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Minding and not minding your own business: what justifies attempts to assess the democratic quality of political systems?

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Minding and not minding your own business.

What justifies attempts to assess the democratic quality of political systems?

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April, 2015

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Founded in 1963 by two prominent Austrians living in exile – the sociologist Paul F. Lazarsfeld and the economist Oskar Morgenstern – with the financial support from the Ford Foundation, the Austrian Federal Ministry of Education, and the City of Vienna, the Institute for Advanced Studies (IHS) is the first institution for postgraduate education and research in economics and the social sciences in Austria. The **Political Science Series** presents research done at the Department of Political Science and aims to share "work in progress" before formal publication. It includes papers by the Department's teaching and research staff, visiting professors, graduate students, visiting fellows, and invited participants in seminars, workshops, and conferences. As usual, authors bear full responsibility for the content of their contributions.

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Contents

I. INTRODUCTION.. 5

II. DERIVING INDICATORS 7

III. WHY DEMOCRACIES NEED TO BE ABLE TO ASSESS THEMSELVES 11

IV. WHY DEMOCRACIES NEED TO BE ABLE TO ASSESS THE DEMOCRATIC QUALITY OF OTHER STATES. 13

V. DEMOCRACY ASSESSMENT AND THE COLLAPSE OF THE FACT/VALUE DISTINCTION...15

VI. TWO CONCLUDING SUGGESTIONS. 22

VII. ANNEX... 24

VIII. REFERENCES... 25

I. Introduction

It is common to distinguish between democracy as a form of rule and as a value. However methods of assessing the democratic quality of political systems have not always been good at assessing democracy as a form of rule against standards that are explicitly and coherently developed from a clear idea of democracy as a value. Nor, have they always been based on a fully worked-out justification for why it is so important to evaluate democracy in the first place. As a result they have not always been fully fit-for-the-purpose and justified-by-the-purpose. Indeed, this paper argues that many attempts at democracy assessment have been inhibited by what might be termed a 'normative-empirical gap' that, in turn, reflects a crude and infantile misunderstanding of the so-called fact-value distinction that has done great damage to the study of politics.

Things only began to improve when David Beetham et al (2002) developed Democratic Auditing. As a method of assessing the democratic quality of democratic systems, Democratic Auditing was as self-confessedly evaluative and diagnostic in its judgements as it was cautious of claims to measure democracy, and, worse still, aggregate measures democracy. Subsequent methods – such as the Democracy Barometer and the Varieties of Democracy project – have tried to hold on to the idea that it is possible to score democratic performance, though, refreshingly and impressively, they have attempted to do that in a manner that accepts the core insight of Democratic Auditing: namely, that democracy can only be assessed using a plurality of standards and values that are irreducible to one another (On their irreducibility see Christiano 2004 & 2008) and about which there is reasonable disagreement that cannot be resolved save by arbitrarily assuming some of the very norms and values that are in dispute (For more on 'reasonable disagreement' and why it implies a need to accept 'value pluralism' see Rawls 1993).

At the end of the paper I suggest two further improvements that could be made to existing methods of democracy assessment. First, consideration should be given to using deliberative forums of randomly chosen citizens to assess the democratic quality of their political systems. Second, there is also a serious role for laboratory experiments in democracy assessment. Laboratory experiments can give us counterfactual data. In other words, they can tell us whether people would participate more, deliberate more, identify more and so on under different arrangements to those that exist right now. All that is useful to know, if democracy assessment is to be helpful and diagnostic, and, indeed, if it is to tell us whether systems are as democratic as they could be, not just in relation to existing arrangements, but also in relation to others that have not even been attempted.

Since Robert Dahl (1971), numerous attempts have been made to design methods of measuring democracy. I include in those attempts all studies that propose indicators of democracy and means of scoring their indicators against qualitative and quantitative data

(Bertelsman; Democratic Audit; Freedom House; POLITY IV; Bollen 1980; Freedom House; Hadenius 1992; Beetham et al 2002; Economist Intelligence Unit 2007; Vanhanen 2008; Bühlmann *et al* 2011). Yet, as with so much else that is involved in defining, justifying or realising democracy, attempts to measure it have provoked much disagreement. Different methods disagree on a) what indicators should be used; b) on how indicators should be scored; and c) on how the scores given to individual indicators should be combined into overall evaluations of the democratic quality of political systems (Bühlmann *et al* 2011 and Coppedge and Gerring 2012). One possible response is simply to welcome the failure. Maybe it just confirms the wisdom of Einstein's observation that not everything that is worthwhile can be measured, and not everything that can be measured is worth measuring. In any case democracy would, arguably, not be democracy if there were not limits to how far it can be measured. If people are to be free to choose their own form of democracy for reasons and standards of their own, then there would also seem to be limits to how far democracy can be measured by standards that are universalisable and comparable across systems.

However, I doubt that we can give up on attempts to measure democracy so easily. To the contrary, I want to argue here that democracy requires methods of assessing democracy. I first discuss what is involved in specifying indicators and measures of democracy (Section 2). I then argue that democracies may need methods of assessing democracy for two reasons: first, they need to be able to assess the democratic quality of their own systems (Section 3), and, second, they may find it no less hard to avoid assessing the democratic quality of other political systems. (4). I then discuss what follows for the design of methods of assessment (Section 5), before making my own tentative suggestions for how existing methods of assessment might be further improved by involving citizens themselves in assessments and by using experiments to evaluate democracies 'counterfactually', or, in other words, to evaluate 'democracies as they are' against 'democracies as they might be' (Sections 6). Along the way, I illustrate my arguments with the example of the European Union, which has the advantage of raising the difficulties of evaluating the democratic quality of polities in a particularly acute form.

II. Deriving Indicators

I suspect that it is impossible to construct a set of indicators of democracy that everyone would agree. But that does not mean that it is impossible to identify a sound way of developing indicators. As Roy Sorensen argues (1992), much philosophy amounts to little more than a 'thought experiment' aimed at identifying what can and must be assumed if we are to maintain the overall coherence of a set of beliefs. Thus a simple thought experiment aimed at identifying indicators of democracy might defend a core definition of democracy and then identify indicators based on whatever is needed to deliver that core definition. In what follows, I illustrate how such a thought experiment might work. I cannot stress too strongly that the indicators I set out are illustrative only, aimed at giving the reader an idea of how indicators are typically framed in methods of assessing democracy. So, please, do not think that those who attempt democracy assessments do not already know that their indicators are but simplified and shorthand summaries of the broad requirements for democracy. As can be verified from the detailed descriptions of their methods (See especially Democratic Audit, Democracy Barometer and Varieties of Democracy) those who do democracy assessment are well aware that most of the hard work of specifying and operationalizing tests of democracy only begins with the identification of indicators. However, that caveat aside, I hope to show that even a crude and peremptory thought experiment in developing indicators from a core definition of democracy can give the reader a good idea of some of the possibilities and problems of making even the first and simplest steps towards developing an overall framework for evaluating the democratic quality of political systems.

Assume, for example, that I wanted to defend a core definition of democracy as a) public control with b) political equality and c) individual rights to justification (The first two elements are variously proposed by Beetham, 1994: 27-8; Weale 1999: 14; Bohman 2007: 2. For individual rights to justification see Forst 2011). It does not matter whether the democratic ideal is maximally defined as one in which publics can author their own laws or minimally defined as one in which they can merely avoid arbitrary domination, in both cases publics will need some control over those who govern them. Were, however, the right to public control to be distributed unequally – maybe perhaps because some people have more votes than others – then, as David Estlund has observed, there would not be a straightforward rule of the people. Rather there would an element of rule of some of the people over others of the people (2008: 37). However, even, public control with political equality are insufficient, since controlling majorities of political equals would still owe all individuals justifications that decisions have, indeed, been taken in ways that bind them too.

So, if my starting point is public control with political equality and individual rights to justification, what indicators of democracy might follow?

i) Rights. Habermas has famously argued that it makes no sense to see either democracy or rights as limiting the other. Rather, the only possibility is that we commit ourselves to both 'rights' and 'democracy' through the very act of committing ourselves to the other (1996). So, if we wanted to frame an indicator that identified those rights that are needed if citizens are to exercise public control with political equality and individual rights to justification, it might come out something like this:

Indicator 1. How far, how equally and how securely do citizens enjoy rights of free speech, association and assembly?

ii) Voting. Voting may not, as Dewey put it, be enough for democracy (1999 [1927]). But it is also difficult to imagine democracy without it. Even deliberative democracy and processes of justification may require systems of voting as closure devices needed to take *pro tem* decisions pending the emergence of discursively ideal conditions (Habermas, 1996: 177). Yet, public control with political equality puts limits on the forms that voting can take. Public control requires that those who are to be rewarded or sanctioned should not be in a position to administer systems of voting to their own advantage. Political equality requires that all citizens should have the same number of votes and each vote should count equally. Thus the following indicator is proposed here.

Indicator 2. How far and how equally can citizens exercise public control through free and fair voting?

iii) Representation. Given the spatio-temporal constraints of politics, citizens are only likely to be able to achieve public control with political equality and individual rights to justification through representatives (Dahl 1970: 67-8, Plotke 1997). Moreover, if democracy is the only form of legitimate power that is available to liberal societies that are committed to the view individuals are free and equal, then all forms of public power must ultimately be within the control of freely elected representative institutions. As J.S. Mill put it, there is 'great variety' in ways in which representative bodies can exercise controlling powers. Yet that power they must ultimately have 'in its entirety', or, in other words, over all institutions of government (Mill 1972 [1861] 228-9). That might imply the following indicator:

Indicator 3. How far can representatives elected by the people require all public bodies to justify their actions and exercise ultimate controlling power over them?

iv) Choice. Publics could have the formal power to elect representatives as equals without enjoying much choice of either leaders or politices, or without there being much by way of a competition for the peoples' vote (Schattsneider 1960) that connects them to their representatives through processes that ensure authorisation, accountability (Pitkin 1967), justification (Forst promising, anticipation or selection (Mansbridge 2003 & 2010). This suggests a need for the following indicator:

Indicator 4. How far does competition for the people's vote structure voter choice in ways that allow citizens to exercise public control as equals?

v) Civil Society. Publics could have formal powers to elect representatives and even wide choice in who they can elect and yet be arbitrarily constrained in their political choices by other social and economic relations. Here liberal democracy presupposes a delicate balance (Bauman, 1999: 154-5). On the one hand it requires that the political system should not be able to dominate the very society by which it is supposed to be controlled. Yet, that civil society must, in turn, be regulated by the political system so that no source of private power can gain unequal access or otherwise interfere with procedures that allow publics to govern themselves as equals. That might imply something like the following indicator:

Indicator 5. How plural and independent are social groups, organised interests and communications media that seeks to influence the polity? How equal is their access to public institutions?

vi) Public sphere. As seen, even majorities of equals owe all other individuals justifications that collectively binding decisions have been made without arbitrariness and in ways that do, indeed, oblige all. Thus John Stuart Mill wrote of a need for a Congress of Opinions where all points of view can present themselves 'in the light of day' to be 'tested against one another', and where those who are over-ruled can 'feel satisfied that [their opinion has been] heard', and not 'set aside by a mere act of will' (Mill, 1972 [1861]: 239-40). Moreover, an informal and spontaneous public sphere in which public opinion plays much the same role may be quite as important here as deliberation by formally elected bodies in the course of legislation (Fraser 1991). All this might imply the following indicator:

Indicator 6. How far are the decisions of the polity deliberated within a public sphere that allows all points of view to be considered, justified and decided in relation to all others, free of inequalities in power and resources?

vii) Civic Capabilities. Even representation requires some participation by citizens in voting, deliberation and will formation. Democracy cannot, therefore, be a costless form of government, without burdens of citizenship that cannot be met by citizens who do not have a) a social capital of trust in democratic politics and one another and b) civic capabilities that include basic knowledge of the political system and an ability to receive and demand justifications (March and Olsen, 1995). Hence, the following indicator is proposed here:

Indicator 7. How far and how equally do citizens a) trust one another and b) enjoy civic capabilities needed to exercise public control, and demand and receive justifications?

viii) Rule of Law. The relationship between law and democracy often appears perplexing. Citizens must be able to control their own laws as equals. Yet the law also needs to guarantee the process of democratic majority formation itself from this or that majority. Something like this balance is expressed in the following indicator:

Indicator 8. How far are democratic majorities constrained by a rule of law that is no more constraining than is necessary to protect the process of majority formation itself?

ix) Demos. Finally, agreement is needed on who should have votes and voice in processes designed to secure public control with political equality and individual rights to justification. This suggests a final indicator as follows:

Indicator 9. How far is the polity accepted as a unit that can use democratic procedures to make collectively binding decisions?

So far then, I have sketched nine very general indicators of democracy. However we are not finished yet by a long way. First, any attempt to derive indicators from a core definition of democracy can only yield generic indicators that are both under-determined and over-determined. Several further conditions may be needed to satisfy them, or, alternatively, it may be possible to satisfy them in more than one way. Consider Table 1 (see Annex). The first column simply summarises the indicators I have already sketched. The second and third columns then use two of the Recon models developed by Erik Eriksen and John-Erik Fossum (2012) to show how, in the case of the European Union, my indicators would need to be specified in very different ways, depending on whether the aim is to control the Union through the democratic institutions of its member states or through its own democratic institutions.

Second, even when indicators have been developed with sufficient precision, methods of democracy assessment obviously need to be able to specify and justify what should count as a good, bad or indifferent level of performance against each indicator. No amount of empirical data can on its own answer the question what justifies a decision to count one threshold rather than another as ‘good enough’? Moreover those benchmarks can, in turn, be ideal, feasible or comparative, as I will discuss further below.

Third, once scores have been given to individual indicators, a decision needs to be taken on how, if at all, individual indicators should be combined to reach an overall evaluation of a political system. This is anything but straightforward. Some indicators may be so basic that a country that fails to satisfy them can hardly count as democratic at all. Other indicators may be more safely traded off against one another. (Lord 2004; Coppedge and Gerring 2011: 250).

III. Why democracies need to be able to assess themselves

Now that I have illustrated indicators that are typically used in democracy assessments, I can ask what justifies attempts to assess the democratic quality of political systems? On the one hand, democracies may need to be able to assess themselves. Consider the view that self-rule can only be self-rule where publics can make choices between forms of democracy. James Bohman endorses this view when he argues that ‘democracy is that set of institutions by which individuals are empowered as free and equal citizens to form and change the terms of their collective life together, *including democracy itself*’ (2007:2). Richard Bellamy likewise argues that ‘for democracy to mean “people rule”, the *demos* should be free to redefine the nature of their democracy whenever they want and not be tied to any fixed definition’ (2007: 90). Of course, there are some who might question just how far publics ever get to choose whole social and political systems. However, I take it that even those who believe that *bricolage* or incremental adjustment is as much as can be expected, would at least agree that publics should, as Philip Pettit puts it, be able to ‘invigilate’ democratic systems (2008: 53).

So what, if anything, does all this imply for methods of assessing democracy? If publics are, at the very least, to be able to invigilate the democratic quality of their polities, they will presumably need to able to diagnose difficulties. Still, it might be objected, that diagnosis often works well enough with a common sense understanding of political systems. ‘Scientific’ methods of assessing democracy are therefore surplus to requirement. I think there are two answers to this objection.

First the causes of democratic deficiencies may be anything but obvious to ‘visual inspection’. Where shortcomings result from complex forms of causation in which different institutions and practices interact to produce problems, scientific methods may be the only way of diagnosing those difficulties correctly. An example that goes right to the heart of democracy assessment – since it tests the motivational force of democracy and specific democracies - is the problem of participation in elections. Detailed surveys that carefully distinguish between voters, voluntary abstainers, involuntary abstainers and a wide range of possible motives for each of those behaviours can a) test for counter-intuitive causes that are less than obvious to common sense understandings, b) rank those causes and c) analyse how they combine. For example, a survey by Jean Blondel and others (1998) asked voters and non-voters in European elections a series of questions about the powers of Union institutions. Contrary to received wisdom about second-order European elections, it turned out that both voters and non-voters in European elections believed that the European Parliament was important, and they did so in almost equal numbers. If there was a feature of the Union’s institutional design that could explain low voter participation, the survey concluded that it was the dispersion of powers between the Union’s institutions and the national and European levels, not a perception that the EP does not matter.

Second, Thomas Christiano (2008) has convincingly argued that democratic procedure needs to allow for overwhelming evidence of systematic biases in human judgement (See esp. Kahnemann 2012). The same might be said for methods of assessing democracy. What looks like a democratic surplus or deficit to one person can look like its opposite to another. Again, an example from the study of the EU illustrates the point. Much of the controversy about democracy and the EU in recent years has revolved around an exchange in which Andreas Føllesdal and Simon Hix (2006) disputed attempts by Andrew Moravcsik (2002) and Giandomenico Majone (2005) to question whether the EU really suffers from a democratic deficit. To their considerable credit the protagonists in the debate start out from clearly defined understandings of democracy. Still, the fact remains that where they end up depends a good deal on where they start out. Moravcsik tells us that 'the classic justification for democracy is to check and channel arbitrary power' (2002: 6). Small wonder, then, he feels that multiple checks on Union power are reason to question how far it is in democratic deficit. In contrast, Føllesdal and Hix affirm Schattsneider's view that democracy 'is a competitive political system in which competing leaders and organisations define the alternatives of public policy in such a way that the public can participate in the decision-process' (2006: 547). A framework of indicators that encompassed a variety of understandings of democracy would make it clearer that contributors to the Føllesdal-Hix-Majone-Moravcsik debate do not prove or disprove the democratic deficit. They merely discuss it from particular points of view. Better still, wide use of such a framework would require contributors to the debate not merely to stipulate their own preferred definitions but to say why they are preferable to the alternatives. Indicators can therefore have a role in relativising claims about democratic performance, making them explicit and rendering them accountable.

IV. Why democracies need to be able to assess the democratic quality of other states.

In addition to being able to assess themselves, democracies may also need to be able to assess the quality of democracy in other countries. In practice they have often done that in the belief that development aid or membership of international organisations should be conditional upon how far states are prepared to commit themselves to democratisation. Yet it is easy to feel some disquiet here. Assessing the democratic quality of other states needs to be justified if it is not to be a gross impertinence. Of course it is possible that the quality of any one democracy is enough of a shared concern even to justify its assessment by outsiders, perhaps for following reasons:

First, democracy may be an international public good. To the extent that democracies are unlikely to threaten other democracies, the international system will enjoy greater peace and stability in proportion to the number of countries that are democracies. Indeed, democracies are more likely to have democracies as neighbours (Starr 1991), suggesting, perhaps, some kind of positive externality whereby it is just a whole lot easier to sustain democracy within a state when the neighbours are doing the same.

Second, some democracies do not just share a neighbourhood with others, they have also signed up to elements of shared rule with other states. In the case of the European Union, once a shared policy has been agreed, no one member state can easily exit it, or even amend it, on its own. As Fritz Scharpf has eloquently pointed out, consensus decision-rules can only work 'first time round' to guarantee that individual national democracies will not be arbitrarily dominated by other member states (Scharpf 2009). Thereafter member states are more likely to be locked into existing policies under consensus decision-rules, as opposed to simply majority voting. Thus, in a whole series of matters of great importance to the individual life chances of one another's citizens, and to the authoritative allocation of values in one another's societies, member states have in effect locked themselves into a *shared* rule that depends, in part, on the democratic quality of each other member state. As Jan Werner Müller has put it, 'Every European Citizen has an interest in not been faced with an illiberal member state in the EU. After all, that state will make decisions in the European Council, and, therefore, in at least an indirect way, govern the lives of all citizens' (Müller 2013: 12). He might have added that each Member State has votes in the Council, seats in the Parliament, and the power to appoint one Commissioner and one Judge in the Court of Justice of the European Union. Each of these contributes to decisions that are collectively binding on all member states.

Third, even where they do not participate in elements of shared rule, democratic systems famously pose 'insider-outsider' problems. In many cases, there is an incongruence between 'all those affected' by their decisions and 'all those included' in their making. This has a

disturbing implication: the more efficient democracies are at encouraging forms of political competition that maximise the given preferences of voters internally, the more likely they are to produce negative externalities for all other societies (Grant and Keohane 2005). Moreover the problem will be systemic to the extent that any political party that foregoes opportunities to secure benefits for voters on the inside, at the expense of affected outsiders, will risk being out-competed. Christian Joerges has even termed this a 'constitutional defect' of the democratic state (2006. See also Joerges and Neyer 1997). The systemic character of the problem may mean that it can only be solved institutionally, that is, by states contracting together – under adequate commitment technologies – not to produce negative externalities (Lord 2011). However, even, if for example, James Bohman is correct when he claims it may be sufficient for affected outsiders to have rights to put their concerns on the agendas of other political systems and have them considered seriously (Bohman 2007), even that possibly modest proposal would imply that outsiders have fairly significant justified interests in the standards of systems other than their own: in how free and equal those other systems are in allowing access to the their political agenda and in their standards of deliberation.

Strictly speaking, though, the need for democracies to assess the democratic quality of other states does not depend on 'democratic conditionality' or 'democratic peace' or participation in limited forms of 'shared rule' or 'mutual affectedness'. Even if none of these problems existed, democracies would still need reliable means of distinguishing democracies from non-democracies. This is because democracies need to assess democracy in other countries in order to decide their *own* behaviour (Rawls 1999) and not just on account of any interest they might have in the behaviour of others. Democracies have certain duties – of respect and of constraint - to other democracies that follow from a need to avoid contradicting the very principles that legitimate their own political systems. Democracies can hardly claim that they are legitimate because they allow individuals to govern themselves as free and equal without having a duty to respect as legitimate the decisions of other democracies that result from their own attempts to govern themselves as political communities of free and equal individuals. Since, moreover, the aim here is presumably to be seen to act towards other democracies in ways that maintain the overall credibility and legitimacy of democratic rule, democratic governments are presumably constrained in how they can categorise other systems as democratic or non-democratic on no other basis than their own caprice and convenience, and without regard for the credibility of their assessments. Access to reliable and defensible methods of democracy assessment is one way of ensuring that credibility.

V. Democracy Assessment and the collapse of the fact/value distinction.

I have argued that democracy needs to be able to assess democracy. That puts a heavy responsibility on the academic study of politics whose main two main branches - political philosophy and analytical political science – are often insufficiently integrated to provide everything that is needed if democracies are to assess democracy, or so I will argue in this section. In many ways, the problem began with the 'turn' that the study of politics took in order to become an analytical science that focuses on the analysis of causation rather than normative appraisal. As Guy Peters has pointed out, the 'behavioural revolution' that purported to found a 'new political science' in the 1950s explicitly professed an 'anti-normative bias' (1999: 13) that aimed to convert the study of politics into a value-free science.

Yet, well before political scientists embraced the fact-value distinction, philosophers themselves had begun to demolish it. Robert Brandom demonstrates that 'to be able to make any claims at all' –empirical ones included - 'one must already know how to do everything necessary to deploy...normative vocabulary'. We can only make a claim if we are also prepared to commit to all that follows from that claim, to warrant that we are entitled to the claim, and to accept responsibility for repairing any inconsistencies between that one claim and each and every other belief we endorse. As he puts it, 'The unity of discursive commitments is a normative unity: a matter of taking responsibility for one's commitments by acknowledging what else they commit and entitle one to...In so far as one falls short of those ideals, one is normatively obliged to do something about it, to repair the failure' (Brandom 2008: 115 & 187). What though of the converse, namely, the difficulty of making normative claims without also making empirical ones. In his comments on both Brandom and Hilary Putnam, Habermas points out that normative claims plainly do not depend on empirical claims in the case of categorical imperatives. The whole point of categorical imperatives is that they are binding come what may (Habermas 2003, chaps 3 & 5). Yet plainly that is not the case with hypothetical imperatives, whose whole point is precisely that their normative force does depend on states of the world. In their case 'ought' really does imply can', or at least it does for any one attempting to be 'non-utopian' (Weale 1999). In so far as many of the values we commit ourselves to in democratic politics take the form of hypothetical imperatives, democracy assessment can only work by collapsing the fact value distinction. It has unavoidably to make assumptions of both value and of fact: to work out what standards follow from democratic values and, at the same time, to specify over what states of the world – under what factual conditions – those standards hold. I will discuss two important examples later.

Whilst many political scientists are well aware of the limitations of positivist aspirations to a value-free social science, earlier attempts to insist on the fact-value distinction have had a

lasting effect on how the study of politics is organised and on its capacity to mobilise and combine all the methodologies that are needed to investigate some of the most important questions of politics. Robert Putnam has put the problem thus:

> Rigorous appraisals of institutional performance are rare, even though defining and accounting for "good government" was once at the top of our predecessors' agenda, when they founded the discipline of political science at the end of the last century. Over the last forty years, however, the undeniable admixture of normative judgements in these inquiries… has made most empirical political scientists reluctant to pursue them: *de gustibus non disputandum est*, at least in a value-free political science (1993: 63).

Indeed, of all things in the study of politics, attempts to assess the democratic quality of politics must be a prime example of something that can only work by bridging the fact-value distinction, not by insisting upon it. This is easily illustrated by distilling everything that has been said so far in the paper into four conditions that any method of democracy assessment will need to be able to satisfy.

A): **Justifiability.** All of the key decisions that need to be taken in designing any method of assessing democracy – the definition, weighting, interpretation and scoring of indicators – need to be based on an understanding of why democracy should be valued in the first place. Let me give a huge example. It is often said that freedom and equality jointly form the core values of democracy. Yet freedom and equality are valued by different people for different reasons. Republicans famously differ from liberals in how far they believe that freedom is merely a 'negative' liberty from non-interference as opposed to a 'positive' liberty to participate in shared processes aimed at self-rule, will-formation or definition and deliberation of standards of non-domination. Social democrats famously differ from liberals in how far they believe that political equality also requires social and economic equality. Those who belong to these different schools of thought would be unlikely to be satisfied with the same indicators of democracy, nor would they be likely to score the same indicators in the same way.

B): Empirical verifiability. By now it should be obvious that democracy assessment is a judgement first and a measurement second. It is only possible to turn to questions of measurement after judgements have been made about indicators, their weights and what should count as satisfaction of them. But that does not mean that measurements are unimportant. Methods of assessing democracy can be only as meaningful as the conditions that validate them. Methods must allow those using them to demonstrate that they are entitled to reach the assessments they do. Yet entitlement to an assessment will often be impossible without complex causal analysis. Assessments need to demonstrate that any qualities and defects they identify are systematic, and not accidental, features of the institutions being evaluated. They also need to attribute qualities and defects correctly by demonstrating exactly which institutions and practices are responsible for them. In sum then,

democracy assessment can no more do without the state-of-the-art methods of identifying causation that have been developed by analytical political science than it can manage without state-of-the-art political philosophy to justify its standards.

C): Universalisability. Whilst it is important that standards should accommodate different reasons for valuing democracy, it plainly cannot be the case that democracy is just what anyone says it is. One possible solution may be to conceive democracy as a 'boundedly contested concept', as opposed to an 'essentially contested' one (Lord 2004: 12-3). This would allow for varieties of democracy so long as they only vary within the bounds of what is needed to provide *some* means of realising core requirements. So, for example, it could be that any one system has to provide public control with political equality and individual rights to justification in *some* way that can be left to it to decide. I take it that Bohman has something similar in mind so far as he argues that each people should be free to choose its own form of democracy, and, yet, there is, none the less, a 'democratic minimum' that everyone has to observe (2007). That, however, plainly begs the question of what should be the universal components of standards and what should be the particular, optional and variable ones. I shall come back to this.

D): Plurality and sensitivity of reasonable disagreement in democratic values. Methods of assessing democracy need to be sensitive to reasonable disagreement in beliefs about democracy. There may be some disagreements about democracy to which there are no solutions that do not assume the superiority of just some of the very beliefs that are in dispute. Indeed, the indicators employed by the two most commonly used methods of democracy assessment - Freedom House and POLITY IV - are often criticised precisely on the grounds that they arbitrarily assume understandings of freedom and equality that many people do not share (Coppedge and Gerring 2011; Bühlmann et al 2012).

Of course it is not hard to see how the foregoing requirements might form an 'impossible quartet'. A) and B) may clash where indicators based on ideals of freedom, equality, political community and so on turn out to be hard to realise or to verify. C) and D) may clash where reasonable disagreement about democratic values leaves little scope for tests that can be universalised and compared across political systems. As it happens, both these problems can be solved, but, crucially, not by any one who believes in the fact-value distinction. Here is why.

It may help start the discussion of the first dilemma – between the ideal and the feasible – by returning to the example of the indicators that might be used to evaluate the democratic quality of the European Union. Consider the choice between the indicators set out in columns 2 and 3 of Table 1 (see Annex). Part of the choice between them is plainly one of value. Thus Giandomenico Majone's argument that publics have shown no great wish to associate together at the European level as a single democratic people when offered the opportunity to do so through European elections (2005) might suggest a value preference for

political community at the national level. Even, however, if that is a majority view, it may not be a monopoly view. It is plainly conceivable that some people might even value associating together at the European level in a Union polity with individuals from other EU countries.

Yet both sides in the debate also face a massive problem of feasibility that makes it hard to say that the choice between the models of democracy in columns 2 and 3 is just one of value. The problem of feasibility faced by those who value democracy at the European level might be summarised as follows. If a political system is to be democratic, it may, as we have seen, have to satisfy a long and demanding set of conditions, such as: a) freedoms of speech and association; b) free and fair elections; c) appointment of the legislature and leading executive positions by popular vote; d) a form of political competition that offers voters choices relevant to the control of the political system; e) a civil society in which all groups have equal opportunity to organise to influence the polity; f) a public sphere in which all opinions have equal access to public debate and g) a defined *demos*; or, in other words, agreement on who should have votes and voice in the making of decisions binding on all. Yet, achieving all these conditions simultaneously may be hard in any institution that operates beyond the state and is not, therefore, itself a state. The capacity of the state to concentrate power, resources and legal enforcement has been useful in all kinds of ways to democracy (Scheuerman 2009): in ensuring that the decisions of democratic majorities are carried out; in guaranteeing rights needed for democracy; in drawing the boundaries of defined political communities; in motivating voters and elites to participate in democratic competition for the control of an entity which manifestly affects their needs and values.

On the other hand, those who put intrinsic value on controlling the Union through the political communities and democratic institutions of each member state also face a problem of feasibility. A somewhat stylized version of their feasibility problem might be stated as follows. Many of the important systems on which modern life depends - not least ecological and financial systems - require international bodies that are powerful enough to control negative externalities, provide public goods, and avoid moral hazard. If, however, any one member state has an interest in doing any of those wicked things, then so presumably will its electorate and parliament. Thus, assuming that at least part of the point of co-operating at the European level is to solve collective action problems, then attempts to control the Union through the democratic institutions of its member states will be self-defeating (On this see also Lindseth 2010). Indeed, to insist that is the only way of controlling the Union democratically is to remove from publics the option of deciding to solve a range of collective action problems that may have huge implications for their own lives.

So, on both sides of the debate, we can see how democratic values might run up against serious problems of feasibility. What is to be done? Hilary Putnam, has argued that where facts conflict with values, it is by no means self-evident that we should always try to change the facts, rather than abandon particular values (2004). At first, this might seem a little shocking. But that would be a misunderstanding. On the one hand values are themselves

held within frameworks of values and of assumptions about the facts of politics and society. Even where we adjust particular values to fit particular assumptions of fact we have to do that in a way that maintains coherence – or in Rawlsian terms, a reflective equilibrium (1993) - between the whole. Indeed, these adjustments must themselves be justified. Methods of democracy assessment should themselves be able to discern cases where second-best or non-ideal standards have been adopted in a reasoned and justified way and where they have not. Likewise it should be able to discriminate cases where shortcomings in democratic systems that arise in the course of delivering other democratic standards from those that do not. The former are 'compensated' losses. The latter are pure losses. By definition, 'second-best' judgements such as these plainly involve careful analysis of ideals and of what are justifiable trade-offs between them under different empirical constraints. Evaluating how far democracy does its best in a bad world – or just under sub-optimal conditions – simply cannot be done from within the fact-value distinction and without abandoning disciplinary boundaries between political philosophy and analytical political science that assume that distinction.

What, though, of the tension between C) and D), that is, between the need for universalisable and plural standards? It seems to me that this difficulty has been greatly exaggerated by a failure to realise that there is a huge 'excluded middle' in arguments that suppose that a choice has to be made between 'imposing' standards on particular democracies from the outside and accepting a hopeless relativism in which any one polity can only be evaluated by whatever standards 'insiders' define for themselves.

The obvious way in which the excluded middle can be filled is where those inside polities themselves accept the validity of external appraisal. It seems to me there is an important reason why precisely that often happens in our contemporary world. Even democracies have, as it were, ended up in a 'state of nature' which their citizens have good reason to want to exit. In other words, many national democracies have found themselves in what is in some ways an intolerably 'under-governed' – or at least insufficiently governed – condition. As discussed earlier, what Habermas calls an insufficiently governed globalisation (Habermas 2013: 55) means that democracies are able to impose negative externalities on one another. Yet, they are sometimes unable to provide some positive externalities – or public goods – which their citizens may consider important to security, welfare or justice.

In so as it is accepted that this 'democratic state of nature' is best exited by agreeing rules that regulate how far democracies can impose negative externalities and by forming clubs that allow them to co-operate to provide positive externalities, members of national democracies also, to some extent, accept that their own internal standards of governance are no longer just a matter of internal concern. Whether their own internal standards show sufficient regard for the negative externalities they may create for other democracies – and for the likelihood that each club they have formed with other democracies really will be able to co-operate as agreed to provide positive externalities without cheating, free-riding or moral

hazard - must be a matter on which those other democracies must be permitted an opinion if rules for regulating externalities really are to be shared rules based on principles of mutual respect and good neighbourliness between democracies. So, it seems to me, that agreeing to co-operate with others to manage externalities can imply accepting the validity of external appraisal where that task is itself significantly affected by internal standards of governance.

However, that is unlikely to convince those who believe that external appraisal of political systems is often misguided, impertinent and sometimes even illegitimate because it ignores the cultural specificity of societies and their right to govern themselves according to standards they give themselves in view of that cultural-specificity. Yet, as Rainer Forst points out, those who ‘claim cultural integrity’ affirm at least one universal standard: namely, one to ‘cultural specificity’ (2011: 215). So, they cannot claim to be against the very idea of universal standards. Moreover, murderers and thieves presumably cannot be allowed to ward off external criticism by arbitrarily claiming that there is just the one universal right in the world – namely, one to cultural specificity – and not others that are less convenient to them, such as a right to a life and a living. Indeed, the right to cultural specificity may itself depend on a whole series of correlative rights if it is not to be abused and captured by power-holders. Hence, cultural specificity may even be better protected where externally defined rights and standards can be taken up by internal oppositions (Cohen 2012: 16). External standards that are used in that way are internally employed within a specific culture, not externally imposed.

Indeed, the claim to a right to cultural specificity itself illustrates something that is common to concepts of rights: namely, that in any political community where there is even the sparsest concept of rights owed to all human beings, there cannot but be a mutual implication between the universal and the particular. A polity cannot hold beliefs that there are some rights owed to all human beings and yet fail to give those beliefs concrete form in its own institutions and laws. Yet, the more its own justification rests on its own beliefs about rights owed to all, and not just on its own particular instantiation of those rights, the more a polity itself accepts the legitimacy of appraisal and comparison by all. Such polities are thus already committed – by their own claims – to the idea that there are at least some practices that need to be justified both “internally” and “externally” (Forst 2011: 227). If insiders themselves aim, even in small part, to convince others of the quality of their own systems, they themselves accept the need to give justifications for the internal quality of their own systems that are capable of convincing others that do not belong to those systems.

The obvious middle way between giving either outsiders or insiders complete say over standards for assessing democracy is to establish those standards through a process of mutual justification between insiders and outsiders. Now, to be a ‘complete dialogue’, that would presumably need to be a dialogue about values, the weighting of values and the application of values, which, of course, presupposes some empirical understanding of the circumstances of each polity and society. So, just as externalities between democracies require attention to the empirical circumstances of inter-democracy interdependence in

setting standards for the evaluation of any one democracy, the empirical circumstances of any one society need to be taken into account in deciding how more general standards of democracy should be applied to any one polity. In neither case can standards for assessing the democratic quality of political systems be fully determined without assumptions of both fact and value.

VI. Two concluding suggestions

Specifying particular democratic values, possibilities and difficulties of realising them under given empirical conditions, trade-off relationships between them, and the claims of insiders and outsiders on the standards of any one democracy are all as important to justifying methods by which democracies are assessed as they are to the design of democracy itself. These are only judgements that can be made by collapsing the fact-value distinction not by insisting upon it. Attempts to evaluate the democracy quality of political systems without being aware that there are different reasons for valuing democracy are unlikely to succeed. Nor are attempts that ignore a need to combine judgements of value and of fact.

Two recent projects have acknowledged all this. The Democracy barometer seeks to go beyond minimalist frameworks which may be able to distinguish 'democracies from non-democracies' but which are seriously limited in their ability to assess established democracies by a failure to acknowledge that democracy can be a 'complex phenomenon' of freedom, quality and of forms of control needed to deliver those standards (See democracybarometer.org/concept-en.html last accessed 29 March 2015). Likewise the impressive new Varieties of Democracy (VIDEM) project allows for the essential value pluralism of democracy by including liberal, participatory, deliberative and egalitarian components (Coppedge et al 2014). In both cases, normative sensitivity to the diversity of values and justifications for democracy is combined with sophisticated proposals for scoring democratic practice against plural standards

Yet, democracy assessment does not just require good political philosophy and good political science. It also requires citizens too. David Beetham makes the point well in his defence of his own approach of democratic auditing:

'There are a number of significant differences between the idea of a democratic audit and other methods of democracy assessment. Where the others involve outsiders sitting in judgement on another country or countries, a democratic audit is undertaken as a domestic project by citizens of the country being assessed, as part of an internal debate about the character of political institutions and public life. This does not mean that there is no external or comparative reference point for the criteria and standards employed – indeed, such a reference point is essential – but that the assessments being made involve local expertise and critical judgement, and form part of an internal political debate, rather than an externally defined agenda… In a democratic audit, the final responsibility for the judgements made is a domestic one' (1999: 568).

Indeed, in the future it may be helpful to include a place in democracy assessment for randomly-selected deliberative forums of citizens themselves. Yet, in addition even to that, it seems to me there is a role for experimentation, as well as deliberation, in resolving complex

questions about the use of standards in democracy assessments. Here I really do mean controlled experiments under laboratory conditions. Just how that would be done requires another paper. It is enough here to note that philosophers have recently used laboratory experiments to test what real people think about a number of questions that are at least as abstract as beliefs about democratic standards, including questions of justice (Frohlich & Oppenheimer 1992), ethics (Appiah 2008), consciousness (Knobe and Prinz 2008) and free will (Nichols 2011).

Nearly a century ago John Dewey asked 'shall our political philosophy be experimental, or shall it be a priori?' (Boydston 1979: 415)? As this implies using experiments to test what real people think about standards is a reality check on the aprioristic assumptions of philosopher kings. However, it also models the reality that standards evolve experimentally. People commit themselves to standards through their everyday experiments in convincing others, solving problems and coping with the world. Now it could be that we could discover how people seem to commit themselves to standards in their everyday language (Searle 2010: 87) and behaviour by just observing the everyday operation of the political process. However, Eleanor Ostrom - who devoted a large part of her research to using experiments to test the conditions under which people are prepared to accept norms and institutions in order to solve collective action problems – once pointed out that a great limitation of just observing the political process is that the latter may only get to consider a narrow range of the different ways in which institutions could be designed (Ostrom 1998). In an ideal world, we would be able to vary each of the many different ways in which institutions could be designed in a controlled manner – changing just one attribute at a time – to gain a complete picture of how, for example, people's beliefs about democratic standards vary over the range of institutional choices available to them. Controlled experiments can do that. Mere observation of the political process cannot (See also Druckman et al 2006).

VII. Annex

Table 1. *Illustrative Indicators.*

1. **Generic Indicator**	**2.** How the contribution of **national democracies** to indicators in column 1 could be appraised.	**3.** How the contribution of **Union institutions** to indicators in column 1 could be appraised.
How far, how equally and how securely do citizens enjoy rights of free speech, association and assembly?	National freedoms of speech, association and assembly are available to domestic publics in their control of powers delegated to the EU.	Union-wide guarantees of freedoms of speech, association and assembly in each Member State.
How far and how equally can citizens exercise public control through free and fair voting?	Free and fair elections to national executive and legislative offices which control delegations of power to the Union.	Free and fair elections to executive and legislative office at the Union level
How far can representatives elected by the people require all public bodies to justify their actions and exercise ultimate controlling power over them?	Effective national parliamentary scrutiny and control of powers delegated to the Union.	A European Parliament scrutinises and controls of the powers of other Union institutions.
How far does competition for the people's vote structure voter choice in ways that allow citizens to exercise public control as equals?	National party competition allows citizens to exercise control over delegations of power to the Union	Parties structure voter choice so that elections to EU offices can be used to exercise control over Union decisions
How plural and independent are social groups, organised interests and communications media that seeks to influence the polity? How equal is their access to public institutions?	A wide range of national civil society actors seeks to influence Union policy, and the equality of their access.	A wide range of pan-European civil society actors organised to influence EU decisions
How far are the decisions of the polity deliberated within a public sphere that allows all points of view to be considered, justified and decided in relation to all others, free of inequalities in power and resources?	Each Member State is a well-formed public sphere where all points of view have equal access to national procedures for controlling delegations of power to the EU	The EU is itself a public sphere in which all views on the exercise of its powers are considered and justified in relation to one another on a basis of equality
How far and how equally do citizens a) trust one another and b) enjoy civic capabilities needed to exercise public control, and demand and receive justifications?	Citizens have all the knowledge they need to make informed choices in using national procedures to control delegations of power to the EU	Citizens have all the knowledge they need to make informed choices in elections to executive and legislative office at the Union level.
How far are democratic majorities constrained by a rule of law that is no more constraining than is necessary to protect the process of majority formation itself?	National procedures for controlling delegations of power to the EU are covered by rule of law principles in all Member States	The European Union develops its own rule of law principles
How far is the polity accepted as a unit that can use democratic procedures to make collecively binding decisions?	Delegations of power to the Union are adequately authorized and controlled by *national demoi*	Pan-European majorities are accepted as binding

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