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The Quality of Democracy Democracy Barometer for Established Democracies

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Abstract

The ultimate goal of project 14 is the development of an analytical instrument able to assess the subtle differences in the quality of established democracies, more precisely OECD countries, which are neglected by existing measures of democracy due to conceptual shortcomings. By addressing these, our democracy barometer tries to fill a gap in the measurement of democracy.

The present paper outlines the theoretical basis of the democracy barometer. It consists of a stepwise theoretical deduction of fundamental elements of democracy. The starting point is the premise that a democratic system tries to establish a good balance between the normative, interdependent values of freedom and equality and that this requires control. Second, these three principles are represented institutionally by five so-called partial regimes, making up the root concept of the democracy barometer. A democracy can only be considered healthy if all of these partial regimes as well as their interplay function properly. Third, in order to guarantee the core principles the five partial regimes have to fulfil nine democratic functions. Fourth, to assess the degree of accomplishment of the democratic functions, for each of the partial regimes several components are defined from which specific variables and indicators can be derived. We expect that different combinations of the components are possible. The highest degree of quality of democracy will be attained by a regime that combines the functions in a manner that allows the highest effectiveness in all of them.

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Introduction¹

Project 14 aims at developing an analytical concept of democracy in order to determine the quality of established democracies. The number of indices measuring democracies – already high – is ever growing: Freedom House, Polity, BTI, and the index of Vanhanen (Coppedge and Reinicke 1991; Gastil 1991; Vanhanen 1997, 2000, 2003) are only the most prominent. However, we argue that these instruments are too unsubtle to measure the fine but obviously existing differences in the *quality* of democracy between countries.²

We would, for example, intuitively distinguish the quality of Italian democracy under Silvio Berlusconi, or US democracy under George W. Bush, from Swedish democracy under Goran Persson.³ Nonetheless, we lack an instrument that allows us to measure and to analyse these variances in the quality of democracies. Going beyond the hitherto wide-spread minimalist concepts of democracy,⁴ and considering the impact of institutional designs, our democracy barometer attempts to create an instrument that will not only fill in a gap in empirical democracy measurement but should also help to:

- Analyse the quality of democracy of established democracies, and to develop a scheme of rating and ranking;
- Explain the interdependence between institutional designs and the quality of democracy;
- Describe and compare different developments of institutional design and the quality of democracy;
- Discuss best practices aiming at improving the quality of established democracies.

Since there is perhaps no other notion in political science that is so widely and differently defined, redefined, and disputed as “democracy,” we need to clarify our root concept of democracy beforehand.

1 We would like to thank Sascha Kneip and Hanspeter Kriesi for their very helpful comments.

2 Additionally, these established indices are criticised because of different methodological (Bollen/Paxton 2000), cultural relativist (Sowell 1994; Berg-Schlosser 2000), or measurement (Munck/Verkuilen 2002) shortcomings. Our democracy barometer shall help to overcome these problems.

3 However, all three countries rank highest and with the same values in the most widely used measures of democracy.

4 Most of the existing indices are explicitly or implicitly based on Dahl's concept of polyarchy (1971), which, in turn, refers to Schumpeter's (1962 [1944]) understanding of democratic competition.

1 Minimalist and Maximalist Concepts of Democracy

There is an abundant literature relating to democratic theory, with countless definitions of what democracy should be and what democracy is. All of them are contested and differ according to the preferences of their authors (Schumpeter 1962 [1944]; Dahl 1956, 1971; Sartori 1962; Bobbio 1987). However, drawing on recent overviews of democratic theory (Held 2006; Schmidt 2000),⁵ we can observe a divide between three different basic concepts of democracy. They can be placed on a continuum ranging from minimalist to maximalist variants of democracy and can be described by the three parts of Lincoln’s Gettysburg definition of democracy: the elitist type based on a minimalist conception of democracy can be seen as *government of the people*; the participatory type relies on a mid-range concept of democracy and aims at *government of and by the people*; and the social type of democracy stands on a maximalist understanding and could be best described as *government of, by, and for the people* (see Table 1).

Table 1: Three types of democracy

Type	Elitist	Participatory	Social
Concept of democracy	Minimalist	Medium	Maximalist
Lincoln	Government of the people	Government of and by the people	Government of, by, and for the people
Main aim	Effective governance	Intense and qualitative participation and representation	Best representation/ high participation Social justice

From the minimalist perspective, democracy is a means of protecting citizens against arbitrary rule. The main aim of the elitist type is to elect skilled representative elites capable of making public decisions and protecting individual liberty. The people are seen as the final instance that decides which representatives will govern for a predefined span of time. Elections serve to express and aggregate people’s interests. Beside electoral participation, the demos is perceived as passive and governed by representatives. Although the kind of democracy that aims at effective governance embraces (in chronological order) ideas of classical republicanism in its protective version (Held 2006: 32-55)⁶, the classical liberal model of democracy (Fenske et al. 1994 ff.),⁷ and its more modern developments in the form of the elitist (Held 2006: 125-157)⁸ or the pluralist models of democracy (Schmidt 2000: 226-239)⁹; the most

5 In fact, we do not aim at enlarging the theoretical debate, but at measuring democracies on a theoretically sound conceptual base.

6 Classic representatives of these ideas were e.g., Machiavelli (2001 [1513]), Hobbes (1998 [1651]), Locke (1974 [1689]), and Montesquieu (1965 [1748]).

7 The most important representatives were Sieyès (1788), Malthus (1820), Tocqueville (1997 [1835, 1840]), Mill (1958 [1861]) as well as the authors of the Federalist Papers.

8 We have to think of Michels (1987 [1908]), Weber (1988 [1921]), and Schumpeter (1962 [1944]).

pronounced version is Schumpeter's elitist one. In terms of Lincoln, this type is best described by "government of the people".

For the concept of democracy, the representative-plus-participatory type of democracy holds a medium-ranking position. Political participation is valued for its own sake and is considered as the core of each democracy. Involvement in politics fosters political efficacy and democratic skills (Tocqueville 1997 [1835]) and generates concern with collective problems. Citizens need opportunities to deal more profoundly with political issues in deliberative ways. In the purest form of the participatory type, the people are seen as the final instance for all or, at least, the most important political decisions. The demos governs directly and actively. According to Lincoln, we would speak of "government by the people." The participatory type is rooted in the classical Athenian democracy (Held 2006: 11-28; Fenske et al. 1994: 37 ff.), the developmental form of classical republicanism (Held 2006: 43-55),¹⁰ ideas of direct (Held 2006: 96-122; Schmidt 2000: 165-174)¹¹ as well as participatory democracy (Schmidt 2000: 251-267),¹² and the recent discussions on deliberative democracy.¹³

The third type is based on a maximalist understanding of democracy. It entails the characteristics of the representative and participatory types of democracy, but considers the social prerequisites of citizens also essential for fair and meaningful democratic participation. Social Democracy can be best described as a maximalist type of democracy since it comprises all three prepositions of Abraham Lincoln's "Gettysburg Formula": of, by, and for.¹⁴ Here, the particular focus is the reduction of socio-economic inequalities. According to the "social democracy" type, the legal guarantee of civil and political rights does not suffice to make democracy work. A government has the duty to guarantee the resources that are necessary for the use of these rights. These resources have to be allocated equally. Equality in this sense implies the complementing of civil and political rights with social rights. Social democracy is therefore best described as "government for the people". The roots of the social type of democracy can be found in liberalist,¹⁵ as well as in socialist and social democratic, thinking.¹⁶ Important contributions to the development of the social type stem

9 The important representatives are Bentley (1908), Truman (1951), Dahl (1956, 1971), and Fraenkel (1963).

10 Classic representatives of a developmental republicanism are Marsilius of Padua (Fenske et al. 1994: 222 ff.) and – most important – Rousseau (1977 [1762]).

11 Both Held (2006) and Schmidt (2006) highlight Marx as an important proponent of models of direct democracy.

12 Barber (1984) and Pateman (1970) – to cite just the two most important names.

13 E.g., Fishkin (1991), Offe/Preuss (1991), Habermas (1992, 1994), Warren (1996)(Warren 1996; Cohen 2004), Offe (2003a), Cohen (2004).

14 Though "benevolent dictators" may sometimes govern "for" the people, "benevolent autocracies" are neither government *of* nor *by*.

15 The most prominent liberalist who sought to clarify the relation between "sovereign state" and "sovereign people" was Mill (1958 [1861]).

16 For a neo-Marxist position, see e.g. Callinicos (1991).

from Heller (1934, 1971), Miller et al. (1967), MacPherson and Brough (1973), Meyer (2005), and Held (2006). The discussion on “equality of what” must be considered an important part of the debate on the social type of democracy (Miller et al. 1967; Rawls 1971; Sen 1979, 1996, 1997; Daniels 1990; Ringen 2007). Democracy is linked to social justice and vice versa.

Even if this third type of democracy is to some extent important for the following discussion of the development of our root concept, we do not rely on it. There are at least two arguments for the conceptual neglect of the third type: First, the social type of democracy, aiming at establishing social equality, concentrates on political outcomes. Our measure of the quality of democracy explicitly does not include the outcome dimension,¹⁷ since we regard democracy as the means by which outputs are decided. Whereas, for example, in the political realm there is no dissent about equality, it is very much disputed within society. Democratic procedures may be based on equality, but what kind of equality and for who is contested, and needs to be decided by democratic means. Whereas there is no conflict about the distribution of political rights, this is not so with regard to social rights and benefits. Democracy is the instrument for delivering approved decisions on such matters. Second, socioeconomic outcomes are by no means simply the result of democratic political decisions. Economic factors and individual decisions also play a major role in determining outcomes within the labour market or concerning the distribution of income and wealth. To judge democracy means to judge the democratic character of institutions and processes, not the contingent results of decisions. Thus, focusing on the outcome dimension neglects our matter of interest: the democratic regime.

However, the assertion that we rely on a concept that focuses on the input side and the procedures of democracy does not itself reveal the substantial characteristics of our root concept of democracy. It does not describe the basic norms, procedures and institutions of the democracies we intend to measure. We believe each measurement of democracy has to find its selection of indicators beyond contingent plausibility. In order to specify the adequate and relevant indicators for the measurement of democracy, we have developed a chain of five interconnected foundations, which range from the most abstract democratic principles to the most concrete indicators. The five steps are: the fundamental principles of democracy; the root concept of democracy; the democratic core functions of the root concept; the structural components of the functions; and, finally, the indicators of the components.

17 It is not clear which form of outcome should be considered. The discussion of “equality of what” shows that it is neither theoretically nor empirically well-defined which political output helps to establish more social equality (also see Plattner 2004 on this discussion).

2 Three Fundamental Principles and the Basic Determinants of Democracy

The measurement of democracy is dependent on the definition of democracy, which itself relies on the fundamental principles and basic ideas of democracy.¹⁸ We argue that democracy relies on three fundamental principles: equality, freedom and control. The basic importance of these three democratic principles can be proven historically and theoretically: the development of modern nation-states is accompanied by the struggle for freedom, equality, and the control of those who govern.

2.1 Equality

Equality - particularly understood as political equality - is one of the most important themes in the development of democratic government (Dahl 1975). Historically, the meaning of equality can be shown by two important struggles.

On the one hand, the emergence of modern democracies goes hand in hand with the growing demand for equal treatment of all citizens by the government. The constitutional guarantee of equality before the law and of the protection of individual rights is the outcome of this development. On the other hand, the importance of political equality is illustrated by the development of universal suffrage: the struggle for equal rights to participate for all (wo-)men went along with the development of democratic states in the last century.

Political equality means that all citizens are treated as equals before the law and in the political process. This implies that all citizens have the same rights and equal legal chances to influence political decisions - i.e. citizens' preferences have the same weight in political decisions (Dahl 1976). All citizens must have equal access to political power (Böckenförde 1991; Vossenkühl 1997; Saward 1998).¹⁹

The concept of political equality is far from being self-evident. It is not so clear from the outset why political rights should be distributed equally among citizens. Historically, the idea of the equal intrinsic value of all citizens was widely contested and even the relationship between equality and democracy is not as well-defined in political theory as one might think. Nevertheless, there are at least two reasons why equality is to be considered as a fundamental democratic principle (Dahl 2000; 2006):

First, equality as a core principle of democracy meets the requirements of morality, prudence, and acceptability. As a moral judgement, modern societies insist on the

18 A frequent criticism of contemporary empirical research on democracy is the lack of a theoretically founded definition of democracy (Berg-Schlosser 2000; Collier/Levitsky 1997; Munck/Verkuilen 2002).

19 We focus on political equality; therefore we explicitly abstain from more maximalist perspectives that emphasise substantial equality, i.e. an equal distribution of resources (Callinicos 1993; Pateman 1970; MacPherson 1973; Meyer 2005).

idea that one citizen's life, liberty and scheme of life is neither superior nor inferior to that of other citizens. The idea of equality expresses nothing else but the fundamental moral values of modern societies. Equality is anchored in the moral quality of an individual and in the moral confirmation that all human beings are of equal value. No individual human being is superior to the other. The weal and interests of each person must be regarded and pursued equally (Dahl 2006).

Furthermore, because the democratic process can be seen as a process of "organized uncertainty" (Przeworski 1986), sheer prudence suggests that equal concern for each and every citizen should be one core principle of democracy. Otherwise the outcome of the democratic process could damage permanently the interests and rights of a minority. Such a process, based on equal concern for every citizen, seems to be acceptable on reasonable grounds, too.

Second, political equality expresses the civic competence to govern ourselves. As long as there is no reason to believe that other persons are better qualified to govern, "complete and final authority over the government of the state" (Dahl 2000: 75) has to rest upon each and every citizen. Here the rather abstract principle of equality leads to a more concrete feature of democratic governance: full inclusion of all persons subject to the legislation of a democratic state. Therefore, equality means formally equal treatment of all citizens by the state (legal egalitarianism), equal rights to participate in politics and having all preferences equally weighted.

2.2 Freedom

Freedom is the second morally and ethically important principle of the modern age. Freedom first refers to the absence of heteronomy, also discussed as negative freedom (Berlin 2006). Freedom rights above all are rights that protect an individual against infringements by the state. Historically, the most important aspects are the right to own property and the protection of the property against state power. Over time, the list of negative freedom rights has grown and the protection and guarantee of these rights have become one of the minimal conditions for democratic regimes (e.g. freedom of opinion, freedom of association, freedom of information; see Merkel et al. 2003). Democracy without freedom must be seen as a "contradiction in terms" (Beetham 2004: 62).

Second, individual freedom can also be defined in a positive sense: individuals have the right to self-determination (Beetham 2004; Böckenförde 1991; Dworkin 1998; Offe 2003b). From this point of view, political liberties are seen as preconditions for citizens to actively influence political decisions. This implies that the state must pro-

protect freedom rights (Beetham 2004; Lauth 2004).²⁰ Over time, the protection and the guarantee of negative freedom rights has become one of the minimal conditions for democracy.

We therefore distinguish with Berlin (2006) “positive” from “negative” freedom. While positive freedom refers to the right of self-determination or the right of a people to govern itself, negative freedom means being free from (legal) constraints and includes classical liberal rights like “free speech” or the “right to privacy.” Positive rights establish those participation rights necessary for democratic governance, negative rights provide the foundations on which participation can be exercised in a meaningful way.

One key feature of democratic governance is the interaction of positive and negative freedoms. If each and every person in a democracy must get the opportunity to influence collective decisions, then universal suffrage and effective elections (positive freedom) are as important for democratic processes as free speech or freedom of information (negative freedom) (Dworkin 1996). Democratic decision-making becomes meaningful only through the interplay of these two aspects of liberty.

Contrary to a widespread belief, there are no major trade-offs between positive and negative freedoms. The modern constitutional state protects negative as well as positive freedom in order to make democracy work. The fact that in a “liberal democracy” some negative freedoms cannot be compromised by exercising positive freedom protects in the end the political process itself. Without negative freedom the political process would become meaningless, and without positive freedom we would not be able to speak of democracy at all.

2.3 Control

Freedom and equality can be seen as the most fundamental and driving principles in the development of modern representative territorial states. However, the two principles interact and can constrain each other – as Tocqueville (1997 [1835]) has already reminded us. According to Tocqueville, individual liberty is only possible with individual equality, but equality can also harm liberty (also see Talmon 1960). However, while there are tensions between equality and liberty, the two are not generally irreconcilable (Dahl 1985; Yturbe 1997). Both equality and freedom can constitute an unstable and dynamic equilibrium.

The political philosophy of the Modern Age proposes different combinations of the two principles. Looking in more detail at the propositions of the contractualists (e.g.,

20 Again, we do not stretch our concept to the maximalist perspective that freedom implies the right to public services (e.g., the right to good education, the right to well-being, etc.) (Meyer 2005; Ringen 2007).

Hobbes, Rousseau, Locke) we can exemplarily show how freedom and equality interact.

According to Hobbes (1998 [1651]),²¹ the state of nature is a constant war because men are free but unequal. Only a powerful state can force its citizens to abstain from the violent use of unequal force. Hobbes clearly places much more weight on equality than on freedom. Equality hampers the degree of freedom, because it is no longer allowed to benefit from unequal forces. For Hobbes, however, less freedom is the price to pay for peace.

According to Rousseau (1977 [1762]), men in the state of nature are completely free and equal. However, in contemporary civil society, men are neither free nor equal. With his idea of radically direct democratic states, he aims at re-installing the high degree of freedom and equality as it were in the state of nature. The simultaneous maximalisation of both freedom and equality is possible because men are willing to pursue the welfare of all rather than their individual utility. By maximising equality, Rousseau expects that freedom will be the automatic consequence.

Locke (1974 [1689]) is more realistic than Rousseau. Unlike Rousseau, Locke accepts that the maximisation of both freedom and equality is not feasible. However, unlike Hobbes, Locke is against the idea of maximising one of the two principles at the cost of the other, looking for a balance between both principles. This aim, guaranteeing as well as optimising and balancing freedom and equality, lets a further fundamental principle of democratic rule emerge: control.

Control is essential for democracy and its institutional core. The people ought to control their representatives in the government in order to secure freedom and equality, which basically means the absence of tyranny and despotism, and their action on behalf of the citizens. This also implies that political institutions, first and foremost participants and governments, have such control over policies as is enabled by the people's will and jurisdiction. The limits of the executive must be no more than this public will and jurisdiction. Extra-democratic forces must not curb governmental control over policies. The control of the executive over policies, however, must be subject to democratic control and institutional checks and balances.

Giving different weights to freedom and equality, the three contractualists cited above also attach different importance to the two meanings of control. Hobbes designs a strong state: the Leviathan cannot be controlled anymore by those who are governed. Equality, in this sense, means that all citizens are powerless and dependent since the executive power is neither dispersed nor checked. In Rousseau's direct

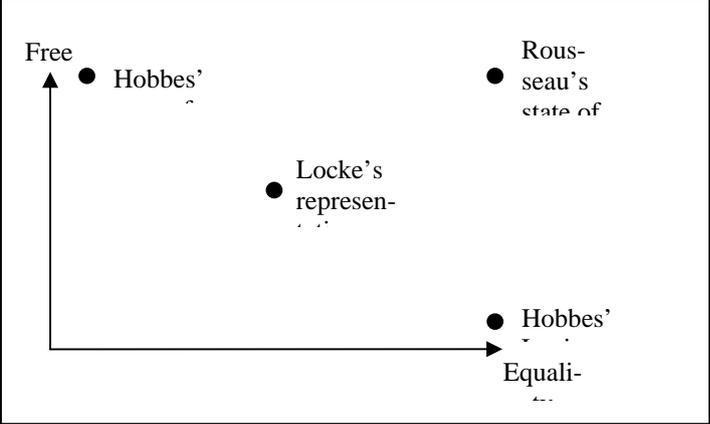
21 Of course, we do not mention Hobbes here as a theoretical source of democracy. However, for the discussion of the interdependence of freedom and equality, Hobbes serves as an extreme point of reference.

democracies, there is virtually no control by a government. In Rousseau’s romantic fiction, the *volonté de tous* will be magically transformed into the *volonté generale*, which does not need and cannot tolerate any control by a government.²² To control power, the direct participation of all citizens seemed sufficient in Rousseau’s concept of (direct) democracy. Relying on the “romantic concept” of the direct expression of the will of the people and disregarding institutional control of political power, Rousseau remains a pre-modern thinker of democracy (Schmidt 2006).

Locke takes an intermediary position again. While it is important that the government has enough power to control the balance between equality and freedom, the preservation of both principles is only possible with control of the governmental power by the people (Locke speaks of necessary mistrust). To avoid the predominance of equality over freedom (or vice versa), control of those who govern by checks and balances and the dispersion of political power is imperative. This idea is further developed by Montesquieu (1965 [1748]) and Tocqueville (1997 [1835]): power has to be dispersed, contested and controlled. Montesquieu in particular shows the necessity of institutionalised checks and balances. The core principle of democracy – the sovereignty of the people (Böckenförde 1991; Sartori 1987) – comprehends the control of political power *by the people*.

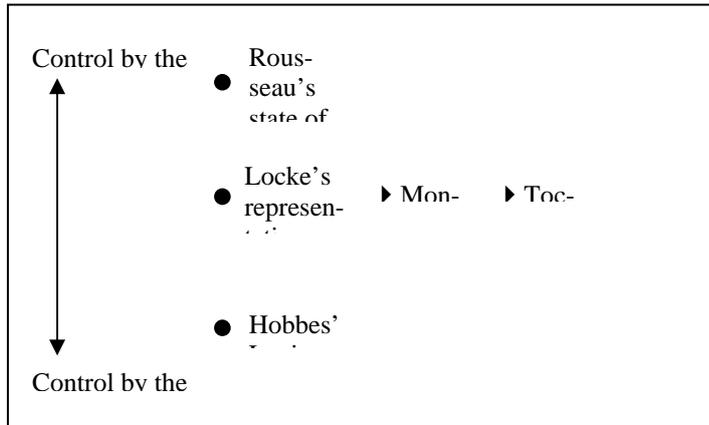
We can summarise the discussion on the three principles in Figures 1 and 2.

Figure 1: The schematic interplay of freedom and equality



22 As a result, Rousseau (as Hobbes) cannot contribute substantially to modern concepts of democracy. Of course, elements of direct democracy are important complements of modern democratic representative regimes. But the idea of direct democracy is much older than Rousseau’s philosophy. It can be traced back to Pericles and the ancient direct democracies of the Attic city-states.

Figure 2: Two meanings of control



Based on the thoughts of five important representatives of the political philosophy of the Modern Age, we assume that every political system in general consists of three distinctive elements: freedom and equality as normative principles, and control as the instrument to influence the balance of equality and freedom and to guarantee them (Lauth 2004; Merkel et al. 2003). A democratic system in particular aims at combining equality and freedom in an optimal way. This aim implies at the same time control by the state (in the sense of surveillance) and control of the state (in the sense of vertical checks by the people as well as horizontal balance by the constitutional power and its institutions).

Of course, one could question the derivation of these three principles from Modern-Age contractualists. It is questionable if freedom and equality exist in a determinate form in a prior state of nature. As Habermas (1992) reminds us, basic rights are something individuals mutually confer on one another when they want to regulate their common life via positive law, regarding one another as free and equal consociates under law. Beetham (2004: 63) even regards the idea of rule of law “as the foundation of any civilized existence”.

According to Habermas (1992, 1998), the concepts of equality and freedom are inter-related systematically. Habermas recognises an equiprimordiality (*Gleichursprünglichkeit*) between what he calls public or civic autonomy (which follows from the principle

of equality as it is used here) and private autonomy (which substantiates the principle of (negative) freedom).

Since modern societies have to be ruled by law, law itself has to safeguard both civic and private autonomy. To gain legitimacy, law has to be created in a political process that fits both the requirements of civic and private autonomy. In an ideal sense, the citizens of a democratic society distribute political and civil rights to each other in democratic procedures. In this rather proceduralist and deliberative model of democracy, control has to be exercised in the first place by the political process itself. In the second place, if public and private autonomy cannot be guaranteed by relying on democratic procedures, a constitutional court has to take care of the functioning of the democratic procedures: "If one understands the constitution as an interpretation and elaboration of a system of rights in which private and public autonomy are internally related (and must be simultaneously enhanced), then a rather bold constitutional adjudication is even required in cases that concern the implementation of democratic procedure and the deliberative form of political opinion- and will-formation" (Habermas 1998: 280).

However, law only becomes socially effective when there is a political power with the capacity to enforce collectively binding decisions. Laws are legitimate (a) if they are valid for every individual; (b) if they constitute individual autonomy; and (c) if they are amendable (Habermas 1996: 294). To completely fulfil these three conditions, legitimate law must originate from a legally binding democratic process. It is this concomitance of rule of law and democracy that shows how the rule of law (*Rechtsstaat*) and democracy are normatively and functionally interdependent. Democracy as we conceptualise it with reference to Habermas, cannot exist without rule of law; and only democracy provides the genesis of the norms of the *Rechtsstaat* with the necessary legitimacy (Habermas 1996: 294).

2.4 Freedom, Equality, and Control

We define control, equality, and freedom as the three fundamental and necessary conditions of democracy. These three principles are mutually necessary and, at the same time, there are tensions and interdependencies among them (Lauth 2004: 96ff.). Neither freedom without equality nor equality without freedom is possible. Control can guarantee these two principles, but has to be shaped by the norms of freedom and equality. In other words: the three principles are complementary.

However, the relationship between the three principles can also be described by interdependent tensions. The tensions between freedom and equality are subject of long philosophical debates (e.g. Dworkin 1996; Habermas 1996; Luhmann 1974; Wiesendahl 1981). The demand for substantial equality (e.g., Callinicos 1993; MacPherson 1973; Meyer 2005; Pateman 1970) challenges freedom, because sub-

stantial equality depends on material transfers or the introduction of quotas, both of which hamper individual freedom rights. However, the maximisation of freedom at the expense of equality is not possible either: a certain degree of (even substantial) equality is necessary to enable real individual freedom (Zippelius 1991). Finally, the maximisation of equality in terms of equal participation in the decision-making process (e.g. the direct democracy of Rousseau) precludes efficient control and can lead to the tyranny of the majority.

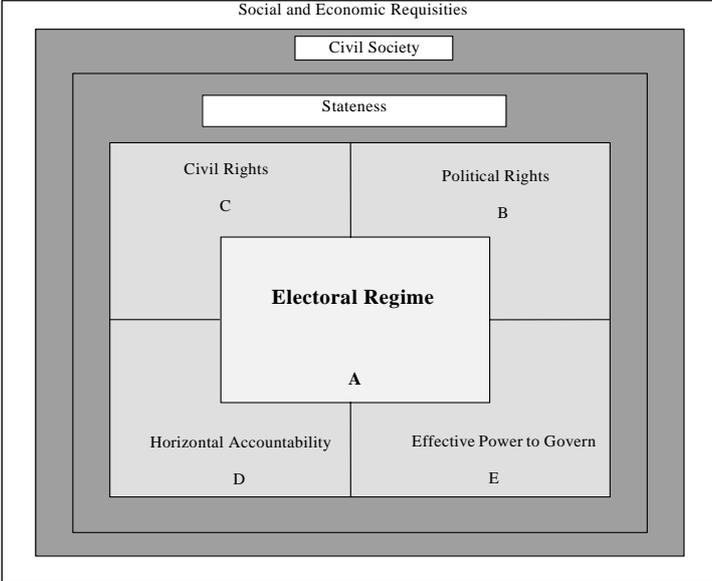
A simultaneous maximisation of all three principles is neither possible nor desirable. A high quality of democracy does not stem from increasing equality and increasing freedom and increasing control but from an optimal balance between the three principles. Finding this balance, however, is an ongoing political and civil process, or as Lauth (2004: 99) puts it: "The citizens – as players in a game – are in the paradoxical situation that they always have to deliberate on the rules without abandoning the game".

To sum up: we define freedom, equality and control as the three core principles of democracy. To qualify as a democracy, a given political system has to guarantee freedom and equality. Moreover, it has to optimise the interdependence between these two principles by means of control. Control is understood as control *by* the government as well as control *of* the government. The relative weight of the two principles freedom and equality, their proper balance, as well as the manner of control and the equation between control *by* and control *of* government is still contested and contributes to the variance in the quality of democracy.

3 The Root Concept: Embedded Democracy²³

Modern democracies are complex structures of institutions. They have to cope with the structural conditions of modern rule, internally with complex societies and externally with a challenging and constantly changing environment. Democracies have to develop adequate structures to fulfil the core functions of democratic rule. Our root concept of democracy must embody the three fundamental democratic principles of equality, freedom, and control, and must be able to show how they are not only normatively but also functionally and structurally linked to each other within a political system. We believe that the concept of *embedded democracy* complies best with these three imperatives.

Figure3: The concept of *embedded democracy*



From this follows the idea that stable constitutional democracies are embedded in two ways. Internally, the specific interdependence and independence of the different partial regimes of a democracy secure its normative core and functional working. Externally, these partial regimes are embedded in spheres of enabling conditions of democracy that protect it from outer as well as inner shocks and destabilising tendencies.

23 This section relies very much on Merkel (2004).

3.1 Partial Regimes

An embedded constitutional democracy consists of five partial regimes: a democratic electoral regime (A), political rights of participation (B), civil rights (C), horizontal accountability (D), and the guarantee that the effective power to govern lies in the hands of the democratically elected representatives (E). These five partial regimes show that our concept of democracy goes beyond the definitions put forth by Downs (1968), Huntington (1991), Przeworski (1991, 1999), and even Robert Dahl's concept of polyarchy (1971). Still, the concept is "realistic" in that it is based exclusively on the institutional architecture of a democracy and does not use *outputs* or *outcomes* as defining characteristics of a constitutional democracy. Our understanding of democracy therefore lies between the ones put forth by Schumpeter and Heller, defined above as minimalist and maximalist respectively. As already mentioned, we neglect the maximalist perspective because a welfare state, fair distribution of economic goods or even "social justice"²⁴ may be desired policy results of democratic processes of decision-making, but they are not its defining elements. However, we also disregard a minimalist Schumpeterian concept of democracy. A meaningful definition of democracy for the 21st century has to go beyond simple democratic electoralism. Only the other four partial regimes guarantee that not only the procedural aspects (electoral regime (A)) but also the goals of democratic elections are fulfilled. For democratic elections to be "meaningful," not only does the selection process of the governing elite have to be democratically fair, but there also has to be an institutional guarantee that the democratically elected representatives rule by democratic and constitutional principles between elections. At this point, the simple term *electoral democracy* turns out to be too narrow from a normative and logical perspective. It reduces democracy to the correct procedure of democratic elections, but it does not include sufficient institutional guarantees ensuring that those elections are "meaningful" - i.e. that the democratically elected elites will rule according to the constitutional principles of democracy.

A. Electoral Regime

In a democracy, the *electoral regime* has the function of making the access to public power positions in the state dependent on the results of open, competitive elections. The electoral regime has the central position among the five partial regimes of *embedded democracy* as it is the most obvious expression of the sovereignty of the people, participation of citizens and equal weight of their individual preferences. Moreover, open pluralistic competition over central power positions is the distinguishing difference between a democracy and an autocracy. Equal political rights (partial

24 For a discussion of the problematic and construction of a modern understanding of justice, see Rawls (1971, 1991); Walzer (1998); Kersting (2000); Sen (2000); Merkel (2002).

regime B) are the minimal requirements for a democratic electoral regime (regular, free, general, equal and fair elections) (Hadenius 1992). The two closely interconnected partial regimes mentioned, therefore, embody the essence of vertical accountability in a democracy.

Borrowing from Robert Dahl (1989: 221), a democratic electoral regime has four supporting elements: universal active suffrage; universal passive right to vote, and free and fair elections. Elections are a sanctioning mechanism that can be – periodically – used as processes of vertical accountability. They are fraught with consequences, since access to, and preservation of, power positions in the state are directly dependent on the preferences of the voter. The voters can therefore sanction elected representatives. However, this control is limited to the election of the governing elite and does not have any influence on how power is exercised between elections. At most, voters have continuing control in so far as a rational politician who wants to be re-elected will conform his governing to the wishes of the voters. However, this does not guarantee democratic or constitutional governing, as many examples of young democracies of the third wave show (see Merkel et al. 2003; Merkel et al. 2006). A minimalist electoral democracy complies partially with the core principles of equality (equal vote), partially with control (horizontal accountability), but scarcely with freedom. A democratic electoral regime is therefore a necessary but not sufficient condition for democratic governing.

B. Political Rights

Political rights of participation are preconditions for elections. They go beyond the right to vote. They complete the vertical dimension of democracy and make the public arena an independent political sphere of action where organisational and communicative power is developed. Here collective formulation of opinions and demands determines and supports competition over positions of power. Political rights have the function of enabling democratic elections that are bound to the organised and unorganised pluralistic interests of complex societies. The institutional core of political rights is the right to political communication and organisation, which are vital parts of a complete democratic regime (Dahl 1971, 1989). They are embodied in the unlimited validity of the right to freedom of speech and opinion and the right to association, demonstration, and petition. In the mass media, no monopoly of publicity must exist. Neither a monopoly of the state nor monopolist structures within the press or private broadcast systems is compatible with free information and free expression of opinion. The distribution as well as reception of information and news cannot be regulated by politically motivated restrictions. No political party following the procedures of a democratic constitution can be denied the right to political organisation and free speech.

Citizens must have the opportunity to form interest groups freely and independently from the state and be able to act within those groups (Hadenius 1992: 51ff.).

These rights constitute a crucial sphere of democracy and can therefore be regarded as the “backbone” of the partial regime (Beetham 1994; Bollen 1993: 6 ff.). It is of central importance that the institutionalised rights of freedom aim at the possibility of formulation, presentation and equal consideration of citizens’ preferences (Dahl 1971: 2). The internal logic of political rights of communication and organisation goes beyond a focus on political power in the stricter sense. In the public arena, social and communicative power must have the ability to organise in advance and without the formalised processes of the development of political opinion and demand (Habermas 1961; 1992). This kind of public arena allows the complete development of political and civil society, which again promotes the sensitivity of state institutions to the interests and preferences of society. From this point of view, the two partial regimes A and B can only secure the functional logic of democratic elections when they are mutually connected (see also section 4). Together they promote responsive governing by supplementing the periodical control of elections with soft but steady public control between elections. In this way the partial regime of political rights contributes to securing political equality and control. However, even both partial regimes together still cannot secure alone the constitutional democratic standards of responsive and responsible governing.

C. Civil Rights

Partial regimes A and B have to be supplemented by civil rights. Even more than the institutionalisation of mutual checks and balances, civil rights are central to the rule of law in an *embedded democracy*. In research on democracy, the term “rule of law” is often used in a non-uniform manner and without theoretical substantiation (Nino 1996: 2; Reitz 1997). To put it simply, the rule of law is the principle that the state is bound to the effective law and acts according to clearly defined prerogatives. The rule of law, therefore, is understood as containment and limitation of the exercise of state power (Elster 1988: 2 f.). Basic civil rights are not provided by the state but have to be guaranteed by the “*Rechtsstaat*”. The intrinsic core of the liberal rule of law lies in basic constitutional individual rights. These rights protect the individual against the state executive and against acts of the elected legislator that infringe an individual’s freedom. For this to be guaranteed, there need to be further aspects of the rule of law, such as independent courts.

As “negative” rights of freedom against the state, civil rights touch on questions about the reach of, and claim to, power. In a constitutional democracy, these rights have to be put out of reach of majority decisions. Otherwise, majoritarian democracies could turn into tyrannies of the majority (Tocqueville 1997 [1835]). The executive and legis-

lative branches need barriers that prevent individuals, groups or political opposition from being oppressed by a democratic (majority) decision. Civil rights, therefore, are a basic condition of the existence of the concept of citizenship (Linz and Stepan 1996: 10). Individual rights to protection grant legal protection of life, freedom and property – the threefold meaning of Locke’s term *property* – and protection against illegitimate arrest, exile, terror, torture, or forbidden intervention into personal life, on the part of the state and of private or anti-state forces and actors. Equal access to the law and equal treatment by the law are basic civil rights.²⁵ Only the guarantee of full civil rights allows the free and equal use of political rights, and vice versa. These civil rights tame majoritarian democratic cycles of power and thereby support – seemingly paradoxically – the democratisation of democracy. Civil rights are essential for individual freedom and contribute to political equality. But even the interdependent and mutually supporting partial regimes of democratic elections (A), pluralistic free participation (B) and the guarantee of civil rights (C) cannot alone sufficiently constitute or support a constitutional democracy.

D. Horizontal Accountability

The fourth partial regime of a constitutional democracy is division of powers and the resulting “horizontal accountability”. By horizontal accountability we understand in accordance with O’Donnell (1994: 61) that elected authorities are surveyed by a network of relatively autonomous institutions and can be pinned down to constitutionally defined, lawful action. The institutionalisation of horizontal accountability between state powers closes a central gap of control in the basic democratic structure, which is not covered by the first three partial regimes.²⁶ Institutions of vertical accountability control the government only periodically through elections and referenda or “softly” through the public arena. Securing civil rights guarantees barriers against the state infringing on individual liberties. However, civil rights do not offer further safety measures preventing self-perpetuation or abuse of power generated by polyarchy. Horizontal accountability of power concerns the structure of power. The term includes lawful government action that is checked by division of power between mutually interdependent and autonomous legislative, executive, and judiciary bodies. Courts have to serve as an independent authority authorised to execute judicial review of legislative (surveillance of norms) and executive (surveillance of bureaucracy) acts. They function as constitutional custodians of the legislature and supervisors of executive conformity to law (Maus 1994: 298). The guarantee of institutional horizontal autonomy in a constitutional state thereby does not imply that the three powers are

25 This also means that cultural, ethnic, linguistic, or religious minorities are not prevented from practicing their culture, language or religion and are not legally discriminated against.

26 This dimension is absent in the more recent research of Robert Dahl (1989). While, in 1971, Dahl thought such control to be a necessary point among his eight institutional minima for the polyarchy concept, he drops it in 1989.

strictly separated from each other. Horizontal autonomy rather means that the three bodies check each other reciprocally, without dominating or interfering with the functional sphere of another power.

Through horizontal accountability, control on how the government governs is not restricted to periodical elections but complemented by a mutual check and balance of constitutional powers. The exercise of executive power is especially limited (Beetham/Boyle 1995: 66ff.). The question of whether or how far the division of power between the executive and the legislative is part of the rule of law and democracy is controversial. This is most obvious in parliamentary systems, where the division of executive and legislative is to a large extent replaced by the dualism of government and opposition (Beyme 1999). In presidential systems, where the executive and the legislative are each independently legitimised through elections, this separation is more obvious. Horizontal accountability is the essential partial regime to secure the control of the executive and the legislative power between elections.

E. Effective Power to Govern

The fifth and last partial regime emphasises the necessity that the elected representatives are the ones actually governing. The criterion of effective power to govern refers to extra-constitutional actors that are not subject to democratic accountability, but hold considerable decision-making power in certain policy fields. Specifically, this refers to so-called reserved policy domains, areas over which the government and parliament do not possess sufficient decision-making authority (Morlino 1998: 71 ff.). This does not only concern the military, militias or drug cartels - the classical veto powers in unconsolidated democracies limiting the effective power of elected governments. In well-established consolidated democracies the veto powers are different, the interference of non-legitimised actors is more subtle and not easy to determine. It comes mostly from powerful economic players, non-transparent, scarcely controlled executive-driven supranational regimes, and lobbies with economic blackmail potential. Even largely independent but only weakly democratically legitimated central banks can limit the effective power of democratically elected governments. The fact that the autonomy of a central bank depends on the will of governments and parliaments makes their independence less problematic. However, some democratic unease remains when the most powerful economic means lie in the hands of only weakly democratically legitimised experts. The increasing impact of global economic players decreases actual political equality, and the emergence of supranational policy regimes leads to a growing incongruence of the “actors” and “addressees” (Kelsen 1925) as well as to the deparlamentarisation of policy-making. Without a doubt globalisation constrains the effective power of democratic national governments to

govern. It challenges the democratic core principles of political equality and (parliamentary) control.

3.2 Internal Embeddedness

The partial regimes described can only function effectively in a democracy if they are mutually embedded. Mutual embeddedness means that some partial regimes support the functioning of another partial regime. For example, the partial regimes B (political rights) and C (civil rights) support partial regime A (democratic election) in guaranteeing free political participation and communication before and after elections. They contribute to making elections democratically meaningful beyond Election Day. At the same time, some partial regimes make sure that a certain partial regime does not infringe on the functional spheres of another regime. For example, the partial regime D prevents that regime A from undermining the individual civil rights (regime C) of the citizens. Functional and normative interdependence and independence characterise the “code of communication” (Luhmann 1984) between the five partial regimes. The balance between them is fragile and varies from democracy to democracy. It also impacts on the quality of democracy.

We therefore see democracy as a complex of partial regimes.²⁷ The different partial regimes are arranged in such a way that they provide the potentially conflicting sources of power in a democratic system with consistent rules. This consistency has to guarantee the functional interdependence as well as the independence of the partial regimes, such that legitimate as well as effective governing is subject to both vertical and horizontal accountability. The functional logic of each partial regime is preserved by this embeddedness, but at the same time a partial regime is hindered from infringing on other partial regimes. The dominant position of one of the regimes is made more difficult, thereby easing the tension between the principles of political equality, freedom and control. It is the mutual embeddedness of the different institutions of democracy in a network of institutional partial regimes that guarantees their functioning and influences the quality of democracy.

3.3 External Embeddedness

Every democracy as a whole is embedded in an environment that surrounds, enables and stabilises the democratic regime. Damage to this environment often results in defects and destabilisation of the democracy itself. The concentric circles in which a democracy is externally embedded are conditions of possibility and impossibility that

27 We owe this term to Philippe Schmitter (1997: 243) who introduced the concept of partial regimes for the differentiation of various types of democracies. In our understanding, however, these partial regimes refer to the basic parameters of power, which have to be regulated in any democracy. Functionally, this concept rather follows the system-theoretical ideas of Luhmann (1984) who describes the ecological communication of partial regimes with interdependence and independence strictly or loosely coupled.

may have an enormous positive or negative impact on the working of democracy, but are not defining components of the democratic regime itself. The most important of these externally embedding rings are socioeconomic context, civil society, and regional and international integration.

The external embeddedness of a democracy matters for its quality. International integration (i.e. globalisation) and the transformation of civil society (i.e. the public sphere) through the growing commercialisation of the media and the mediatisation of politics changed the external embeddedness of democracy and its internal functioning. Both are major challenges being faced by contemporary democracies. They influence the quality of democracy by affecting the partial regimes of embedded democracy.

Globalisation as a Challenge to the Quality of Democracy

Globalisation and inter- and supra-nationalisation are seen as the main source of the diminished problem-solving capacity of the nation-state. This goes hand in hand with declining public trust in democratic actors and institutions, growing cynicism toward civic duties, and the mobilisation of nationalist parties (Betz 2003; Mény and Surel 2000; Pharr and Putnam 2000; Scharpf 1999). Additionally, the internationalisation of the markets provokes increasing economic inequality. Not all individuals benefit from the profits of international economics. At least in some countries, populist new-right parties mobilise successfully among the losers of globalisation (Kitschelt 1995; Lubbers and Scheepers 2000).

Most evidently, globalisation constrains the *effective power to govern* of national governments. International political as well as economic inter-dependence lowers the autonomy of decisions by national governments. Important decisions are made by supranational regimes; they not only affect the policy and politics of the regime member states but also of non-member states. Since generally only governments are members of the supranational regimes, supra-nationalisation strengthens the executives at the cost of parliaments and parliamentary control.

However, the deparlamentarisation of policy-making and the growing incongruence of decision-makers and decision-takers also affect the other partial regimes. As for the *electoral regime*, elections partially lose their function of vertical accountability if the government and the parliament are constrained in making autonomous decisions. If governments cannot be held fully responsible for their decisions any longer, retrospective voting becomes impossible.

At first sight, *political rights and civil liberties* are not constrained by globalisation. Optimistically, one can assume that ongoing internationalisation could lead to some sort of cosmopolitan democracy (Held 1993), expanding political rights not only at the na-

tional but also at the international level. However, it is the internationalisation of the economy that seems to influence the socio-economic equality of the citizens negatively. The increasing socio-economic inequality mostly leads to an unequal distribution of cognitive resources, which again causes asymmetrical chances and motives to participate in politics. One of the most important elements of the political rights regime, the equal chance to participate, is therefore compromised.

Finally, *horizontal accountability* could be influenced by globalisation. International organisations serve as a further check of national governmental power. However, this check is at the expense of other, national institutional controls. In particular control by parliament is weakened. On the one hand, this is due to the power shift from legislative to executive, also due to the growing importance of the executive in terms of negotiators within supranational organisations. On the other hand, decisions taken at the supranational level are not under immediate control by the parliament and it becomes difficult for the legislative to check or revise them.

Media as a Challenge to the Quality of Democracy

In representative democracies, communication between political elites and their constituents, as well as among citizens themselves, plays a vital role (Beierwaltes 2000). Jarren and Donges (2002: 22) even speak of political communication as the “central mechanism for the formulation, aggregation, creation and implementation of collectively binding decisions”. Democratic communication is carried out within a public forum – the public sphere – which can be defined as the non-private and non-secret and should therefore be accessible for everyone (Beierwaltes 2000). In modern, highly individualised and functionally differentiated mass democracies, the public sphere is mainly constituted by the mass media.

From a normative perspective, the media have to serve four democratic functions: “(a) provide a forum for discussion of diverse, often conflicting ideas; (b) give voice to public opinion; (c) serve as citizens’ eyes and ears to survey the political scene and the performance of politicians; and (d) act as a public watchdog that barks loudly when it encounters misbehavior, corruption, and abuses of power in the halls of government” (Graber 2003: 143). Based on such normative assumptions, the media’s contribution to democracy is usually widely criticised even though such verdicts mostly lack comprehensive empirical support. The fear that the media are increasingly hampering instead of fostering democracy is mainly due to the processes of growing media commercialisation and mediatisation.

The media do not address their audiences as citizens but as consumers and primarily try to satisfy their desires for information and entertainment. To sell “news” has become the main rationale for media coverage. This means that the media are no longer interested in reporting on long-term and complex political issues but rather

look for short-lived and current sensational events and spectacular incidents. Political news coverage is increasingly personalised and filled with conflicts and scandals. Therefore, the media do not adequately reflect on, and inform about, political processes and performances, and thus may not live up to the above-mentioned function c). Also, they only give voice to those actors who are able to meet the required demand for newsworthiness, which harms functions a) and b). Furthermore, the increasingly critical stand media take on politicians in general is believed to foster a crisis of political legitimacy and political cynicism among the public.

At the same time, political actors have lost their stable traditional constituencies, and in order to reach the highly fragmented and volatile electorate they have to communicate to them through the mass media. This explains the central role of the media in today's democracies and why these are often dubbed "media societies" (Donges 2005: 9). But since the mass media are no longer committed to the demands of the political system, political actors are forced to adapt to the changed communication logic of the media. This trend – which is known under the term mediatisation – poses a big challenge to the political elite because the new media logic differs considerably from the logic of political decision-making (Blumler/Kavanagh 1999). As a consequence of mediatisation, the communicative efforts of political actors not only grow at the expense of substantial politics and policy-making, but these efforts also become increasingly strategically planned to appeal to the media.

The modern media logic and the process of mediatisation could seriously constrain the well-functioning of at least some of the partial regimes of embedded democracy.

As for the *electoral regime*, the media commercialisation and mediatisation could threaten a fair competition among political contesters. If the media cover only those political actors who prove to be newsworthy and are able to attract the media's attention then the transparency of the offer of alternatives as well as the equal chances to campaign and access the media are no longer guaranteed. This would mean that the political bias of the former party press is substituted by a new bias based on the acting performance of single politicians.

The same applies to the idea of the collective formulation of opinions and demands thought to be guaranteed by the *political rights regime*. If the access of social groups and collective interests to the public sphere is dependent on their media savvy, freedom of opinion can no longer be considered to function effectively. Consequently, the ability of representatives to adequately consider the citizens' preferences within the political arena is also constrained.

The structural transformation of the public sphere could also challenge the *effective power to govern*. One important principle of newsworthiness is status. This means that the government is especially interesting for, and closely followed by, the media

per se because of its high political status. Therefore, it is also most affected by the often personalised, conflictive and even scandalised news coverage, and consequently hit hardest by the political distrust of the citizens as well as the decline of political legitimacy. A low status of legitimacy of the political elites (“political class”, as sometimes called by the media) will influence the political agenda. Necessary reforms, which may yield their positive returns only in the long run, become all the more improbable, since the more unpopular politicians fear becoming even more unpopular. Long-term reforms need politicians who enjoy a high level of trust among citizens.

In our next argumentative step, we want to demonstrate how the internal functions of each partial regime are closely linked to structures, actors and the political process.

4 Partial Regimes: Functions, Political Actors and the Political Process

Democracy is a method of collective decision making, a method to arrive at collectively binding decisions where the procedures and therefore the decision itself are generally accepted. The five partial regimes define the institutionalisation of the necessary normative and organisational elements of a democracy in analytical terms. These bundles of rules ought to serve specific democratic functions, which have to be carried out by political actors in the political process. How actors perform with regard to these democratic functions in the political process finally determines the quality of democracy in real terms. One has to bear this complete chain in mind when exploring the quality of democracy beyond the mere formal normative setting. The measurement of the quality of democracy in technical terms, however, concentrates on the performance of the partial regimes with regard to their primary functions. This does not preclude that these functions have to be partially fulfilled or completed by and within other partial regimes. Some democratic functions, such as control or participation, have to be cogently fulfilled by various institutions and actors in order to realise fully the central democratic functions. Therefore the functional interdependencies of the five partial regimes are a crucial characteristic of the concept of “embedded democracy”. In order to give a full insight into the argumentative chain from partial regimes to functions, actors, the political process and indicators to measure the quality of democracy, the functions of partial regimes and their rationale will be derived in a first step. The second step deals with the relationship between partial regimes, actors and process. The partial regimes and its functions are summarised in Table 2.

4.1 Partial Regimes and Their Primary Functions

Electoral Regime

In representative democracy, elections are the accepted method of collectively binding decision making, where decisions are made upon the selection of the political personnel, the political bias of government, or the bias of policies. Thus, elections empower the sovereign (i.e. the people) to elect their representatives and to control the elected. Since each political regime reflects to a certain extent the prevailing balance of power among classes or organised groups in a society, there is also a certain bias of representation in democracies: thus, certain issues and groups will always tend to determine the political agenda and the positions in political deliberation and decision-making (Cobb/Elder 1971: 892 ff.). The threat of electoral sanctions limits this bias and holds the representatives accountable, but it cannot eliminate the asymmetry of influencing the political agenda and decision-making.

Political Rights

As mentioned above, the political rights regime aims at the equal formulation, presentation and consideration of citizen's preferences. State institutions have to be sensitive to these preferences promoting responsive government and possibilities for soft control between elections (Merkel 2004a: 39). Equal consideration of the citizens (i.e. political equality) serves the acceptance of democratic rule. This requires, however, that the publicity and transparency of the political process is guaranteed in order to provide equal opportunity to form and freely express opinions, and to allow for a public check on whether political equality is endangered. Thus, the function of the political rights regime is to produce sensitivity of direct *responsiveness* to the people by means of *participation* and public support or pressure, and political *transparency*.

Civil Rights

The partial regime of civil rights complements and completes the system of vertical accountability established by the electoral regime and the political rights regime. Without guaranteed civil rights, political rights cannot be exerted freely and lose their democratic meaning. This is why Jürgen Habermas insists on the "co-originality" (*Gleichurprünglichkeit*) of civil *and* political rights: "Hence the principle of democracy can only appear as the heart of a system of rights. The logical genesis of these rights comprises a circular process in which the legal code, or legal form, and the mechanism for producing legitimate law – hence the democratic principle – are co-originally constituted" (Habermas 2001: 121-122). Democracy has only legitimacy and authority to the extent that people participate and influence the democratic decisions (Christiano 2004). The civil rights regime altogether serves the functions to guarantee *individual freedoms* against the state; it is the core of the rule of law.

Horizontal Accountability

One of the early insights of modern political philosophy was that political power has to be tamed and that elections alone could not achieve this. Without doubt, the rule of law must be enforceable in order to avoid tyrannical laws or the execution of law in a tyrannical manner (Montesquieu 1914: 11.4). As Locke claimed, sovereignty should remain with the people who have the normative power to void the authority of their government if its actions run against or beyond legal limits (Locke 1690: Ch. XIII). The regime of horizontal accountability has thus the function to mutually *constrain the constitutional powers* by means of the division of powers and institutions of control and oversight.

Effective Power to Govern

Since democracy means self-determination in collective decisions, and government is the institution that enacts the respective policies, the government must have the reach and grasp to do so. The limits of the executive must be set by the collective democratic decisions and the rule of law, and by nothing more. Etzioni (1968) has highlighted the relevance of relative autonomy of the government for democratic governance. Neither populist pressure forcing immediate responsiveness, nor forces that are not democratically legitimised, should limit the capacity of governments to govern. Thus, the government regime must be constructed and supported by the other partial regimes in such a way that the *relative autonomy of the government* to pursue policies by means of institutional strength is guaranteed.

Table 2: From partial regimes to functions

Principles	Partial regimes	Functions
Freedom	Civil rights	Individual liberty Rule of law
Equality	Political rights	Participation Responsiveness Transparency
Control	Electoral regime	Vertical accountability Representation
	Horizontal accountability	Mutual constraints of constitutional powers
	Effective power to govern	Governmental autonomy

4.2 Partial Regimes, Political Actors and the Political Process

So far, we have dealt with the partial regimes and functional aspects of the quality of democracy. Political institutions are sets of formal rules (laws) which define roles - i.e. expectations and sanctions for those acting within them (North 1981). Political actors, however, are involved at different parts of the political process, serving different functions and interests. Except for the individual citizen, political actors are collective actors, thus represented by mostly formal organisations in the sociological understanding. Collective actors should not be confused with political institutions, although the terms used can be identical. Government, for example, is a democratic institution, and as such represents a bundle of formal rules implying a particular function within democracy. At the same time, a particular government consists of elected members and acts, thus it is a political actor. However, the identity in terminology must not neglect the fact that these are two totally different objects. To sum it up in the words of

North: "...institutions are the rules of the game, organizations ... are the players" (North 1997).

Figure 4: Partial regimes, political process and actors

Partial regimes	Process/action products	Actors
Civil rights	Wants	Individual citizens
Political rights	Articulation of demands	Movements, interest groups, media
Electoral regime	Aggregation of issues into political programs Collectively binding laws Election of government	Political parties Parliaments
Effective power to govern	Political decisions and implementation	Government
Horizontal accountability	Checks of rule of law and power balance	Constitutional powers

Institutions define the rules for the political process; the “players” have to animate the political process by their actions. However, the term “political process” is vague and complex at the same time. Therefore we employ a parsimonious but clear definition of the political process. Here, the political process is defined as the sequence of inter-related actions which produce, through a sequence of steps, collectively binding decisions. At each step, a specific “product” will be produced. This is what action theory calls an “action product” (Fuchs 1993b). The sequence of action products is: (1) wants; (2) demands; (3) political issues and political programs; (4) collectively binding laws and government selection; (5) political decisions and implementation; and (6) checks of rule of law and power balance. In terms of actors, this process runs from individual citizens over collective actors (i.e., interest groups) to political parties, parliament, government, and constitutional and administrative courts. However, the po-

litical process does not end there. There is a feedback loop. Collectively binding decisions have to be actively accepted to come into effect, and its effect may result in new wants, demands, issues, etcetera (see Figure 4).

This leads us to the question of measurement, i.e. the definition of the functions and their different components.

5 From Functions to Components

We intend to measure the quality of democracy in two ways. First, we will measure it by means of the “structural” elements of the five partial regimes. Thus, for each partial regime, we have to define components which are pivotal for an effective functioning of the regimes. Second, we want to measure the degree to which the “functions” are fulfilled by the components of the partial regimes. This double measurement will allow us to explore in more detail the relationship between specific democratic structures and their capacity to fulfil the required democratic functions.

We assume that a simultaneous maximisation of all functions is not possible. This is due to the impossibility of maximising the principles of freedom, equality, and control at the same time. Some of the functions can therefore be considered trade-offs. Empirically, we expect to find different combinations of the functions because different empirical realisations of democracy attempt to achieve different optima. The highest degree of quality of democracy will be attained by a polity that combines the functions in a manner that allows the highest effectiveness in all of the functions and therefore balances freedom, equality and control in an optimal way.²⁸

Given these research aims, we have to develop indicators that measure the degree of fulfilment of a function by a given component. Thus, we suggest that the components fulfil their assumed functions to a measurable degree. On the one hand, this degree indicates the quality of this component and – aggregated – of a partial regime. On the other hand, the measures also allow us to observe the extent to which a democracy fulfils its nine functions (see Table 2).

To diagnose the degree of fulfilment of a given component, we have to rely on indicators that measure the effective impact of the components. These indicators must strictly derive from the functions and components discussed above and below.²⁹

In the following section, we give an overview of the different components within each of the partial regimes.

A. Electoral Regime

The electoral regime has to fulfil two functions: vertical accountability and representation. We suggest three important components which should guarantee these functions: free and fair elections as well as universal active and passive suffrage. Our indicators have to measure the degree to which elections are effectively free and fair,

28 We suggest that the relation between the different functions depends on the country-specific combination of the functions. We therefore renounce to a broad discussion of theoretically possible trade-offs (but see section 6). Rather they will be analysed empirically.

29 A list of the indicators to be used can be found in the annex.

and the degree to which active and passive suffrage is effectively universal - i.e. the degree to which vertical accountability and representation are achieved.

To hold the elected accountable, free and fair elections have to be competitive and open (Dahl 1971; Sartori 1987). We suggest that elections are competitive when there are effective opportunities to choose (Lipset 1963; Rejai 1967) and when the offer is important and transparent (Altman and Pérez-Liñán 2002; Lupia and McCubbins 1998; Schmitt and Wessels 2005). We suggest that elections are open, when new political preferences and interests are rapidly admitted to the political process (Macedo 2005; Morlino 2005). Additionally, openness is linked to the fairness of the elections in terms of fair rules of competition. All parties running for office must have equal chances to promote their programs: the rules concerning media access (Beetham 2004; Diamond and Morlino 2004; Schiller 1999) as well as concerning party and campaign financing (Beetham 2004; Pinto-Duschinsky 2002) have to work in an effective manner.

The degree of representation of a democratic regime is defined by the universality of active and passive suffrage.

The more universal the active suffrage is the greater is the chance that all interests are represented. Universality thereby means two different things. First, the degree of universality of active suffrage may be constrained concerning social or ethnic differences (Berg-Schlosser 1999; Elklit 1994; Paxton et al. 2003). The second meaning of universality refers to the equal weight of votes: the principle of “one person one vote” is only universally achieved when all votes have the same importance for forming representative bodies such as parliaments or governments (Dworkin 1994). Based on this second meaning of universality, we suggest that considerable waste of votes (Bowler et al. 2003; Elklit 1994; Foweraker and Krznaric 2001; Foweraker and Landman 2002; Taagepera 2003; Lijphart 1999) as well as low issue-congruence between representative bodies and citizens (Foweraker and Landman 2002; Miller and Stokes 1963; Powell and Powell 1978; Powell 1982; Stimson et al. 1995) indicate a low degree of universality and therefore a low degree of representation.

Just as the active suffrage, the universality of passive suffrage is not to be constrained. If the right to be appointed to a public office is contingent on social, gender, or ethnic conditions, we can no longer speak of universality. We further suggest that passive suffrage best leads to representation when the access to political mandate is as equal as possible (Gaxie 1980; Matthews 1984; Patzelt 1999; Schulze and Blumberg 1957; Seligman 1964), which is also indicated by the adequate representation of structural minorities (Cobb and Jenkins 2001; Gay 2001; Lawless 2004; Weldon 2002).

The functions, the components and sub-components of the electoral regime are the following:

Vertical accountability → Free and fair elections

1. Competitiveness of elections
 - a. Effective opportunities to choose
 - b. Importance of the offer
 - c. Transparent offer of alternatives
2. Openness of elections
 - a. Straightforward admission of new competitors
 - b. Equal chances for competitors

Representation → Universal active suffrage

1. No constraints for active suffrage regarding social or ethnical characteristics
2. Equal weight of votes
 - a. No waste of votes
 - b. Issue-congruence

Representation → Universal passive suffrage

1. No constraints for passive suffrage
 - a. No constraints for minorities
 - b. Gender equality
2. Equal chances for representation
 - a. Representation of minorities
 - b. Gender equality

B. Political Rights

Perhaps the most important stage in the political process (Fuchs 1993a) is the formulation and presentation of citizens' preferences, and it is guaranteed by institutionalised political rights (Dahl 1971) which thus form the second partial regime. Its components – equal rights to participate, freedom to associate, freedom of opinion, and informational openness – are supposed to fulfill three further, important functions of democracy, namely participation, responsiveness and transparency.

The function of participation receives high values of quality if this process of formulation and presentation is as open and embracing as possible. This concerns the equality of participation and on the opportunities for political influence:

On the one hand, the fulfilment of the participation function first and foremost requires equal exertion of participation. Equality of participation depends on the degree of selectivity (Abromeit 2004; Lijphart 1997, 1998; Morlino 2004b): the propensity to participate should not be influenced by class, status, power or individual characteristics (Rueschemeyer 2004). Additionally, to be able to participate in an enlightened manner (Dahl 1971), access to information must be widespread and qualified participation should not presuppose on individual resources or specific social characteristics.

On the other hand, the effectiveness of the equal rights to participate depends on the opportunities for political influence. Of course, the most important mechanism to feed political preferences into the political process is elections. However, preferences should also be announced between elections to exert soft but steady public control. In fact, there is a variety of possibilities to do so, ranging from institutionalised (e.g. referendums) to non-institutionalised forms (e.g. protest activity) (Brady 1998; Parry et al. 1992; Van Deth 1997, 2003; Verba et al. 1995). These opportunities to participate besides elections in a country can be more or less numerous and the use of these opportunities can be more or less frequent and influential (Dalton and Gray 2003; Abromeit 2001, 2003; Ansell and Gingrich 2003; Dalton et al. 2003; Foweraker and Krznaric 2001; Scarrow 2003). We argue that the quality of participation depends on both the equality of participation as well as the supply of opportunities and their effective use.

Responsiveness – according to Powell (2004: 91) understood as the formation and implementation of policies that citizens want – requires the formulation and the translation of the wishes of the citizens. Representatives cannot be responsive if they do not know what their constituents want. The formulation as well as the translation of the citizens' preferences is only possible if there is effective freedom to associate and effective freedom of opinion:

The translation of citizens' interests is most of the time not a question of individual participation. Influencing politics is normally more effective if interests are organised. This suggestion is linked to the freedom to associate. We argue that this freedom is most effective when there are no barriers to forming associations (unions, NGOs) and when associations have organizational capacity (Foweraker and Krznaric 2001; Morlino 2005; Offe 1997).

As an important actor in the intermediary system of liberal democracies, the media are often defined as an alleged fourth power. The effectiveness of the freedom of opinion and the freedom of expression in democracies mostly depends on the freedom of the media, the independence of the media systems from state influence and on media diversity. We suggest that the absence of censorship enhances the power of the mass media to act as a (soft) check. Furthermore, high degrees of media diversity (in terms of actors and opinions) affect the quality of the translation of the public opinion into the political arena. Both effects should foster the freedom of opinion and therefore strengthen responsiveness.

The third function within the political rights regime is transparency. Informational openness is seen as an important prerequisite for forming preferences. When freedom of information is restricted and the public visibility of the political process is not

given, transparency can not help to clarify the alternatives that are important for the electoral regime.

The functions, the components and sub-components of the political rights regime are the following:

<p>Participation → Equal rights to participate</p> <ol style="list-style-type: none">1. Equality of participation<ol style="list-style-type: none">a. Non-selectivity of electoral participationb. Non-selectivity of alternative participationc. Access to informationd. Quality of participation2. Opportunities for influence<ol style="list-style-type: none">a. Number and scope of electionsb. Effective use of participationc. Effective use of non-institutionalised participation <p>Responsiveness → Freedom to associate</p> <ol style="list-style-type: none">1. No restrictions for forming associations2. Effective freedom to associate <p>Responsiveness → Freedom of opinion</p> <ol style="list-style-type: none">1. Effective freedom of the media2. Freedom of the media from state influence3. Media diversity<ol style="list-style-type: none">a. Low degree of media concentration / High degree of media actor diversityb. High degree of media opinion diversity <p>Transparency → Informational openness</p> <ol style="list-style-type: none">1. Effective freedom of information2. Public visibility of the political process
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C. Civil Rights

The central functions of the civil rights regime are the guarantee of individual liberty and the “rule of law”. In line with Saward (1994) and O’Donnell (2004), we suggest that “rule of law” prevails when individual civil rights are not only guaranteed but also infeasible, and when they protect individuals effectively from potential abuses by others and by the state power. Moreover, rule of law designates the independence, the primacy, and the absolute warrant of and by the law. Rule of law ensures the same prevalence of rights as well as formal and procedural justice for all individuals (Beetham 2004; Esquith 1999; Rawls 1971).

We introduce three different components by which individual liberties can be guaranteed and the rule of law can be best accomplished.

Protection of life, freedom and property are seen as the most important civil rights (Lauth 2004). Effective protection from any intervention into these rights by the state or others is a fundamental base for any democratic state (O'Donnell 2004; Saward 1994). This protection has to be guaranteed everywhere in a given state. It is important that civil rights are guaranteed in any circumstances. They must also be out of the reach of political decisions (O'Donnell 2004; Morlino 2004a; Diamond and Morlino 2004; Esquith 1999). An effective guarantee of individual liberties presupposes not only the absence of any transgression but also the mutual acceptance of individual rights and the rules of democratic decision-finding (Cingranelli and Richards 1999; Lijphart 1999). Violent political participation or deviant behaviour endangering the political community as a whole should not be widespread.

A high quality of the rule of law as the second function of the civil rights regime is ensured by two components: Equality before the law and equal chances to access the courts. On the one hand, equality before the law means that there must be no acts intending to give selective advantage inconsistent with official duty and the rights of others. In other words: corruption should be absent (Anderson/Tverdova 2003; Linz 1997). On the other hand, equality before the law comprises the very proscription of discrimination. Minorities (cultural, ethnic, linguistic, religious, or structural) must not be prevented from exerting their rights. Furthermore, equality before the law depends on the efficiency of the courts and on the citizens' confidence in the legal system as a whole.

Equal chances to access the courts as the second component ensuring a high quality of rule of law implies neither active discrimination nor passive hindrance in terms of barriers (e.g., fees, language barriers, difficult contacting, etc.).

The functions, the components and sub-components of the civil rights regime are the following:

- | |
|--|
| <p>Individual liberty – Individual rights protection</p> <ol style="list-style-type: none"> 1. Effective protection of civil rights <ol style="list-style-type: none"> a. Effective respect of civil rights by government and others (no transgressions) b. Effective protection of civil rights against political decisions 2. Acceptance of individual rights <ol style="list-style-type: none"> a. Mutual acceptance of civil rights by citizens b. Acceptance of rules <p>Rule of Law → Equality before the law</p> <ol style="list-style-type: none"> 1. Absence of corruption 2. No discrimination of minorities 3. Efficiency of the courts 4. Confidence in the legal system <p>Rule of Law → Equal access to the courts</p> <ol style="list-style-type: none"> 1. No barriers to access the courts |
|--|

D. Horizontal Accountability

We have discussed the importance of control for democracies. The most characteristic feature of a democracy is the control of power. In terms of elections (vertical accountability) but also other forms of participation, this control is exerted by the people themselves. However, the prevention of the abuse of power and the control between elections are based on a further element: the horizontal and institutional surveillance. A network of interdependent institutions mutually checking and balancing each other's power prevents the abuse of power and compels the elected authorities according to the principles of the rule of law (Beetham 2004; Esquith 1999; Foweraker and Krznicaric 2001; Rawls 1971). We suggest that, besides checks and balances and rule of law constraints, a further important component for the constraint of the abuse of power is the independence of the judiciary (Maus 1994).

The basic purpose of checks and balances – the first component – is the mutual control of each branch of a government to balance power and thereby the stabilisation of the political system. In our view, three issues are important in this regard:

(1) An optimal division of power between the executive and the legislative branch firstly depends on the strength of the parliament and the opposition respectively (Altman/Pérez-Liñán 2002).

(2) Beginning with Montesquieu (1965 [1748]), the very idea of checks and balances is to set inviolable limits to state action by constitution. The list of possible institutions and mechanisms limiting governmental power has gradually been enlarged since Montesquieu. Today it encompasses a wide array of mechanisms: Diamond and Morlino (Bellamy 1996) mention legislative surveillance committees, an independent central bank,³⁰ and an independent election administration, or ombudsmen. With the inclusion of the discussion on veto players (Foweraker and Krznicaric 2001; Merkel 2004b; Morlino 2004a; O'Donnell 2004), the list is still growing: federalism or a second chamber are also seen as important institutions of control. Weir (Foweraker and Krznicaric 2001; Lijphart 1999; Taagepera 2003) adds the budgetary competence of the legislative and the possibilities of queries and impeachment.

(3) To function effectively, all these institutions must not be hindered in their purpose to prevent abuses of power. Additionally, control is only effective when misconduct is effectively sanctioned (Bovens 2005; Bovens and 't Hart 2005).

We suggest that the judiciary is another important actor which constrains the other constitutional powers. However, this aim can only be reached if the third governmental branch is independent and self-contained. Judges must be free to decide cases fairly and impartially, relying only on the facts and the law. The degree of independ-

30 Regarding central banks, we do not follow Diamond and Morlino (2004) since the democratic legitimacy of powerful central banks is extremely weak and in itself problematic.

ence of the judiciary depends on the recruitment of the judges (including the length of a judge's terms) as well as on their professional capabilities. Additionally, the transparency of court rulings and the judicial process itself help to increase independency.

Checks and balances as well as an independent judiciary can hinder the abuse of power. However, the the elected authorities do not only have to be prevented from misusing their power but they must also be forced to act according to the principles of the rule of law. In other words: political decisions have to be reviewed judicially. On the one hand, a constitutional court can serve as an important actor constraining governmental or parliamentary action. On the other hand, the administrative function of the executive must also be supervised. Improper administrative conduct and a corrupt or malfunctioning bureaucracy must be sanctioned (Della Porta 2000). Both can be guaranteed by an effective administrative jurisdiction.

The functions, the components and sub-components of the horizontal accountability regime are the following:

Mutual constraints of constitutional powers → Checks and balances
1. Strength of parliament and parliamentary opposition
2. Institutional checks
3. Effective sanctions
Mutual constraints of constitutional powers → Independence of the judiciary
1. Recruitment of judges
2. Honesty and professionalism of judges
3. Transparency of judicial procedures
Mutual constraints of constitutional powers → Rule of law constraint
1. Effective constitutional court
2. Effective administrative jurisdiction

E. Effective Power to Govern

Control has an ambiguous meaning. Control discussed within the electoral regime (vertical accountability) as well as within the horizontal accountability regime means control of the institutional powers by the people or by institutions. However, control also means control exerted by the government over policies. To function properly, a democratic government must obtain a certain autonomy to govern in an accountable and responsive way. We suggest that the effective power to govern depends on the strength of constraints exerted by illegitimate or democratically critical actors and institutions from inside as well as outside a polity (Grant and Keohane 2005; Schiller 1999). We distinguish two components: the effective power to implement democratic decisions and the degree of dependency on global markets and supranational actors.

The effective power to implement democratic decisions relates to at least four different factors:

(1) Most problematic is the political interference of actors who are not legitimised to interfere (military, church, economic pressure groups, lobbies with blackmail potential³¹). To guarantee the effective power to govern, powerful but constitutionally not legitimised actors must not influence political decision-making (Held and Koenig-Archibugi 2003; Held and McGrew 2003; Held et al. 1999; Merkel 2004b; Meyer 2005; Schiller 1999; Tsebelis 1995).

(2) More difficult is the treatment of the legitimate institutions discussed under the notion of accountability. They are indeed legitimate because they restrict the abuse of power, but too many of them will also seriously hamper the effective power to govern (Foweraker and Krznaric 2001; Tsebelis 2002; Merkel 2004b).

(3) A further aspect is the acceptance of laws and their successful implementation. In order to act autonomously, the political elite needs a minimum of popular trust and support (Schiller 1999; Tsebelis 1995).

(4) Finally, the effectiveness of a government to implement democratic decisions also depends on its stability. In countries where governments must fear frequent voting out before the end of the normal legislature term, effectiveness will be lower than in countries where the mean duration of government in office is high and only regular elections determine the time-span for implementation.

As for the second component, the global constraints of governmental autonomy, we argue that effective power to govern is affected by factors coming outside national borders. The growing globalisation of markets as well as the ongoing internationalisation of governance can seriously restrict the power to govern (Alvarez et al. 1999). Political decisions are taken more and more outside the nation-state, but nevertheless influence domestic politics. Also, political decisions taken within a polity often rely on the acceptance from other states or supranational organisations. If a country must be considered a “policy taker”, the democratically necessary congruence between the governed and those who govern erodes. This, of course, has a negative impact on the quality of democracy.

The functions, the components and sub-components of the effective power to govern regime are the following:

Governmental autonomy → Effective power to implement democratic decisions
1. Non-legitimised veto powers
2. Legitimised veto powers
3. Implementation success / acceptance of laws

31 Of course, lobbying can be a legitimate democratic activity, it depends on the means. Lobbying using blackmail and corruption has to be seen as an illegitimate interference.

4. Government instability

Governmental autonomy → Global restrictions

1. Low degree of dependency on international markets
2. Low degree of dependency on supranational organisation and internationalised governance

Table 3 summarises our stepwise deduction from principles to partial regimes, from partial regimes to functions and from functions to components.³²

Table 3: From partial regimes to functions to components

Principles	Partial regimes	Functions	Components
Freedom	Civil rights	Individual liberty Rule of law	Individual rights protection Equality before the law Equal access to courts
Equality	Political rights	Participation Responsiveness Transparency	Equal rights to participate Freedom to associate Freedom of opinion Informational openness
Control	Electoral regime	Vertical accountability Representation	Free and fair elections Universal active suffrage Universal passive suffrage
	Horizontal accountability	Mutual constraints of constitutional powers	Checks and balances Independence of the judiciary Rule of law constraint
	Effective power to govern	Governmental autonomy	Effective power to implement democratic decisions Global restrictions

³² A preliminary list of indicators can be found in the Annex.

6 Measuring the Indicators – an Illustration

With the democracy barometer, our aim is to measure the quality of established democracies. However, the simple measurement of the institutional coverage would not suffice. We do not only look for guaranteeing but for optimising freedom, equality, and control. Thus, we suggest that the quality of democracy depends on structural as well as on functional performance of a given polity. Therefore, we assume the double measurement of the quality of democracy still discussed in section 5: quality will be measured with regard to the partial regimes on the one hand and with regard to the functions on the other hand.³³

The components discussed above serve to measure the performance of the various partial regimes. Each component will be measured by degree (from 0 to 100), with 100 indicating full achievement. The aggregated components allow us to measure the democratic quality of the partial regimes.

Moreover, the components will be aggregated to measure the fulfilment of the different functions. One could suggest that a regime that embraces all functions has the highest quality of democracy. However, our concept of democracy encompasses a more complex reality, because some of the nine functions can be seen as trade-offs, rivalling each other to some extent. Consequently, a simultaneous maximisation of all functions seems unlikely from a logical perspective and even more so in empirical reality. Thus, we expect that empirical realisations of democracy attempt to achieve different optima.

These different optima are realisations of different trade-offs. If one assumes intentional, rational institution building, the resulting trade-offs are representations of varieties of democracy. The most general trade-off is the one between freedom and equality, which has already been mentioned. At a more concrete level, at least two trade-offs are discussed in political science. First, the trade-off between *governance* and *representation* is most prominent in the two general types of proportional and majoritarian electoral systems. In terms of the balance of partial regimes, this implies a higher performance of proportional systems with regard to the political rights regime, and a higher performance of majoritarian systems with regard to the effective power to govern. With regard to functions, representation should be better in proportional, vertical accountability better in majoritarian systems.

33 Thereby, we seize one of the most important objections against the hitherto existing democracy measurements: the neglect of observing other than just system or regime indicators. In short, by measuring and evaluating the *Verfassungswirklichkeit* (a country's constitutional reality), we go beyond the minimalist procedural measurement of former indices of democracy and respond to the call for extension articulated in the current debate (Beetham 2004; Berg-Schlosser 2004a, 2004b; Diamond and Morlino 2004; Meyer 2005; Morlino 2004b, 2004a; O'Donnell 2004; Offe 2003a; Powell 2004; Rueschemeyer 2004; Schmidt 2000; Schmitter 2004).

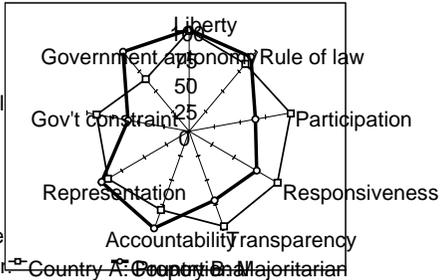
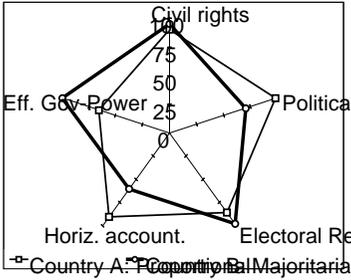
Second, another widely discussed trade-off is the one between *participation* and *representation*. Participation in this trade-off implies a higher direct say of citizens (i.e. direct democracy), or a high responsiveness to participation of citizens beyond elections; representation implies that elections are the major and ultimately the only means to produce responsiveness. This also implies relatively high autonomy of the government.

These and other empirically possible examples of trade-offs will be reflected in our measures by showing that in different democracies different combinations of the performance of the functions exist. We assume that the highest democratic quality can be observed in those political systems, which combine the functions in a manner that allows the optimal effectiveness in all of them. This, however, is an empirical question and will be measured by the several components and indicators of our democracy barometer.

Our measurement concept and the way trade-offs are expressed by it can be best illustrated by a simulation of a performance cobweb with axes representing the different partial regimes and different functions respectively. If we plot the quality of each partial regime / function – measured against the ideal maximum – on the axes and connect these points we get a spider-net. By measuring the size of the spider-net and by considering the gravity of its centre, we determine the overarching quality of democracy. In our examples, the trade-offs between the political rights regime and the regime of the effective power to govern in the two types of democracy are obvious (Figure 5a). The same applies to the trade-off between the functions of participation and representation (Figure 5b).

Figure 5: Schematic illustration of the quality of democracy

a) Democratic performance of partial regimes



b) Democratic performance of functions

7 Research Perspectives beyond Measurement

The next important step of Project 14 will be a detailed construction of the democracy barometer - i.e. the final operationalisation of our root concept to make the democracy barometer our conclusive instrument.

This instrument at disposal, Project 14, in a first phase, will compare the quality of the so-called established democracies of the OECD world. We are particularly interested in the rating and ranking of the OECD countries with respect to the quality of their democracies.

We will approach four main research questions, which are also supposed to apply to the NCCR Democracy:

Question 1: Comparing the various OECD democracies, do the countries differ in their quality of democracy? Which political regime shows the highest quality of democracy?

From the above discussion it has become clear that, at least theoretically, the different functions are highly interdependent. A given democracy has to decide on how much weight it assigns to the different functions - i.e. how strongly they should be extended. We suggest that the balancing of the nine functions looks different for each country and that these different equilibria go hand in hand with different patterns of the quality of democracy. In other words: democracy is a process of searching for an optimisation (Lenk 1993).

The analysis of this first question will not only lead us to a ranking of OECD countries according to their quality of democracy but also to a better understanding of the interactions of the different functions.

Question 2: Is the quality of democracy a function of the institutional design of a political regime?

We have made it clear that the quality of democracy is first and foremost a matter of fulfilling normative promises (i.e. functions). In other words, the quality of democracy is high if the institutional settings tap their potential (Altman and Pérez-Liñán 2002). However, we suggest cohesion between the institutional design and the quality of democracy within a political regime. We therefore analyse if the degree of quality of democracy can be explained by the institutional design. If question 2 can be answered in the affirmative, these analyses will give us the possibility to suggest institutional reforms (Lijphart 1999).

Question 3: Which changes in the quality of democracy within a political regime can be observed over time? Are these changes similar in all established democracies?

This question seems to fit the overall goal of the NCCR Democracy best. One main target of the NCCR is to explain the challenges contemporary democracies face. Globalisation, internationalisation, and the role of the media are pointed out as the primary sources of these challenges. Additionally, one of the most important problems of democratic regimes is the supposed and growing crisis of their legitimacy. Applying the democracy barometer, we should be able to show the influence of the growing globalisation and internationalisation and the changing role of the media on the quality of democracy over time, as well as the impact of these processes on the partial regimes, its functions and components. We assume that globalisation and internationalisation first of all strain the power to govern regime and the political rights regime while the changing role of the media should mostly influence the electoral and voting regime and again the political rights regime.

Especially the discussion on the crisis of democracy (Crozier et al. 1975; Dalton 2005; Dalton et al. 1984; Köchler 1987; Maier 1994; Norris 1999; Offe 2003a, 2003b; Pharr and Putnam 2000) identifies an increasing loss of legitimacy in terms of declining political trust and support. We will analyse if this decline is reflected in the changing quality of democracy over time.

Question 4: Can the longitudinal changes in the quality of democracy of a political regime be explained by its changes in institutional design?

According to the second question, our last research question tries to analyse the interrelation between the institutional design of a regime and its quality of democracy. The analyses within question 4 are harder tests of this assumption than those within question 2. If the ideas of institutional engineering hold, an institutional reform affects and alters not only the quality of democracy but also the balancing between the functions.

Within this question we can test one of the most prominent assumptions of the crisis literature: can institutional designing (and consequently the changing quality of democracy) serve as a remedy against the crisis? Are there countries where trust and support are higher and do these countries show different institutional settings and different degrees of quality of democracy than countries with rather low trust and support (Bühlmann 2007; Freitag and Bühlmann 2005)?

First of all, we try to address these four questions. Of course, our democracy barometer can be adapted to further research. We could use the quality of democracy

measures as a dependent as well as an independent variable. Research questions could include, for instance: does the specific socio-economic and socio-demographic context of a country have an influence on the quality of democracy of a political regime? Do different degrees of quality of democracy have a different impact on political output and outcomes? Is there an interaction between the quality of democracy and the size of the welfare state?

Moreover, we could use our instrument as an index for the democratic degree of political regimes that are not necessarily established democracies. Our democracy barometer is, on the one hand, more demanding than hitherto existing measures of democracy that distinguish between all sorts of “electoral democracies” and non-democracies (Bogaards 2006). On the other hand, our instrument is flexible enough to create variance not only within established democracies but within all political regimes.

Beside the enlargement of the sample considering the number of countries, we also can expand our sample longitudinally. Up to date, our sample includes data for 30 OECD as from 1990 to 2005.

A future application of the democracy barometer to local government research or the analysis of the quality of democracy in sub-national regions could be productive as well.

8 Relevance for and Embedding into the NCCR

Why does the measurement of democracy matter and what can Project 14 contribute to the NCCR Democracy (NCCR)?

The NCCR’s point of departure is the diagnosis that democratic regimes face legitimacy challenges: citizens seem to be disillusioned with the political elite and, to a lesser degree,³⁴ with democratic institutions. The changing role of the media as an intermediary actor, the growing visibility of corruption, the globalisation of markets, and the process of internationalisation of government are assumed to be major causes of this “discontent.” Furthermore, the democratisation of political regimes in the non-Western world has come to a halt at the end of the 1990s (Merkel 2007). The overarching target of the NCCR is to explain these challenges and changes, to analyse responses, and to propose solutions.

The democracy barometer in Project 14 can contribute to these primary objectives in multiple ways:

34 It should be noted that there is a great variance of citizens’ discontent across (mature) democracies.

- Measuring the quality of democracy implies an awareness of the growing disaffection with democracy. We rely on a medium-range concept that lies between the minimalist Schumpeterian understanding of democracy and a maximalist concept of democracy considering outcomes such as social justice (Heller 1934; Meyer 2005; Ringen 2007).
- By measuring the functional and structural dimension of democracy we hope to gain a deeper understanding as to which structures and procedures are most suitable to fulfil the crucial functions of democracy best.
- By analysing the quality of established democracies in a longitudinal design, we will be able to show changes and to study whether the challenges that democracies face today are mirrored in the development of democracy quality. For instance, we can analyse if the changing quality of democracy can explain people's changing specific or diffuse political support (Easton 1965, 1975). The temporal analysis should provide us with insights into the impact of the increasing heterogenisation of society, economic globalisation, and internationalisation on the quality of democracy. Additionally, we will gain better insight into whether the changing role of the media affects the quality of democracy as well, and in which direction.
- By comparing established democracies and searching for best practices, we can provide possible solutions to counter some of the negative effects caused by the above mentioned challenges to democracy.

A further possibility could be the adaptation of the barometer to sub-national levels. One recommendation to overcome the legitimacy crisis of democracy is the reinforcement of *local* democracy (Amna and Montin 2000; Kersting and Vetter 2003; Beetham 1996). We should therefore be interested in the quality of democracy at the local level as well (Ladner and Bühlmann 2007).

Annex: List of Possible Indicators

The following preliminary list gives an overview on possible indicators of the components and sub-components discussed in the paper.

Partial regimes	Functions	Components	Sub-Components	Indicators / Measures
Civil rights	Individual liberty	Individual rights protection	Effective protection of civil rights	<ul style="list-style-type: none"> • Effective respect of rights by government and others (no transgressions) <ul style="list-style-type: none"> ○ Political terror ○ Political and extrajudicial killings ○ Torture ○ Disappearances ○ Political imprisonment ○ Extent of freedom of religion ○ Extent of freedom of movement ○ Existence and use of death penalty • Effective protection of rights against political decisions • Mutual acceptance of civil rights by citizens <ul style="list-style-type: none"> ○ Number of violent demonstrations or clashes ○ Prisoners per 100,000 inhabitants ○ Internal armed conflicts ○ Number of violent crimes • Acceptance of rules <ul style="list-style-type: none"> ○ Violent political participation ○ Deviant behaviour • Absence of corruption <ul style="list-style-type: none"> ○ Degree of corruption ○ Corruption perception index • No discrimination of minorities <ul style="list-style-type: none"> ○ Different legal rights for minorities ○ Right in judicial proceedings for minorities • Efficiency of the courts <ul style="list-style-type: none"> ○ Length of imprisonment on remand • Confidence in the legal system <ul style="list-style-type: none"> ○ Confidence in the legal systems (surveys) • No barriers to access the court <ul style="list-style-type: none"> ○ Access to the courts dependent on citizenship ○ Financial assistance for the socially disadvantaged ○ Legal requirements to appeal to the law
			Acceptance of individual rights	
	Absence of corruption			
	Equality before the law			
Political rights	Participation	Equal access to courts	No discrimination of minorities	
			Efficiency of the courts	
			Confidence in the legal system	
			No barriers to access the courts	
			Equality of participation	
				<ul style="list-style-type: none"> • Non-selectivity of electoral participation <ul style="list-style-type: none"> ○ Representative turnout in terms of individual re-

			<p>Opportunities for influence</p> <p>No restrictions for forming associations</p>	<ul style="list-style-type: none"> o sources o Even mobilisation in terms of gender and age • Non-selectivity of alternative participation <ul style="list-style-type: none"> o Representative participation in terms of resources o Even mobilisation in terms of gender and age • Access to information <ul style="list-style-type: none"> o Internet users per 1,000 inhabitants o Television receivers per 1,000 inhabitants o Radio receivers per 1,000 inhabitants o Newspapers copies per 1,000 inhabitants • Quality of participation <ul style="list-style-type: none"> o No systematic knowledge gaps or political indifference (lack of interest and efficacy) according to resources o No systematic knowledge gaps or political indifference (lack of interest and efficacy) according to gender and age • Number and scope of elections <ul style="list-style-type: none"> o Direct election of Head of State o Existence/Scope/Coverage/Terms of adoption of mandatory referenda o Existence/Scope/Coverage/Terms of adoption / Bindingness / possible initiators of and signatures required/ time granted for signature collection for facultative referenda o Existence/Scope/Coverage/Terms of adoption / Bindingness / possible initiators of and signatures required/ time granted for signature collection for popular initiatives o Existence of right of petition • Effective use of participation <ul style="list-style-type: none"> o Parliamentary election held o Presidential election held o Referendum / popular vote o Turnout in parliamentary elections o Turnout in presidential elections o Mean turnout in referenda / popular votes • Effective use of non-institutionalised participation <ul style="list-style-type: none"> o Number of lawful demonstrations o Practise of non-institutionalized participation • No restrictions for forming associations <ul style="list-style-type: none"> o Restrictions on the right to associate
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Electoral regime	Vertical accountability	Free and fair elections	<p>Effective freedom to associate</p> <p>Effective freedom of the media</p> <p>Freedom of the media from state influence</p> <p>Freedom of opinion</p> <p>Media diversity</p> <p>Effective freedom of information</p> <p>Public visibility of the political process</p> <p>Competitiveness of elections</p> <p>Openness of elections</p>	<ul style="list-style-type: none"> • Effective freedom to associate <ul style="list-style-type: none"> ○ Memberships in political organizations • Effective freedom of the media <ul style="list-style-type: none"> ○ Press Freedom • No censorship <ul style="list-style-type: none"> ○ Extent of censorship • Low degree of media concentration / high degree of media actor diversity <ul style="list-style-type: none"> ○ Newspaper titles per 1 mio. Inhabitants ○ Newspaper concentration ○ Number of national TV stations ○ Number of regional / local TV stations ○ Number of cable TV stations ○ Import of newspapers and periodicals • High degree of media opinion diversity <ul style="list-style-type: none"> ○ Political balance of the press system • Effective freedom of information <ul style="list-style-type: none"> ○ Extent of freedom of information legislation ○ Restrictions / barriers for access to official information (scope, costs, duration) • Public visibility of the political process <ul style="list-style-type: none"> ○ Public disclosure of expenditure by parties ○ Transparency of parliamentary debates (TV, internet, mass media) • Competitiveness <ul style="list-style-type: none"> ○ Competitiveness of political participation ○ Legislative index of electoral competition ○ Executive index of electoral competition • Effective opportunities to choose <ul style="list-style-type: none"> ○ Ratio of effective electoral and parliamentary parties ○ Ratio of fractionalization of effective electoral and parliamentary parties • Importance of the offer <ul style="list-style-type: none"> ○ 100 – % of votes for strongest party ○ Difference between largest and 2nd largest lower house party in % of all seats • Transparent offer of alternatives <ul style="list-style-type: none"> ○ Parties entitled to free media access ○ Existence of public TV ○ Existence of public radio • Straightforward admission of new competitors
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Horizontal accountability	Mutual constraints of constitutional powers	Checks and balances	<p>Institutional checks</p> <p>Strength of parliament and parliamentary opposition</p> <p>Equal chances for representation</p> <p>No constraints for passive suffrage</p> <p>Equal weight of votes</p> <p>No constraints for active suffrage</p>	<ul style="list-style-type: none"> ○ Effective thresholds ○ Administrative hurdles ○ New parties ● Equal chances for competitors <ul style="list-style-type: none"> ○ Existence of a system of regulation for the financing of parties ○ Donors have to disclose contributions to parties ○ Parties have to disclose contributions received ○ Ceiling on sum a donor can contribute ○ Ceiling on sum a party can raise ○ Ban on anonymous donations to parties ○ Ceiling on party election expenditure ○ Direct public funding of parties ○ Indirect public funding of parties ● No constraints for active suffrage <ul style="list-style-type: none"> ○ Suffrage constraints ○ Different voting rights for minorities ○ Index of political discrimination of minorities ○ Years of residence required for naturalization ● No waste of votes <ul style="list-style-type: none"> ○ Gallagher index for disproportionality ● Issue-congruence <ul style="list-style-type: none"> ○ Congruence of preferences of voters and representatives ● No constraints for minorities <ul style="list-style-type: none"> ○ universal suffrage for foreigners ○ restrictions for citizens not born in country ● Gender equality <ul style="list-style-type: none"> ○ Women's political rights ● Representation of minorities <ul style="list-style-type: none"> ○ Different access to power for minorities ○ Access to higher office for minorities ● Gender equality <ul style="list-style-type: none"> ○ % of seats in lower house held by women ● Strength of parliament and parliamentary opposition <ul style="list-style-type: none"> ○ Proportion of parliamentary seats belonging to governing parties ○ Absolute majority for government party in law-making houses ○ Fractionalization of opposition ○ Balance of powers ● Institutional checks <ul style="list-style-type: none"> ○ Executive constraints
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Effective power to govern	Governmental autonomy	<p>Independence of the judiciary</p> <p>Rule of law constraint</p> <p>Effective power to implement democratic decisions</p> <p>Global restrictions</p>	<p>Effective sanctions</p> <p>Recruitment of judges</p> <p>Honesty and professionalism of judges</p> <p>Transparency of judicial procedures</p> <p>Effective constitutional court</p> <p>Effective administrative jurisdiction</p> <p>Non-legitimized veto powers</p> <p>Legitimized veto powers</p> <p>Implementation success / Acceptance of laws</p> <p>Government instability</p> <p>Low degree of dependency on international markets</p> <p>Low degree of dependency on supranational organizations and internationalised governance</p>	<ul style="list-style-type: none"> ○ Veto points • Effective sanctions <ul style="list-style-type: none"> ○ Possibility to impeach the government ○ Practice of mechanisms of control ○ Immunity of office-holders • Recruitment of judges <ul style="list-style-type: none"> ○ Appointment of judges • Honesty and professionalism of judges <ul style="list-style-type: none"> ○ Immunity of judges ○ Independent court budget ○ Sworn in judges ○ Professional capabilities ○ Perception of honesty / of corruption within institutions • Transparency of judicial procedures <ul style="list-style-type: none"> ○ Transparency of court rulings • Effective constitutional court <ul style="list-style-type: none"> ○ Existence of constitutional court ○ Effective possibility to control political decisions • Effective administrative jurisdiction <ul style="list-style-type: none"> ○ Government effectiveness index • Non-legitimized veto powers <ul style="list-style-type: none"> ○ Military in politics ○ Influence of the church or other actors • Legitimized veto powers <ul style="list-style-type: none"> ○ Number of facultative referendums ○ Existence of constitutional courts • Implementation success / Acceptance of laws <ul style="list-style-type: none"> ○ High trust in government • Government instability <ul style="list-style-type: none"> ○ Mean duration of governments in office • Low degree of dependency on international markets <ul style="list-style-type: none"> ○ Export of goods and services as % of GDP ○ Import of goods and services as % of GDP ○ Sum of exports and imports as % of GDP ○ Foreign direct investment as % of GDP ○ Total external debt • Low degree of dependency on supranational organizations and internationalized governance <ul style="list-style-type: none"> ○ Number of memberships in intra- or supranational treaties and regimes (of EU, WTO and IMF)
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