Conceptualizing the Quality of Democracy:

The Framing of a New Agenda for Comparative Politics [*]

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Abstract: The growing literature on the "quality of democracy" draws attention to aspects of politics beyond those encompassed by a minimalist conception of democracy. But, what are the distinctive criteria that serve to distinguish variation in the quality of democracy? This paper first offers a critique of the conventional approach to conceptualizing the quality of democracy and outlines an alternative, unified approach that applies one single overarching concept, democracy, to all countries and that considers democracy as a political system that embodies the values of freedom and equality. Subsequently the paper develops the implications of the proposed approach and makes a case for a set of democratic standards, beyond the normative standard associated with a minimalist conception of democracy, pertaining to (i) government decision-making and (ii) the conditions for a democratic process. In addition, some suggestions for the measurement of the quality of democracy are articulated.

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[*] These reflections are inspired by the work of Guillermo O'Donnell. I was fortunate to be invited, upon O'Donnell's suggestion, to be part of the team that prepared the UNDP's first report on democracy in Latin America, a report that took O'Donnell's ideas on democracy as its theoretical framework (UNDP 2004). Though I already knew O'Donnell personally, that experience gave me a fuller sense of O'Donnell as an intellectual and of his evolving thinking about the quality of democracy. Yet, in this essay, I will not focus specifically on O'Donnell's thinking about the quality of democracy, let alone his broader contribution to our knowledge or what I see as O'Donnell's trademark approach to the study of politics. I have already recorded my views on O'Donnell's contributions to the study of democracy and Latin American politics (Munck 2011, 2012). Moreover, along with Sebastián Mazzuca, I conducted an interview with O'Donnell in 2003 that spans practically his entire career and that does more than I could ever do to convey who O'Donnell was as a thinker (Munck and Snyder 2007: Ch. 9). Instead, here I seek to offer some ideas about how research on the quality of democracy might be framed. Thus, I seek to honor the memory of O'Donnell by writing on a topic about which he was passionate—it is hard to read O'Donnell's texts without noting the strong democratic ethos that drove his thinking—and which he theorized during the last two decades of his life from a distinctively Latin American perspective.

A minimalist conception of democracy, whereby a country is considered democratic inasmuch as high government offices are accessed through free and fair elections held on a frequent basis, is attractive, for a number of reasons. It embodies an important normative standard and is the standard used to evaluate politics that, along with respect for basic human rights, has gained the greatest degree of acceptance around the world. And the continued relevance of this normative standard is well attested by the call to remove dictators voiced in the context of the Arab Spring of 2011-12. Moreover, a minimalist conception of democracy has an important scholarly payoff. Scholars have disagreed on what explains the origins and durability of democracy. Indeed, the history of research on democracy over the past sixty years is largely a story about the debate among rival explanations. Nonetheless, what has made this a fruitful debate, which has resulted in considerable contributions to theory building, is the substantial scholarly consensus regarding how the outcome of interest ought to be conceptualized and, relatedly, described. Scholarship on democracy has advanced because, since the 1950s, empirically oriented researchers have by and large used a minimalist concept of democracy to frame their collective debates.

Since the 1990s, however, the limitations of this conceptual anchor of empirical research on democracy have become a matter of increased scrutiny. The slogan "democracy is about more than elections" is certainly vague. But few would contest that this slogan conveys an important point: that a minimalist concept of democracy does not exhaust the meaning of democracy. And few would dispute the statement that addressing the question of democracy in broader terms than is feasible with a minimalist conception of democracy is one of the central challenges in the study of contemporary politics. Indeed, the new agenda of research in comparative politics that grapples with this challenge, and that has adopted the "quality of democracy" as its overarching concept, that is, as its main organizing concept, has some distinctive features that highlight its great promise.

The research that is explicitly framed as addressing the quality of democracy originally focused on developing countries that had experienced transitions to democracy in the last quarter of the twentieth century. But the relevance of the questions addressed in this literature to the long lasting democracies in developed countries is also readily apparent. Thus, research on the quality of democracy promises to break with the old divide in the field of comparative politics between the study of developed and developing societies, the North and the South, or the West and the rest. Indeed, there is much truth to the statement that "The study of democratic quality … provides a new unifying theme for comparative politics" (Roberts 2009: 205). But the promise of research on the quality of democracy extends well beyond the field of comparative politics.

Though this literature on the quality of democracy is centrally concerned with offering empirical analyses, it necessarily raises basic conceptual and normative questions about democracy. Indeed, now that democracy is seen as an undisputed source of political legitimacy, it is not an exaggeration to suggest that the old discussion about democracy and its critics (Dahl 1989, Hirschman 1991) is increasingly framed in terms of alternative conceptions of democracy. Thus, this research offers an opportunity to build bridges between theory and empirics and, more specifically, between scholars who specialize in political theory and in legal theory, on the one hand, and in comparative politics, on the other hand. Moreover, though research on the quality of democracy is first of all an academic enterprise, its relevance for the world of politics is also quite direct. Different conceptions of democracy underpin the programs designed by the governments of Western countries with the purported goal of promoting democracy (Hobson and Kurki 2011) and the rationale offered for invoking international instruments such as the Inter-

American Democratic Charter (compare Carter 2005: 8 and OAS 2011). And hence it is not farfetched to posit that this research holds out the prospect of establishing a greater connection between the worlds of academia and politics.

Research on the quality of democracy is in its infancy, however. In contrast to the long-standing agenda of research on democracy understood in minimalist terms (Munck 2011, 2012), we currently lack any more or less structured debate about the quality of democracy that relies on empirical analysis. Indeed, scholars have only started to confront the even more basic tasks of conceptualization and measurement in a serious way in the last few years and are divided on such fundamental issues as whether variation in the quality of democracy should be understood in terms of the concept of democraticness (O'Donnell 2010: 212-13, Vargas-Cullell 2011: 68, 70-71) or not (Diamond and Morlino 2004: 21, Ringen 2007: 20, 28). Moreover, scholars are divided over such a basic question as whether the relevant causal factors might be the same as those highlighted in the established literature on democratization (Roberts 2009, Barreda 2011) or whether the quality of democracy should be explained in terms of factors not considered in the literature on democratization and hence calls for new causal theorizing (Mazzuca 2010). Thus, "a lot remains to be done to convert the topic of the quality of democracy into a robust program of comparative research" (Vargas-Cullell 2011: 68, my translation) and many key tasks need to be confronted if the promise of the new research agenda on the quality of democracy is to be fulfilled.

Conceptualizing and causal theorizing go hand in hand. Indeed, it is hard to imagine a fertile concept that is not informed, at least in part, by hunches about a causal process. But it is critical not to overlook the distinctiveness of concept formation and causal theory building. And it is also important to stress that, since conceptual confusion is a major obstacle to self-conscious work on measurement and work on measurement is a basic input into any systematic empirical analysis, an explicit focus on conceptual matters is of utmost relevance to the nascent agenda of research on the quality of democracy. Thus, this paper focuses squarely on the challenge of conceptualizing the quality of democracy.

The paper initially compares and assesses various attempts to conceptualize the quality of democracy, and develops an approach to the concept of the quality of democracy that avoids some common pitfalls in the existing literature. The rest of the paper outlines the implications of the proposed approach, focusing on the elaboration of democratic standards first regarding government decision-making and subsequently pertaining to the conditions for a democratic process. No new measure of the quality of democracy is proposed. But some suggestions for the measurement of the quality of democracy are articulated. Indeed, though this paper is centrally about clarifying the concept of the quality of democracy, a secondary purpose of this paper is to orient the generation of a measure of the quality of democracy.

1. The Quality of Democracy

In recent years, scholars have proposed alternative ways of conceptualizing the quality of democracy that make a case for addressing a wide range of issues beyond those addressed in a minimalist conception of democracy. These alternative conceptualizations can be compared relatively easily by making a list of the components of the concept of the quality of democracy proposed by each scholar. But to really grasp these attempts to conceptualize the quality of democracy it is crucial to take a step back and explicitly consider the underlying approach to the concept of the quality of democracy employed in this literature. Indeed, I suggest that this

perspective reveals some widely shared problems and that progress in conceptualizing the quality of democracy must start with the articulation of a new approach that adequately responds to the problems with the current literature on the concept of the quality of democracy.

1.i. The State of the Literature

A non-exhaustive but representative review of the literature that explicitly focuses on the quality of democracy and tackles the challenge of conceptualizing (and in some cases measuring) the quality of democracy reveals some noteworthy features (see Table 1).[1] All the authors that focus on the quality of democracy start by identifying a baseline concept of democracy and then introduce the concept of the quality of democracy as one that goes beyond their baseline concept of democracy. Moreover, they all identify multiple conceptual components of their concept of the quality of democracy. To a certain extent, the same general approach underpins current conceptualizations of the quality of democracy, gives the literature a certain orderly quality and allows for a comparison across conceptualizations. But such comparisons actually expose considerable differences in the way scholars have conceptualized the quality of democracy and bring to light some fundamental problems in the way most of this literature has approached the challenge of conceptualizing the quality of democracy.

Scholars understand the concept of democracy and its relationship to the concept of the quality of democracy in not only different, but sometimes quite incompatible, ways. Scholars actually use different baseline concepts of democracy. And the overarching concept of quality of democracy, that is, the concept that serves as the most abstract concept and point of reference in the formation of the concept of quality of democracy, also varies from scholar to scholar. Thus, it is hardly surprising that the relationship between the baseline concept of democracy and the concept of the quality of democracy is framed in quite variable terms. But it is somewhat surprising to learn that some scholars consider improvements in the quality of democracy as involving democratization (Lijphart 1999: 276), while others disagree with this view (Ringen 2007: 20, 28, Mazzuca 2010: 335-37), in some cases even after positing that the overarching concept of the quality of democracy is actually the very concept of democracy (Altman and Pérez-Liñán 2002: 90-91, Roberts 2009: 25, 205, Levine and Molina 2011a: 3, 8).

Scholars also specify the conceptual components of their concept of the quality of democracy in the most varied manner. Some focus on aspects of the political process (Mazzuca 2010: 343, Levine and Molina 2011a: 13), while most straddle the process/substance or process/outcome divide. And, though some of the conceptual components recur in the work of various scholars (e.g. accountability), each scholar conceptualizes the quality of democracy in terms of a variable set of components. Moreover, upon closer inspection, what some scholars posit as dimensions of the quality of democracy (e.g. Sovereignty in the proposal of Levine and Molina 2011a: 12), others see as part of the baseline concept of democracy (Morlino 2004b: 6, Mazzuca 2010: 345).

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[1] Others sources that have contributed to the discussion about the conceptualization and measurement of the quality of democracy include Saward (1998), Kitschelt et al. (1999, 2010), Kaiser et al. (2002), Berg-Schlosser (2004), Merkel (2004), Beetham et al. (2008), Barreda (2011), Escobar (2011), and Vargas-Cullell (2011).

Table 1. Conceptualizations of the Quality of Democracy: Approaches and Assessment

| Author/s | Democracy and the Quality of Democracy | | | The Quality of Democracy | | | | | | | |
| | Baseline Concept of Democracy | Overarching Concept of the Quality of Democracy | Relationship Between the Quality of Democracy and the Baseline Concept of Democracy | Conceptual Components * | | | | | Relationship Among Conceptual Components | Assessment | |
				Process I: Elections and citizen participation	Process II: Decision making by elected authorities	Process III: Implementation of elected authority's decisions	Outcomes of Processes I: Intermediary Outcomes	Outcomes of Processes II: Final Outcomes		Strengths	Weaknesses
Altman and Pérez-Liñán (2002)	Polyarchy	Democracy	QoD is about the extent to which any given polyarchy actualizes its potential as a political regime; it is not a matter of the degree of democraticness and is relevant only in cases that meet the baseline criteria	Effective participation	Effective competition	×	×	Effective civil rights	• Estimated empirically	• QoD components are mutually exclusive	• Lack of clarification of the concept of QoD • Lack of theorization about the relationship among QoD components • Questionable reduction of the empirical scope of the QoD
Bühlmann, Merkel, Müller and Wessels (2011)	Established democracy	Liberal and Participatory Democracy	QoD refers to the extent of fullfilment of core democratic principles; it does not apply only to cases that meet the baseline criteria	Competition, Participation, Representation	Mutual constraints of constitutional powers, Transparency	Rule of law, Governmental capability	Representation	Individual liberty, Public sphere (Freedom of association and of opinion)	• Different relationships are posited at different conceptual levels	• Explicit theoretical definition of the QoD • Some theorization about the relationship among QoD components	• Vague concept of established democracy • Vagueness of meaning of some QoD components • Lack of parsimony in identifying QoD components • Unclear empirical scope of the QoD
Levine and Molina (2011a, 2011b)	Democracy (procedural minimum)	Democracy	QoD pertains to the conditions for the effective functioning of procedural democracy; it is not a matter of the degree of democraticness and is relevant only in cases that meet the baseline criteria	Electoral decision, Participation, Accountability (vertical, societal)	Accountability (horizontal), Responsiveness, Sovereignty	Accountability (horizontal)	×	×	• Additive	• Clarification of the conceptual boundaries of the QoD	• Lack of clarification of the concept of QoD • Questionable assumption about the relationship among QoD components • Questionable reduction of the empirical scope of the QoD
Lijphart (1999: Ch. 16)	Stable democracy	Democracy	QoD is a matter of the degree of democraticness; it is relevant only in cases that meet the baseline criteria	Electoral participation	Government-voter proximity, Majority support for executive, Majority rule use, Corruption	×	Women representation in government, Family policy	Economic and social inequality, Satisfaction with democracy	• Not addressed	• QoD components are mutually exclusive	• Lack of clarification of the concept of QoD • Lack of theorization about the relationship among QoD components • Questionable reduction of the empirical scope of the QoD
Mazzuca (2010) **	Access to state power (democratic regime)	Exercise of state power (bureaucratic administration)	QoD pertains to the exercise of state power; it is not a matter of the degree of democraticness but it is relevant in all cases	×	Accountability (horizontal)	Weberian bureaucracy	×	×	• Not addressed	• Explicit theoretical definition of the QoD • General empirical scope of the QoD	• Lack of theorization about the relationship among QoD components
Morlino (2004a, 2004b)	Democracy (minimal)	Good democracy	QoD pertains to the procedures, contents and results of democracy; it is relevant only in cases that meet the baseline criteria	Accountability (vertical)	Accountability (horizontal)	Rule of law	Responsiveness	Freedom, Equality	• Not addressed in any depth	• Clarification of the nature of the conceptual components of the QoD	• Lack of clarification of the concept of QoD • Confusion between ideals of democracy and conceptual components of the QoD • QoD components are not always mutually exclusive • Questionable reduction of the empirical scope of the QoD
Ringen (2007: Chs. 1 and 6)	Democracy	Freedom	QoD is about the purpose of democracy: freedom; it is not a matter of the degree of democraticness and is relevant only in cases that meet the baseline criteria	Strength of democratic institutions	Capacity of decision making	×	×	Security of resources for freedom, Trust in democracy and freedom	• Additive	• QoD components are mutually exclusive	• Lack of clarification of the concept of QoD • Vagueness of meaning of some QoD components • Questionable assumption about the relationship among QoD components • Questionable reduction of the empirical scope of the QoD
Roberts (2009: Ch. 2)	Democracy (formal, institutional)	Democracy (actual popular rule)	QoD is about the functioning of democracy (i.e. the strength of popular control); it is not a matter of the degree of democraticness and is relevant only in cases that meet the baseline criteria	Electoral accountability	×	×	Policy responsiveness, Mandate responsiveness	×	• Not addressed in any depth	• Clarification of the nature of the conceptual components and conceptual boundaries of the QoD	• Lack of theorization about the relationship among QoD components • Questionable reduction of the empirical scope of the QoD

Note: QoD = quality of democracy, × = not included (*) The overall political processes is disaggregated into parts, concerning i) input into decision making,ii) decision making and iii) the implementation of decisions. Outcomes of processes are contrasted to the processes themselves. Intermediary outcomes refer to outcomes pertaining to some part of the overall political process (e.g. how many women get elected to parliament, how many civil servants are hired through exams), while final outcomes refer to the impact of the political process on society. (**) Though Mazzuca discusses the issues addressed in the literature on the quality of democracy, he suggests that the term "quality of democracy" is not appropriate.

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The divergent conceptualizations of the quality of democracy are a reason for concern more than a sign of a lively debate. The casual reader of this literature could not be blamed for ending up with some fairly muddled ideas about the concept of the quality of democracy and would be justified in suggesting that this literature is characterized by a certain dose of idiosyncraticness. Indeed, with only a few exceptions, the literature on the concept of the quality of democracy, and the literature that seeks to provide operational definitions in particular, fails to a considerable extent to follow some basic methodological principles concerning three central issues: (i) the identification of conceptual components, (ii) the specification of the relationship among conceptual components, and (iii) the delimitation of empirical referents. And because of these methodological flaws, the proposed conceptualizations are highly questionable.

One of the most common methodological problems in this literature concerns the identification of conceptual components. Some scholars are quite thorough in identifying the overarching concept of the quality of democracy and deriving the conceptual components of the quality of democracy from a theoretical discussion of their overarching concept (Mazzuca 2010, Bühlmann, Merkel, Müller and Wessels 2011). But others clearly exemplify what is sometimes labeled as a definitional fallacy, the belief "that the meaning of [e.g.] 'democracy' is to be found simply by examining the systems usually called democracies" (Holden 1988: 4). For example, Stein Ringen (2007: 27) argues for a certain conception of democracy by simply claiming that "These methods are all democratic in that they are used in established and respected democracies." And Andrew Roberts (2009: 35) argues against the inclusion of horizontal accountability in his concept of the quality of democracy by stating that "some high-quality democracies – for example, Westminster systems – have very few mechanisms for horizontal accountability, suggesting that it may be an optional element of democracy."[2] Indeed, rather than relying heavily on deductions from certain principles, as Robert Dahl (1956: 2) set out to do in his *A Preface to Democratic Theory*, conceptualizations of the quality of democracy have largely proceed by proposing conceptual components "without any justification other than the intuitive correspondence with institutional features that have a positive normative value in contemporary Western cultures" (Mazzuca 2010: 344).

A second, related methodological problem concerns the relationship among conceptual components, a matter that is particularly important in any effort to measure the quality of democracy and eventually construct an overall measure or index of the quality of democracy. In some cases, the problem is that the posited components are spelled out in such vague terms that it is hard to tell them apart. For example, suggesting that the quality of democracy includes conceptual components such as the rule of law (Morlino 2004a: 14-17, and Bühlmann, Merkel, Müller and Wessels 2011: 6) or freedom and equality (Morlino 2004a: 24-26) makes it highly unlikely that an analyst could distinguish this component from others. Indeed, in some instances scholars readily admit that that they propose multiple components that are "overlapping" rather than being mutually exclusive and that they do not know "where one dimension [i.e. conceptual component] ends and another begins" (Diamond and Morlino 2004: 29). In other cases, the problem is that the relationship among components is not addressed in any sort of serious way. Thus, it is quite common to posit that the relationship among components is additive, that is, not entailing any interaction, and that all components have equal weight (Ringen 2007: 33-34, Levine and Molina 2011b: 21), while doing little to justify such a suggestion and to consider possible alternatives. In short, another

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[2] In other cases, the proposed conceptualizations even avoid a pretense to objectivity. Thus, Roberts (2009: 39) states that whether corruption should be included as a component of the quality of democracy is hard to decide because "it is not clear how important corruption is to citizens. In some cases it may be more acceptable than others."

key aspect of the challenge of conceptualization, the specification of the relationship among conceptual components, is usually dealt with in a rather extemporaneous manner.

Finally, a third methodological problem that affects most of the conceptualizations of the quality of democracy concerns the delimitation of its empirical referents. A widely shared view is that the baseline concept of democracy should be used to identify countries that are democracies and that the concept of the quality of democracy applies only to that subset of countries deemed to be democracies.[3] The application of this idea is not without its problems. It is not all that clear where the threshold separating democracies from non-democracies should be draw. Indeed, Arend Lijphart (2011: 18) candidly admits that he is "not sure where exactly the minimum threshold for institutional democracy should be drawn."[4] And the analysis of cases such as contemporary Venezuela (Levine and Molina 2011c: 253-54), somewhat confusingly oscillating between assertions that Venezuela has a low quality democracy and Venezuela is not a democracy—which would imply that an assessment of the quality of democracy is irrelevant—shows that any attempt to identify the democracies to which the concept of the quality of democracy is seen as applicable is fraught with difficulties. But the problem with the standard choice of reduce the empirical scope of the concept of the quality of democracy in rough terms to democracies is more fundamental.

Scholars have more or less assumed that a democracy has to exist before its quality can be assessed and that an analysis of the quality of democracy, which is concerned with subtle differentiations of the degree to which certain democratic qualities are present, only makes sense after a baseline concept of democracy is used to determine if a democracy *exists*, something seen as an all-or-nothing matter (Roberts 2009: 25, Levine and Molina 2011a: 2-4, 7-8). But this view is flawed. Not only is it patently mistaken to argue that a democracy has to exist before certain democratic qualities can be assessed. The concept of democracy as well as that of democratic qualities are simply that: concepts, that we carry in our mind. What exists are countries and any country can be considered at any point in time in terms of any concept we might think up. In addition, this misunderstanding has certain costs. From an conceptual perspective, as Sebastián Mazzuca (2010: 341) points out, the focus on countries deemed to be democracies is associated with a loss of generality and the loss of the possibility to study the relationship among the conceptual components encompassed by the baseline concept of democracy, on the one hand, and the concept of the quality of democracy, on the other hand. And from a normative perspective, it is associated with the dangerous tendency to use a higher standard to assess a subset of countries and hence draw attention to certain "problems of democracies"—and possibly contribute to arguments against democracy—when these might very well be problems found in all countries or even ones that are actually managed better by democratic countries. Indeed, so as "not to criticize democracy for not achieving what no political arrangement can achieve," a concern highlighted by Adam Przeworski (2010: 16), it is crucial to always compare democracies and non-democracies.

These methodological flaws are profound. Because the proposed conceptualizations of the quality of democracy are not based on rigorous methods, they have an ad hoc quality, that lends itself to the proliferation of a wide range of alternative conceptualizations but not to a focused debate that at least holds the promise of conceptual progress. To be sure, some proposals are more fruitful than others (see the evaluation in Table 1). But it is not farfetched

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[3] Lijphart (1999: 48-53), Altman and Pérez-Liñán (2002: 90-91), Morlino (2004b: 5), Ringen (2007: 32-33), Roberts (2009: 25), Levine and Molina (2011a: 2). Among the conceptual proposals reviewed in Table 1, the only two that do not posit that the concept of the quality of democracy is only applicable to countries that meet the standards identified with the baseline concept of democracy are those by Mazzuca (2010: 341) and Bu¨hlmann, Merkel, Mu¨ller, Giebler and Wessels (2011: 9-10).

[4] This uncertainty pervades the literature, as shown by Bogaards (2011).

to suggest that the concept of the quality of democracy already has many of the problems that by the mid-1990s undermined the erstwhile useful and promising concept of the consolidation of democracy (O'Donnell 1996, Munck 2001: 126-28). Indeed, to rescue the concept of the quality of democracy, a fairly thorough reconstruction of the concept is called for. And that reconstruction should start not with a discussion of the list of conceptual components scholars use to define the concept of the quality of democracy but, rather, with the more basic issue of the approach to the conceptualization of the quality of democracy that is used.

1.ii. An Alternative, Unified Approach

An adequate response to the problems with the current literature on the concept of the quality of democracy must be based on a unified approach, that takes as its starting point one single overarching concept, democracy, and that conceptualizes democracy in a way that is applicable to all countries. And it is only prudent that any such attempt to conceptualize democracy should highlight, at the outset, the special status of a minimalist definition of democracy. Such a definition refers to the role of elections—elections should be the only means to access government offices—and the quality of elections—elections should be devoid of violence or fraud and based on the universal right to vote and the right to run for office without proscriptions. And such a definition serves as a baseline in thinking about democracy. After all, as is widely recognized, even if we argue that a minimalist definition of democracy captures only a part of the concept of democracy, this part should be considered a necessary condition for any more broadly conceived democracy. That is, if a country does not meet the criteria specified in a minimalist definition of democracy, it should not be considered a democracy no matter how it fares on other dimensions of democracy.

But this is where the complications begin. Inasmuch as a minimalist definition of democracy is seen as capturing only a part of the concept of democracy—indeed, to avoid confusion with democracy *tout court*, a country that meets the criteria specified in a minimalist definition of democracy should be called an electoral democracy rather than a democracy—two intimately related questions need to be addressed: (i) what are the conceptual components of democracy that go beyond those encompassed by the minimalist concept of electoral democracy? and (ii) what is the relationship among these conceptual components and, especially, what is the relationship between the components of electoral democracy and any other components of democracy? And the proposed answer to these questions offered in the next section hinge on some substantive assumptions and methodological considerations that differ from the bulk of the literature on the quality of democracy. Thus, these aspects of the approach adopted here are briefly outlined in what follows.

Democracy as Political Ideals and as Political Institutions. First of all, democracy is considered as a political concept, that is, pertaining to the State—democracy without qualifications is political democracy—that is infused by the values or ideals of freedom and equality or, more specifically, of political freedom and political equality. Democracy is about the value of political freedom in the sense that the ideal of democracy is one in which one lives under a government and laws which one directly or indirectly influences and hence that one is free from political domination. Indeed, as Rousseau (2002 [1762]: Book 1, Ch. 8, 167) wrote, freedom understood as "obedience to a self-prescribed law" is at the heart of democracy (see also Kelsen 2000 [1929]: 85-86; 1945: 284-85).[5] Moreover, democracy is

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[5] This concept of democratic freedom, associated with the notion of autonomy and self-government, is usually contrasted to two other kinds of freedom or liberty that are often characterized, following Berlin (2002 [1958]),

inseparable from the value of political equality in the sense that every person that lives under a government has the same claim to political freedom and thus that their preferences should have the same weight. In short, following Hans Kelsen (1945: 287), I consider that "democracy … is a synthesis of the ideas of freedom and equality."[6]

Democracy thus understood was such a tremendously radical ideal when it was introduced in the second half of the eighteenth century in Europe and America that Robert Palmer (1959, 1964) writes about "the age of the democratic revolution." And, even though it makes more sense than at any time in the past to say that we live *in* a democratic age—after all, for the first time in history it makes sense to claim that a majority of the countries in the world deserve to be classified as electoral democracies—the democratic ideal remains a radical one. Political changes have brought actual institutions closer to this ideal. But political institutions embody democratic ideals only partially. And theorists of democracy have therefore found this gap between ideals and realities troubling. For example, Norberto Bobbio (1987: 26-27) draws attention to "the gap between democratic ideals and 'actually existing democracy'" and goes on to address the multiple "broken promises" of democracy. And though Dahl makes a clear distinction between democracy as an ideal and actual democracies—which he labels "polyarchies"—and hence signals that there always will be a gap between democratic ideals and realities, he also argues for the centrality of assessing the democraticness of countries with standards beyond those included in his famous list of necessary conditions of polyarchy (Dahl 1971: 3, 1989: 220-22). Indeed, going beyond the defining features of polyarchy, Dahl argues that for the real world relevance of "the ultimate popular control over the agenda" (Dahl 2009: 5) and evaluates politics in the United States in light of a range of factors, such as the unequal representation of voters and the limitations on the power of Congress (Dahl 2003: 17-20, 81-82). In other words, the democratic ideal is still a radical ideal, which continues to draw attention to shortcomings of actual political institutions.

Thus, the problem of the quality of democracy is best seen as none other than the present day version of the problem with which theorists of democracy have always grappled: the gap between democratic ideals and realities, and the specification of realistic democratic standards. Indeed, because the distinction between democracy as an ideal and actual democracies has never been and surely never will be fully bridged, actual democracy consists of a set of practices that are not settled once and for all and hence democratization is a voyage with an always receding horizon. Formulated in these terms, then, the discussion about the quality of democracy can be framed as one about the standards used to evaluate the politics of countries around the world and the development of a new democratic standard, that is a higher one than the minimalist standard associated with electoral democracy that has become increasingly accepted over the past sixty years yet offers a realistic target for political action aimed at reducing the gap between democratic ideals and realities.

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as negative and positive liberty (Bobbio 1991: 42-45; 2003: 113-17, 304-09, 525-27). The concept of freedom as non-domination is also a central idea within republican thought which, likewise, is contrasted to the idea of negative and positive liberty but which is developed in a different way (Pettit 1997, Skinner 2002, Bellamy 2007).

[6] This basic idea, which contrasts with the view that liberty takes precedence over equality and sees liberty and equality as compatible (Bobbio 1991: 51), is formulated in roughly similar terms by many authors. For example, Dahl (1956: 37) and Beetham (1999: 5) highlight the ideas of popular sovereignty and political equality. Others, such as Bellamy (2007: Ch. 4, 210), talk about non-domination and political equality. And yet others, such as Przeworski (2010: 1, 7, 11) talk about liberty, equality and self-government. For a historical perspective, see Hansen (1992: 25-27).

The Delimitation of the Concept of Democracy. Second, in seeking to articulate such a standard of democracy beyond electoral democracy, it is hard to overemphasize the importance and the difficulty of clearly distinguishing the concept of democracy from other concepts that are frequently seen as being closely related to democracy. The literature on democracy is full of compound concepts, such as democratic consolidation, democratic governability, constitutional democracy, liberal democracy, democratic rule of law, and welfare state democracy. And it is quite common for these compound concepts to smuggle in ideas that refer to values other than democracy, which may or may not be compatible with democracy, or which refer to certain outcomes imputed either to democracy or some other political institutions. Thus, these compound concepts tend to introduce considerable confusion about whether the concept under consideration is democracy or something else and whether the discussion is centered on democracy in itself or some possible consequence of democracy.

The thorny issues such uses of the concept of democracy give rise to is well exemplified by one of the most common compound concepts in the literature of democracy: liberal democracy. An argument could be made that democracy and liberal politics are necessarily interlinked because "they share a common starting point: the individual" and "are grounded in an individualistic [as opposed to an organicist] conception of society" (Bobbio, 1990: 41). Moreover, many authors posit that democracy cannot function in the absence of certain liberties usually understood as civil rights (Dahl 1971: 2-3, 1989 167-73, 221-222, Bobbio 1987: 25, 1990: 39) and even hold that it does not make sense to talk of illiberal democracy (Bobbio 1990: 37-39, 2003: 309). But the relationship between democracy and liberalism is also framed in different ways by many authors. For example, Kelsen (1945: 288) writes that "A democracy without public opinion is a contradiction in terms"; but he also asserts that "It is of importance to be aware that the principle of democracy and that of liberalism are not identical, that there exists even a certain antagonism between them" (Kelsen 1955: 3). Morever, Joseph Schumpeter (1942: 271-72) and others (Lipset and Lakin 2004: 21-23) argue that even such basic issues as freedom of speech should be left outside of a definition of democracy and that it is better to consider the relationship between democracy and matters such as freedom of speech as causal claims about the consequences of democracy than to posit that such a freedom should be seen as intrinsic to democracy. In short, it is hard to avoid the sense that the compounding of democracy and other concepts, though possibly not entirely avoidable, generates many conceptual dangers.

Thus, in line with the goal of articulating *democratic* standards, that is, that are strictly interpretable in terms of the concepts of democracy and democratization, the importance of certain basic methodological guidelines deserve attention. First, it is critical to distinguish claims about what is constitutive of democracy, that is, of conceptual components that should be seen as part of what defines democracy, from explanatory claims related to democracy, that is, about the possible consequences as well as causes of democracy. Second, and more complicatedly, the possibility of antagonism between democracy and some of the concepts routinely linked to democracy and treated as constitutive of democracy must be seriously addressed. Indeed, it is critical to address the possibility that various concepts commonly linked with democracy do not all combine in a mutually reinforcing manner. In brief, in seeking to articulate democratic standards, it is essential to focus attention keenly on what is constitutive of democracy, to separate claims about what democracy is from explanatory claims about democracy, and to be careful about the implications for the conceptualization of democracy of other concepts.
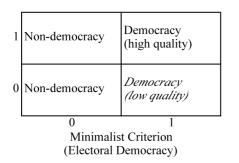
The Status of Criteria of Democracy Beyond Electoral Democracy. Finally, another important methodological consideration in an attempt to articulate democratic standards that

go beyond the minimalist standard embedded in the concept of electoral democracy concerns what might be thought of as the status or degree of importance of any criteria of democracy beyond electoral democracy. This is a critical issue, because the status of any such additional criteria has direct implications for how we think about the relationship among conceptual components and because the two basic ways of thinking about the status of any additional criteria have considerable consequences for an overall characterization of political systems (see Table 2).[7]
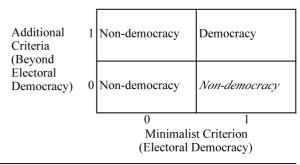
One way of thinking about any criteria of democracy beyond electoral democracy, which is common in the literature on the quality of democracy, is to posit that any such additional criteria should be considered as *contributing* conditions.[8] In this case, the lack of these additional criteria would simply mean that a country is deemed to be, following the conventional language in the literature on the quality of democracy, a low quality democracy, but a democracy nonetheless. In effect, since the minimalist criterion is usually seen as a necessary condition, there is an obvious asymmetry between the minimalist criterion and any additional criteria. The failure to meet the minimalist criterion determines whether a country is democratic or not. But the absence of any additional criteria does not alter the classification of a country as a democracy (the bottom right cell in Table 2, panel a). In other words, the additional criteria can only add something to, and never take anything away from, what is established in light of a minimalist criterion and hence cannot raise questions about the democraticness of a country. Thus, even when a unified approach that applies one single overarching concept to all countries is adopted, if the additional criteria introduced beyond a minimalist criterion of democracy are considered as contributing conditions, no fundamental break with the way the current literature on the quality of democracy distinguishes among countries that are electoral democracies is introduced.

Table 2. Democracy Beyond Electoral Democracy:
Additional Criteria as Contributing or Necessary Conditions?

a) Additional Criteria as Contributing Conditions

Additional Criteria (Beyond Electoral Democracy)	1	Non-democracy	Democracy (high quality)
	0	Non-democracy	*Democracy (low quality)*
		0	1
		Minimalist Criterion (Electoral Democracy)	

b) Additional Criteria as Necessary Conditions

Additional Criteria (Beyond Electoral Democracy)	1	Non-democracy	Democracy
	0	Non-democracy	*Non-democracy*
		0	1
		Minimalist Criterion (Electoral Democracy)	

Note: A contributing condition does not, by itself, either prevent something from coming about or make something come about. A necessary condition, by itself, prevents something from coming about. More formally, the relationship between a minimalist criterion of democracy and additional contributing conditions can be spelled out in terms of the following aggregation rule: (Minimalist Criterion) x (Additional Criteria + 1). In turn, the relationship between a minimalist criterion of democracy and additional necessary conditions can be spelled out in terms of the following aggregation rule: (Minimalist Criterion) x (Additional Criteria).

0 = absence; 1 = presence

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[7] It also has an impact on the parsimony and power of any conceptualization.

[8] Whether the conceptual dimensions proposed in the literature on the quality of democracy (see Table 1) deserve to be treated as contributing factors is another matter. The point here is that these conceptual dimensions are treated as contributing factors, either explicitly, because an additive aggregation rule is used to construct an index (Ringen 2007: 33, Bühlmann, Merkel, Müller and Wessels 2011: 9-10), Levine and Molina 2011b: 21), or implicitly, because of the choice to focus only on countries deemed to be democracies.

But the criteria of democracy beyond electoral democracy might be considered not merely as contributing but rather as *necessary* conditions. For example, because minimalist conceptions of democracy are focused on how key government offices are accessed, and in actual cases a significant amount of power may lie even formally in the hands of unelected leaders (e.g. foreign, occupying forces, as in the case the Federal Republic of Germany after the 1949 election of Konrad Adenaeur and until at least 1955, or the military, as in the case of Chile from 1990 until 2005), it would make sense to argue that access to state power, as something distinct from access to government offices, is not just a contributing condition but something more essential, indeed, a necessary condition of democracy. Or in a hypothetical case that elected leaders do have access to state power but the content of government policies is determined overwhelmingly by the wishes of the private corporations that fund political campaigns rather than the preferences of citizens, it seems plausible to argue that the pattern of policy making is an additional criterion that should be considered as a necessary condition of democracy.

Thus, it is plausible to make a stronger claim than the usual proposition in the literature on the quality of democracy about contributing conditions and argue that there are necessary conditions of democracy beyond those highlighted in a minimalist definition of democracy. And the positing of new necessary conditions of democracy opens up some radically new possibilities that are not envisioned in the literature on the quality of democracy. When such necessary conditions are lacking, what is at stake is the overall level of democraticness of a country. Indeed, if an additional criterion is considered a necessary condition, it would make sense to say that a country that does not meet this criterion is not simply a country with a low quality democracy but rather one that might very well not be a democracy (compare the lower right cells in panels a and b in Table 2). This is the possibility that Jürgen Habermas (1996: 316) hints at when he observes that the "essential criteria of a democratic political order" specified by Dahl "have not been *sufficiently* satisfied by any actual political order."[9] This is also the possibility that Dahl (2006: 75-76) himself is concerned about when he asks, "Might increasing political inequality push some countries—including the United States [i.e. countries that meet a minimalist standard of democracy]—below the threshold at which we regard them as ''democratic,'' even though they may remain well above the level at which we can reasonably designate a country as ''authoritarian,'' or a dictatorship, or the like?" And hence there are strong grounds for considering that any effort to conceptualize the quality of democracy should focus explicitly on the specification of criteria of democracy beyond electoral democracy that are necessary, and not just contributing, conditions of democracy.

In sum, to overcome the limitations in the literature on the quality of democracy, an alternative, unified approach is proposed. This new approach is a unified approach in that it applies one single overarching concept, democracy, to all countries. Moreover, it frames the conceptual challenge as the articulation of standards of democracy beyond electoral democracy and highlights the importance of two methodological considerations in any effort to tackle this conceptual challenge: first, the need to focus keenly on what is constitutive of democracy and, next, on necessary conditions of democracy.

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[9] Habermas is referring to the discussion in Dahl (1989: 106-14, 120).

2. Democracy Beyond Electoral Democracy

Specifying criteria of democracy beyond electoral democracy that are necessary conditions of democracy in a way that can be used empirically is no easy matter. Indeed, a key issue such as the identification of thresholds that separate countries that meet and do not meet such necessary conditions, a matter that has been quite carefully scrutinized (though still not resolved) in the context of a minimalist definition of democracy, has not even been formulated as a problem to be addressed. But some fruitful ideas about the conceptual components of democracy that could be considered as necessary conditions of democracy, and even some suggestions regarding indicators that could be used in their measurement, can be drawn from the broad literature on democracy.

2.i. The Political Process Beyond the Formation of Government: Democratic Government Decision-Making

A minimalist conceptualization of democracy focuses on processes, addresses one aspect of the overall political process—the formation of government—and essentially highlights one basic criteria: the possibility of evicting a government through contested elections (Schumpeter 1942: 272). Thus, a convenient entry point for a discussion of democracy that goes beyond this well established understanding of democracy is to maintain the focus both on the political process and on representative government but to address government decision making, that is, aspects of the political process that go beyond the formation of government, and to consider whether these are grounds for holding that there are some democratic criteria that apply to government decision making and that deserve to be understood as necessary conditions of democracy.

The positing of democratic criteria regarding procedures that extend beyond the formation of government is not in itself controversial. For example, even though Bobbio (1987: 24) declares himself a defender of a minimalist conception of democracy, he holds that democracy is "a set of rules … which establish *who* is authorized to take collective decisions and which *procedures* are to be applied." In other words, democracy is not only a matter of *who* decides but *how* decisions are made. Moreover, though there is an ongoing debate about what constitutes a democratic standard in the sphere of government decision-making, a strong case can be made for what could be labeled a political theory of democracy as opposed to a juridical theory of democracy.[10]

The political theory of democracy posits the following.[11] If democracy is understood as a political system that embodies the value of political freedom, citizens must have ultimate control over what issues are decided through the decision-making process. In turn, if democracy is understood as a political system that embodies the value of political equality, all citizens should have equal weight in the making of such legally binding decisions. And these abstract criteria are met only by a specific set of institutions regarding: i) the allocation of seats in decision making bodies, and ii) the making of decisions by decision making bodies. Regarding the allocation of seats in decision making bodies, democracy requires an electoral system that ensures proportionality in the number of votes gained by parties and the number of seats allocated to parties. That is, electoral rules should ensure that the pluralism of society is adequately reflected in the bodies of representative government and that the diversity of views on policy matters is brought to bear on decision-making. Furthermore, regarding the

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[10] The distinction between a political and a juridical theory of democracy is made by Ferrajoli (2011a: 31-37). The same distinction underlies Bellamy's (2007) contrast of political to legal constitutionalism.

[11] On this theory of democracy, see Kelsen (1945: 283-300), Dahl (1989), McGann (2006), Bellamy (2007), and Przeworski (2010: Chs. 2 and 6).

actual making of government decisions, democracy requires that legislative power reside fully in a unicameral chamber in which decisions are made based on majority rule. That is, to put it in negative terms, democracy is diminished by countermajoritarian institutions, such as presidents with strong legislative powers, upper houses with strong powers, courts with the power of judicial review to address issues beyond democratic rights and fundamental rights, and constitutions that specify that certain domains are reserved for state actors such as the military.

Deviations from these conditions, which necessarily curtail the power of a majority of citizens that prefer to change the status quo, are practically inevitable. And the implication of these deviations from pure majority rule, for example, whether they have the same meaning in the context of all substantive governmental decisions, is a matter of ongoing discussion. Indeed, scholars who underline the problematic nature of counter-majoritarian institutions differ on such issues as the proper scope of judicial review, that is, the power of the courts to decide whether the laws passed by elected officials are constitutionally valid. Thus, Dahl (2003: 54-55, 152-54) argues that courts with strong powers of judicial review are inconsistent with democracy but also asserts that "a supreme court should … have the authority to overturn … laws … that seriously impinge on any fundamental rights that are necessary to the existence of a democratic political system." And Przeworski (2010: 126, 145) argues, along similar lines, that the problem for democracy comes when "supermajoritarian protection of the status quo extends to purely distributive issues that do not entail any fundamental rights," that "rights can be and most often are guarded separately," and that "explicit rules should regulate which issues should be decided by which criteria." But others argue that issues of normal politics cannot be neatly separated from constitutional questions, that disagreements about rights are unavoidable and that, since some procedure has to be used to sort through such disagreements, the only procedure that is consistent with democracy is one in which legislators and not judges make such decisions (Bellamy 2007: 20-26, Ch. 6).[12] Thus, scholars who advocate a political theory of democracy differ somewhat on how to evaluate deviations from pure majority rule.

These differences notwithstanding, the contrast with scholars who propose a juridical theory of democracy is quite stark. The starting point of a juridical theory of democracy is a general point about the State—the power of politics is dangerous and should be curtailed—and a more specific point about democracy—democracy should be subordinated to the rule of law. And this goal is seen as being accomplished through a rigid constitution, that is, a constitution that is hard to change, that specifies the content of what legislators cannot do and must do, and that mandates that the process for the making of government decisions should involve a system of checks and balances that includes, as a key element, courts with the power of judicial review. In short, a juridical theory of democracy gives primacy to the law over politics, in the sense that the rule of law is preferable to the rule of men (Ferrajoli 2011a: 44-45, 49), and holds that the best form of government is constitutional democracy rather than pure democracy. And a juridical theory of democracy is seen as superior to alternative theories of democracy because it highlights a core point that a political theory of democracy is seen as neglecting: that "there cannot be democracy without the rule of law" (Ferrajoli 2011a: 17, my translation).

The motivation behind a juridical theory of democracy is, undoubtedly, laudable: to protect the weak through the law. But the way the relationship between democracy and the rule of law is framed in a juridical theory of democracy is open to serious questions. Conceptually, though advocates of a juridical theory of democracy argue that there is no

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[12] These two positions correspond, respectively, to the views of legal scholars Ely (1980) and Waldron (1999: Part III, 2006).

conflict between the principles of democracy and features such as rigid constitutions and checks and balances—these features are seen as expressions and guarantees of popular sovereignty (Ferrajoli 2011a: 86)—constitutional democracy is best understood as a hybrid of constitutionalism and democracy that conjoins different principles (Murphy 2007: 2, Ferrajoli 2011a: 207-13). And these principles are not obviously compatible. The case for constitutional democracy over pure democracy is based on the superiority of impersonal law over arbitrary power politics. But it actually amounts to a case for taking power from legislators and giving it to judges. Indeed, the judicialization of politics can be seen as leading toward what some have called juristocracy as opposed to democracy (Hirschl 2004). Moreover, the case for constitutional democracy is based not only on the idea that politics should be rule bound but also that political change entails dangers and hence should be, at the very least, slowed down. Thus, constitutional democracy entails an inbuilt deference toward the past and the status quo and a bias against current political majorities. In short, it is important to underline that a juridical theory of democracy introduces elements that actually involves restrictions on democracy.

The key causal claim that lies behind much of the appeal of a juridical theory of democracy is also quite dubious. The bet of a juridical theory of democracy is that politics can be externally constrained and that, by giving authority to actors who are considered to be insulated from democratic politics, certain valuable rights will be guaranteed and the tyranny of majority rule will be kept at bay. Yet, theoretically, there is no reason to believe that, when interests are at stake, any actors within the State will truly be above politics. The conflicts and disagreements about what do to that permeate politics will equally affect judges exercising the power of judicial review. Indeed, even if judges are seen as bound by a constitution, they disagree about how to interpret the constitution—disagreements that are in part grounded in interests and ideology—and make decisions by a majority vote. The key difference, then, is that political arbitrariness is replaced by judicial arbitrariness and popular majorities are replaced by a majority of judges (as in the common 5/4 decisions by the U.S. Supreme Court) (Waldron 2006, Bellamy 2007: Chs. 2, 3 and 4). That is, any problems attributed to pure democracy are simply transferred from one set of actors to another. In turn, the formal system of checks and balances does not necessarily limit the possibility of abuses of power, because members of the different branches of government may collude with each other or share the same party identity (Przeworski 2010: 136-37). It is not surprising, then, that the empirical evidence does not support the view that countries with various supermajoritarian mechanisms outperform those that more closely approximate majority rule in terms of the avoidance of abuses of power and protection of basic rights (McGann 2006: Ch. 8, Przeworski 2010: 144-45, 159-60).

Indeed, the whole depiction of external guarantees or, as Luigi Ferrajoli (2011a: 211, 2011b: 363) puts is, an external counter-power, which is seen as upholding the rule of law and constitutional rights is questionable. As advocates of a political theory of democracy argue, the rule of law is not something to which democratic politics must be subordinated and which justifies curtailing democracy. Rather, as José María Maravall and Przeworski (2003: 3, 9) argue, "Only if conflicting political actors seek to resolve their conflicts by recourse to law, does law rule." That is, the rule of law is an emergent property of a political system instead of a property of any one single actor who has the role of protecting the political system. And, therefore, "there is no intrinsic conflict between majoritarianism and the rule of law" (Maravall and Przeworski 2003: 9, see also Gargarella 2003). Indeed, "the democratic process *is* the constitution" and "the rule of law simply is rule by democracy" (Bellamy 2007: 5, 53). Moreover, democracy itself has its own internal checks that endogenously constrain rulers (Gargarella 2003: 160). On the one hand, the need to win a majority of votes and retain the support of these voters makes politicians attentive to the rights of the majority. On the

other hand, the prospects of alternation in office, that is, of majorities becoming minorities and minorities becoming majorities, induces a consideration of the preferences of minorities and moderation (Bellamy 2007: 42-43, Przeworski 2010: 145).

In sum, there are strong reasons to opt for a political as opposed to a juridical theory of democracy. To be sure, a growing number of countries have moved toward electoral democracy during the past three decades and adopted, at the same time, a range of supermajoritarian mechanisms (Przeworski 2010: 142-43). That is, there has been a growth of what should be labeled as constitutional democracies. But this only reinforces the relevance of a political theory of democracy. The adoption of supermajoritarian mechanisms might be seen as "making democracy safe for the world" and hence as part of the reason for the recent success of electoral democracy. But this does not alter the basic point that what is usually called a constitutional democracy curtails the ability of a majority of citizens to change the status quo—a central, indeed necessary condition of democracy—and that the normative reasons given for curtailing democracy are questionable.

2.ii. The Process/Substance Distinction: Conditions for a Democratic Process
TO BE COMPLETED

3. Conclusions

TO BE COMPLETED

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