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Qualities of Democracy: How to Analyze Them.

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Old wine in new bottles?

Since Plato's *Republic* and Aristotle's *Politics*, one of the most recurrent questions in political research has been 'what is the best form of government'. More recently, this question has been reconsidered and re-worded within empirical research as: 'what is a good democracy' or, better, 'what is democratic quality'? But the consequent, even more important question is: what is the best analytic tool for exploring and detecting democratic quality in various countries? This paper will focus on this question in particular, also by providing a theoretical reply to the first question within an empirical approach.

When looking back, at least as far as the early 1970s, the external origins of our question are evident: a. if in recent decades discontent, dissatisfaction and alienation are growing political phenomena in old, established democracies, the reasons for these attitudes, resulting from the perceived low quality of the regimes, are particularly salient; b. if more and more countries are defined as democratic, the question of what the implemented regimes labeled as democratic effectively are is more and more relevant and consequently the key question again seems to be: what is the democratic quality of those regimes; c. if situations of uncertainty with regard to existing regimes are growing, that is, if there are a large number of so called hybrid regimes (see Morlino 2009), the problem of looking behind the façade is still relevant and how to turn these regimes into democracies by improving their quality is once again very salient.

If we focus on the existing rich literature on democracies and democratizations, the intellectual, internal origins of the topic can easily be traced. There are at least three main streams: a. for scholars who have been working on democratizations, consolidation and crisis included, the need to look behind the façade of established institutions meant addressing questions about the content and actual working of those institutions; b. scholars of established democracies, especially those belonging to the Anglo-Saxon tradition, i.e. the UK, Canada and Australia, conducted research on the so called democratic auditing; c. a number of data banks, such as those of Polity IV, Freedom House, the Economist's Intelligence Unit, World Bank and also the Bertelsmann Index, provide measures of aspects related to democratic performance and, more generally, to the quality of democracy.

All three groups of scholars have made an important contribution to the development of the topic. In the first group we can mention O'Donnell with his notion of 'delegative democracy' (1994 and see below) or Lijphart (1999) with his thesis on the superiority of consensual democracy vis-à-vis majoritarian democracies in terms of implementing

democratic quality. In the second group, Beetham and Weir (1999) developed quality analysis in terms of ‘auditing’, which is a systematic qualitative assessment of the United Kingdom and later, with other authors, of Canada and, most recently and very effectively, of Australia (see Sawyer, Abjorensen, Larkin 2009). The different data banks are massive efforts to provide scores and rank orders on a large number of countries, or in some cases (first and foremost Freedom House) of all existing independent countries on key aspects such as rule of law and freedom. These data are also very important from a policy perspective for those – for example – who are planning to invest in a country or have to choose where to start an industrial enterprise.

External thrusts and political science research paved the way for the development of a more systematic theoretically conscious analytic tool for doing research on the quality of democracy. But they also left a few problems still open, or at least not explicitly addressed and solved. The initial problem in coping with this issue is how to deal with a normative topic in order to conduct a methodologically correct empirical analysis. The mainstream reply, which goes back to Weber, is just one: the key concepts and hypotheses are consistently spelled out; the empirical method is applied in a transparent and replicable way; the data are built with clear, well defined rules; the gathering of data is done scrupulously and as systematically as possible or with a correct sampling; the empirical conclusions are empirically well supported. This has been the main path chosen by most scholars. Alternatively, if we accept the pluralism of values and consequent views on democracy, then we can pursue a different, more adequate path to work with contested normative concepts. That is, we should try to build an analytic tool that can be useful to people with different normative tenets. This is possible if in our definitions and related singling out of dimensions democratic quality or, as I would prefer to say, qualities, we cover every possible empirical aspect that is consistent with every existing important normative conceptions of democracy.

While I think that the proposed solution will become clearer and more convincing in the next two sections, it should be emphasized here that an analytic tool of this kind is a necessary step forward in the field. In fact, when looking at the literature dealing with this topic (see above), either we find a quantitative analysis, where the reader cannot know what actually lies behind the numbers and rank orders, or we find a qualitative analysis that gets lost in detail, and often does not have an adequate theoretical justification. Moreover, in both kinds of analysis, the key function of every scientific enterprise, that is, the explanation is forgotten. The analytic tool we propose avoids these problems by trying to combine

quantitative and qualitative analysis, empirical explanations and descriptions of all the main aspects that most normative notions of democracy would expect to find.

To present and discuss this tool, the next three sections suggest a definition of quality, of good democracy, and single out all the empirical qualities that a normative democratic view would include. The subsequent three sections will provide further definitions and a few key considerations on those qualities. After that, three more sections will point out the salience of the analysis of the recurrent patterns of subversion of the qualities, the connections between the qualities, the need to adequately explain the assessed qualities and, as a last step, an overall assessment of the democratic qualities existing in a country. A conclusion will sum up the path followed and the key characteristics of the proposed tool of analysis. The annex will more precisely complement definitions with related indicators, and relevant questions for conducting research on the topic.

What is 'quality'

An analysis of the quality of a democracy, that is, an empirical check on how 'good' a democracy is, requires not only that we assume some definition of democracy, but also that we establish a clear notion of quality. The minimal definition of democracy (see e.g. Morlino 1998) suggests that such a regime has at least: universal, adult suffrage; recurring, free, competitive and fair elections; more than one political party; and more than one source of information. Among those that meet these minimal procedural criteria, further empirical analysis is still necessary to detect the degree to which they have achieved the two main objectives of an ideal democracy: freedom and equality.

The second step in evaluating 'good' democracies is to produce a clear definition of 'quality.' A survey of the use of the term in the industrial and marketing sectors suggests three different meanings of quality:

1. quality is defined by the established procedural aspects associated with each product; a 'quality' product is the result of an exact, controlled process carried out according to precise, recurring methods and timing; here the emphasis is on the *procedure*;
2. quality consists in the structural characteristics of a product, be it the design, materials, or functioning of the good, or other details that it features; here, the emphasis is on the *content*;
3. the quality of a product or service is indirectly derived from the satisfaction expressed by the customer, by their repeat request for the same product or service, regardless of either how

it is produced or what the actual contents are, or how the consumer goes about acquiring the product or service; according to such a meaning, the quality is simply based on *result*.

In summary, the three different notions of quality are grounded either in procedures, contents, or results. Each has different implications for empirical research. Importantly, even with all the adjustments demanded by the complexity of the ‘object’ under examination – democracy – it is still necessary to keep these conceptualizations of quality in mind as we elaborate definitions and models of democratic quality/ies.

What is a ‘good’ democracy?

A quality democracy is a ‘good’ democracy. As is evident, the problem in definition concerns what is intended by the adjective. Starting from the definition mentioned above, and from the prevailing notions of quality, I consider a quality or good democracy to be one presenting *a stable institutional structure that realizes the liberty and equality of citizens through the legitimate and correct functioning of its institutions and mechanisms*. A good democracy is thus first and foremost a broadly legitimated regime that completely satisfies citizens (*quality in terms of result*). When institutions have the full backing of civil society, they can pursue the values of the democratic regime. If, in contrast, the institutions must postpone their objectives and expend energy and resources on consolidating and maintaining their legitimacy, crossing over even the minimum threshold for democracy becomes a remarkable feat. Second, a good democracy is one in which the citizens, associations, and communities of which it is composed enjoy at least a moderate level of liberty and equality (*quality in terms of content*). Third, in a good democracy it is the citizens themselves who have the power to check and evaluate whether the government pursues the objectives of liberty and equality according to the rule of law. They monitor the efficiency of the application of the laws in force, the efficacy of the decisions made by government, and the political responsibility and accountability of elected officials in relation to the demands expressed by civil society (*quality in terms of procedure*).

However, in addition to a general definition of a quality democracy, here I would also like to recall the main contemporary normative notions of democracy, stress their connections with that definition as well as with the qualities that will be discussed in the next section. They at least include: 1. the liberal, representative democracy; 2. the responsive democracy; 3. the participatory democracy; 4. the deliberative democracy; 5. the associative democracy; 6. the egalitarian or social democracy; 7. the democratic governance. In addition, there are

several other normative notions that mix together the previous ones. There is an extensive literature for all of these notions that I cannot hope to sum up here, as the whole field is very broad and rich. It actually covers most of contemporary political philosophy.¹

For the purpose of our argument here, it seems enough to stress that in the most classic notion of representative democracy, as developed by Mill (1861) and, more recently, Schumpeter (1942), Dahl (1956 and 1971), Sartori (1957 and 1987) and several other authors, the key features are the procedural ones. Accountability and competition are at the core of that conception. But effective freedoms (see also Berlin 1958), that is a content value, complement it. In the proposal by Dahl (1971) and May (1978, see also Kuper 2004), the key feature of the responsive democracy lies in the results of decisions that mirror the preferences of the governed. But according to this notion, procedural and content aspects are important as well. For the more recent conceptions of participatory democracy, which is mainly but not exclusively procedural, as for example those developed by Pateman (1970) and several other authors, participation and freedom are the key aspects to take into account. In the deliberative democracy, as proposed by Habermas (1996), Cohen (1989), Dryzek (1990, 2000) and others, the process that is grounded on the public discussion among free and equal individuals and entails a procedural dimension (participation) and a content one (freedom) is the key element. In the associative or organizational democracy, as theorized by Hirst (1997) and others, accountability, participation and freedom are key elements, that is, there is a mix of procedural and content features. In the egalitarian or social democracy, equality/solidarity is the key aspect, but there are several other conceptions, for example the one developed by Rawls (1971) or more recently by Ringen (2007), where freedom is also a central value to implement. However, these notions focus on the democratic content. Rule of law, another procedural feature, seems to be the key element of governance. Here too the debate on this topic is very broad-ranging, and most of it is grounded on empirical analyses (see Pierre and Peters 2000). To conclude this point let's stress, first, that almost all normative notions of democracy combine different aspects, and here only the key feature or features have been mentioned. Second, those features may be recurrent, that is, when we switch from the ideal discourse to empirical dimensions there is a sort of funnel where the same features are always the ones we should look into.

¹ A classic book on the notions of democracy is the one by Held (1987).

What Qualities

With the above in mind, I can thus indicate eight possible *dimensions or qualities* on which good democracies might vary that should be at the core of the empirical analysis, also to cover most of the normative notions of democracy briefly discussed in the previous section. The first five are procedural dimensions. Though also relevant to the contents, these dimensions mainly concern the rules. The first procedural dimension is the *rule of law*. The second and third procedural dimensions regard the two forms of *accountability (electoral and inter-institutional)*. The fourth and fifth are the classic *participation* and *competition*, which, however, have a special theoretical status (see below). The sixth and seventh dimensions are substantive in nature. The first is full respect for rights that are expanded through the achievement of a range of *freedoms*. The second is the progressive implementation of greater political, social, and economic *equality*. The final, eighth dimension concerns the *responsiveness* or correspondence of the system to the desires of the citizens and civil society in general. These dimensions will be further elaborated in three separate sections below. Here, however, a number of general considerations should be added.

The analytical framework proposed here differs from other studies on the quality of democracy, such as those of Altman and Perez-Liñan (2001) and Lijphart (1999). While these two studies are also based on indicators encompassed by some of the elements discussed above, they do not consider all of them, and the consequent empirical analysis is more limited.² Altman and Perez-Liñan return to three aspects that draw on Dahl's concept of poliarchy (civil rights, participation, and competition), which fit into the first substantive dimension indicated above, and which can also be indicators of the procedural dimensions. Some of the indicators Lijphart employs in his study include female representation, electoral participation, satisfaction with the democracy, and corruption. These indicators also fall under the five dimensions mentioned above. The analysis here, however, is instead closer to that of Beetham (esp. 1999), who stresses the virtuous combination of qualitative and quantitative measures in the general empirical analysis of the phenomenon. Some differences emerge immediately, however, in the definition of good democracy I propose here, and in the subsequently divergent approach in presenting and justifying the indicators and dimensions of variation.

The institutions and mechanisms of representative democracies are the main objects of the analysis of the quality of a democracy. This is not to ignore the direct democracy as the

² These choices are only justified by a research strategy involving comparative analysis of many cases. In effect, this is the strategy followed both by Altman & Perez-Liñan (2001) and by Lijphart (1999).

highest expression of democratic quality, but to acknowledge the centuries-long experience of representative democracies and their real potential for improvement. If the analysis is to focus on representative democracies, then accountability - a core feature in the experience of representative democracy - becomes a truly central dimension in so much as it grants citizens and civil society in general an effective means of control over political institutions. This feature attenuates the difficulties that objectively exist when there is a shift from direct to representative democracy.

Accountability, especially electoral accountability (see below), is based on two assumptions from the liberal tradition that highlight the interconnectedness and the possible tensions among the qualities mentioned. The first assumption is that if citizens are genuinely given the opportunity to evaluate the responsibility of government in terms of satisfaction of their own needs and requests, they are capable of doing so. The second related assumption is that citizens, either alone or as part of a group, are the only possible judges of their own needs: no third party can decide those needs as they have a relatively accurate perception of them. To leave these assumptions unmentioned is mistaken. They need to be made explicit and to be taken into account from the outset. It is also erroneous to consider each of them as a mere ideological choice. On the contrary, it is important to acknowledge that western democracies have followed a liberal-democratic trajectory and that every concrete analysis of the qualities of democracy must take this into account as well as the shift towards more egalitarian choices characterized by the guarantee of social rights (see below on this).

Moreover, freedom and equality, however they are understood, are necessarily linked to accountability and responsiveness. Indeed, a higher implementation of freedom and equality for citizens and civil society lies in the sphere of these representative mechanisms. In addition, effective rule of law is also indispensable for a good democracy. The rule of law is intertwined with freedom in the respect of all of those laws that directly or indirectly sanction those rights and their concrete realization. As the next section will explain, freedom, equality and even accountability are actually unobtainable if the respect for law is ineffective or decisional efficacy is not granted by the government and the administration. These are the fundamental presuppositions necessary for deciding on and realizing quality democratic policies.

The principal subjects of such a democracy are the citizen-individuals, the territorial communities, and the various forms of associations with common values, traditions or aims. In this sense, the possibility for good democracy exists not only in the case of a defined territory with a specific population controlled by state institutions under a democratic

government, but also for wider-ranging entities. The main point is that the above-named subjects are at the heart of a democracy in which the most important processes are those that work from the bottom up, and not vice-versa. In this way, the transfer of the analytical dimensions from the national level to the supra-national level - though not uncomplicated and without difficulty - is possible. The key is to keep the same elements characteristic of each dimension constant.³

The necessity to grasp the complexity inherent in the notion of ‘quality’ democracy motivates the employment of the five dimensions elaborated above. This elaboration flags two aspects of each dimension: each might vary from the others in terms of form, and relative degree of development. As such, the analysis calls for indicators, certain measures that reveal how and to what degree each dimension is present not only in different countries, but also in various models of good democracy. These empirical data should also enable an eventual tracking of the growth of quality democracies.

The procedural dimensions

The line of reasoning followed up to now brings us to a closer analysis of the constitutive dimensions of democratic quality, the essential conditions for their existence, and the numerous and related problems associated with empirical study. Here, I consider the procedural dimensions; the others will be treated in the following sections. The first procedural dimension encompasses decisional output and its application and is constituted by the rule of law. The second concerns the relationship between input and output and regards accountability. A large body of literature, which I will not summarize here, already exists on these two dimensions. To put it simply, each dimension will be analyzed with regard to three aspects: the empirical definition, the problems of implementation, and the central condition or conditions.

The *rule of law* is not only the enforcement of legal norms. It also connotes the principle of the supremacy of law, that is, the Ciceronian *legum servi sumus*, and entails at least *the* capacity, even if limited, to make authorities respect the laws, and to have laws that are non-retroactive, of public knowledge, universal, stable, and unambiguous.⁴ These

³ This subject is addressed in the following two sections.

⁴ The minimal definition of the rule of law, suggested by Maravall (2002), refers to the implementation of laws that (i) were enacted and approved following pre-established procedures; (ii) that are not retroactive..., but general, stable, clear, and hierarchically ordered....; (iii) applied to particular cases by courts free from political

characteristics are fundamental for any civil order and a basic requirement for democratic consolidation (see Morlino 1998), along with other basic qualities such as the civilian control over the military and the independence of the judiciary.

We can identify a number of particularly critical aspects that characterize the rule of law.

These include:

- Individual security and civil order with a focus on the right to life, freedom from fear and torture, personal security and the right to own property guaranteed and protected throughout the country.
- The application *erga omnes* of the legal system, also at the supra-national level, guaranteeing the rights and equality of citizens;
- The absence, even at a local level, of areas dominated by organized crime;
- The absence of corruption in the political, administrative and judicial branches;
- The existence of a local, centralized, civil bureaucracy that competently, efficiently and universally applies the laws and assumes responsibility in the event of an error;
- The existence of an efficient police force that respects the rights and freedoms guaranteed by the law;
- Equal, unhindered access of citizens to the justice system in cases of lawsuits between private citizens or between private citizens and public institutions;
- Reasonably swift resolution of criminal inquiries and of civil and administrative lawsuits;
- The complete independence of the judiciary from any political influence.

All of the above concern the efficient application of the law and the fair resolution of lawsuits within the legal system. Each can be represented by various indicators and the relevant data can be analyzed on a case-by-case basis using both qualitative and quantitative techniques. The main characteristics, and the degree to which the rule of law is respected, can be reconstructed for each case in each country.⁵

It should be emphasized, even if only in passing, that the analysis implicitly proposed here would be extremely expensive and practically impossible to apply to a high number of cases. The level of detail and thoroughness built into the investigation is meant for a limited number of cases, yielding the best results for a project aimed at examining at most four or five countries. Additional cases would require a reduction in the number of variables and the

influence and accessible to all, the decisions of which follow procedural requirements, and that establish guilt through ordinary means.

⁵ For example, the analysis of the situation in Italy is in Della Porta and Morlino (2001).

elimination of some dimensions. Those that should be kept in the analysis at all costs, even in a quantitative analysis involving many cases, include: the level of corruption with whatever data are available on the phenomenon; the access of citizens to the court system; and the duration of legal proceedings using the pertinent judiciary statistics. It is clear, however, that these few indicators can provide only an incomplete illustration of the phenomenon.

A closer look at the concrete problems of implementation should be accompanied by an awareness of some opposing forces that have recently received attention in numerous papers and studies. First and foremost, a rigorous application of laws, or, in certain cases, the relationship with an only superficially efficient bureaucracy can have particularly negative consequences for the most socially weak and vulnerable members of society (O'Donnell 1999, 312-13). Then, there is the possible use of the law as a genuine 'political weapon' (Maravall 2002). Here we see a persistent and diffuse temptation for politicians to use the law against their adversaries if, for example, the opposition is condemned to remain so for a long time and has no chance of electoral victory in the near future. Politicians are also tempted to use judicial acts to reinforce their own position against the opposition. In other cases, when there is collusion among politicians, the judges themselves, with the support of the media, are tempted to turn to the judiciary in retaliation for certain political decisions that they consider unacceptable. On a different level, there is also a growing tendency among individual citizens or economic groups to resort to the law to assert their own interests. Some scholars note this phenomenon as a 'juridification' of contemporary democracy (see, for example, Guarnieri and Pederzoli, 1997). Finally, and not altogether different, is the popular and diffuse cultural attitude that interprets the law as a severe impediment to realizing one's own interests that should be circumvented in any way possible. This attitude, common in various countries throughout the world, from Southern Europe to Latin America and also Eastern Europe, extends from the popular to the entrepreneurial classes. The Italian saying "*fatta la legge, trovato l'inganno*", which suggests that fraud goes hand in hand with law, seems particularly apt in this respect.

In summary, the analysis of the democratic rule of law in any one country should be made carefully, with attention to trends that work against its full realization. It remains an essential factor of democratic quality, and plays a very important role for the existence and development of the other dimensions. What then, are the fundamental conditions that allow for at least a moderate development of the rule of law? Research on various dimensions of this theme suggest that the diffusion of liberal and democratic values on both the popular and,

especially, the elite level, as well as the existence of the bureaucratic traditions and legislative and economic means necessary for its full exercise, are the necessary conditions for the democratic rule of law.

However, these conditions exist in very few countries, and they are very difficult to create. Consequently, it is also difficult to cultivate and enhance this dimension of democratic quality. The most reasonable and concrete strategy is to proceed in short, measured steps that follow the lines and objectives that emerged above. This strategy is inherently critical of Putnam's conclusion (1993) that the institutional contours of a specific democratic regime are fixed in the oldest civic traditions of that country, and that a country's institutions necessarily change extremely slowly.

Accountability, the second and third qualities considered here, is the obligation of elected political leaders to answer for their political decisions when asked by citizen-electors or other constitutional bodies. Schedler (1999, 17) suggests that accountability has three main features: information, justification and punishment/compensation. The first element, information on the political act or series of acts by a politician or political organ (the government, parliament, and so on), is indispensable for attributing responsibility. Justification refers to the reasons furnished by the governing leaders for their actions and decisions. The third, punishment/compensation, is the consequence drawn by the elector or whatever other person or body following an evaluation of the information, justifications and other aspects and interests behind the political act. All three of these elements require the existence of a public dimension characterized by pluralism and independence and the real participation of a range of individual and collective actors.

Accountability can be either electoral or inter-institutional. Electoral accountability is that which electors can demand from their elected official, that the governed can require of the governor in light of certain acts which he/she has executed. This first type of accountability has a periodic nature, and is dependent on the various national, local, and if they exist, supra-national election dates. The voter decides and either awards the incumbent candidate or slate of candidates with a vote in their favor, or else punishes them by voting for another candidate, abstaining from the vote, or by nullifying the ballot. The actors involved in electoral accountability are the governor and the governed, and are thus politically unequal. This dimension of democratic quality can become less irregular only if one considers the various electoral occasions at the local, national, and for European citizens, supra-national levels. Continuity is also sustained when citizens can vote in referendums on issues regarding the activity of the central government.

Inter-institutional accountability is the responsibility governors have to answer to other institutions or collective actors that have the expertise and power to control the behavior of the governors. In contrast to electoral accountability, the actors are for the most part political equals. Inter-institutional accountability is relatively continuous, being formally or substantially formalized by law. In practice, it is usually manifest in the monitoring exercised by the governmental opposition in parliament, by the various judgments and checks made by the court system, if activated, and by constitutional courts, state accounting offices, central banks, and other bodies of a similar purpose that exist in democracies. Political parties outside of parliament also exercise this kind of control, as do the media and other intermediary associations, such as unions, employers' associations and the like (see O'Donnell 1999; Schmitter 1999).

Certain underlying conditions must exist to insure that the two forms of accountability can be fully claimed. For electoral accountability, political competition and the distribution of power must at least be fair enough to allow for genuine electoral alternatives at the various levels of government. Altman and Perez-Liñan's (2001) focus on competition and their development of an indicator that measures the 'balanced presence of opposition in parliament' should be mentioned here. This indicator has a negative value when the governing party dominates the legislature in terms of seats or when the opposition is so strong that it poses problems for the decisional efficacy of the government. The absence of alternation and bi-polarism between two parties, or between party lines or coalitions, diminishes the importance and force of electoral accountability. If it exists, it is relevant only at the level of individual candidates. The presence of inter-institutional accountability instead hinges on a legal system that, as mentioned above, provides for the exertion of checks and balances by other public entities that are independent of the government, and not competing as an alternative to it. This form of accountability demands strong and well-established intermediary structures; a responsible, vigilant political opposition; independent media that are conscious of its civil function; and a well-developed network of active, informed organizations and associations that share democratic values.

Given the well-known opacity of political processes and the complexity conveyed about them at the moments of information, justification, and evaluation, politicians have ample opportunity to manipulate their contexts in such a way as to absolve themselves of any concrete responsibility. Accountability frequently becomes a catch-phrase more connected to the image of a politician than to any decisions he or she may have taken or results he or she might have produced. Negative outcomes are easily justified by making reference to

unforeseen events, or by taking advantage of a favorable press to influence public opinion. At the same time, good results, obtained sometimes at the cost of sacrifices by the governed, might result in negative or punitive judgments for the governor at the time of the next elections.

The very action, often ideological and instrumental, of parties or other components of the political opposition, or even of media actors that are in a position to conduct public processes, sometimes on inconsistent grounds, reconfirms the difficulty of implementing genuine accountability. The lack of clear distinctions between incumbent leaders and party leaders - the head of government often also controls the parties - means that parties, be they of the opposition or of the majority, are hindered in carrying out their role as watchdogs for their constituents. At the parliamentary level, party discipline is considered more important than accountability towards the electors and, in practice, the parliamentary majority supports the government without controlling it. Furthermore, there should also be a clear distinction between the responsible leader, either of the government or of the opposition, and the intermediate layers of party actors that range from militants to sympathizers. These latter trigger a bottom-up process that gives direction to how parties should control the government or organize their opposition. Recent studies on party organization in many advanced democracies (Katz and Mair, 1995) indicate an opposite trend, however, characterized by strong, oligarchic leaders who act in collusion (instead of in competition) with other parties. The most extreme scenario relating to this phenomenon is that parties, supported by public financing, effectively form 'cartels.'

Citizens in European countries encounter further difficulties in ensuring accountability because of the existence of the supra-national dimension created by the European Union. The most fitting example of how governments in these countries avoid accountability is the well-known tactic of 'blame shifting.' Here, the political responsibility for every unpopular decision taken by the government is shifted from the national to the European level, even if they concern clear-cut issues such as streamlining national administrations or reorganizing state finances to meet large national deficits. Governments or national politicians justify actions resulting in widespread public opposition by claiming that their hands were forced by opposing coalitions in the Council of Ministers of the European Union or in the European Council of prime ministers and chiefs of state, or by votes in the European Parliament.

As Maravall (1997) has already discussed, there are many ways in which government leaders can avoid accountability. At the same time, the absence or extreme weakness of inter-

institutional accountability leaves electoral accountability as the only instrument for guaranteeing this dimension of quality democracy. The chances to exercise electoral accountability, however, are only periodic and in some cases citizens must wait several years before the next elections. The result is that we obtain a sort of ‘delegative democracy’ (see O’Donnell, 1994 and above) – a democracy of poor quality in which the citizen casts his/her vote and is subsequently ignored until the next election. Citizens are left without any means of controlling corruption and bad government, and there are no other institutions really capable of guaranteeing horizontal accountability.

The central conditions for ensuring accountability are fairly obvious, and are already more or less clear from the above discussion. A few, however, should be explicitly mentioned. First of all, in addition to genuine electoral alternatives and bi-polarism among political parties, for one form of accountability to exist to any effective degree, the other must be present as well, with each thereby reinforcing the other. Next, magistracy and other public institutions that are independent of the executive and legislature and capable of concretely exercising the checks provided for by law are also necessary. Third, it is also essential that interested, educated, and informed citizens who have internalized the fundamental values of democracy remain involved in the political process. Fourth is the presence of independent sources of information. Finally, electoral and horizontal accountability are both supported when a range of active intermediary actors of various dimensions, such as parties and associations, are organizationally well-rooted and present in civil society.

Participation and competition are qualities that can affect all other dimensions, as shown by the previous analysis, the subsequent pages, and above all, by the results of research on the topic (see Diamond and Morlino 2005). Participation can be defined as the entire set of behaviors, be they conventional or unconventional, legal or borderline vis-à-vis legality, that allows women and men, as individuals or a group, to create, revive or strengthen group identification or to try to influence the recruitment of, and decisions by, political authorities (the representative and/or governmental ones) in order to maintain or change the allocation of existing values.

The two basic goals of participation are to achieve or strengthen an identity or to satisfy a specific interest, that is, participation to become a ‘part’, to revive or to restate a sense of belonging or identification with a group of a different sort, and instrumental participation to try to achieve some goal. Consequently, if there is conventional participation, the basic manifestations are electoral with vote in referendums and elections at the national and local level; inside political organizations with membership and a few other forms of

activities; and inside interest associations again with membership and/or in other forms. If the participation is non-conventional participation, there may be: strikes, demonstrations, riots and other forms of violence, including terrorist actions. More recently, forms of participation relating to policies and deliberative democracy arenas that have developed in some countries should also be taken into consideration. The opportunities for political elites to create occasions and incentives for participation are very ample. Obedient, compliant participation is often the kind of involvement leaders are looking for, and in this clientelism and similar forms can help in many new democracies, not only in the old ones that have experienced the phenomenon.

The second ‘engine’ that can develop other qualities, in addition to being considered a ‘quality’ in its own right, is competition, which exists if more than one political actor is involved in political decision-making processes. To assess it, we can look at *political processes* in order to analyze the level of competition among the actors who are involved as well as at the *results* of these political processes, identifying patterns of the formation of governments or the potential choice between policy alternatives which should become manifest at the output side of the political process if there is political competition at the input side. The main salient dimensions are: competition among political and societal actors, characterized by freedom for all political parties to compete with each other and fairness of political competition; competition within political and societal actors; the output side of political competition. Pushing to make the competition stronger and tougher is a typically recurrent way of strengthening both sides of the conflictive actors, and in this perspective is again a recurrent way of shaping, if not subverting, the competition.

The most dangerous and recurrent patterns of subversion of the two procedural qualities concern different behaviors, with complexities and ambiguities as well. As for participation, the attempt to secure a controlled participation that may just take the form of obedient support for government actions from above comes from the authoritarian or non-democratic tradition of the country. That is, there is an effort to get people to participate, but only with behaviors that support the incumbent authorities. Other forms of participation are discouraged, and this is not difficult in social and political contexts with a poor tradition of active, autonomous civil society. Participation compounded by various forms of violence is also a subverted way of ‘taking part’ in politics. As suggested by Dahl some years ago (1971), a key, necessary, definitional element of democracy is a firm commitment to ‘the peaceful solution of conflicts’. Consequently, the use of violent means twists and distorts the very working of every democracy. With regards to competition, there are two main recurrent

patterns of subversion. The first one is the attempt to exclude competition in some area where in a democracy the working of competition and its consequences is supposed to have relevant consequences, for example, by making a pact between two parties participating in an election or by agreeing to exclude a priori a political actor, person or group from fair participation in an election. The second significant pattern of subversion is the existence of extreme, radical attitudes and behaviors that are anti-democratic and consequently do not allow for an effective open competition, which always assumes the sharing of some basic political values.

The two substantive dimensions

Freedom and equality are the two main democratic ideals, and it is obvious that they are central to a number of normative definitions of democracy. Dahl (see, for example, 1971), Marshall (1963) and numerous other scholars have provided many suggestions about which essential rights should be promoted in democracies (see also above). For the most part, these rights can be grouped under political rights, civil rights for freedom and social rights for equality/solidarity.

Political rights include the right to vote, the right for political leaders to compete for electoral support, and the right to be elected to public office (passive electorate). But in a good democracy, the political right *par excellence*, that is, the right to vote, can be strengthened and extended if the electoral mechanisms are such that the voter gains the possibility/right to elect the government either directly (elections for head of state or prime minister who also fills the office of the head of government), or else *de facto* (when the leader of the winning party or coalition in a bi-polar context is elected prime minister). An even richer version of this right is achieved when citizens can influence or choose the electoral candidates, that is, the passive electorate in intra-party or primary elections. One problem to resolve on this theme is the extension of political citizenship to adult residents in a given territory so that immigrants can also participate in this part of the political process.

Essential civil rights include personal liberty, the right to legal defense, the right to privacy, the freedom to choose one's place of residence, freedom of movement and residence, the right to expatriate or emigrate, freedom and secrecy of correspondence, freedom of thought and expression, the right to an education, the right to information and a free press, and the freedoms of assembly, association and organization, including political organizations unrelated to trade unions. In addition, within the broader category of civil rights, the so-called civil-economic rights should also be mentioned. Elaborated by Giddens (1984), these include

not only the rights to private property and entrepreneurship, obviously constrained within the social limits fixed by the law, but also the rights associated with employment and connected with how the work is carried out, the right to fair pay and time off, and the right to collective bargaining.

As the overwhelming majority of democratic legal systems have established this collection of civil rights, there are two primary dimensions that appear to be important for a good democracy. The first pertains to the capacity to enrich the legacy of rights and freedoms enjoyed by citizens without limiting or damaging others. The second concerns the actual procedures by which these rights are granted to all residents in a certain area. This latter dimension takes us back to the issues of efficiency that were raised in the discussion on the rule of law. As stated in the preceding section, for example, the right to a legal defense entails the right to due process, to a speedy trial, and to legal assistance regardless of one's economic means. Although the overlapping of such rights appears messy and less than elegant from a theoretical point of view, it is inevitable if one wishes to demonstrate how rights and freedoms are the 'content' of democracy that is important in their own right.

The main social rights of democratic polity include the right to health or to mental and physical well-being; the right to assistance and social security; the right to work; the right to human dignity; the right to strike; the right to study; the right to healthy surroundings, and, more generally, to the environment and to the protection of the environment; and the right to housing. There is not much variation on these rights from country to country, though all face obstacles to full actualization and all have greater potential for improvement than do political or civil rights.

The greatest problem associated with these three kinds of rights resides in the cost that many rights, especially social rights, impose on the community. Consequently, there have been attempts to redesign policies that support social rights in a way to alleviate the economic burden they place on society. It is also well known, however, that a broad application of social rights is the best means available for diminishing inequality and, therefore, attaining the other democratic ideal. Despite this, many democratic countries demonstrate serious deficiencies in social rights, which are often more precarious than civil or political rights. Therefore the main prerequisites for the further consolidation of social rights (beyond political will) include enough affluence on the societal level to furnish the means for realizing cohesion policies for less well-to-do individuals, and, at the same time, unified, organized unions that represent a broad range of employees and are capable of obtaining the recognition

and eventual expansion of those rights (see Rueschemeyer, Huber-Stephens, and Stephens 1992).

The implementation of equality, if possible, is closer to utopian objectives, and is not always advocated by all supporters of democracy. In this sense one can distinguish at least two phases in the affirmation of this value. The first is widely accepted and concerns formal equality. It infers both equality before the law, and the prohibition of discrimination on the basis of sex, race, language, religion, opinions, and social and personal conditions.⁶ The second is more problematic, and pertains to the pursuit of substantive equality. It concerns the lifting of barriers that limit social and economic equality, and therefore ‘the full development of the human person and the effective participation of all workers in the political, economic, and social organization of a country’.⁷

All of the rights that specify how to implement freedom and equality in a democratic society are now typically inserted in the constitutional charters of many countries. Furthermore, the European Union’s Charter of Fundamental Rights, attached to the Treaty of Nice (December 2000)⁸, clearly specifies all of the aspects of dignity, freedom, equality, solidarity, citizenship, and justice still referable to the two substantive dimensions of equality already discussed. The problem, therefore, is not understanding or defining these values: they are by now embedded in the legal cultures of many countries throughout greater Europe, and, at least at the level of knowledge, could easily be exported to many non-European countries. The problem instead is at the level of implementation. If there were a perfect, complete implementation of the rule of law at the European level, and if other countries completely absorbed the European Charter into their own legal systems and also completely recognized the rule of law, liberty and equality would be possible. The fundamental problem, however, is that two important pre-conditions still do not exist. First of all, at neither the mass nor the politically élite level do we see full, diffuse, effective legitimacy of the concrete means for implementing the two democratic values. Second, the economic and administrative means for implementing these values are still inadequate.

In this sense, it is necessary to underline how the problem of legitimacy is a salient one. In terms of democratic consolidation, legitimacy concerns the acceptance and support of democratic rules and institutions (see Morlino 1998). In terms of responsiveness (see below),

⁶ This equality is also sanctioned by the legal system and covered in manuals of constitutional rights (see Caretti, 2002, ch. 5).

⁷ This is ‘simply’ part of paragraph 2, article 3 of the Italian constitution (see Caretti 2002, 150-1).

⁸ After the end of the European Constitutional Treaty, never ratified by all members of European Union, in the still pending Treaty of Lisbon the Charter of Rights is an annex.

legitimacy is related to the presence of attitudes and behaviors that confirm satisfaction with the existing democracy. For the substantive dimensions of democratic quality, legitimacy connotes broad support for a regime that implements the values indicated above. In effect, this happens extremely rarely in European countries, since the aspect of efficiency or even of accountability is deeply entrenched in the various conceptualizations of democracy; but in the best of cases, one sees an affirmation of freedom that is limited only to basic rights, and an affirmation of equality that incorporates only the most important social rights.⁹ In this sense, the concrete assurance of these values meets with resistance and opposition for reasons unrelated to economic constraints that many people see as perfectly justifiable. The explanation, then, for the diffusion of these political conceptions, that largely or partially mute equality, can easily be traced back to the cultural traditions of a country as well as individual choices.

The relationship between the procedural outcomes and the substantive dimensions of quality democracy should by now be quite evident. It is worth reiterating that the affirmation of democratic values emerges through their transformation into formalized rules, institutions, or at least routines or recurring patterns, which then become elements of the legal system and of the rule of law. But the assessment of accountability is based on the values of those who make the assessment and the related political decisions can – and should – be assessed in relation to how successfully they implement those beliefs. The substantive dimensions would not make sense without the procedural dimensions – this is a well-known principle of democratic regimes. For the overall quality democracy, however, the substantive dimensions are even more important than the procedural dimensions.

The outcome: satisfaction and legitimacy

In analyzing democratic quality, it is fairly common to refer to the responsiveness of government, that is, the capacity to satisfy the governed by executing its policies in a way that corresponds to their demands. This dimension is analytically related to accountability. Indeed, judgments on responsibility imply that there is some awareness of the actual demands, and that the evaluation of the government's response is related to how its actions either conform to or diverge from the interests of its electors. Responsiveness, therefore, must be treated in connection with accountability, despite the tensions between them. In fact, the

⁹ For more on the problem of the meaning of democracy at the mass level, see Morlino (1998).

tension stems from the possible conflict between the assessment of the elected for the decisions they carry out and their related responsibility, and the responsiveness of the elected to the needs of electors. In the western constitutional tradition the attempt to overcome that tension is carried out by giving to the elected the possibility of evaluating the public good and at the same time of isolating themselves from the particular needs of specific groups. In its turn the behavior of the elected is controlled through the checks and balances established in the liberal democratic constitution, i.e. through inter-institutional accountability.¹⁰

Responsiveness is not particularly difficult to define. Eulau and Karps (1977) have already demonstrated how responsiveness is a way to see representation ‘in action’. They also show how this dimension is manifest through four main components in relation to: policies at the center of public interest; services that are guaranteed to the individuals and groups represented by the government; distribution of material goods to their constituents through the public administration and other entities; and the extension of symbolic goods that create, reinforce or reproduce a sense of loyalty and support towards the government.

The empirical study of responsiveness, however, is more complicated. In fact, the idea that even educated, informed and politically engaged citizens always know their own needs and desires is at best an assumption (see above), especially tenuous in situations where citizens might need specialized knowledge to accurately identify and evaluate those very needs and desires. Simplified, though still satisfactory solutions, are still in order, however. Empirical measures of citizen satisfaction can readily be found in the many surveys that have been regularly conducted for many years, especially in Western Europe, but also, as of late, in Latin America, Eastern Europe, and other countries around the world.¹¹ Some scholars have also indirectly obtained a second measure of responsiveness by measuring the distance between the governors and the governed on certain policies, and not just in terms of left/right divisions (see, for example, Lijphart 1999, 286-88)¹².

Perhaps the most effective method for measuring the responsiveness dimension is to examine the legitimacy of government, that is, citizens’ perception of responsiveness, rather than the reality. This leads us back to the fundamental process of democratic consolidation (see Morlino 1998), but in a slightly different key. In fact, certain dynamics that opened the

¹⁰ Here I will not address the theoretical problems associated with the connection between responsibility and responsiveness that has been discussed within the theory of representative democracy. For more on this point, see Sartori (1987, esp. 6.9).

¹¹ A common question, for example, is “how satisfied are you with the way in which democracy functions in your country?” See Morlino 1998, ch. 7, for more on this regarding Southern Europe.

¹² There are a number of quantitative studies that analyse this theme, including Eulau and Prewitt (1973); Eulau and Karps (1977); Verba and Nie (1978), and, more recently, King (1990) and Huber and Powell (1994).

door to democratic consolidation in many countries, such as uncritical acceptance of the institutions in place, simple obedience for a lack of better alternatives, or negative memories of the past are no longer relevant in terms of measuring legitimacy, and might even be interpreted as de-legitimizing factors. Here, the key element is that the support for democratic institutions, and the belief that these institutions are the only real guarantors of freedom and equality, is diffuse at every social level from the most restricted elite to the general masses. The diffusion of attitudes favorable to the existing democratic institutions and the approval of their activities would suggest satisfaction and, indirectly, that civil society perceives a certain level of responsiveness. In contexts characterized by high legitimacy, one should also see a full range of interests and forms of political participation.

Analyses of this type, however, bring to light a number of problems and limitations. The end of the twentieth century was accompanied by various challenges to legitimacy. These challenges prompted Kaase and Newton (1995, 150ss) to speak of the ‘crisis of democracy’, for example, with particular reference to the disenchantment of citizens with political parties, the emergence of anti-party attitudes, and the growing incidence of more general dissatisfaction and anti-establishment attitudes. In their analysis, Pharr and Putnam (2000) do not hesitate to use the term ‘dissatisfied democracy,’ and they, together with Dalton (2000, 25), emphasize the decline of ‘the capacity of political actors to act according to the interests and desires of citizens’, that in this analysis indicates a decline in responsiveness. On the whole, these three authors see a decline of confidence in public institutions. Newton and Norris (2000) second this impression, with specific reference to parliament, the legal system, the armed and police forces, and public administration. In her analysis of corruption Della Porta (2000)¹³ also notes this growing lack of confidence in government, the scanty application of law and, more related to this author’s perspective, the resulting inadequate responsiveness. Moreover, here one also sees the connection between the rule of law – or rather the absence of its guaranteed application – and the incapacity of governments to respond to the demands of their citizens, for whom the guarantee of law takes precedence over other needs or preferences.

There are at least two orders of objective limits on responsiveness. First of all, elected leaders do not always seek to understand and respond to the perceptions and positions of the citizens. As discussed above, at times they work instead to maximize their own autonomy and influence citizens’ perceptions and understandings of what the most important issues are.

¹³ For research on corruption, see Della Porta and Meny (1997) and Della Porta and Vannucci (1999).

Politicians take advantage of the complexity of problems, and, evidently, of the shifts in political priority that occur over the course of a single legislature – a period that usually spans four or five years.

The second order of limits is shaped by the resources a government has at its disposition to respond to the needs of its populace. Limited resources and economic constraints on public spending affect the responsiveness of even the wealthiest countries. For example, if a certain population that already enjoys an upward trend in its average living standards demands better pensions and other improvements, a government burdened with budgetary limitations cannot possibly act on their behalf. Likewise, the persistent problems posed by unemployment and immigration are also illustrative of the near impossibility of finding generally satisfactory, legitimate, and responsive solutions in contemporary democracies. Indeed, the situation is increasingly characterized by discontent, dissatisfaction, fear of poverty, and general democratic malaise. Such conditions contribute to a delegitimization of democratic systems and encourage the type of populism mentioned at the beginning of the paper.

Recurrent patterns of subversion

A key perspective in the analysis of qualities, above all a more realistic one, is to look at all the recurrent ways in which elites and citizens consciously or otherwise try to subvert the different qualities for their political or private purposes. In the previous three sections we mentioned those subversive patterns. Here, it seems useful to sum up those that are mostly recurrent in the various qualities of democracy. They are presented in fig. 1, and major dangers of subversion of responsiveness can immediately be singled out.

This figure indirectly suggests how one might define a *democracy with lesser or without qualities*, that is, a democratic regime where the subversion is frequently practised, even up to the point of creating problems of delegitimation and eventually related problems of consolidation.

Figure 1: A few recurrent patterns of quality subversion

Rule of law	Law as a political weapon Law as a tool to carry out economic interests Law as a set of rules to circumvent Stress and play on the limits in rule implementation
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Accountabilities	Strongly majoritarian institutional design (low competition) Weak parties, party discipline in oligarchic parties Salience of image and manipulative role of information Blame-shift toward the supranational level
Participation	Actions from above Violent means
Competition	Radical, anti-democratic attitudes and behaviors Reserved non-competitive domains
Freedom & equality	Proliferation of formal acknowledgement of rights without taking care of implementation Acknowledgement of social rights without allocation of costs
Responsiveness	Manipulative role of elites and of information Complexity of actual problems

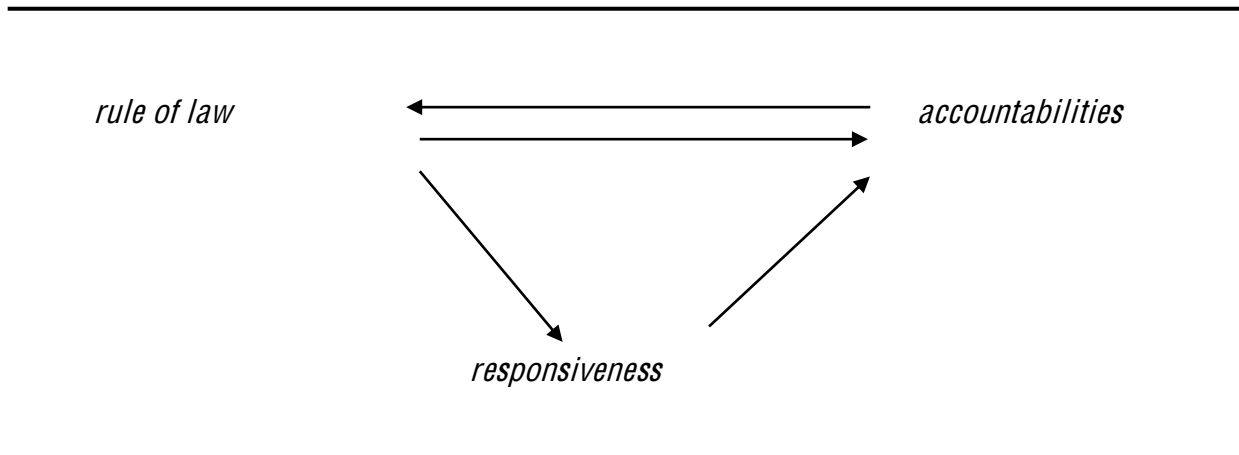
Revealing the connections and explaining the qualities

The contextual conditions that favor responsiveness are similar to those that support accountability. They include a well-established, independent, informed, and engaged civil society, with the concurrent presence of strong and active intermediary structures. It is fairly obvious why these factors are essential. Civil society and intermediary organizations are crucial for explaining at least one facet of responsiveness: the perception of needs. Government output, or the actual response of government to its electors, is the other facet of responsiveness. The potential for this form of responsiveness is only possible - with all of the difficulties mentioned above - in richer and more developed democracies and societies. In conclusion, the economic factor, so central to the explanation of democratic consolidation, also plays an important role in the capacity of governments to respond to the needs of their citizens and general populations.

At this point, one can draw at least three partial conclusions from the above discussions of the rule of law, accountabilities, and responsiveness. From the empirical definitions of each dimension, one can deduce the reciprocal relationships that exist among them. While the various aspects of the rule of law provide the grounds for citizens' and other entities' demands for accountability, the presence of genuine accountability promotes improvements in the legal system and in respect for law. The rule of law is also an essential premise for responsiveness which, in turn, is an important pre-condition for evaluating accountability. The actions of these three dimensions compose a sort of triangle, with each

side bearing different weight and meaning. Fig. 2 roughly illustrates the relationships between these qualities.

Figure 2: Democratic quality: Connections between some procedural dimensions and result



Moreover, as there are several qualities, the enquiry into the connections among them is particularly relevant and can lead to new research results. In developing this section of research, first, it can be recalled that one of the main results of past research (see Diamond and Morlino 2005) is about the special theoretical status of two qualities, participation and competition, which are true ‘engines’ of other qualities. This intermediate, partial conclusion paves the way for additions and to more in-depth enquiry not only into the specific connections there are between different qualities in a country, but also – and more important – into the key explanations of those qualities, competition and participation being the first to be explored. It is worth remembering that on these topics there is a large, important literature that can set the guidelines of the analysis.

Two additional considerations need to be made. Up to now this analysis has left out the international dimension and assumed that a democratic regime can exist in a sort of isolated world. Of course, not only is this not so, but in a number of cases, as in all 27 European Union member countries, the characteristics and the some of the qualities of those democracies cannot be explained without reference to external actors and institutions. But this is precisely the point, that is, the external factors and the intertwining between external and internal factors enter the picture when the task becomes the explanation. When we have to analyze and assess the different qualities the external factors are still to the fore.

Finally, a reflection on the chief dynamics surrounding these dimensions indicates that the bulk of responsibility for achieving them now falls on democratic, participatory civil society, assumed to be gifted with rich cultural and economic resources. But this is so very rarely and for a handful of countries only. The key question, consequently, is how to develop the qualities without such a civil society. To this purpose an overall assessment of all qualities is a necessary final step to make.

The overall assessment and the democracies without qualities

Once a deliberate assessment of each quality has been made, the actions of its subversion are known and we are well aware of at least the basic connections among the qualities as well as the reasons for their characteristics and level, we can go on to make an overall assessment of different qualities seen as a whole. That is, when the mosaic is recomposed in only one picture we can see what democratic regimes we are dealing with. We can see at this point that the procedural dimensions, the satisfaction dimension, and the two substantive dimensions can combine to configure various models of quality democracy.

Democracies can thus vary according to the greater or lesser realization of each of the main qualities, sometimes driven by various combinations of choices and concrete opportunities. The variations across regimes reside mainly in the greater or lesser presence of each dimension, with obvious, ample possibilities for diverse combinations. An *effective democracy* might result when there are real guarantees on freedom and an implementation of equality that closely adheres to the minimum requirements necessary, but with a very strong rule of law. A *responsible democracy* is one that is also characterized by levels of freedom and equality that meet the minimum threshold, but that also exhibits a comprehensive respect for accountability. A *fully legitimated democracy* is characterized by the strong and diffuse support of a satisfied civil society that provides firm testimony to that regime's responsiveness. *Free* or *egalitarian democracies* might vary in terms of their procedural characteristics, but each exhibits a strong affirmation for one of the two values. For them, responsiveness, which could co-exist, is not, however, a definitional requisite. To bring the analytical framework to completion, one could also hypothesize a *perfect democracy*, in which all the dimensions are present to a very high degree. Moreover, the expression 'to a very high degree' draws attention to the fundamental and intractable empirical indeterminacy of each dimension. Its meanings can be differently understood in different time periods or by people, leaders, and citizens with different values.

In fig. 3, the ‘plus’ signs indicate a high presence of the dimension listed at the top of each respective column. This figure illustrates the various models of good democracy, making evident the possible transition from one result to another.

Figure 3: Quality democracies

Rule of law	Accountabilities	Responsiveness	Freedom	Equality	Outcome
+					Effective
+	+				Responsible
+	+	+			Legitimate
+	+		+		Free
+	+			+	Egalitarian
+	+	+	+	+	Perfect

Fig. 4 is the more realistic reverse of fig. 3, and indeed can be better understood with reference to the latter. Here, the ‘minus’ sign indicates the lack of the dimension listed at the top of the related column. *Inefficient democracies* are very common, distinguished by legal systems that do not conform to democratic values; the presence of widespread corruption or organized crime; limited independence of the judiciary; lengthy waits for the resolution of legal disputes; and expensive (and thus exclusive) access to the court system. O’Donnell’s concept of delegative democracies (1994 and 2009) would correspond to the inefficient democracy, with diffused corruption, the absence of horizontal accountability, and the weakness of electoral accountability. These regimes are usually based on a majority system, they host ‘clean elections’, ‘parties, parliament, and the press are usually free to express their criticisms’, and ‘the courts block unconstitutional policies’. In practice, however, citizens in these democracies ‘delegate others to make decisions on their behalf’ at the moment that they vote, but then they no longer have the opportunity to check and evaluate the performance of their officials once they are elected. Other organs of government, even those meant for this purpose, also neglect or fail to carry out their watchdog function and, consequently, the so-called *rule of law* is only partially or minimally respected (O’Donnell 1994, 60-62).

Irresponsible democracies instead are characterized by the absence of electoral alternatives; little competition among the dominant political forces active in parliament or the

country; or else weak intermediary structures. In some analyses (see, for example, Mair 2002, 81ss), populist democracies are party-less regimes in which the fragmentation of political identities and ideological as well as organizational confusion characterize the decline of representative mechanisms. Consequently, these regimes see a weaker enforcement of accountability and a greater presence of movements and the ‘masses’ in direct relation with political leaders¹⁴ Those who analyze populist democracies cite similar problems, evaluating many current democracies as regimes in which the principle of representation, and thus the delegation of powers and accountability, is not supported in reality. These principles are instead overcome by a supposed ‘direct’ democracy in which largely symbolic, irrational ties connect a powerful leader, often a particularly strong president or prime minister, to a relatively undifferentiated civil society. Certain countries in Eastern Europe and Latin America, and some suggest even Italy, come close to this model, presenting clear flaws in providing a full and comprehensive guarantee of civil rights, and of political rights as well.

Figure 4: Democracies without quality

Rule of law	Accountabilities	Responsiveness	Freedom	Equality	<i>Outcomes</i>
-					Inefficient
-	-				Irresponsible
-	-	-			Illegitimate
-	-		-		Reduced
-	-			-	Unequal
-	-	-	-	-	Minimal

Poorly legitimate or *illegitimate democracies* stem from diffuse discontentment. They often experience multiple challenges to their institutions by more or less organized groups that launch protests, strikes, and demonstrations on a more or less regular basis. The result is that governments, in reaction to these challenges, often defend themselves by cracking down on other freedoms. The experience with terrorist movements in Italy and Germany, and the reactions of these countries’ respective democratic regimes, are very good

¹⁴ The populist phenomenon, with its placing of ‘the people’ at the centre of democracy, has recently been analysed as a reaction to the tensions, discontent, dissatisfaction and protest—in a word, to the democratic ‘malaise’ that has surfaced in recent years in Western Europe (Meny and Surel 2002).

examples of this dynamic. The legislation approved in the USA after the terrorist attack of September 11, 2001 goes in the same direction.

For lack of a better term, I call the fourth ‘democracy without quality’ a *reduced democracy*. Here, civil rights are more limited, and the political right *par excellence*, the vote, is limited to choosing among lists that are nominated by the oligarchy of the party. Information is often monopolized by a single media mogul, with the expected results in terms of exaggerated influence over public opinion and restricted alternatives for other forms and sources of information.

Unequal democracies might spring up in the presence of deep economic problems when the economic policies pursued by the government are rooted in strong conceptions of the market and competition, but are not attenuated by the presence of solidarity and social justice. In addition, high levels of immigration of individuals who have no means of subsistence and are willing to take any job can also contribute to the development of this type of regime. In these democracies, social and economic distances between sub-groups of the population steadily increase, rather than decline. In both reduced and unequal democracies, lack of responsiveness, which is expected, is not however a definitional characteristic.

Finally, *minimal* or *imperfect democracies* are those which, though still classified as democracies, are devoid of all dimensions that can improve a democratic regime with regard to the lack of rule of law, accountability, responsiveness, freedom and equality, where most of the tools of subversion in the different dimensions are often used.

To conclude on the overall assessment of a democratic regime, please, note that: a. the two accountabilities are collapsed together; and b. in both figures 3 and 4, participation and competition are not among the directly defining qualities of a democracy. The first decision to put together the accountability related to the elections and the one related to the effective implementation of checks and balances embedded into the constitutional design of every democracy is a strong simplification. The two justifications are: first, already with this kind of exercise we have six plus six, i.e. twelve, models of democracy. Some simplification was badly needed. Indeed, an additional simplification on these models would be welcome. Second, with reference to possible normative notions of democracy behind the emphasis on accountability, it can be safely stated that the two accountabilities satisfy the same or strongly similar classic notion of the liberal representative democracy (see above on this). In fact, the basic important reason of keeping the two accountabilities separated mainly lies in their different empirical aspects and impact, not in the normative aspects. There are also two reasons for not inserting competition and participation into the figures. The first one is the

same as in the previous case, that is, a badly needed simplification. The second one refers to the different theoretical status of these two qualities. As already suggested above, competition and participation affect all other qualities, probably to the point that we could have at least six key models of democracy, with or without qualities (see figure 5). But in order to propose and elaborate empirical research on these models, detecting how participation and competition more or less strongly affect all other dimensions requires a much greater level of empirical development than the present one (see again Diamond and Morlino 2005, xl).

Figure 5: Key models of democracy

'Engine' qualities		competition		
		High	Intermediate	Low
Participation	High			
	Intermediate			
	Low			

A final remark to sum up

The analytic tool here proposed follows different steps: definition of quality, definition of good democracy, list of main normative notions and mention of key qualities they recall, list of all relevant empirical qualities with a short discussion of them and the indicators and questionnaires (see annex), analysis of the recurrent patterns of subversion to extend the analysis, connections among the qualities, the need to explain the assessed qualities, the overall assessment of democratic qualities existing in a country. Policy recommendations can follow from the empirical analysis carried out, but those recommendations are not necessary for this tool that we can call *Tool for Empirical Research on Qualities* (TERQUAS).

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Annex:

1. Rule of Law

General definition:

It is not only the enforcement of legal norms. It basically connotes the principle of the supremacy of law, that is the Ciceronian *legum servi sumus*, and entails, at least, the capacity, even if limited, of authorities to enforce the law, and to have laws that are non-retroactive and in public knowledge universal, stable, predictable and unambiguous.

This is a basically a-democratic definition. The minimal definition of the rule of law, suggested by Maravall (2002, p. 261), refers to the implementation of laws that (i) were enacted and approved following pre-established procedures; (ii) that are not retroactive..., but general, stable, clear, and hierarchically ordered....; (iii) applied to particular cases by courts free from political influence and accessible to all, the decisions of which follow procedural requirements, and that establish guilt through ordinary means. With reference to Eastern Europe, Dietrich (2000, pp.6-7) points out that 'legal reform seeks to supplant this autocratic and state-centered system with a rule of law that: *Operates objectively*. The law is interpreted and enforced by lawyers, judges, prosecutors, and other officials in an ethical and fair manner, without special preferences and privileges. *Is administered based on knowledge of the law*. Those charged with interpreting and enforcing the legislative framework know what the law is, and understand its underlying principles. *Is accessible*. Individuals have meaningful access to the legal system. This means that they know what their rights are, can obtain representation, and filing fees are affordable. *Is reasonably efficient*. *Is transparent*. Citizens affected by legislation have an opportunity to comment on it as it is drafted. Likewise, judicial decisions are justified and explained and subject to press and academic scrutiny. *Is predictable*. Legislation is drafted in a reasonably clear manner, so that outcomes are predictable and undue discretion is not left in the hands of public officials. *Is enforceable*. Judicial and administrative decisions, rendered fairly, are enforced. *Protects private property rights*. *Protects individual and human rights*. *Protects legitimate state interests*, e.g., by prosecuting those charged with clearly defined criminal acts.' See Maravall, José Maria, 'The rule of law as a political weapon', in Maravall and Adam Przeworski, (eds.), *Democracy and the Rule of Law* (Cambridge University Press, 2002, pp. 261-301). Dietrich, M. K., *Legal and Judicial Reform in Central Europe and the Former Soviet Union. Voices From Five Countries*, paper (The International Bank for Reconstruction and Development/The World Bank, Washington, 2000).

Basic dimensions:

1. Individual security and civil order; focus on the right on life, freedom of fear and torture, personal security and right to own property guaranteed and protected through the country.
2. Independent judiciary and a modern justice system; focus on mechanisms establishing an independent, professional and efficient judiciary system that allows equal access to justice, free of the undue pressures and enforcement of decisions.
3. Institutional and administrative capacity to formulate, implement and enforce the law; focus on the governance system (parliament and government) capable to ensure the production of high quality legislation and its implementation trough the country of a transparent policy making process allowing for the participation of the civil society, and presence of the professional, neutral, accountable and efficient state bureaucracy.

4. Effective fight against corruption, illegality and abuse of power by state agencies; focus on the existence and implementation of the comprehensive legislative framework to prevent and fight the corruption.
5. Security forces that are respectful of citizens rights and are under civilian control; focus on the mechanisms of the civilian control over security forces as well on efficient, uncorrupted, disciplined police forces respectful for the human and political rights.

The development of those five aspects involves the achievement to different extents of: the equal enforcement of the law toward everyone, including all state officials; the implementation of the principle that no one is above the law; the supremacy of legal state throughout the country, leaving no areas dominated by organized crime, local oligarchs, or political bosses who are above the law; the minimization of corruption, and where it does exist, its detection and punishment in the political, administrative, and judicial branches of the state; the development of efficiency and competency of a state bureaucracy at all levels that applies the laws and assumes responsibility in the event of an error; the achievement of a professional and efficient police force that is respectful of individuals' legally guaranteed rights and freedoms, including rights of due process; the equal and unhindered access of citizens to the justice system to defend their rights and to contest law suits between private citizens or between private citizens and public institutions; the hearing and expeditious solution of criminal cases and civil and administrative lawsuits; the independence of the judiciary at all levels from any political influence; the respect for and enforcement of rulings of the courts by other agencies of the state; the supremacy of a constitution that is interpreted and defended by a Constitutional Court.

Guiding questions for each dimension:

1. Individual security and civil order: what are the major threats for individual life and wellbeing in the country? Assess quantitatively the extent of individual security and of threats from 1 to 5: 0= lowest security and highest threats; 5= high security and no threats. Please, provide a differentiated assessment if there are especial areas of the country with strong differences in security and civil order.
2. Independent judiciary and a modern justice system: Based on your findings, are there structural guarantees of the independence of the judiciary and are the legal guarantees adequately implemented ensuring that the judicial system is free from interference by the executive or legislative branches? Is the judiciary efficiently working? Assess quantitatively the extent of independence (from 1 to 5) and of efficiency (from 1 to 5).
3. Institutional and administrative capacity: how well developed are the institutions and the administration and how well they actually perform. Please, provide two different assessments (from 1 to 5, respectively) and then merge the two evaluations. Please, single out possible negative features.
4. Effective fight against corruption, illegality and abuse of power by state agencies: does a comprehensive legislative framework exist to prevent and fight corruption and is it implemented? Provide an differentiated assessment on the two aspects (from 1 to 5, respectively) and then merge them.
5. Security forces respectful of citizens rights, under civilian control: are army, police and other security forces respectful of citizens and are they under the civilian control of elected authorities? Please, provide an assessment (from 1 to 5) and, if there are, single out negative aspects.

2. Electoral Accountability

General definition:

Electoral accountability is the obligation of elected political leaders to answer, to be responsible, to 'account' for their political decisions when asked by citizen-electors. Schedler (1999,17) suggests that accountability has three main features: information, justification, and punishment/compensation. The first element, information on the political act or series of acts by a politician or political organ (the government, parliament, and so on), is indispensable for attributing responsibility. The justification refers to the reasons provided by the governing leaders for their actions and decisions. The third, punishment/compensation, is the consequence drawn by the elector following an evaluation of the information, justifications, and other aspects and interests behind the political act. All three of these elements require the existence of a public dimension characterized by pluralism and independence and the real participation of a range of individual and collective actors.

Basic dimensions:

Because of key intrinsic characteristics of such a dimension there is no direct indicators to be considered. The best strategy for detecting it empirically is to refer to its most immediate conditions, as suggested by the definition:

- (1) free, fair recurrent elections with its specific procedural aspects;
- (2) plural and independent information
- (3) freedom of party organization and related aspects
- (4) presence and stability of alternatives

Guiding questions for each dimension:

1. Elections: are elections free, fair, recurrent and competitive. Please, provide an overall assessment (from 1 to 5).
2. Plural and Independent information: how much is the information effectively independent. Please, provide an overall assessment (from 1 to 5).
3. Freedom of party organization: how strong are the constraints to form democratic parties. Please, provide an overall assessment (from 1 to 5).
4. Presence and stability of actual political alternatives: Is there a competitive, stable, representative multiparty system that is reflected by the composition of the legislature? Please, provide an assessment (from 1 to 5). Consider in addition if there are obstacles to political alternative or to actual political competition.

3. Inter-institutional Accountability

General definition:

Inter-institutional accountability is the obligation of elected political leaders to ‘account’, to be responsible, to answer for their political decisions to other institutions or collective actors that have the expertise and power to control the behavior of the governors. Schedler (1999,17) suggests that accountability has three main features: information, justification, and punishment/ compensation. The first element, information on the political act or series of acts by a politician or political organ (the government, parliament, and so on), is indispensable for attributing responsibility. The justification refers to the reasons furnished by the governing leaders for their actions and decisions. The third, punishment/compensation, is the consequence drawn by an institutional body following an evaluation of the information, justifications, and other aspects behind the political act. In contrast to electoral accountability, the actors are political equals. Such an accountability is relatively continuous, being formally or substantially formalized by law. In practice, it is usually manifest in the monitoring exercised by the governmental opposition in parliament, by the various judgments and checks emitted by the court system, if activated, and by constitutional courts, state accounting offices, central banks, and other bodies of a similar purpose that exist in democracies. Political parties outside of parliament also exercise this kind of control, as do the media and other intermediary associations, such as unions, employers associations, and the like (see O’Donnell 1999; Schmitter 1999). The presence of inter-institutional accountability hinges on a legal system that, as mentioned above, provides for the exertion of checks and balances by other public entities that are independent of the government. In addition to a responsible, vigilant political opposition, to be actually implemented this form of accountability demands strong and well-established intermediary structures; independent media that are conscious of its civil function; and a well-developed network of active, informed organizations and associations that share democratic values. Only does this allow the actual working of such accountability that otherwise is characterized by a set of legal, formal acts without real content.

Basic dimensions:

The main dimensions and indicators to explore refers to: 1.Legislative-Executive relations, with special focus on the parliamentary opposition or the role of the legislative body; 2.Constitutional Court; 3.Ombudsman; 4.Audit Courts; 5.Modes and extent of decentralization

Guiding questions for each dimension:

1.Legislative-Executive relations: What are the legislative power’s and the executive power’s different ways of controlling each other? Please, assess how stronger is the power of executive vis-à-vis the legislature or vice versa. Provide an evaluation from 1, i.e. maximum power of executive, to 5, maximum power of legislative. Please, if there are, single out specific exceptional features.

2.Constitutional or Supreme Court: what are the formal and informal powers of control and if and to what extent it can be controlled? Provide an evaluation from 1, politically controlled court with weak powers of controlling other bodies, to 5, independence of court that carry out effective control of other powers. Please, if there are, single out specific exceptional features.

3. Ombudsman: what are the formal and informal powers and if and to what extent ombudsman is actually politically controlled? Provide an evaluation from 1, politically controlled ombudsman with weak powers, to 5, independence of ombudsman that carry out effectively his powers. Please, if there are, single out specific exceptional features.

4. Audit Courts: what are the formal and informal powers and if and to what extent audit court is actually politically controlled? Provide an evaluation from 1, politically controlled court with weak powers, to 5, independence of court that carry out effectively his powers. Please, if there are, single out specific exceptional features.

5. Modes and extent of decentralization: What is the extent of distribution of powers among central, regional and local governments and how strong is the mutual oversight? Please, assess the extent of decentralization and oversight with 1, maximum of centralization and strong oversight on regional and local powers, and 5, maximum decentralization and weak central oversight. Please, if there are, single out specific exceptional and negative features.

4. Political Participation

General definition:

It is the entire set of behaviors, be they conventional or unconventional, legal or borderline vis-à-vis legality, that allows women and men, as individuals or group, to create, revive or strengthen a group identification or to try to influence the recruitment of and decisions by political authorities (the representative and/or governmental ones) in order to maintain or change the allocation of existing values.

Basic dimensions:

1. identifying participation to become a 'part', revive or to restate the belonging or identification with a group of different sort;
2. instrumental participation to try to achieve some goal.

Basic forms:

Conventional participation:

- referendum
- electoral at country and local level
- inside political organizations:
 - membership
 - other forms
- inside interest associations:
 - membership
 - other forms

Non conventional participation:

- strike
- demonstrations
- riots
- other forms to specify
- terrorist actions involving participation

Forms of participation with regards to specific policies

Guiding questions for each dimension:

1. Opportunities for participation: how developed are these opportunities. Assess from 1. lowest opportunity to 5, highest opportunity.
2. Elections and other forms of conventional participation: what is the citizen effective conventional participation. Please, provide an assessment from 1, lowest participation (up to 30%), to 5, highest participation (more than 80%).
3. Participation in organizations: parties and associations: what is the citizen effective participation in parties and other associations. Please, provide an assessment from 1, lowest participation (up to 10%), to 5, highest participation (more than 40%).
4. Non conventional participation: what is the citizen effective non conventional participation and the extent of suppression. Please, provide an assessment from 1, lowest participation (about up to 5%) and highest suppression, to 5, highest participation (more than 20%) and lowest suppression.
5. participation related to policies and to deliberative democracy arenas: what is the citizen effective participation to policies and deliberative arenas in relation with the government openness to encourage it. Please, provide an assessment from 1, lowest opportunities of such a participation to 5, highest opportunities of such a participation.

5. Political Competition

General definition:

There is political competition if more than one political actor is involved in political decision-making processes. To assess it, we can look at the *political processes* to analyze the level of competition among the actors who are involved as well as at the *results* of these political processes, identifying patterns of the formation of governments or the potential choice between policy alternatives which should become manifest at the output side of the political process if there is political competition at the input side.

Basic dimensions:

The main salient dimensions are:

1. competition among political and societal actors, characterized by freedom for all political parties to compete with each other and fairness of political competition;
2. competition within political and societal actors;
3. the output side of political competition (please note a relevant empirical overlapping with electoral accountability).

Guiding questions for each dimension:

1. competition among political and societal actors: plurality in competition patterns vs. dominant patterns complemented by presence/absence of legal and/or actual constraints. Please, provide an assessment from 1, dominant pattern to 5, plurality.
2. competition within political and societal actors: is there internal pluralism inside the main parties? Please, provide an assessment from 1, lowest internal pluralism to 5, highest pluralism.
3. output side of political competition: is there potentiality and/or actuality of alternation? Please, provide an assessment from 1, low potentiality of alternation to 5, actual alternation taking place.

6. Responsiveness

General definition:

It is the capacity to satisfy the governed by executing its policies in a way that corresponds to their demands. Responsiveness is a way to see representation ‘in action’ through four main components in relation to: the policies at the center of public interest; the services that are guaranteed to the individuals and groups represented by the government; the distribution of material goods to their constituents through the public administration and other entities; and the extension of symbolic goods that create, reinforce, or reproduce a sense of loyalty and support towards the government (see Eulau and Karps 1977).

Basic dimensions:

Empirical measures of citizen satisfaction are easily found in the many surveys. Some scholars have also indirectly obtained a second measure of responsiveness by measuring the distance between the governors and the governed on certain policies, and not just in terms of left/right divisions (see, for example, Lijphart 1999, 286-88). Perhaps the most effective method for measuring the responsiveness dimension is to examine the legitimacy of government--that is, the citizens’ perception of responsiveness. The diffusion of attitudes favorable to the existing democratic institutions and the approval of their activities would suggest satisfaction and, indirectly, that civil society perceives a certain level of responsiveness. Analyses of this type, however, bring to light a number of problems and limitations. There are at least two orders of objective limits on responsiveness. First of all, elected leaders do not always seek to understand and respond to the perceptions and positions of the citizens. At times they instead work to maximize their own autonomy and influence citizens’ perceptions and understandings of what the most important issues are. Politicians take advantage of the complexity of problems, and, evidently, of the shifts in political priority that occur over the course of a single legislature—a period that usually spans four or five years. The second order of limits is shaped by the resources a government has at its disposition to respond to the needs of its populace. Limited resources and economic constraints on public spending affect the responsiveness of even the wealthiest countries. Likewise, the persistent problems posed by unemployment and immigration are also illustrative of the near impossibility of finding generally satisfactory, legitimate, and responsive solutions in contemporary democracies. Indeed, the situation is more and more characterized by discontent, dissatisfaction, fear of poverty, and general democratic malaise.

Finally, the following two sub-dimensions are proposed:

1. Perceived legitimacy
2. Constraints to responsiveness

Guiding questions for each dimension:

1. Perceived legitimacy: provide data on general and specific satisfaction/dissatisfaction. Please, also provide your assessment from 1, low satisfaction/high dissatisfaction to 5, high satisfaction/low dissatisfaction, balancing general and specific satisfaction/dissatisfaction

2. Constraints to responsiveness: Are constraints due to politicians or to economic limits? Please, provide an assessment from 1, constraint due to politicians to 5, constraints due to objective reasons.

7. Freedom

General Definition:

The debate about this notion is at the core of human thoughts (see e.g. Berlin 1958, Rossiter 1958, Oppenheim, 1961, MacCallum 1967, Bobbio, 1974, Sartori 1993, Pettit, 1997). In a nutshell, an empirical definition of 'freedom' should take into account such a debate and refers to the entire possible set of basic rights.

Basic Dimensions:

Three main dimensions are suggested in connection with

1. personal dignity
2. civil rights
3. political rights

For all of them there is the existence of opportunity in the legal system of the country and the actual guarantee of each one.

Guiding questions for each dimension:

1. personal dignity: are the different features of dignity recognized and guaranteed? Please, provide an assessment from 1, low recognition and poor guarantees to 5, full recognition and good guarantee.

2. civil rights: How strongly are civil rights actually guaranteed, equal and secure access of citizens to justice included? Please, provide an assessment from 1, low guarantee of civil rights, to 5, high guarantee of civil rights.

3. political rights: how strong are the right to vote and directly elect the executive power? Please, provide an assessment from 1, weak right to 5, right not only to vote but also to elect government, although indirectly, at local and central levels.

8. Solidarity/Equality

General definition:

The second key value in the liberal-democratic thought is equality. Here empirically it can be considered in terms of removing differences, alleviating poverty and promoting social rights, also through solidarity actions by public and private institutions.

Basic dimensions:

In addition to social, economic and cultural rights, the key dimensions also refer to the existing picture in terms of allocation of economic resources within the population, the diffusion of education, the size of poverty, the existence of gender discrimination, the existence of ethnic discrimination.

Guiding questions for each dimension:

1. Allocation of economic, cultural, social resources: what is the concentration of resources and size of poverty. Please, provide a measure from 1, high concentration of resources and widespread poverty to 5, diffusion of resources and limited poverty.
2. Existence of discriminations: what the size and characteristics of discrimination. Please, provide an assessment from 1, high and differentiated discriminations to 5, low discrimination along one cleavage only.
3. social, economic and cultural rights: how far is the welfare state developed and effective?

Please, provide an assessment from 1, low development of welfare state to 5, high development of welfare state.