability, with one very important exception: the act of voting itself. To minimize the opportunity for intimidation, voters in a democracy must be permitted to cast their ballots in secret. At the same time, the protection of the ballot box and tallying of vote totals must be conducted as openly as possible, so that citizens are confident that the results are accurate and that the government does, indeed, rest upon their “consent.”

The more self-confident the democracy, the greater the variety of candidates. Michelle Bachelet's election as Chilean president expanded political horizons for women.

Democratic Elections
Loyal Opposition

One of the most difficult concepts for some to accept, especially in nations where the transition of power has historically taken place at the point of a gun, is that of the “loyal opposition.” This idea is a vital one, however. It means, in essence, that all sides in a democracy share a common commitment to its basic values. Political competitors don’t necessarily have to like each other, but they must tolerate one another and acknowledge that each has a legitimate and important role to play. Moreover, the ground rules of the society must encourage tolerance and civility in public debate.

When the election is over, the losers accept the judgment of the voters. If the incumbent party loses, it turns over power peacefully. No matter who wins, both sides agree to cooperate in solving the common problems of the society. The opposition continues to participate in public life with the knowledge that its role is essential in any democracy. It is loyal not to the specific policies of the government, but to the fundamental legitimacy of the state and to the democratic process itself.

Democratic elections, after all, are not a fight for survival but a competition to serve.

Democratic Elections

Citizens vote on laws and issues as well as candidates for office. This 2007 photo shows an Ecuadorian woman voting on constitutional reform.

In democracy, losers and winners wage political warfare via parliamentary procedure. Above: Japanese parliament, Tokyo.

民主主義에서 패자는 승자는 의회정사를 통해 정치적 전쟁을 수행한다. 노조의 일본의회 사진.

民主選挙においては、敗者は勝者も議会プロセスを通じて政治戦争を行う。右上：日本国会、東京。

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民主選挙においては、敗者...
Administering Elections

The way public officials in a democracy are elected can vary enormously. On the national level, for example, legislators can be chosen by districts that each elect a single representative, also known as the “winner-take-all” system. Alternatively, under a system of proportional representation, each political party is represented in the legislature according to its percentage of the total vote nationwide. Provincial and local elections can mirror these national models.

Whatever the exact system, election processes must be seen as fair and open so that the election results are recognized as legitimate. Public officials must ensure wide freedom to register as a voter or run for office; administer an impartial system for guaranteeing a secret ballot along with open, public vote counting; prevent voter fraud; and, if necessary, institute procedures for recounts and resolving election disputes.

Democratic Elections

Election workers count votes by candlelight in Dakar, Senegal.
Equal Adherence to Law

The rule of law protects fundamental political, social, and economic rights and defends citizens from the threats of both tyranny and lawlessness. Rule of law means that no individual, whether president or private citizen, stands above the law. Democratic governments exercise authority by way of the law and are themselves subject to the law’s constraints.

Citizens living in democracies are willing to obey the laws of their society because they are submitting to their own rules and regulations. Justice is best achieved when the laws are established by the very people who must obey them. Whether rich or poor, ethnic majority or religious minority, political ally of the state or peaceful opponent - all must obey the laws.

The citizens of a democracy submit to the law because they recognize that, however indirectly, they are submitting to themselves as makers of the law. When submitting to themselves as makers of the law. When

인류 역사상 법률은 통치자의 의지였다. 이와는 대조적으로 민주국가는 통치자와 시민을 위한 법의 지배원칙을 세웠다.

평등한 법 준수

법치주의는 근본적인 정치·사회·경제적 권리의 수호하고 전제정치나 무법상태의 위협으로부터 시민을 보호한다. 법치주의는 대통령이든 일반 시민이든 그 어떤 개인도 법 위에 군림할 수 없다는 것을 의미한다. 민주국가는 법을 통해 권력을 행사하고, 그 자체로 법의 구속을 받는다.

민주국가에 살고 있는 시민은 자신이 만든 규율과 규칙을 따르기 때문에 사회의 법률을 준수하려고 한다. 정의(公平)라는 것은 법률이 법을 준수할 사람들을 위해 제정되었을 때 가장 잘 확립된다. 부유하거나 가난한, 인종적 다수이나, 종교적 소수이나, 정치적 동지이나, 평화적 이든 모든 사람은 법률을 준수해야 한다.

민주시민은 비록 간접적 방법으로 입법 과정에 참여했다 하더라도 스스로 만든 법에 따라서 행동을 알기 때문에 법률 준수한다. 법률을 준수해야 할 사람들에 의해 법이 제정될 때 법과 민주주의는 그 기능을 다한다.

적법절차

역사상 모든 사회에서 잠재적으로 적법한 행위이나 학대를 행할 수 있는 사람이 형사범죄도를 관리해왔다. 국가라는 이름으로 개인을 구금하거나 재산을 몰수한다. 또한 개인을 고문하고, 국가에서 추방했으며, 법적 정당성 없이 또한 종종 공식적인 처벌도 없이 사형을 집행했다.

모든 국가는 사회적 유지 및 법범위처벌을 위해 권력을 유지해야 하지만 국가의 범죄 집행절차와 과정은 공개적이고 명백해야 한다. 법 집행 과정은 공공개적이거나 임의적이어서는 안 된다. 또는 정치적 조작에 영향을 받어서는 안 된다. 모든 사람들에게 동등하게 적용되어야 한다. 이것이 바로 적법절차이다.
laws are established by the people who then have to obey them, both law and democracy are served.

Due Process

In every society throughout history, those who have administered the criminal justice system have held power with the potential for abuse and tyranny. In the name of the state, individuals have been imprisoned, had their property seized, have been tortured, exiled, and executed without legal justification and often without formal charges ever being brought. No democratic society can tolerate such abuses.

Every state must have the power to maintain order and punish criminal acts, but the rules and procedures by which the state enforces its laws must be public and explicit - not secret, arbitrary, or subject to political manipulation - and they must be the same for all. This is what is meant by due process.

In order to implement due process, the following rules have evolved in constitutional democracies:

- No one’s home can be searched by the police without a court order showing that there is good cause for such a search. The midnight knock of the secret police has no place in a democracy.
- No person shall be held under arrest without explicit, written charges that specify the alleged violation. Moreover, under the doctrine known as habeas corpus, every person who is arrested has a right to be brought before a court and must be released if a court finds that the arrest is invalid.
- Persons charged with crimes should not be held in prison for protracted periods before being tried. They are entitled to have a speedy and public trial, and to confront and question their accusers.
- Authorities are required to grant bail, or conditional release, to the accused pending trial if there is little likelihood that the suspect will flee or commit other crimes.

Rule of Law

Rule of law can be complicated: above, a lawsuit alleging wrongful employment termination begins in court in the State of Washington, 2005.

적법절차 취수를 위해 입힌민주주의 국가는 다음과 같은 원칙을 발전시켜왔다.

- 경찰은 수색에 적법한 이유가 있다는 것을 증명하는 법원명령 없이 가택수색을 할 수 없다.
- 민주국가에서는 비밀경찰이 한발짝 누군가의 집 문을 두드리며 일이 일어날 수 없다.
- 누군도 추정되는 위반사항을 명시한 영장 없이 구속되어지는 안 된다. 더욱이 인신보호원칙(habeas corpus)에 의거 구속된 모든 사람은 재판을 받을 권리를 가지며 구속이 유효하지 않을 경우 즉시 석방되어야 한다.
- 범죄를 저지를 사람은 심리 검정기간 구속되어지는 안 된다. 그들은 신속한 공개재판을 받을 권리가 있으며, 원고에 맞서거나 이의를 제기할 수 있다.
- 관련 당국은 옥의자가 도주하거나 다른 범죄를 저지할 가능성이 희박하다면, 게정 중의 피의자에게 부석이나 가석방을 허가할 수 있다.
- 시민은 자신에게 불리한 진술을 하도록 강요 받어서는 안 된다. 비자발적 자기귀책(self-incrimination) 금지는 절대적이다. 부수적으로 경찰은 그 어떤 상황에서도 옥의자에게 고문이나 육체적·정신적 모욕을 주어서는 안 된다.
- 사람들은 이중 위협에 노출되어지는 안 된다. 즉 일반 법정에서 무죄를 선고 받은 후 같은 죄로 인해 두 번 고소당해서는 안 된다.
• Persons cannot be compelled to be witnesses against themselves. This prohibition against involuntary self-incrimination must be absolute. As a corollary, the police may not use torture or physical or psychological abuse against suspects under any circumstances.
• Persons shall not be subject to double jeopardy; that is, they cannot be charged with the same crime a second time if they have once been acquitted of it in a court of law.
• Because of their potential for abuse by the authorities, so-called ex post facto laws are also proscribed. These are laws made after the fact so that someone can be charged with a crime even though the act was not illegal at the time it occurred.
• Cruel or unusual punishments are prohibited.

None of these restrictions means that the state lacks the necessary power to enforce the law and punish offenders. On the contrary, the criminal justice system in a democratic society will be effective to the degree that its administration is judged by the population to be fair and protective of individual safety, as well as serving the public interest.

• 정부에 의한 권력남용의 가능성으로 인해 이른바 소급법(ex post facto)은 금지된다. 소급법은 당시에는 불법적이지 않았던 행위임에도 불구하고, 그 행위로 어떠한 사람을 구속하기 위해 어떠한 행위가 일어난 후 제정된 법률이다.
• 잔혹하거나 이해적 처벌은 금지된다.

이러한제한은 법 집행이나, 범법자 처벌에 필요한 국가 권력을 약화시키는 것은 아니다, 대조적으로 민주사회 형사범죄도는 행정부가 국민에 의해 공정하고 개인의 안전을 보호할 뿐 아니라 국민의 이익을 위해 평가를 받을 정도로 효율적일 것이다.
Constitutionalism

A constitution, which states government’s fundamental obligations and the limitations on state power, is a vital institution for any democracy.

Constitutions: Supreme Law

A constitution defines the basic purposes and aspirations of a society for the sake of the common welfare of the people. All citizens, including the nation’s leaders, are subject to the nation’s constitution, which stands as the supreme law of the land.

At a minimum, the constitution, which is usually codified in a single written document, establishes the authority of the national government, provides guarantees for fundamental human rights, and sets forth the government’s basic operating procedures. Constitutions are often based on previously uncodified, but widely accepted, practices and precedents. For instance, the U.S. Constitution is based on concepts derived from British common law as well as 18-century philosophers’ attempts to define the rights of man.

Constitutionalism recognizes that democratic and accountable government must be coupled with clearly defined limits on the power of government. All laws, therefore, must be written in accordance with the constitution. In a democracy, a politically independent judiciary allows citizens to challenge laws they believe to be unconstitutional, and to seek court-ordered remedies for illegal actions by the government or its officials.

Despite their enduring, monumental qualities, constitutions must be capable of change and adaptation if they are to be more than admirable fossils. The world’s oldest written constitution, that of the United States, consists of seven brief articles and 27 amendments - the first 10 of which are known as the Bill of Rights. This written document, however, is also the foundation for a vast “constitutional” structure of judicial decisions.

한법: 최상위 법

한법은 국민의 공공복지를 위한 사회의 기본적 목적과 목표를 명시하고 있다. 국가 지도자를 포함한 모든 시민은 국가의 최고 법인 한법의 규율을 받는다.

한법은 종종 이전의 성문화되지 않았으나 널리 인정된 관행이나 관례에 토대를 둔다. 가령, 미국 한법은 영국 관습법과 18세기 철학자들의 인권에 대한 논의에서 유래된 개념에 기반하고 있다.

한법의 주요한 특성은 민주적이고 책임감 있는 정부는 권력에 대한 명확한 제한이 수반되어야 한다는 것을 인정한다. 따라서 모든 법은 한법에 합치해야 한다. 민주정부에서 정치적으로 독립적인 사법부는 시민으로 하여금 의문이 있는 법률에 대해 이의를 제기하고 정부나 공무원의 불법행위에 대한 법정 구제를 신청할 수 있도록 한다.

한법이 전하고 의외의 또는 사문화된 한법으로 남지 않기 위해서는 개정과 수정이 가능해야 한다. 세계 최고(最古) 한법인 미국의 한법은 단순한 7개의 조항과 27개의 수정안으로 구성되어 있다. 수정안의 처음 10개

미합중국 한법 제정(1787년 필라델피아)
Signing of the U.S. Constitution, Philadelphia, 1787.
Federalism: Dispersal of Power

When free people choose to live under an agreed constitutional framework, it may be implemented in various ways. Some democracies have unitary administrations. Another solution is a federal system of government - power shared at the local, regional, and national levels.

The United States, for example, is a federal republic with states that have their own legal standing and authority independent of the federal government. Unlike the political subdivisions in nations such as Britain and France, which have a unitary political structure, American states cannot be abolished or changed by the federal government. Although power at the national level in the United States has grown significantly, states still possess significant responsibilities in fields such as education, health, transportation, and law enforcement. In turn, individual U.S. states have generally followed the federal model by delegating many functions, such as the operation of schools and police, to local communities.
The divisions of power and authority in a federal system are never neat and tidy - federal, state, and local agencies can all have overlapping and even conflicting agendas in areas such as education and criminal justice - but federalism can maximize opportunities for the citizen involvement so vital to the functioning of democratic society. Americans believe their federal structure protects their individual autonomy.

미국 내 연방정부의 권한이 더욱 강력해지고 있지만 각주는 여전히 교육 보건, 교통 및 법 집행과 같은 분야에서 중요한 역할을 담당하고 있다. 일반적으로 미국의 각주는 교육, 치안과 같은 기능을 지역사회에 위임함으로써 연방주의 모델을 따르고 있다. 연방제 내 권력 및 권한 배분은 명확하고 명확하게 이루어지지 않는다. 연방, 주 및 지방정부 기관이 교육 및 형사사법제도 등과 같은 분야의 의제에서 상충된 의견을 가질 수 있다.

그러나 연방주의 하에서는 민주사회 작동에 필수적인 시민의 참여기회를 극대화할 수 있다. 미국인은 연방정부 개인의 자율성을 보호할 것이라고 믿는다.
As has been noted, through free elections citizens of a democracy confer powers that are defined by law upon their leaders. In a constitutional democracy, the power of government is divided so that the legislature makes the laws, the executive authority carries them out, and the judiciary operates quasi-independently. These divisions are sometimes described as a “separation of powers.” In actual practice, however, such divisions are rarely neat, and in most modern democratic states these powers are overlapping and shared as much as they are separated. Legislatures may attempt to manage programs through detailed regulations; executive offices routinely engage in detailed rulemaking; and both legislators and executive officers conduct judicial-style hearings on a wide range of issues.

Executive Authority

In constitutional democracies, executive authority is generally limited in three ways: by separation of powers, just noted, among the national government’s executive, legislative, and judicial branches, with the legislature and judiciary able to check the power of the executive branch; by the constitutional guarantees of fundamental rights, and by periodic elections.

For authoritarians and other critics, a common misapprehension is that democracies, lacking the power to oppress, also lack the authority to govern. This view is fundamentally wrong: Democracies require that their governments be limited, not that they be weak.

Executive authority in modern democracies is generally organized in one of two ways: as a parliamentary or a presidential system.

In a parliamentary system, the majority party (or a coalition of parties willing to govern together) in the legislature forms the executive branch of the government, headed by a prime minister. The legislative and executive branches are not entirely distinct from one another, and governments be limited, not that they be weak. This view is fundamentally wrong: Democracies require that their governments be limited, not that they be weak.

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another in a parliamentary system, since the prime minister and members of the cabinet are drawn from the parliament; even so, the prime minister is the national leader.

In a presidential system, by contrast, the president usually is elected separately from the members of the legislature. Both the president and the legislature have their own power bases and political constituencies, which serve to check and balance each other.

Each system has its own institutional strengths and weaknesses.

A principal claim for parliamentary systems, which today make up the majority of democracies, is their responsiveness and flexibility. Parliamentary governments, especially if elected through proportional representation, tend toward multiparty systems where even relatively small political groupings are represented in the legislature. As a result, distinct minorities can still participate in the political process at the highest levels of government. Should the governing coalition collapse or the strongest party lose its mandate, the prime minister resigns and a new government forms or new elections take place - all usually within a relatively short time.

The major drawback to parliaments is the dark side of flexibility and power sharing: instability. Multiparty coalitions may be fragile and collapse at the first sign of political crisis, resulting in governments that are in office for relatively short periods of time and unable to address difficult political issues. On the other hand, other parliamentary systems are stabilized by strong majority parties.

For presidential systems, the principal claims are direct accountability, continuity, and strength. Presidents, elected for fixed periods by the people, can claim authority deriving from direct election, whatever the standing of their political party in the congress. By creating separate but theoretically equal branches of government, a presidential system seeks to establish strong executive and legislative institutions, each able to claim a mandate from the people and each capable of checking and balancing the other.

Three Pillars of Government

England's House of Commons, the lower chamber of the British Parliament, is one of the world's oldest and most successful democratic institutions.

현대 민주 국가에서 행정부는 일반적으로 의회내각제와 대통령제 두 가지 중 한 가지 방식으로 조직된다. 의회내각제에서 의회 내 다수당 혹은 연립정부를 구성할 의향이 있는 정당 연합은 총리를 수장으로 행정부를 구성한다. 의회내각제에서는 행정부 수장과 내각의 구성원이 의회 내에서 임명되기 때문에 입법부와 행정부가 완벽하게 분리되지 않는다. 그럼에도 총리는 국가의 수장이 된다.

이와는 대조적으로 대통령제에서 대통령은 입법부의 구성원과는 별개로 선출된다. 대통령과 입법부는 각각 고유한 권력 기반을 가지며 정치적으로 유권자도 다르다. 이를 통해 행정부와 입법부는 서로를 견제하고 균형을 맞출 수 있다.

두 제도는 각기 나름대로의 장·단점이 있다. 오늘날 다수의 민주 국가가 채택하고 있는 의회내각제의 주요 장점은 민감성과 유연성이 있다. 의회내각제는 상대적으로 소수 정치세력도 의회에 진출할 수 있는 다당제가 되는 경향이 있으며, 특히 비례대표제로 의원을 선출하는 경우 더욱 그렇다. 결과적으로 각 군소정당은 국정 최상위 정책과정에 참여할 수 있다. 정권연립이 붕괴하거나 제1당이 선거에서 패배할 경우, 총리는 사임하여 새로운 내각이 구성되거나 선거가 치러진다. 로봇 이 모든 일을 비교적 단기간에 이루어진다.

의회내각제의 주요 장점은 유연성과 권력 공유의 폐해다. 여러 정당의 연합은 개인이 되며, 정치적 위기가 도래하면 굳이로 붕괴하기 힘들다. 이로 인해 내각은 단명하고, 정치적 난제 해결이 불가능해진다. 한편 의회내각제는 강력한 다수당이 존재할 경우 정국이 안정된다.
The weakness of separately elected presidents and legislatures is a potential stalemate. Presidents may not possess enough political allies in the legislature to cast the votes to enact the policies they want, but by employing their veto power (the right of the executive under certain circumstances to annul laws passed by the legislature), they can prevent the legislature from enacting its own legislative programs. The late political scientist Richard Neustadt described presidential power in the United States as “not the power to command, but the power to persuade.” What Neustadt meant is that a U.S. president who wants Congress to enact a legislative program to his liking - or at least to avoid laws he disagrees with being passed by political opponents - must command political popularity with the public, and be able to forge effective alliances in the Congress.

The Legislative Realm

Elected legislatures - whether under a parliamentary or presidential system - are the principal forum for deliberating, debating, and passing laws in a representative democracy. They are not so-called rubber-stamp parliaments merely approving the decisions of an authoritarian leader.

Legislators may question government officials about their actions and decisions, approve national budgets, and confirm executive appointees to courts and ministries. In some democracies, legislative committees provide lawmakers a forum for these public examinations of national issues. Legislators may support the government in power or they may serve as a loyal political opposition that offers alternative policies and programs.

Legislators have a responsibility to articulate their views as effectively as possible. But they must work within the democratic ethic of tolerance, respect, and compromise to reach agreements that will benefit the general welfare of all the people - not just their political supporters. Each legislator must alone decide on how to balance the general welfare with the needs of a local constituency.
Lacking the separation of powers characteristic of a presidential system, parliamentary systems must rely much more heavily on the internal political dynamics of the parliament itself to provide checks and balances on the power of the government. These usually take the form of a single organized opposition party that “shadows” the government, or of competition among multiple opposition parties.

An Independent Judiciary

Independent and professional judges are the foundation of a fair, impartial, and constitutionally guaranteed system of courts of law. This independence does not imply judges can make decisions based on personal preferences, but rather that they are free to make lawful decisions - even if those decisions contradict the government or powerful parties involved in a case.

In democracies, the protective constitutional structure and prestige of the judicial branch of government guarantees independence from political pressure. Thus, judicial rulings can be impartial, based on the facts of a case, legal arguments, and relevant laws - without restrictions or improper influence by the executive or legislative branches. These principles ensure equal legal protection for all.

The power of judges to review public laws and declare them in violation of the nation’s constitution serves as a fundamental check on potential government abuse of power - even if the government is elected by a popular majority. This power, however, requires that the courts be seen as fundamentally independent and non-partisan and able to rest their decisions upon the law, not political considerations.

Whether elected or appointed, judges must have job security or tenure, guaranteed by law, in order that they can make decisions without concern for pressure or attack by those in positions of authority. To ensure their impartiality, judicial ethics require judges to step aside (or “recuse” themselves) from deciding cases in which they have a personal conflict of interest. Trust in the

입법영역

의원내각제나 대통령제와 관계없이 선출된 입법부는 대의민주 국가의 법률을 삼의.토론.승인하는 주요 기관이다. 이들은 전위주의 지도자의 결정을 단순히 승인하는 거수기다 아니다.

입법부는 행정부 관리의 행위 및 결정을 검증하고 국가의 예산을 승인하며, 사법기관 및 행정부 관료 지명사를 임명할 수 있다. 일부 민주국가에서 입법위원회는 국회의원에게 이러한 국가적문제에 대한 공공 조사의 장을 제공한다. 국회의원은 이당을 지지하거나 정책대안을 제시하는 충실한 야당의 역할을 담당할 수 있다.

국회의원은 자신의 시각을 기반한 한 효과적으로 명백히 밝혀야 할 의무가 있다. 그러나 그들은 관용. 존중. 타협이라는 민주적 윤리 내에서 일해야 하며 자신의 지지자뿐 아니라 모든 국민의 복지 향상을 위해 힘써야 한다. 각 국회의원은 일반적 사회복지와 지역구의 복지간 균형을 어떻게 맞출지를 스스로 결정해야 한다.

대통령제의 특성인 원리적이고 잘 이루어지지 않는 의원내각제는 정부 권한을 제재하고 균형을 유지하기 위해 의회 내내 정책의 저속성에 과도하게 의존해야 한다. 이는 정부를 감시하는 단일 야당의 형태나 여러 야당의 경쟁 구도로 나타난다.

독립적인 사법부

독립적이고 전문적인 판사는 공정성, 공명성,에 대한 현명한 정부를 보장하는 법체의 기초이다. 독립성은 판사가 개인적 선호에 기초해 사법결정을 내린다는 것이 아니다. 자유롭게 범죄적 결정을 내린다는 의미로서 판사의 결정이 정부나 강력한 정당 의전에 반한다는가 할지라도 판사는 자유롭게 범죄적 결정을 내릴수 있어야 한다.

The professionalism of judges is one of their best defenses against social and political pressure.
court system’s impartiality - in its being seen as the “non-political” branch of government - is a principal source of its strength and legitimacy.

Judges in a democracy cannot be removed for minor complaints, or in response to political criticism. Instead, they can be removed only for serious crimes or infractions through the lengthy and difficult procedure of impeachment (bringing charges) and trial - either in the legislature or before a separate court panel.

A judge leaves his bench during a criminal trial in Rome, 2005. The judge's costume reflects centuries of legal tradition.

2005년 로마에서의 판사가 형사 재판 중 자신의 자리를 떠나는 순간. 판사의 복장은 수세기의 법적인 전통을 반영한다.

민주국가에서 헌법수호적 구조와 시법부의 명성은 정치적 압력으로부터 독립성을 보장한다. 따라서 법원은 행정부와 입법부의 제한이나 부담한 개입으로부터 자유로우며, 이를 통해 당 사건의 사실관계, 법률 논쟁 및 관련 법규에 근거해 공정한 판결을 내릴 수 있다. 이러한 원칙은 모든 사람에게 동등한 법의 보호를 보장한다.

공법을 검토하고 헌법 위반을 선언하는 판사는 전한은 정부의 헌법적 문제에 대한 수단이다. 이는 국민 대수의 지지를 얻어 선출된 정부의 경우에도 예외일 수 없다. 그러나 이런 전한은 법정에 근본적으로 독립적이고, 객관적이며 정치적 고려가 아닌 법에 의해 판결을 내려야 할 것을 전제로 한다.

선거직 또는 임명직 판사에게 편의자의 압력이나 공격에 대한 걱정 없이 법적 결정을 내릴 수 있도록 법에 따라 고용, 안정이나 중신직을 보장해야 한다. 공명정당한 사법 권리를 보장하기 위해 판사는 자신의 이해가 달린 재판을 담당해서는 안 된다. 사법제도의 공정성 - 즉 비정치적인 정부기관으로 인식되는 것 -에 대한 신뢰는 사법부의 전한 및 정당성이 근원이다.

민주국가의 판사는 소수의 불평이나 정치적 비평에 의해 해임되어서는 안 된다. 대신 그들은 중립을 지키기로 나 심각한 법률위반을 했을 때에만 입법부나 법원의 길고 까다로운 단말 또는 재판 절차를 통해 해임된다.
As modern societies grow in size and complexity, the arena for communication and public debate has become dominated by the media: radio and television, newspapers, magazines, books - and increasingly by newer media such as the Internet and satellite television.

Whether Web logs (known as blogs) or printed books, the media in a democracy have a number of overlapping but distinctive functions that remain fundamentally unchanged. One is to inform and educate. To make intelligent decisions about public policy, people need accurate, timely, unbiased information. However, another media function may be to advocate, even without pretense of objectivity. Media audiences may benefit from various, conflicting opinions, in order to obtain a wide range of viewpoints. This role is especially important during election campaigns, when few voters will have the opportunity to see, much less talk with, candidates in person.

A second function of the media is to serve as a watchdog over government and other powerful institutions in the society. By holding to a standard of independence and objectivity, however imperfectly, the news media can expose the truth behind the claims of governments and hold public officials accountable for their actions.

The media can also take a more active role in public debate through editorials or investigative reporting, and serve as a forum for groups and individuals to express their opinions through letters and articles, and postings on the Web, with divergent points of view.

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Freedom of expression relies on vibrant, multi-faceted press and information services.
Commentators point to another increasingly important role for the media: “setting the agenda.” Since they can’t report everything, the news media must choose which issues to highlight and which to ignore. In short, they tend to decide what is news and what isn’t. These decisions, in turn, influence the public’s perception of what issues are most important. Unlike countries where the news is controlled by the government, however, the media in a democracy cannot simply manipulate or disregard issues at will. Their competitors, after all, are free to call attention to their own lists of important issues.

Citizens of a democracy live with the conviction that through the open exchange of ideas and opinions, truth will eventually win out over falsehood, the values of others will be better understood, areas of compromise more clearly defined, and the path of progress opened. The greater the volume of such exchanges, the better. Writer E.B. White once put it this way: “The press in our free country is reliable and useful not because of its good character but because of its great diversity. As long as there are many owners, each pursuing his own brand of truth, we the people have the opportunity to arrive at the truth and dwell in the light. ...There is safety in numbers.”

Freedom of expression also takes the form of peaceful assemblies and demonstrations. Above: political rally, Zanzibar, 2005.
Citizens cannot be required to take part in the political process, but without citizen action, democracy will weaken. The right of individuals to associate freely and to organize themselves as they see fit is fundamental to democracy.

Political Parties

Political parties recruit, nominate, and campaign to elect public officials; draw up policy programs for the government if they are in the majority; offer criticisms and alternative policies if they are in opposition; mobilize support for common policies among different interest groups; educate the public about public issues; and provide structure and rules for the society’s political debate. In some political systems, ideology may be an important factor in recruiting and motivating party members. In others, economic interests or social outlook may be more important than ideological commitment.

시민들에게 정치과정 참여를 강요할수는 없지만 시민들의 행동이 없다면 민주주의는 약화된다. 각 개인들이 서로 자유롭게 어울리며 필요에 따라 조직을 결성할 수 있는 권리는 민주주의의 핵심 요소이다.

정당

정당은 정부 각료 선출을 위한 후보자를 모집, 지명하고 선거운동을 벌인다. 다수당인 경우 정부의 정책 프로그램을 설계하고 야당인 경우 정부 정책에 대한 비판을 수행하고 대안정책을 제시하며, 서로 다른 이익 집단 간 공통된 정책에 대한 합의를 구현하고, 공정 사안에 대해 대중을 교육하며, 사회의 정치 토론을 위한 케이블 세우고 운영을 수립한다. 일부 정치체계에서는 비례대표가 당원을 모집하고 이들에게 활동의 동기를 부여하는 데 중요한 요소가 될 수 있다. 다른 체계에서는 경제적 이득이나 사회적 시각이 이대표기기에 대한 충성보다 더 중요한 요소가 될 수 있다.

당의 조직과 정치에는 큰 차이가 있다. 가장 극단적인 예로서, 다수당으로 구성된 의회 체제는 거의 대부분 전문가들로만 구성된 매우 철저하게 구성된 조직일 수도 있다. 그 반대의 예로서 미국을 들 수 있는데, 서로 대립하는 공화당과 민주당이 주로 의회와 주정부 차원에서

Open access to judicial proceedings is part of the free flow of information. Here, a man in China watches a televised trial.
Party organizations and procedures vary enormously. On one end of the spectrum, multiparty parliamentary systems can be tightly disciplined organizations run almost exclusively by full-time professionals. At the other extreme is the United States, where rival Republican and Democratic parties are decentralized organizations functioning largely in Congress and at the state level - which then coalesce into active national organizations every four years to mount presidential election campaigns. Election campaigns in a democracy are often elaborate, time-consuming, and sometimes silly. But their function is serious: to provide a peaceful and fair method by which the people can select their leaders and determine public policy.

Interest Groups and NGOs

A citizen of a democracy may be a member of a number of private or volunteer organizations - including interest groups that try, in some fashion, to influence public policy and persuade public officials of their views. Critics may decry the influence of “special interests,” but all citizens recognize that every democracy protects the right of such interest groups to organize and

![Image](https://via.placeholder.com/150)

John Sweeney, head of the U.S. Federation in labor organizations, AFL-CIO, addresses a meeting. Trade unions are still important interest groups.

党的组织和程序各不相同。在民主制度中，一端是多党制的议会制国家，党派组织是高度纪律化的，几乎完全由全职专业人士来运作。另一端则是美国，那里两个政党在国会和州一级是分散的，这些政党每四年联合起来组织总统选举的活动。选举活动在民主制度中往往是复杂、冗长和有时又愚蠢的。但它们的功能是严肃的：提供一个和平和公平的方式，让人民能够选出自己的领导人并决定公共政策。

**利益集团和NGOs**

民主社会的公民可以是各种私人或志愿组织的成员，包括试图影响公共政策和说服公共官员采纳其观点的特殊利益集团。批评人士可能会批评“特殊利益”的影响，但所有的公民都认识到，每一个民主制度都保护了这些特殊利益集团组织和活动的权利。

![Image](https://via.placeholder.com/150)

John Sweeney是美国劳联联合体联合会主席。工会仍然是重要的利益集团。

在各种类型的政党组织和程序中，它们的规模和影响力可以相差悬殊。在一端，像多党制议会制国家那样，党派组织可以是非常有纪律的，通常由全职专业人士运作。另一端则是像美国那样的国家，那里两个政党在国会和州一级是分散的，这些政党每四年联合起来组织总统选举的活动。选举活动在民主制度中往往是复杂、冗长和有时又愚蠢的。但它们的功能是严肃的：提供一个和平和公平的方式，让人民能够选出自己的领导人并决定公共政策。

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advocate for their causes.

Many traditional interest groups have been organized around economic issues; business and farm groups, and labor unions still wield powerful influences in most democratic systems. In recent decades, however, the nature and number of interest groups has grown and proliferated enormously to encompass almost every area of social, cultural, and political, even religious, activity. Professional organizations have risen to prominence, along with public interest groups that support causes from improved health care for the poor to protection of the environment - that may not directly benefit their members. Governments themselves may function as interest groups: in the United States, associations of state governors, big-city mayors, and state legislatures regularly lobby the U.S. Congress on issues of concern to them.

The dynamics of interest group politics can be complex. Numbers matter - groups with large national followings will draw automatic attention and hearings from public officials. But in many cases, small, tightly organized groups that are strongly committed to their issues can exercise influence out of proportion to their numbers.

One of the most striking developments in recent decades has been the emergence of internationally based nongovernmental organizations (NGOs). In attempting to serve the needs of a community, nation, or cause, which may be defined globally, these NGOs try to supplement or even challenge the work of the government by advocating, educating, and mobilizing attention around major public issues and monitoring the conduct of government and private enterprise.

Governments and NGOs frequently work as partners. NGOs may provide expertise and personnel on the ground for implementation of government-funded projects. NGOs may be politically unaffiliated, or they may be based on partisan ideals and seek to advance a particular cause or set of causes in the public interest. In either model the key point is that NGOs operate under minimal political control of states.
Issues of war and peace are the most momentous any nation can face, and at times of crisis, many nations turn to their military for leadership.

Not in democracies.

In democracies, defense issues and threats to national security must be decided by the people, acting through their elected representatives. A democracy’s military serves its nation rather than leads it: Military leaders advise elected leaders and carry out their decisions. Only those who are elected by the people have the ultimate authority and the responsibility to decide the fate of a nation. This principle of civilian control and authority over the military is fundamental to democracy.

Civilians need to direct their nation’s military and decide issues of national defense, not because they are necessarily wiser than military professionals, but precisely because they are the people’s representatives and, as such, are charged with the responsibility for making these decisions and remaining accountable for them.

Ukranian soldiers examine ballots in Kiev in 2002.

John Sweeney, head of the U.S. Federation in labor organizations, AFL-CIO, addresses a meeting. Trade unions are still important interest groups.
The military in a democracy exists to protect the nation and the freedoms of its people. It must not represent or support any particular political viewpoint or ethnic or social group. Its loyalty is to the larger ideals of the nation, to the rule of law, and to the principle of democracy itself. The purpose of a military is to defend society, not define it.

Any democratic government values the expertise and advice of military professionals in reaching policy decisions about defense and national security. But only the elected civilian leadership should make ultimate policy decisions regarding the nation’s defense - which the military then implements.

Military figures may, of course, participate as individuals in the political life of their country, just like any other citizens. Military personnel may vote in elections. All military personnel, however, must first withdraw or retire from military service before becoming involved in politics; armed services must remain separate from politics. The military are the neutral servants of the state and the guardians of society.
Human beings possess a variety of sometimes contradictory desires. People want safety, yet relish adventure; they aspire to individual freedom, yet demand social equality. Democracy is no different, and it is important to recognize that many of these tensions, even paradoxes, are present in every democratic society.

**Conflict and Consensus**

According to scholar and writer Larry Diamond, a central paradox exists between conflict and consensus. Democracy is in many ways nothing more than a set of rules for managing conflict. At the same time, this conflict must be managed within certain limits and result in compromises, consensus, or other agreements that all sides accept as legitimate. An overemphasis on one side of the equation can threaten the entire undertaking. If groups perceive democracy as nothing more than a forum in which they can press their demands, the society can shatter from within. If the government exerts excessive pressure to achieve consensus, stifling the voices of the people, the society can be crushed from above.

There is no easy solution to the conflict-consensus equation. Democracy is not a machine that runs by itself once the proper principles are inserted. A democratic society needs the commitment of citizens who accept the inevitability of intellectual and political conflict as well as the necessity for tolerance. From this perspective, it is important to recognize that many conflicts in a
democratic society are not between clear-cut “right” and “wrong” but between differing interpretations of democratic rights and social priorities.

Education and Democracy

Education is a vital component of any society, but especially of a democracy. As Thomas Jefferson wrote: If a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never shall be.

There is a direct connection between education and democratic values: in democratic societies, educational content and practice support habits of democratic governance. This educational transmission process is vital in a democracy because effective democracies are dynamic, evolving forms of government that demand independent thinking by the citizenry. The opportunity for positive social and political change rests in citizens’ hands. Governments should not view the education system as a means to indoctrinate students, but devote resources to education just as they strive to defend other basic needs of citizens.

In contrast to authoritarian societies that seek to inculcate an attitude of passive acceptance, the object of democratic education is to produce citizens who are independent, questioning, yet deeply familiar with the precepts and practices of democracy. Chester E. Finn Jr.,

"어느 사회이든지 교육은 매우 중요한 요소이지만, 민주사회에서는 특히 더더욱 그렇다. 토마스 제퍼슨은 "한 국가가 무지와 자유를 동시에 누리기를 기대한다면, 적어도 문명 상태에서는 존재한 적이 없었고 존재해서도 안 될 국가를 기대하는 것이다"라고 말한 바 있다.

교육과 민주주의

어느 사회이든지 교육은 매우 중요한 요소이지만, 민주사회에서는 특히 더더욱 그렇다. 토마스 제퍼슨은 "한 국가가 무지와 자유를 동시에 누리기를 기대한다면, 적어도 문명 상태에서는 존재한 적이 없었고 존재해서도 안 될 국가를 기대하는 것이다"라고 말한 바 있다.

교육과 민주적 가치 사이에는 직접적인 연관성이 있다. 민주사회에서는 교육 내용과 그 실천 자체가 민주적 통치를 지지하는 역할을 한다. 이러한 교육적 전달 과정은 민주사회의 핵심 요소인데, 효과적인 민주사회를 위한 독립적 사고를 요구하는 역동적이며 진화하는 통치 형태를 필요로 하기 때문이다. 긍정적인 사회적-정치적 변화의 기반이며 사회적-정치적 변화의 기반이며 사회적-정치적 변화의 기반이며 사회적-정치적 변화의 기반이며 사회적-정치적 변화의 기반이며 사회적-정치적 변화의 기반이며 사회적-정치적 변화의 기반이며 사회적-정치적 변화의 기반이며 사회적-정치적 변화의 기반이며 사회적-정치적 변화의 기반이며 사회적-정치적 변화의 기반이며 사회적-정치적 변화의 기반이다.

수동적으로 받아들이는 자세를 주입시키고자 하는 독재사회와 달리 민주교육의 목적은 독립적이고 의문을 품을 줄 알면서 민주주의의 규범과 관행을 잘 숙지하고 있는 시민을 양성하는 것이다. 교육 정책을 연구하는 헤스터 E. 린 주니어(Chester E. Finn Jr.)
a senior fellow at the Hoover Institution on education policy, has said: “People may be born with an appetite for personal freedom, but they are not born with knowledge about the social and political arrangements that make freedom possible over time for themselves and their children. ...Such things must be acquired. They must be learned.” Learning about democracy begins in school; it continues throughout a life of civic involvement, and curiosity about the many kinds of information accessible in a free society.

Society and Democracy

Democratic constitutionalism is ultimately the foundation by which a society, through the clash and compromise of ideas, institutions, and individuals, reaches, however imperfectly, for truth. Democracy is pragmatic. Ideas and solutions to problems are not tested against a rigid ideology but tried in the real world where they can be argued over and changed, accepted, or discarded.

Scholar Diane Ravitch observes: “Coalition-building is the essence of democratic action. It teaches interest groups to negotiate with others, to compromise, and to work within the constitutional system. By working to establish coalition, groups with differences learn how to argue peaceably, how to pursue their goals in a democratic manner, and ultimately how to live in a world of diversity.”

Self-government cannot always protect against mistakes, end ethnic strife, guarantee economic prosperity, or ensure happiness. It does, however, allow for public debate to identify and fix mistakes, permit groups to meet and resolve differences, offer opportunities for economic growth, and provide for social advancement and individual expression.

The late Josef Brodsky, Russian-born poet and Nobel Prize winner, wrote, “A free man, when he fails, blames nobody.” It is true as well for the citizens of democracy who, finally, must take responsibility for the fate of the society in which they themselves have chosen to live.

후비연구소(Hoover Institution) 선임연구원은 ‘개인적 자유를 누리는 폭구는 선천적일 수 있지만, 자기 자신과 후손들까지 오랜 기간 동안 자유를 누릴 수 있게 해주는 사회 정치 체제에 대한 지식은 선천적으로 가지고 태어나는 것이 아니다. 이러한 지식은 자라면서 습득하고 배워야만 하는 것이다.’라고 말한 바 있다. 민주주의에 대한 학습은 학교에서 시작되며, 자유 국가에서 얻을 수 있는 많은 종류의 정보에 대한 호기심을 간직하는 한 시민사회에의 참여를 통해 일생 동안 계속된다.

사회와 민주주의

궁극적으로, 민주적 입헌주의란 생각의 충돌과 타협을 통해 사회, 기관, 개인 등이 비록 불완전하게나마 진실에 도달할 수 있는 기초이다. 민주주의는 실용적이며 자유에 대한 생각과 해결책은 고집스러운 이데올로기를 통해 평가되는 것이 아니라 현실 세계에서의 토론을 통해 수정되기도 하고 받아들여지거나 버리지기도 하는 것이다.

학자 다이애 데비치는 ‘민주적 행동의 핵심은 연합 구축이다. 이를 통해 이익집단들은 타인과 협상하고 타협하며 헌법 체제 내에서 합법적인 방법을 배운다. 연합 구축을 위한 노력을 통해 서로 다른 집단들이 평화적으로 논쟁하고 민주적 방식으로 자신들의 목표를 추구하는 방법을 배우며, 궁극적으로는 다양화된 세계 속에서 살아갈 수 있는 방법까지 터득한다’라고 말했다.

민주 정체가 항상 실수를 예방하고 민족간 갈등을 종식시키며, 정치 대립을 보장하고 행복을 억압하지 않는다는. 그러나 국민적 토론을 통해 실수를 확인하여 바로잡고 서로 다른 집단간 의견을 존중하며 경제장의 기회를 갖고 사회적 진보와 개인적 표현의 자유를 보장해줄 수는 있다.

지금은 고인이 된 러시아 태생의 시인이자 노벨상 수상자 조제프 브로드스키(Josef Brodsky)는 ‘자유로운 인간은 실패하더라도 그 누구를 맘도 하지 않는다.’라는 말을 남겼다. 이 말은 스스로 선택한 사회의 운명에 대한 책임을 지어야 하는 민주사회의 시민에게도 해당된다.
Democracy itself guarantees nothing. It offers instead the opportunity to succeed as well as the risk of failure. In Thomas Jefferson’s ringing but shrewd phrase, the promise of democracy is “life, liberty, and the pursuit of happiness.”

Democracy is then both a promise and a challenge. It is a promise that free human beings, working together, can govern themselves in a manner that will serve their aspirations for personal freedom, economic opportunity, and social justice. It is a challenge because the success of the democratic enterprise rests upon the shoulders of its citizens and no one else.
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