
enables both political winners and losers to pursue their political objectives and resolve disputes within rather than outside the democratic system. In short, democracy provides an open and routinized system for solving disputes.

This definition allows that in cases of new democracies, "democratic leaders" may not be necessary for the establishment of democracy. Instead, it underscores the importance of a structural and functional context of democracy where leaders operate within a set of institutions which are accountable and transparent in order to promote broad social participation and to prevent the imposition of individual preferences on society as a whole.

2.1 Examining the Elements of the Definition:

Transparency with Accountability

Transparency is crucial to the functioning of any legitimate democracy. Transparency is also a function of accountability, as it opens the substance of politics to other elites and the population at large. It reduces the temptation for corruption as politicians find it difficult to insulate themselves behind a veil of secrecy. Most importantly, it increases opportunities for participation, as the public intervenes in the policy-making process.

Democratic governments and institutions must be accountable to their populations. Accountability, in the form of legal remedies (ie. judicial review and appeals of all kinds), institutional oversight (ie. ombudsman, auditor general, human rights commission) and elections prevent systematic corruption. Furthermore, accountability must be public (transparent) and subject to scrutiny.

Rule of Law

Rule of Law is applied equally in a democracy. This means that citizens must perceive the law to be legitimate and reflective of what society deems to be just and equitable. In order for the law to be applied fairly, a well-trained, independent and credible judiciary is fundamental. The judiciary must use transparent instruments to apply the law. Rule of law ensures a non-arbitrary application of law and the eventual routinization of the democratic system.

If the legal legitimacy has been discredited by an undemocratic system, then a reform of the legal code might be in order. Legal reform must be accompanied by a campaign of massive public consultation, so that citizens recognize that the democratic system signifies change-- and they have a stake in that change.
