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Embedded and Defective Democracies

WOLFGANG MERKEL

In the literature on democratization the mainstream of theoretical and empirical consolidation uses the dichotomy autocracy versus democracy. Democracy is generally conceived of as 'electoral democracy'. This simple dichotomy does not allow a distinction between consolidated liberal democracies and their diminished sub-types. However, over half of all the new electoral democracies represent specific variants of diminished sub-types of democracy, which can be called *defective democracies*. Starting from the root concept of *embedded democracies*, which consists of five interdependent partial regimes (electoral regime, political rights, civil rights, horizontal accountability, effective power to govern), the article distinguishes between four diminished sub-types of defective democracy: exclusive democracy, illiberal democracy, delegative democracy and tutelary democracy. It can be shown that defective democracies are by no means necessarily transitional regimes. They tend to form stable links to their economic and societal environment and are often seen by considerable parts of the elites and the population as an adequate institutional solution to the specific problems of governing 'effectively'. As long as this equilibrium between problems, context and power lasts, defective democracies will survive for protracted periods of time.

Key words: embedded democracy; rule of law; defective democracy; stability

Introduction

The twentieth century has seen an impressive advance in democracy worldwide. The 'third wave' of democratization, which started with the fall of the last rightist dictatorships in western Europe (Portugal, Greece, Spain) in the mid-1970s, continued in Latin America in the 1980s. It reached east Asia, swept over the communist regimes of eastern Europe and the Soviet Union and even touched a few African countries; it is without comparison in history. Especially from a long-term perspective, the third wave of democratization has left a more lasting political heritage for the twenty-first century than all the various types and ideologies of totalitarian rule. Therefore, one must call the twentieth century, especially in its last quarter, the 'century of

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democracy'. Freedom House's numbers or the most recent Bertelsmann Transformation Index (BTI)¹ leave no doubt of this – at first glance.

In the shadow of the third wave of democratization, the Freedom House project wrote its own success story. Freedom House has become the preferred source of data about democratization for journalists, publicists, essayists and political scientists around the world by providing, on the Internet, easily accessible data on countries world-wide and timelines for the democratic development of each country over the last three decades. The minimal requirement for a state to be listed as democratic by Freedom House is that of so-called *electoral democracy*. That is the basis for these successful statistics. This term, however, is from both a theoretical and a normative perspective unsatisfactory. It is an even narrower understanding of democracy than Robert Dahl's polyarchy concept, with its institutional minima.² Electoral democracy merely entails that the election of the ruling elite be based on the formal, universal right to vote, such that elections are general, free and regular. In general, fair and correct execution of elections is difficult to determine empirically.³ Although these factors are highly disputed in many of the electoral democracies, Freedom House does not take this problem into account in its large country sample. It also does not take into consideration further thoughts about the meaningfulness of 'democratic elections', as demanded by Hadenius, for example.⁴ The term electoral democracy is therefore theoretically incomplete and not very useful analytically. To be able to use it for conceptually meaningful, comparative research on democracies, the term must be differentiated. However, relying on the Freedom House data in a first analytical step,⁵ one can further distinguish between *liberal*, *semi-liberal* and *illiberal democracies*. This simple differentiation alone already cast a shadow on the shining picture of successful democratizations at the end of the twentieth century.

Table 1 shows that a considerable percentage of the states that Freedom House lists as *electoral democracies* are not liberal, constitutional democracies. In 2001, only 58.3 per cent of all electoral democracies could be called liberal. However, the differentiation of liberal, semi-liberal and illiberal democracies is also based on a theoretically unrefined and problematic measure for democracy. Karatnycky and Diamond simply use numerical thresholds provided by the *civil rights scale*,⁶ one of the two measurement scales used by Freedom House. Any regime scoring one or two points on this seven-point-scale counts as a liberal democracy. A regime with a score of 2.5–3 counts as semi-liberal, while everything that figures below 3.5 counts as an illiberal democracy.⁷ Freedom House neither justifies these arbitrary thresholds theoretically nor does it define the terms 'liberal' and 'illiberal' democracy as based on a defined root concept⁸ of liberal democracy. This is surprising, given the depth of the theoretical debate on democracy. The

TABLE 1
LIBERAL, SEMI-LIBERAL AND ILLIBERAL DEMOCRACIES AS PERCENTAGE
OF ELECTORAL DEMOCRACIES (2001)

| | Liberal democracy | | Semi-liberal democracy | | Illiberal democracy | |
|--|-------------------|-------|------------------------|-------|---------------------|-------|
| | % | Total | % | Total | % | Total |
| Worldwide | 58.3 | 70 | 20.8 | 25 | 20.8 | 25 |
| Europe (without post-communist states) | 95.9 | 23 | 4.1 | 1 | – | – |
| Post-communist Europe and CIS | 50.0 | 9 | 16.7 | 3 | 33.3 | 6 |
| Africa | 28.6 | 6 | 23.8 | 5 | 47.6 | 10 |
| Asia | 23.1 | 3 | 38.5 | 5 | 38.5 | 5 |
| South Pacific | 66.7 | 8 | 25.0 | 3 | 8.3 | 1 |
| South America (including Mexico, Central America and West Indies) | 63.3 | 19 | 26.7 | 8 | 10.0 | 3 |
| North America | 100 | 2 | – | – | – | – |

Sources: Classification and calculation according to Larry Diamond, *Developing Democracy. Toward Consolidation* (Baltimore, MD and London: Johns Hopkins University Press, 1999), pp.279ff.; Freedom House (<http://www.freedomhouse.org/research/freeworld/> 2000, accessed on 3 May 2001); Aili Piano and Arch Puddington, 'The Freedom House Survey Gains Offset Losses', *Journal of Democracy*, Vol.12, No.1 (2001), pp.87–93, esp. pp.90ff.

Freedom House data are sufficient for trend reports and the development of first hypotheses, but for in-depth comparative analyses with a small sample, they are not refined enough.

There is a happy medium between the purely theoretical debate on democracy or single-country case studies on the one hand and the statistical survey of all states worldwide for comparative research on democracy on the other. The point of departure, however, has to be a more meaningful concept of democracy, with more demanding normative and analytical criteria than those employed by Freedom House. From a normative perspective, this concept also has to include both the necessary conditions of free elections and the partial regimes of a political system that guarantee that these elections are 'meaningful'⁹ for democratic rule. Furthermore, it has to take into account both whether vertical and horizontal accountability of the governing to the governed is secured between elections and if democratic norms and institutions, which are defined later in this essay, are guaranteed. A functioning constitutional state based on the rule of law is an explicit part of this concept.¹⁰

Analytically, a concept of democracy should be able to answer the following questions:

- What are the defining elements (partial regimes) of a democracy?
- How these elements are mutually embedded normatively and functionally?

- Which conditions of external embeddedness protect the integrity of a democracy?
- What are the most common defects of (young) democracies?
- What causes these defects?
- What can be said about the development of a democratic regime if parts of its defined core are damaged?

After answering these questions, it will be possible to ask which reforms are necessary and which mistakes must be avoided in order to secure the sustainable existence of a normatively sound democracy in constantly changing internal and external environments.

The Concept of Embedded Democracy¹¹

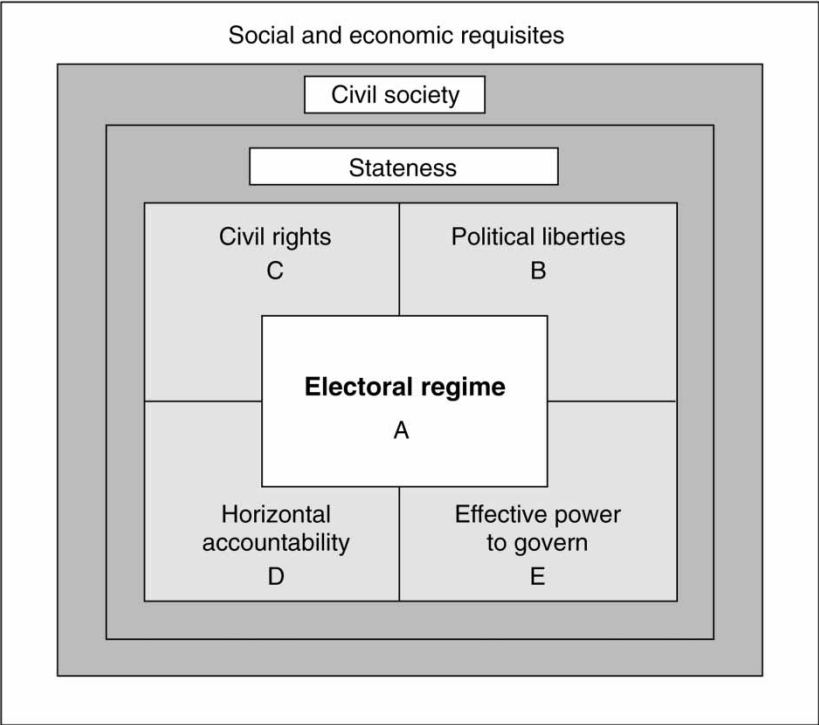
Modern democracies are complex institutional structures. They have to cope with the structural conditions of modern rule, both internally in terms of complex societies and externally in terms of a challenging environment. They have to develop certain structures to be able to fulfil various functions.

The concept of *embedded democracy* follows the idea that stable constitutional democracies are embedded in two ways. Internally, the specific interdependence/independence of the different partial regimes of a democracy secures its normative and functional existence (Figure 1). Externally, these partial regimes are embedded in spheres of enabling conditions for democracy that protect it from outer as well as inner shocks and destabilizing tendencies.

The Partial Regimes of a Democracy

An embedded, liberal democracy consists of five partial regimes: a democratic electoral regime, political rights of participation, civil rights, horizontal accountability, and the guarantee that the effective power to govern lies in the hands of democratically elected representatives. These five partial regimes show that our concept of democracy goes beyond the definitions put forth by Downs, Huntington, Przeworski and even Robert Dahl's concept of polyarchy.¹² Still, the concept is 'realistic', in that it is based exclusively on the institutional architecture of a democracy and does not use *outputs* or *outcomes* as defining characteristics of a constitutional democracy. Our understanding of democracy therefore lies between the ones put forth by Joseph Schumpeter and Hermann Heller.¹³ A welfare state, fair distribution of economic goods, or even 'social justice'¹⁴ may be desired policy results of the democratic processes of decision making, but they are not its defining

FIGURE 1
THE CONCEPT OF EMBEDDED DEMOCRACY



elements. A sufficient definition of democracy has to go beyond simple democratic electoralism, since only the other four partial regimes guarantee that not only the procedural aspects but also the goals behind democratic elections are fulfilled. For democratic elections to be ‘meaningful’, not only does the selection process of the governing elite have to be democratically fair, but there also has to be an institutional guarantee that the democratically elected representatives rule by democratic and constitutional principles in the time period between elections. At this point, the simple term *electoral democracy* turns out to be too narrow from both a normative and a logical perspective.¹⁵ It reduces democracy to the correct procedure of democratic elections, but it does not include sufficient institutional guarantees that assure that those elections are ‘meaningful’, or that the democratically elected elites will rule according to the fundamental constitutional principles of democracy.

The Electoral Regime

In a democracy, the *electoral regime* has the function of making the access to public power positions of the state dependent on the results of open, competitive elections. The electoral regime has the central position among the five partial regimes of *embedded democracy*, as it is the most obvious expression of the sovereignty of the people, the participation of citizens and the equal weight allotted to their individual preferences. Moreover, open, pluralistic competition for central power positions is the distinguishing difference between democracy and autocracy. Equal political rights are the minimal requirements for a democratic electoral regime (regular, free, general, equal and fair elections).¹⁶ The two closely interconnected partial regimes mentioned, therefore, embody the essence of vertical accountability in a democracy.¹⁷

Borrowing from Robert Dahl, a democratic electoral regime has four supporting elements: universal, active suffrage, universal, passive right to vote, free and fair elections and elected representatives.¹⁸ Elections are a sanctioning mechanism that may – periodically – be used as processes of vertical accountability. They carry many consequences, since the access to and retention of power positions in the state are both directly dependent on the preferences of the voter. The voters can therefore effectively sanction elected representatives. However, this control is limited to the election of the governing elite and does not have any influence on how power is exercised between elections. At most, voters only have continuing control in so far as a circumspect politician, aiming to get re-elected, might align their manner of governing to the wishes of the voters. However, this eventuality in itself is no reliable guarantee for democratic or constitutional governing, as many examples of young democracies of the third wave show.¹⁹ Hence, a democratic electoral regime is a necessary, but not sufficient, condition for democratic governing.

Political Rights

Political rights of participation are preconditions for elections. They go beyond the right to vote. They complete the vertical dimension of democracy and make the public arena an independent political sphere of action, where organizational and communicative power is developed. Here, collective formulation of opinions and demands determines and supports competition over positions of power. Political rights have the function both of enabling organized democratic elections and of furthering the unorganized pluralistic interests of complex societies. The institutional core of political rights is the right to political communication and organization, which are vital parts of a complete democratic regime.²⁰ They are embodied in the unlimited validity

of the right to freedom of speech and opinion and the right to association, demonstration and petition. Besides public media, private media should have considerable influence. The distribution and reception of information and news may not be regulated by politically motivated restrictions. No political party following the procedures of a democratic constitution may be denied the right to political organization and free speech. Citizens must have the opportunity to form interest groups freely and independently from the state and be able to act within those groups.²¹

These rights constitute an independent sphere of democracy and may thus be regarded as the 'backbone' of a partial regime of its own.²² It is of central importance that the institutionalized rights of freedom aim at the possibility of the formulation, the presentation and the equal consideration of citizens' preferences.²³ The internal logic of the political rights of communication and organization goes beyond a focus on political power in the stricter sense. In the public arena, social and communicative power must have the ability to organize in advance and without formalized processes in the development of political opinions and demands.²⁴ This model of the public arena allows the complete development of political and civil society, which in turn promotes the sensitivity of state institutions to the interests and preferences of society. From this point of view, the first two partial regimes can only secure the functional logic of democratic elections when they are mutually connected. Together, they promote responsive governing by supplementing the periodical control of elections with soft but steady public control between elections. Both partial regimes together, however, still cannot secure alone the constitutional democratic standards of responsive and responsible governing.

Civil Rights

The first two partial regimes have to be supplemented by civil rights. Even more than the institutionalization of mutual checks and balances, civil rights are central to the rule of law in an *embedded democracy*. In research on democracy, the term 'rule of law' is often used in a non-uniform manner and without theoretical substantiation.²⁵ To put it simply, the rule of law is the principle that the state is bound to uphold its laws effectively and to act according to clearly defined prerogatives. The rule of law, therefore, is understood as containment and limitation of the exercise of state power.²⁶ Historically, this principle developed from growing control over monarchs. Here, it is seen as a functionally necessary part of a democratic regime. The actual core of the liberal rule of law lies in basic constitutional rights. These rights protect the individual against the state executive and against acts of the elected legislator that infringe on an individual's freedom. For this to be guaranteed, there need to be further aspects of the rule of law, such as independent courts. Courts

have to serve as an independent authority, authorized to execute judicial review of legislative (surveillance of norms) and executive (surveillance of bureaucracy) activity. They function as constitutional custodians of the legislature and supervisors of executive conformity to law.²⁷ At the same time, the rule of law is effective as a horizontal 'strut' for the above-mentioned institutional minima of democratic elections and democratic participation.

Civil rights as 'negative' rights of freedom against the state touch on questions about the reach of and claim to power. In a constitutional democracy, decisions concerning these rights have to be put out of reach of any majority of citizens or parliament. Otherwise, majoritarian democracies could turn into the 'tyranny of the majority'.²⁸ The executive and legislative branches need barriers that prevent individuals, groups or the political opposition from being oppressed by a democratic (majority) decision. Consequently, civil rights are a basic condition of the existence of the concept of citizenship.²⁹ Individual rights of protection grant legal protection of life, freedom and property – the threefold meaning of Locke's term *property* – as well as protection against illegitimate arrest, exile, terror, torture or unjustifiable intervention into personal life, both on behalf of the state and on behalf of private or anti-establishment forces and individual actors. Equal access to the law and equal treatment by the law are basic civil rights.³⁰ These civil rights tame majoritarian democratic cycles of power and thereby support – seemingly paradoxically – the democratization of democracy. This is another point the 'electoralists' have not thought through sufficiently.³¹ But even the interdependent and mutually supporting partial regimes of democratic elections, pluralistic free participation and the guarantee of civil rights cannot alone sufficiently constitute or support a constitutional democracy. They still need additional complementary support by other partial regimes.

Division of Powers and Horizontal Accountability

The fourth partial regime of a constitutional democracy comprises the division of powers and resulting 'horizontal accountability'. By horizontal accountability we understand, in accordance with O'Donnell,³² that elected authorities are surveyed by a network of relatively autonomous institutions and may be pinned down to constitutionally defined lawful action. The institutionalization of horizontal accountability among state powers closes a central gap of control in the basic democratic structure, one that is not covered by the first three partial regimes.³³ Institutions of vertical accountability control the government only periodically, namely through elections and referenda or 'softly', through the public sphere. Securing the guarantee of civil rights creates a barrier against the state's infringing on individual freedoms. However, civil rights do not offer further safety measures that prevent the self-perpetuation or abuse of power generated by polyarchy. Horizontal

accountability of power concerns the structure of power. The term includes lawful government action checked by the division of power between mutually interdependent and autonomous legislative, executive and judiciary bodies. The guarantee of institutional horizontal autonomy in a constitutional state thus does not imply that the three powers are strictly separated from each other. Horizontal autonomy rather implies that the three bodies check each other reciprocally, without one body dominating or interfering with the constitutionally defined core-sphere of the others.

Through horizontal accountability, the responsiveness and the responsibility of government are not only secured periodically by elections, but also permanently by constitutional powers that mutually check and balance each other. The exercise of executive power is especially limited.³⁴ This requires an independent and functional judiciary that can review executive and legislative acts.³⁵ The question of whether or how far the division of power between the executive and the legislative does indeed form part of the rule of law and of democracy is controversial. At least in the (differing) American and German traditions, this is generally answered in the affirmative, although the emphasis has been shifted towards a functionally necessary fusion of powers. This may be seen most obviously in parliamentary systems, where the division of the executive and the legislative branches is, to a large extent, replaced by the dualism of government and opposition.³⁶ In presidential systems, in which the executive and the legislative are each independently legitimized through elections, this separation is more obvious.

The Effective Power to Govern

The fifth and last partial regime stresses the necessity that the elected representatives are the ones that actually govern. The criterion of the effective power to govern refers to a feature that may be considered self-evident in old democracies but cannot be taken for granted in new democracies.³⁷ This criterion prevents extra-constitutional actors not subject to democratic accountability, like the military or other powerful actors, from holding (final) decision-making power in certain policy domains. Specifically, this refers to so-called reserved policy domains, areas over which the government and parliament do not possess sufficient decision-making authority, as well as the specific problem of insufficient control over the military and the police.³⁸ It is crucial for the concept of *embedded democracy* that the effective power to govern lies in the hands of democratically elected representatives. This becomes clear when examining the many young democracies in Latin America, east, and south and southeast Asia, where the military still has autonomous prerogatives in foreign and national security policy which are incompatible with 'meaningful' democratic elections.

Reserved political domains, however, should be strictly separated from such political matters, which must be removed from the area of effectiveness of (simple) democratic majority decisions through constitutional consent, whether to secure the continued existence of the democracy itself (for example, a constitutional court), or to provide certain organs with more autonomy (such as the central bank). As demonstrated above, organs like a constitutional court are legitimate parts of the institutional arrangement of a democracy. In the case of a central bank, however, the argument of principal revocation is valid. At present, there is no observable tendency in established democracies to limit the autonomy of central banks again, as the example of the EU suggests. Still, such a withdrawal of authority is neither unthinkable nor beyond the reach of political processes and could not be prevented by the central banks themselves. However, there is a clear exception to this in the power positions of veto powers, which often secured their prerogatives during the transition from authoritarian to democratic regimes and therefore gained privileges for themselves in an act of self-empowerment. These are not cases of the democratic delegation of power and competencies, as it is in the case of either a central bank or an office for the control and supervision of cartels. Rather, they are cases of the usurpation of power directed against democratic institutions.

Figure 2 again shows the five partial regimes with their most important elements. In empirical analyses, these elements may be further differentiated

FIGURE 2
DIMENSIONS, PARTIAL REGIMES AND CRITERIA OF EMBEDDED DEMOCRACY

- I. Dimension of vertical legitimacy
 - A. Electoral regime
 - (1) Elected officials
 - (2) Inclusive suffrage
 - (3) Right to candidacy
 - (4) Correctly organized, free and fair elections
 - B. Political rights
 - (5) Press freedom
 - (6) Freedom of association
- II. Dimension of liberal constitutionalism and rule of law
 - C. Civil rights
 - (7) Individual liberties from violations of own rights by state/private agents
 - (8) Equality before the law
 - D. Horizontal accountability
 - (9) Horizontal separation of powers
- III. Dimension of effective agenda control
 - E. Effective power to rule
 - (10) Elected officials with the effective right to rule

into test criteria in order to analyze more precisely the condition of an existent democracy or to compare specific democracies.³⁹

Internal Embeddedness

The partial regimes described can only function effectively in a democracy if they are mutually embedded. Mutual embeddedness implies two things. First, some partial regimes support the functioning of another partial regime – for example the partial regimes ‘political rights’ and ‘civil rights’ support partial regime ‘democratic election’. Second and at the same time, some partial regimes ensure the political actors do not infringe on the functional spheres of another regime, for example the last three partial regimes. Functional and normative interdependence and independence characterize the ‘code of communication’⁴⁰ between the five partial regimes. The balance between them is fragile and varies from democracy to democracy.

We see democracy, therefore, as a complex of interdependent and independent partial regimes.⁴¹ The different partial regimes are arranged in such a way as to provide the potentially conflicting sources of power in a democratic system with consistent rules. This consistency has to guarantee the functional interdependence as well as the independence of the partial regimes so as to enable legitimate as well as effective governance subject to both vertical and horizontal accountability. Democracy can be disaggregated into its five partial regimes. These, however, are mutually connected. The functional logic of each partial regime is preserved by this embeddedness, but, at the same time, a partial regime is hindered from infringing on other partial regimes. The dominant position of one of the regimes is made more difficult, thereby easing the tension between the principles of political equality, freedom and control. It is the mutual embeddedness of the different institutions of democracy in a network of institutional partial regimes that guarantees a functioning and resilient democracy.

This differentiation into partial regimes shows clearly that, from the normative standpoint, the concept of embedded democracy goes beyond an electoral democracy. The subdivision into partial regimes has a considerable analytical advantage. First, it enables a precise determination of the location of defects within a democracy. Second, aggregate defects within a democracy can be recognized in a comparative study of countries. Third, it allows for the systematic analysis of how defects in one partial regime affect other partial regimes, thereby slowly undermining that country’s democratic functioning and leading to a creeping autocratization, despite periodical pluralistic elections.

External Embeddedness

Every democracy as a whole is embedded in an environment that encompasses, enables, and stabilizes the democratic regime. Damage to this environment often results in either isolated defects or destabilization of the democracy itself. The rings in which a democracy is externally embedded represent the conditions of possibility and impossibility that raise or lower the quality of a liberal democracy, but are not defining components of the democratic regime itself. The most important of these externally embedding rings are the socio-economic context, civil society, and international integration (compare Figure 1).

The Socio-Economic Context

Lipset concisely formulated the *locus classicus* of the correlation between the socio-economic development of a society and its capability to sustain a democracy: 'The more well-to-do a nation, the greater is the chances that it will sustain democracy'.⁴² In the last 40 years, the connection between economic development and the capability to sustain democracy has been tested over and over again. It has proven extraordinarily stable.⁴³ Even though the roughness of the measuring indicators (gross domestic product per capita; electoral democracies) has rightly been criticized from time to time, the importance of a well-developed and prospering economy for the consolidation of a democracy remains undisputed. Two qualifying arguments, however, seem appropriate. A well-developed and prospering economy is not the *conditio sine qua non* for a democracy, nor is it possible to use economic development to predict thresholds⁴⁴ and economic transition zones⁴⁵ for the capability or irreversibility of democratization. Furthermore, Lipset's dictum '*the more well to-do*' cannot automatically be extended 'upwards' as the conditional clause suggests. In 2003, the prosperous United States under President George W. Bush was neither more democratic nor more sensible regarding the rule of law than in 1976 under Jimmy Carter, nor can its democracy today (GDP per capita 2001: \$36,000) claim higher quality than Finnish democracy (GDP per capita 2001: \$26,000).⁴⁶ Within the set of member countries belonging to the Organisation for Economic Co-operation and Development, Lipset's causal relation loses its meaning.

Another connection should be mentioned here: inequality. If unequal distribution of economic resources does not only lead to a striking gap between the incomes and wealth of different citizens, but also pushes a consistent part of the population below the poverty line, it has a negative impact on democracy. This does not only apply to countries in the economic take-off stage and countries in the third world, the poor of whose population Guillermo O'Donnell has perceptively diagnosed as *low-intensity citizenship*.⁴⁷ It also

applies to the richest democracy in the world, namely the United States, where the percentage of the population living in poverty for the 1990s was 18 per cent.⁴⁸ This means that for almost a fifth of US citizens, chances for political participation are massively reduced, merely on grounds of poor education.⁴⁹ O'Donnell's argument of low intensity citizenship applies here in the same way as Hermann Heller's explanations of social democracy,⁵⁰ which stress the need for a sufficiently homogenous economic basis among citizens to enable opportunities for equal participation in the democratic process. Only when citizens are secured and educated by means of a sufficiently developed social and economic status will they be able to form independent opinions as *citoyens*. The principle of political equality is inevitably connected to the principle of democracy. This principle is violated when real political equality cannot be produced anymore because of extreme socio-economic inequality. Many indicators regarding political participation and equal treatment in court proceedings show that poverty, as an extreme form of inequality, puts the poor at a disadvantage in the exercise of their civil and political rights. In this regard and only in this regard do political arguments on distribution have a meaning for the political quality of a democratic state.

To sum up, a developed economy, the prevention of extreme poverty, the pluralization of the social structure, and the fair distribution of the material and cognitive resources of society create a shield for democracy and, in most cases, enhances the quality of democracy with regards to the rule of law and participation. Inversely, both the lack of a well-developed economy and abrupt downward economic change endanger the stability and the quality of a liberal democracy.

Civil Society

The conviction that a well-developed civil society strengthens democracy has a long tradition. It is based on important arguments developed by philosophers of the past, such as John Locke, Charles de Montesquieu and Alexis Tocqueville, as well as by present theorists, such as Ralf Dahrendorf, John Keane and Jürgen Habermas. The four most important arguments are briefly outlined below.

Protection from Arbitrary State Rule: The Lockean Function

The liberal tradition, which has its origins in the work of John Locke, mainly stresses the importance of an independent societal sphere vis-à-vis the state. Locke conceived of society, as later Adam Smith did with even greater insistence, as a sphere beyond political space. Vested with natural rights, the people form a community in which social life can flourish. In the best case, this pre- or apolitical sphere is secured and fostered by the state, but it

should never be led by state authority.⁵¹ From this perspective, the central tasks of civil society are the protection of individual autonomy, the development of individual natural rights and the protection of individual property. Civil society, therefore, has the principal function of securing the negative rights of freedom, which means protecting individual freedom from state intervention. Civil society is the space of the individual protected from the state.⁵²

*The Balance between State Authority and Civil Society:
The Montesquieuian Function*

Montesquieu dissolved the sharp contrast between state and society. In his complex model of the separation of powers and of mutually-regulating powers, he discussed the balance between central political authority and the societal networks of '*corps intermédiaire*'. 'Rule of law' and checking powers have the function of limiting and containing the strong (monarchic) central government. However, Montesquieu argued that law loses its power to rule when it is no longer supported by independent, legally protected bodies. These '*corps intermédiaire*' are 'amphibian' bodies existing within and outside of the political structure and thereby linking the societal and state spheres together.⁵³ Montesquieu relied on institutions and organizations and did not primarily trust in 'virtues', as did the philosophers of the ancient *polis* or postmodern communitarians.

The School of Democracy: The Tocquevillian Function

Alexis de Tocqueville stressed the concept of 'free associations' as an important guarantee for a free community.⁵⁴ For him, associations within civil society function as 'schools of democracy' where citizens practice democratic thinking and civil behaviour and become used to it on a daily basis. For these associations truly to be places of self-government, they must not be too large, yet should be numerous. They should exist on all levels of the political system, since freedom and democracy would be in danger on the national level, were local associations to dwindle. Civil associations serve to establish and embody civil virtues like tolerance, mutual acceptance, honesty, reliability, trust and civil courage. They thereby accumulate *social capital* (a term formulated by the American Robert Putnam 150 years later),⁵⁵ without which democracies can neither emerge nor consolidate in the long term. Seen from a Tocquevillian point of view, civil society puts normative and participatory potential at a democracy's disposal. This serves as an immunization of freedom against the authoritarian temptations of the state and limits the tyrannical ambitions of societal majorities.

The Public Sphere: The Habermasian Function

Civil society expands the sphere of interest-articulation and interest-aggregation by establishing a 'pre-institutional' public sphere of critical discourse, as Jürgen Habermas argues. Here especially, interests that are socio-economically disadvantaged and politically difficult to organize have the possibility of becoming acted upon in an open public arena. Through self-determined forms of participation, these interests should influence the agendas of politics beyond political power and business interests. For any truly democratic formulation of opinions in interest groups, both parties and parliaments 'rely on the supply of informal public opinion' which can only 'form outside of the structures of a non-power driven public sphere'.⁵⁶ Spontaneously-created organizations and movements form the core of such a sensitive civil society. They 'find, absorb, condense, and pass on' public problems 'to the political arena like an amplifier'.⁵⁷

The four aspects of civil society named above protect the individual from the arbitrary use of state power (Locke), support the rule of law and the balance of powers (Montesquieu), educate citizens and recruit political elites (Tocqueville), and institutionalize the public sphere as a medium of democratic self-reflection (Habermas). If civil society fulfils these functions, it generates and enables checks of power, responsibility, societal inclusion, tolerance, fairness, trust, cooperation, and often also the efficient implementation of accepted political programs. Civil society thereby not only enhances the democratization, pacification and self-organization of society, but also controls, democratizes and provides support for the state, making it more democratic and effective. In a strict sense, civil society does not belong to the defining core of a constitutional democracy. It is rather outside of this core and therefore may be regarded as externally embedding it. The functions civil society carries out, however, have considerable implications for the sustainability of democratic constitutional institutions.

International and Regional Integration

Integration into international and especially regional, economic or politically democratic organizations has considerable implications for the stability and quality of a democracy. Neither military alliances nor foreign-policy security structures can develop the same democratic effect, even if they are dominated by democratic states, as the North Atlantic Treaty Organization (NATO) is. The examples of Portugal (until 1974) or Turkey show that both authoritarian states and defective democracies violating civil and human rights can survive in such alliances, since their inner power structure is subordinate to the particular purpose of foreign policy security.

Historically, the European Union (EU) and its precursor organizations have proven the most successful in the international embedding of democracies. The early integration of Germany and Italy into the European Coal and Steel Community (ECCS) in 1951 and the admission of the post-authoritarian regimes of Greece, Spain and Portugal in the 1980s stabilized those young democracies, just as much as it accelerated the full democratization of the eastern European accession countries. Tying accession to the EU to high standards of constitutional guarantees and democratic rights in the accession countries triggered a considerable push-and-pull effect for economic and democratic reforms. This economic and institutional embedding into community-based, strong common interests and values will also considerably stabilize the ten central and eastern European new member countries after 2004. The combination of a community oriented to market economy based on common interests and democratic values makes the EU a unique model in the world. Neither the Association of South-east Asian Nations (ASEAN) nor South America's MERCOSUR and NATO have comparable effects, because they are not committed to the principle of democratic values in the same way. Integration into the United Nations and its sub-organizations has proven irrelevant for the establishment and the stabilization of democracy and the rule of law.

The denser, more consolidated and more resilient this external embeddedness of democracy is, the less vulnerable the internal partial regimes are towards external threats. The more densely interdependence between the partial regimes is institutionalized, the stronger the co-operation between the actors of these regimes. Also, the higher the acceptance and respect towards mutual independence, the more democratic is the whole regime. The inverse is true, as well: the weaker the external embeddedness and the lower the mutual respect and co-operation between the actors of the partial regimes, the closer the regime is to being a defective democracy.

Defective Democracies: Types, Defects and Causes

If one of the partial regimes of an *embedded democracy* is damaged in such a way that it changes the entire logic of a constitutional democracy, one can no longer speak of an intact embedded democracy. Depending on which of the partial regimes of an embedded democracy is impaired, we are then dealing with a certain type of defective democracy. From this perspective, defective democracies are democracies in which the partial regimes are no longer mutually embedded, the logic of a constitutional democracy becoming disrupted.

Defective democracies are not necessarily transitional regimes that develop into either democratic or autocratic regimes so as to regain a systemic

equilibrium. Depending on their political power, as well as their social, economic and cultural embeddedness, they can establish themselves for a longer period. This is the case when specific defects are supported by both political power and socio-economic/socio-cultural contexts and develop within a mutually supportive coexistence of environment and partial regimes. Many such (defective) democracies have become established, on the eastern edge of eastern Europe, in east Asia and in Latin America.⁵⁸

Types of Defective Democracy

We distinguish between four types of defective democracy: exclusive democracy, domain democracy, illiberal democracy and delegative democracy.⁵⁹

Exclusive Democracy

Sovereignty of the people is the basic concept of democracy and has to be guaranteed by universal electoral rights and their fair execution. This is not the case if one or more segments of all adult citizens are excluded from the civil right of universal suffrage.

Domain Democracy

If ‘veto powers’ – such as the military, guerrillas, militia, entrepreneurs, landlords or multi-national corporations – take certain political domains out of the hands of democratically elected representatives, the result is domain democracy. The creation of such political domains can occur by constitutional and extra-constitutional means. Although the latter has to be seen as inflicting more severe damage to a constitutional democracy, the former also represents a type of defective democracy. Domain democracy is a regionally specific type occurring in Latin America and southeast Asia, where the military often takes over a political (veto) role. In eastern Europe or central Asia, domain democracies are rare.

Illiberal Democracy

In intact democracies, legitimate representatives are bound to constitutional principles. In an illiberal democracy, with its incomplete and damaged constitutional state, the executive and legislative control of the state are only weakly limited by the judiciary. Additionally, constitutional norms have little binding impact on government actions and individual civil rights are either partially suspended or not yet established. In illiberal democracies, the principle of the rule of law is damaged, affecting the actual core of liberal self-understanding, namely the equal freedom of all individuals. This is the most common type of ‘defective democracy’, and it can be found all over the world.

Delegative Democracy

In a delegative democracy, the legislature and the judiciary have only limited control over the executive branch. Actions of government are seldom committed to constitutional norms. The checks and balances that functioning democracies need in order to maintain a balanced political representation are undermined. Governments, usually led by charismatic presidents, circumvent parliament, influence the judiciary, damage the principle of legality, undermine checks and balances, and shift the equilibrium of the balance of power unilaterally in favour of the (presidential) executive.⁶⁰

Table 2 shows the regional distribution of defective democracies and its sub-types.

The following trends may be seen in the new democracies one (eastern Europe) or two decades (Latin America, east Asia) after their transition to (electoral) democracy:

- In all three transitional regions, defective democracies dominate. They constitute 72.5 per cent of all 40 new democracies as of 2001. Liberal democracies (22.5 per cent) are a minority, concentrated in central eastern Europe. Regression into open autocracy occurred in only three countries: Peru (1997–2000), Pakistan and Belarus. There are, therefore, no signs of an autocratic reverse wave. The defective democracies prove to be no transitional phenomena, establishing themselves on the contrary as relatively durable systems of political rule.
- Illiberal democracy is the most common sub-type of defective democracy. Out of 29 defective democracies in total, 22 regimes belong to this subtype, whereas there are four cases of exclusive democracy (see Table 2). The latter seems to be an outdated model, as the open exclusion of relevant parts of the population from political participation is becoming rare. Exclusion persists, however, mostly hidden in the more subtle cloak of illiberal discrimination towards (mostly ethnic) minorities. The number of domain democracies has also decreased considerably, although in these cases, as in some east Asian countries, the military latently ‘occupies’ the field of national security in acute times of crises. The number of delegative democracies has also decreased. A delegative democracy may, however, evolve from an illiberal democracy if a charismatic leader abuses crises and emergency regulations to expand his personal power.
- Damage of the partial regimes ‘civil rights’ and ‘division of power/horizontal accountability’ occurs most frequently. In contrast to the evolutionary process of democratization of the western world in the nineteenth century, young democracies of the third wave seem to have more difficulties in establishing constitutional guarantees and the rule of law than in

TABLE 2
THE THIRD WAVE'S AUTHORITARIAN REGIMES, DEFECTIVE AND LIBERAL DEMOCRACIES IN ASIA,
LATIN AMERICA AND EASTERN EUROPE (2002)

| Region | Authoritarian regime | Defective democracies | | | | |
|----------------|----------------------|-----------------------|--|----------------------|--------------------|--|
| | | Exclusive democracy | Illiberal democracy | Delegative democracy | Tutelary democracy | Liberal democracy |
| Latin America | | Brazil Guatemala | Brazil Bolivia Guatemala El Salvador Honduras Mexico Nicaragua Panama Paraguay Peru | Argentina | Chile Ecuador | Uruguay |
| Eastern Europe | Belarus | Latvia | Albania Bulgaria Croatia Macedonia Moldova Romania Russia Ukraine | | | Estonia Poland Lithuania Slovak Repub. Slovenia Czech Repub. Hungary |
| Asia | Cambodia Pakistan | Thailand | Thailand Philippines Bangladesh Nepal | South Korea | Indonesia | Taiwan |

institutionalizing general and free elections. Elections, however, lose some of their democratic meaning when the liberal rights of freedom and of checks and balances are marred by severe defects. It improperly restricts the public arena of freedom of opinion and political participation, and causes a formally correct election to lose its democratic meaning when elected representatives do not govern according to the laws which were the basis for their own election. Beyond this, freedom rights are of fundamental value in and of themselves. Their withdrawal or limitation usually threatens life chances more severely than withholding democratic electoral and participatory rights. Democracy means, first and foremost, self-governing of the people. This is no longer guaranteed for large parts of the population in a defective democracy. This is also a reason why political regimes cannot be called a democracy (without an adjective) merely if on election day the electoral procedure is organized and executed in accordance with the norms of democratic elections.

Causes of Defective Democracies

Our research has shown that no single outstanding factor can be sorted out as the primary cause of the formation of these severe defects in young democracies.⁶¹ Rather, specific combinations of causes that lend themselves to special opportunities for certain actors to usurp power, suspend constitutional norms or circumvent checks limiting power are ultimately responsible for the emergence of defects. This is not the place to present the specific connection between structural opportunities and the action of individual or collective actors, which is particular to every country. Instead, one hypothesis for each of the most important groups of causes will summarize the findings of our research. We shall take into account the path of modernization, the level of modernization, economic trends, social capital and civil society, state and nation building, the type of authoritarian predecessor regime, transitional modus, political institutions and the international context.

Path of Modernization

The probability for the occurrence of a defective democracy rises both if the socio-economic modernization of a country proceeds along a semi-modern path, producing acute imbalances of power, and if the property-owning classes regard democracy as a threat to their economic and political interests.⁶²

Level of Modernization

The probability of the emergence of a defective democracy is higher, the lower the socio-economic level of development in a society and the more unequal the

distribution of societal resources. An asymmetrical distribution of economic, cultural and intellectual resources promotes acute inequality of political resources of action and power among political actors. It further complicates the enforcement of constitutional and democratic standards against the rational self-interest of the powerful and endangers marginalized groups' loyalty to the regime, even after democratic institutions are formally established.⁶³

Economic Trends

Economic crises offer situational incentives to institutionalize defects in an unconsolidated democracy. This is often the 'hour' for special emergency legislation and decrees in presidential and semi-presidential systems.⁶⁴ Governing by decree is often expanded beyond its constitutional limits and often stays in place even after the acute state of emergency has subsided.

Social Capital

The occurrence of defective democracies is closely related to the type and the extent of historically accumulated social capital in a society. An emergence of (ethnically) exclusive and illiberal democracies is more probable if social capital is accumulated along ethnic and religious lines. The 'Tocquevillian version' of social capital, however, works against exclusive or illiberal tendencies.

Civil Society

A lack of interpersonal trust makes the formation of a well-institutionalized system of political parties, interest groups and associations in civil society more difficult. Without these institutions, important intermediary pillars for the exercise of political rights and the protection of civil rights are absent. In such a context, charismatic and popular justifications for defective patterns of democratic decision making become a promising alternative to gain public support.

The more civil society is organized along ethnic cleavages, the more it contributes to the intensification of political polarization. This makes the acceptance or enforcement of the limitation of the political rights of minorities in multi-ethnic or multi-religious societies more feasible. Ethnically mobilized civil societies often reveal the 'dark side' of 'civic' mobilization against other communities.

State and Nation Building

Conditions for the development of a liberal democracy without severe defects are especially unfavourable if unsolved identity or stateness crises in the political community burden the transformation. Efforts to secede or

discrimination against minorities will damage the indispensable civil rights of freedom and political rights of participation.

Type of Authoritarian Predecessor Regime

The longer totalitarian, post-totalitarian, sultanistic or neo-patrimonial regimes have been institutionalized in a country and have had the chance to influence the political culture of society, the more probable are defects in the subsequent democracy. Such societies tend to bestow the circumvention of checks and balances and the application of 'delegative' ruling practices with electoral rewards.

Transitional Mode

The more inclusive the elite settlement directly after the system change, the more relevant actors will accept and protect the new democratic rules of the game. Moreover, the more elites follow the new democratic institutions, the faster broad popular support legitimizing the system will grow. Therefore, negotiated transitions more effectively avoid severe democratic defects than system changes steered from above or forced from below.

Political Institutions

The more 'informally' authoritarian inheritance (such as clientelism, patrimonialism and corruption) shapes patterns of interaction between elites and the population at large, the more difficult it is for the new 'formal' institutions to be validated and standardized. Informal institutions threaten to crack the functional code of formal, democratically legitimized institutions, deforming and displacing them. In essential domains of decision making, the democracy can then only function according to non-legitimized, informal institutions and rules that contradict the principles of a democratic state based on the rule of law. These defects of formal democratic institutions are supported by highly habitualized behavioural patterns in society, such as clientelism, patronage and corruption.

International and Regional Context

If regional mechanisms (like the EU and European Council) that secure liberal-democratic institutions are weak or absent, governments have a broader range of options for violating the rules of these institutions, the opportunity costs for such actions being considerably reduced.

Conclusion

The above hypotheses and causal explanations teach us a variety of insights. From an analytical point of view it is insufficient to rely on the term *electoral*

democracy when talking about democracies. However, this is not a good reason to expand the term ‘democratic’, such that it turns in to an all-inclusive umbrella term, as democratic theorizing attempted to do briefly after 1968. Critical, economic, social, civil, participatory or feminist demands regarding democracy might then become desirable, depending on one’s normative conviction. But we do not count them as defining elements of a democracy. Democratic elections alone, though, do not make a political regime a liberal democracy. They often simply disguise authoritarian rule. If the complementary support of the four other partial regimes (rights of freedom, rights of participation, checks on power, and effective power to govern) are missing, important functions indispensable for the self-government of a political community are absent from democratic elections. ‘Electoralists’ underestimate the importance of the rule of law and of horizontal accountability for a democracy especially.

Defective democracies are by no means necessarily transitional regimes. They are able to form stable links to their environment and are seen by considerable parts of the elites and the population as adequate solutions to the extreme accumulation of problems in post-autocratic democracies. This is especially the case in societies with a low educational level or having clientelistic and patrimonial structures. Rather than organizing free elections at the earliest point possible to support the democratization or consolidation of post-autocratic regimes in a sustainable way, the priority should be the expansion of a highly efficient school system, the rule of law, and civil society.

NOTES

1. See (<http://www.bertelsmann-transformation-index.de/>).
2. Robert Dahl, *Polyarchy. Participation and Opposition* (New Haven, CT and London: Yale University Press, 1971).
3. International organizations surveying the fairness of democratic elections in young democracies usually have extensive code-books at their disposal.
4. Axel Hadenius, *Democracy and Development* (Cambridge: Cambridge University Press, 1992).
5. Adrian Karatnycky, ‘The Decline of Illiberal Democracy’, *Journal of Democracy*, Vol.10, No.1 (1999), pp.112–23; Larry Diamond, ‘Is Pakistan the (Reverse) Wave of the Future?’, *Journal of Democracy*, Vol.11, No.4 (2000), pp.81–107.
6. Karatnycky (note 5) p.119; Diamond (note 5) p.95.
7. The seven-point regime scale spans from fully consolidated constitutional ‘liberal’ democracies like Denmark (1) to absolutely closed totalitarian dictatorships like North Korea (7). It is not very convincing, however, that 5.5 (1.0–5.5) points on this scale should be reserved for different types of democracies (liberal, semi-liberal and illiberal), whereas the differentiation between authoritarian and totalitarian takes up only 1.5 points (5.5–7.0).
8. Cf. David Collier and Steven Levitsky, ‘Democracies with Adjectives. Conceptual Innovation in Comparative Research’, *World Politics*, Vol.49, No.2 (1997), pp.430–51.
9. Hadenius (note 4).
10. Ernst-Wolfgang Böckenförde, *Staat, Verfassung, Demokratie: Studien zur Verfassungstheorie und zum Verfassungsrecht* (Frankfurt a.M.: Suhrkamp, 1991); Jürgen Habermas,

- Faktizität und Geltung (Frankfurt a.M.: Suhrkamp, 1992), pp.166ff; Hans-Joachim Lauth, 'Rechtsstaat, Rechtssysteme und Demokratie', in Michael Becker, Hans-Joachim Lauth and Gert Pickel (eds), *Rechtsstaat und Demokratie*, (Wiesbaden: Westdeutscher Verlag, 2001), pp.21–44.
11. The concept of *embedded democracy* was developed in the research project 'Defective Democracies', funded by the German Science Foundation (DFG) and headed by Hans-Jürgen Puhle and the present author. In connection with the development of the concept I would especially like to thank Aurel Croissant (Heidelberg) and Peter Thiery (Heidelberg and Munich).
 12. Anthony Downs, *An Economic Theory of Democracy* (New York: Harper Collins, 1957); Samuel Huntington, *The Third Wave. Democratization in the Late Twentieth Century* (Norman, OK and London: University of Oklahoma Press, 1991); Adam Przeworski, *Democracy and the Market. Political and Economic Reforms in Eastern Europe and Latin America* (Cambridge: Cambridge University Press, 1991); Robert Dahl, *Polyarchy* (note 2).
 13. Hermann Heller, *Gesammelte Schriften*, Vol.2 (Leiden: Sijthoff, 1971).
 14. For a discussion of the problematic and construction of a modern understanding of justice see: John Rawls, *A Theory of Justice* (Cambridge: Belknap Press, 1971); Michael Walzer, *Sphären der Gerechtigkeit* (Frankfurt a.M.: Suhrkamp, 1998); Wolfgang Kersting (ed.), *Politische Philosophie des Sozialstaats* (Weilerwist: Velbrück Wissenschaft, 2000); Amartya Sen, *Ökonomie für den Menschen* (Munich: Beck, 2000); Wolfgang Merkel and Mirko Krück, 'Social Justice and Democracy: Investigating the Link', *International Politics and Society*, Vol.1 (2004), pp.134–58.
 15. Many critics who claim that our concept of embedded or defective democracy is normatively overstretched fail to recognize the logically forceful, functional complementarity of the five partial regimes. We do not speak of a 'perfect democracy', as many insinuate, misinterpreting the semantic antonym ('perfect' is not, semantically speaking, the opposite of 'defect'), but about a 'functioning constitutional democracy'.
 16. Hadenius (note 4).
 17. Wolfgang Merkel, 'Defekte Demokratien', in Wolfgang Merkel and Andreas Busch (ed.), *Demokratie in Ost und West* (Frankfurt a.M.: Suhrkamp, 1999).
 18. Robert A. Dahl, *Democracy and its Critics* (New Haven, CT and London: Yale University Press, 1989), p.221.
 19. See Wolfgang Merkel et al., *Defekte Demokratien*, 2 vols (Opladen: Leske + Budrich, 2003).
 20. Dahl, *Polyarchy* (note 2); Dahl, *Democracy* (note 18).
 21. Hadenius (note 4) pp.51ff.
 22. David Beetham, 'Key Principles and Indices for a Democratic Audit', in David Beetham (ed.), *Defining and Measuring Democracy* (London: Sage, 1994), pp.25–43; Kenneth A. Bollen, 'Political Democracy: Conceptual and Measurement Traps', in Alex Inkeles (ed.), *On Measuring Democracy* (New Brunswick, NJ: Transaction Publications, 1993), pp.3–20.
 23. Dahl, *Polyarchy* (note 2) p.2.
 24. Jürgen Habermas, *Strukturwandel der Öffentlichkeit* (Neuwied: Luchterhand, 1962); Habermas, *Faktizität und Geltung* (note 10).
 25. Carlos Santiago Nino, *The Constitution of Deliberative Democracy* (New Haven, CT and London: Yale University Press, 1996); John Reitz, 'Constitutionalism and the Rule of Law', in Robert D. Grey (ed.), *Democratic Theory and Post-communist Change* (London and New York: Prentice Hall, 1997), pp.111–43.
 26. Jon Elster 'Introduction', in Jon Elster and Rune Slagstad (eds), *Constitutionalism and Democracy* (Cambridge: Polity Press, 1988), pp.1–18, esp. pp.2–3.
 27. Claims Ingeborg Maus, *Zur Aufklärung der Demokratietheorie. Rechts- und demokratietheoretische Überlegungen im Anschluss an Kant* (Frankfurt a.M.: Suhrkamp, 1994), pp.298ff. following Kant.
 28. Alexis de Tocqueville, *Über die Demokratie in Amerika* (Stuttgart: Reclam, 1985 [1835]).
 29. Juan J. Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation, Southern Europe, South America, and Post-Communist Europe* (Baltimore, MD and London: Johns Hopkins University Press, 1996), p.10.

30. This also means that cultural, ethnic, linguistic or religious minorities are not prevented from practicing their culture, language or religion and are not legally discriminated against.
31. These violations of civil rights can be found especially in young democracies (cf. Merkel *et al.*, *Defekte Demokratien* (note 19)). How should these democracies be named then, other than 'defective'?
32. Guillermo O'Donnell, 'Delegative Democracy', *Journal of Democracy*, Vol.5, No.1 (1994), pp.55–69, esp. p.61.
33. This dimension is absent from the more recent research of Robert Dahl, *Democracy* (note 18). While, in 1971, Dahl, *Polyarchy* (note 2) considered such control a necessary point among his eight institutional minima for the polyarchy concept, he dropped it altogether in *Democracy*.
34. David Beetham and Kevin Boyle, *Introducing Democracy. 80 Questions and Answers* (Cambridge: Polity Press, 1995), pp.66ff.
35. José María Maravall, *El control de los políticos* (Madrid: Taurus, 2003).
36. Klaus von Beyme, *Die parlamentarische Demokratie* (Wiesbaden: Westdeutscher Verlag, 1999).
37. Philippe C. Schmitter and Terry Karl, 'What Democracy is . . . and What It Is Not?', *Journal of Democracy*, Vol.2, No.3 (1991), pp.75–88, esp. p.81; David Collier and Steven Levitsky, 'Democracy with Adjectives: Conceptual Innovation in Comparative Research', *World Politics*, Vol.49, No.3 (1997), pp.430–51, esp. pp.442ff.
38. Leonardo Morlino, *Democracy Between Consolidation and Crisis. Parties, Groups, and Citizens in Southern Europe* (Oxford: Oxford University Press, 1998), pp.71ff.
39. Merkel *et al.*, *Defekte Demokratien* (note 19).
40. Niklas Luhmann, *Ökologische Kommunikation* (Wiesbaden: Westdeutscher Verlag, 1984).
41. Philippe C. Schmitter, 'Civil Society East and West', in Larry Diamond, Marc F. Plattner, Yun-han Chu and Hung-mao Tien (eds), *Consolidating the Third Wave Democracies* (Baltimore, MD and London: Johns Hopkins University Press, 1997), pp.239–63. We owe this term to Philippe Schmitter (*ibid.*, p.243), who introduced the concept of partial regimes for the differentiation of various types of democracies. In our understanding, however, these partial regimes refer to the basic parameters of power, which have to be regulated in any democracy. Functionally, this concept rather follows the system-theoretical ideas of Niklas Luhmann, who describes the ecological communication of partial regimes with interdependence and independence strictly or loosely coupled.
42. Seymour M. Lipset, 'Some Social Requisites of Democracy: Economic Development and Political Legitimacy', *American Political Science Review*, Vol.53, No.1 (1959), pp.69–105; Seymour M. Lipset, *Political Man. The Social Basis of Politics* (Baltimore, MD: Johns Hopkins University Press, 1981), p.31.
43. Compare among others: Philipps Cutright, 'National Political Development Its Measures and Analysis', *American Sociological Review*, Vol.28 (1963), pp.253–64; Dahl, *Polyarchy* (note 2); Tatu Vanhanen, *The Emergence of Democracy. A Comparative Study of 119 States, 1850–1979* (Helsinki: Finnish Society of Sciences and Letters, 1984); Tatu Vanhanen, 'The Level of Democratization Related to Socioeconomic Variables in 147 States, 1980–1985', *Scandinavian Political Studies*, Vol.12, No.2 (1989), pp.95–127; Seymour M. Lipset, 'Reflections on Capitalism, Socialism and Democracy', *Journal of Democracy*, Vol.4, No.2 (1993), pp.43–55; Christian Welzel, *Fluchtpunkt Humanentwicklung. Über die Grundlagen der Demokratie und die Ursachen ihrer Ausbreitung* (Wiesbaden: Westdeutscher Verlag, 2002); Adam Przeworski and Fernando Limongi, 'What Makes Democracies Endure', *World Politics*, Vol.49, No.1 (1997), pp.155–83.
44. Przeworski and Limongi, *What Makes Democracies Endure* (note 43).
45. Huntington (note 12).
46. Violations of the rule of law and human rights violations by the United States following 11 September 2001 rather indicate the opposite.
47. Guillermo O'Donnell, 'Horizontal Accountability in New Democracies', *Journal of Democracy*, Vol.3, No.9 (1998), pp.112–26.
48. Merkel and Krück, 'Social Justice' (note 14).

49. American research on democracy which follows the principles of Freedom House neglects the connection between poverty and low intensity citizenship. Thus, while Germany has been scolded or even downgraded for surveying a dubious quasi-religious sect like Scientology with its intelligence service, the fact that almost 20 per cent of US citizens (predominantly African Americans) are disadvantaged through poverty in the exercise of their civil and political rights is completely ignored.
50. Hermann Heller, 'Demokratie und soziale Homogenität', in Hermann Heller, *Gesammelte Schriften*, Vol.2 (Leiden: Sijthoff, 1971).
51. Charles Taylor, 'Der Begriff der bürgerlichen Gesellschaft im politischen Denken des Westens', in Micha Brumlik and Hauke Brunkhorst (eds), *Gemeinschaft und Gerechtigkeit* (Frankfurt a.M.: Suhrkamp, 1993), pp.117–44, esp. p.130.
52. See also David Held, *Models of Democracy* (Cambridge: Polity Press, 1996).
53. Charles de Montesquieu, *Oeuvres complètes* (Paris: Didot, 1838), p.280.
54. Tocqueville (note 28).
55. Robert D. Putnam, *Making Democracy Work. Civic Traditions in Modern Italy* (Princeton, NJ: Princeton University Press, 1993), p.163; idem., *Bowling Alone* (New York: Simon & Schuster, 2000); idem., *Better Together. Restoring the American Community* (New York: Simon & Schuster, 2003).
56. Habermas, *Faktizität und Geltung* (note 10) p.374.
57. Ibid., p.443.
58. Merkel *et al.*, *Defekte Demokratien* (note 19).
59. Ibid.
60. This understanding of the term 'delegative democracy' is close to the definition used by Guillermo O'Donnell, 'Delegative Democracy', *Journal of Democracy*, Vol.5, No.1 (1994), pp.55–69.
61. Merkel *et al.*, *Defekte Demokratien* (note 19).
62. Our research confirms the thesis put forward by Barrington Moore, *Soziale Ursprünge von Demokratie und Diktatur* (Frankfurt a.M.: Suhrkamp, 1969); Dietrich Rueschemeyer, Evelyne Huber Stephens and John D. Stephens, *Capitalist Development and Democracy* (Chicago, IL: Chicago University Press, 1992).
63. This hypothesis is based on empirical evidence and confirms Lipset's 'Social Requisites for Democracy' and Vanhanen's hypothesis regarding the connection between the dispersion of power resources and chances of democratization.
64. This supports the thesis that parliamentary systems of government *ceteris paribus* are more favourable for the consolidation of young democracies than are presidential or semi-presidential systems. Juan Linz, 'The Virtues of Parliamentaryism', *Journal of Democracy*, Vol.1, No.1 (1990), pp.84–91; Arend Lijphart, 'Democratization and Constitutional Choices in Czechoslovakia, Hungary and Poland 1989–1991', *Journal of Theoretical Politics*, Vol.4, No.2 (1992), pp.207–23; Wolfgang Merkel, *Systemtransformation* (Opladen: Leske + Budrich, 1999).

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