

Differentiating the democratic performance of the West

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Abstract. It is a commonplace of comparative politics that the democratic performance of the established democracies of the West is both uniform and superior to that of other democracies across the globe. This commonplace both reflects and reinforces the mainstream measures of democracy, like those of Freedom House or Polity III, that fail to differentiate the democratic performance of the West. This article examines this commonplace by deploying the measures of democratic performance contained in the newly constructed *Database of Liberal Democratic Performance*, and uses descriptive statistics (means and variance) to compare the performance of individual Western democracies, as well as the West overall with the ‘rest’. The *Database* is designed to capture a wider normative range of performance than the mainstream measures, and shows that the performance of the West is neither uniform nor superior in every respect, especially with regard to civil and minority rights. These findings are explored and confirmed by comparative case studies of minorities in the criminal justice systems of those Western democracies that tend to perform worst in this respect. In conclusion, it is suggested that the findings may begin to change the way we view the relationships between economic growth and democracy, political culture and democracy, and even constitutional design and democracy.

Interrogating the uniform and superior democratic performance of the West

There exists an impressive range of democratic indicators that have come to constitute barometers of comparative democratic performance in academic, public policy and business circles (see Foweraker & Krznicar 2000). These measures of democratic performance have multiplied over the past 20 years and now comprise a distinct sub-field within political science. ‘Democratic government’ may be defined in a minimal and procedural fashion as a political system where political parties compete for control of the government through relatively free and fair elections. Yet beyond this minimum benchmark it is recognised that the liberal democratic performance of these governments varies widely. Some 30 years ago, this variation inspired Dahl’s description of ‘really existing’ liberal democratic governments as ‘polyarchies’ (Dahl 1971), and he maintained a recurrent concern with ‘the inevitable imperfections of democratic performance’ (Dahl 1989: 177). Yet Dahl’s classic text on

Polyarchy awarded similarly high scores to all the established democracies of the West, suggesting that the democratic performance of these systems in particular did not vary much, but was in fact remarkably *uniform*. In the subsequent 30 years, the number of democracies increased, today totalling some 120 across the globe. However, the performance of the newly democratic governments is seen as imperfect in different ways (Diamond 1999, 24–63), suggesting that the performance of the established democracies is not only uniform but also *superior* to that of democracies elsewhere.

This article addresses the democratic performance of these established democracies in Western Europe, North America and Australasia – conventionally referred to as ‘the West’. In doing so, it will demonstrate that comparative political analysis continues to assume that the democratic performance of Western governments is both uniform and superior to that of democratic governments elsewhere. Performance is assumed to be uniform in the sense that it is not perceived to differ markedly between different Western governments; and superior insofar as this homogeneous performance is understood as better overall than that of all other democratic governments. These assumptions will then be interrogated by reference to the new generation of performance measures. We will first address the question of uniformity by comparing the performance of the ‘West versus the West’, before looking at that of superiority by comparing the performance of the ‘West versus the Rest’.

Theorising liberal democratic performance

A total of 21 democratic performance measures were collated into the *Database of Liberal Democratic Performance* that underpins this inquiry (see Foweraker & Krznaric 1999, 2001). ‘Liberal democratic performance’ here ‘refers to the degree to which a system meets such democratic norms as representativeness, accountability, equality and participation’ (Lijphart 1993; 149). Our focus on liberal democratic performance excludes the values that may provide proper measures of the efficacy of *any* system of government (e.g., national security, social welfare, protection of the environment, even legitimacy and system support) in favour of values that are intrinsic to liberal democratic government.

A broad range of these intrinsically liberal democratic values were combined into a normative model that serves as the design blueprint of the *Database of Liberal Democratic Performance*. The model is based on the unexceptional claim that liberal democracy is founded upon the two key principles of liberty and equality that must be upheld by the rule of law and the sover-

eignty of the people. It further assumes that these two principles are achieved in practice through the operation of eight core values, and that these values comprise two main axes that combine the *individual* experience of democracy (rule of law) with the *institutional* efficacy of democratic government (sovereignty of the people). The first axis contains the legal values of civil rights, property rights, political rights and minority rights. These rights and the rule of law are important guarantees of individual freedoms and protections, and so help to deliver the substance of democracy to the citizenry at large. The second axis contains the institutional values of accountability, representation, constraint and participation. These are the values that protect the rule of law by making government accountable to the people.

The model is designed to reflect the broad consensus that exists on the foundational principles of liberal democracy. The intellectual grounds for the consensus were created by long traditions of both liberal and democratic thought, beginning in seventeenth-century England, and in the encounter and conversation between them. The classic statement of liberal principles is found in Locke's *Second Treatise*, and his defence of the constitutional protection of individual liberty and equality under the rule of law has remained central to liberal theory ever since (Locke 1924: 180–183). The first strands of modern democratic thought were sceptical of the ability of the law to protect liberty and equality unless each citizen could 'exercise an equal right of participation in the making of the laws' (Skinner 1998: 69–70). By making government accountable to the people, self-rule provides a guarantee that it will uphold the law, so supplying the essential democratic link to liberal democracy. Over time the consensus was extended to include the main institutional and legal means for achieving and defending the principles of liberty and equality, and each of the model's elements can be justified by arguments from mainstream liberal democratic theory (Foweraker & Krznicaric 2000).

Constructing the *Database of Liberal Democratic Performance*

The *Database* is a time-series data matrix containing 21 measures (two, three or four for each of its eight core values) of democratic performance for 40 country cases from 1970 to 1998 inclusive (see Appendix). Its design had to serve several research objectives. Thus, time-series measures were required to track performance over time and so describe, for example, the changing performance profiles of the governments of the 'third wave' of democratisation. Country cases, on the other hand, had to include a mixture of political systems (electoral systems, executive-legislative relations, territorial organisation) to allow research into the performance outcomes of different constitutional

designs (see Foweraker & Krznnaric 2002). For the purposes of the present inquiry, the measures had to be sufficiently sensitive to distinguish the performance of the established democracies, while the country cases had to encompass not only the West but also new democracies from different regions of the world. The eventual shape of the *Database* sought to strike a rough balance between these different criteria.

The selection of country cases was made from democratic governments only, with a minimal and procedural threshold for democracy sufficient to warrant inclusion.¹ Thus, the *Database* includes both 'electoral' and 'liberal' democracies, in Diamond's (1997, 1999) language, since the difference between the two is a matter of democratic performance – and this is precisely what the *Database* sets out to measure. Diamond's original democratic population of 118 countries was then reduced: first by eliminating countries with less than a 1.5 million inhabitants, and second by excluding countries formed or reformed as nation-states since 1970 (the starting point of the time-series measures) – such as Germany, the Czech Republic and the countries of the former Soviet Union – leaving 67 cases. The first decision was driven by data scarcity and a desire to increase the comparability of the country cases to be included (Powell 1982: 31–34; Diamond 1999: Chapter 4), while the second recognised that the integrity of the measures depended on stable territorial borders over time (Weber 1968: 54).

These operational decisions certainly reduced the original universe of democracies, but many of these cases would anyway have been eliminated for lack of available data. In particular, countries were eliminated if they did not appear in either the Minorities at Risk data set (Haxton & Gurr 1997) or the Binghamton Human Rights data set (Cingranelli & Richards 1999) or the Political Risk Services data set on property rights (Knack & Keefer 1995) – all of which contain variables that were crucial to the construction of the *Database*. The additional effect of the data availability criterion left 56 cases, of which 17 were old democracies. At this stage, further new democracies were eliminated in order to achieve both a rough balance of old and new democracies and an appropriate geographical spread. The net result is the selection of 40 country cases included in the *Database*.

For the purposes of the present inquiry the country cases of the *Database* are divided between the 'West' and the 'Rest'. As conventionally defined, 'the West' is not completely coincident with the 'old' or established democracies in the *Database*, mainly because some of them lie outside of its confines. Once the 'old' but non-'Western' democracies are excluded (namely Colombia, Costa Rica, India, Israel, Japan, Sri Lanka and Venezuela), and three of the 'new' democracies are included (namely Greece, Portugal and Spain), the West is represented in the *Database* by Australia, Canada, Denmark, France,

Greece, Italy, New Zealand, the Netherlands, Portugal, Spain, Switzerland, the United Kingdom and the United States.

The measures were chosen according to their geographical and temporal range, their purchase on the liberal democratic values to be measured, and their empirical quality and diversity. Particular attention was paid to the scale ranges of both the ordinal and interval level measures in order to achieve sufficient sensitivity to differentiate the cases across the range of values. The key decision in this regard was to deploy and compare all measures separately, rather than attempting to aggregate them into a single score that may obscure rather than clarify the diverse performance profiles of the different cases.² Some of the measures, such as those of vertical accountability through free and fair elections or political rights, conform to the mainstream procedural definitions of ‘democracy’. Yet others, such as prison incarceration, military spending or women’s rights, reflect a self-conscious effort to extend the normative range of the measures. By extending the range in this way the design of the *Database* sought to accommodate a critical inquiry into the assumptions of the uniformity and superiority of Western democratic performance.

A further objective was to use tried and tested measures wherever possible in order to maximise reliability and economy of effort, and it is worth noting that all of the measures have been employed in mainstream comparative work on democracy and democratic institutions – as specified in the Appendix. Thus, there is no claim to originality in the measures themselves, but only in the overall composition of the *Database*. There is little doubt that our greatest debt is to Lijphart (1994, 1999), who led the way in creating proxy measures of representation, constraint, participation, civil rights and minority rights – although in some instances we extended the measures by calculating new scores or importing new information. We also placed considerable reliance on measures from the Polity III data set created and analysed by Jagers and Gurr (1995), the Binghamton Human Rights data set deployed by Cingranelli and Richards (1999) and the Minorities at Risk data set as analysed by Haxton and Gurr (1997). Many of the remaining measures are updated or modified or analogous versions of those used by Poe and Tate (1994), Hunter (1995), Vanhanen (1997), Johnson et al. (1998) and Knack and Keefer (1995).

Comparative approaches to the quality of Western democracy

There are three principal approaches that endorse the assumption of Western homogeneity. First, there are quantitative measures of democracy that consistently give the Western states uniform and superior scores. Second, there are

survey-based studies that demonstrate the consistency of Western political culture. Third, there are the diverse studies that simply take the assumption as the premise of their argument. These approaches do not exhaust the field, and studies inspired by Marxism, anarchism and feminism recurrently question either the uniformity or superiority of Western democratic performance. However, the assumption is secure enough in mainstream political science.

The tenor of the quantitative measures of democratic performance was first set by Dahl (1971) in his seminal work *Polyarchy* that measures the performance of 114 states against the criteria of political contestation and the right to electoral participation. Western states attained almost all the highest scores.³ The best known of the contemporary measures both draw on Dahl and deliver similar results. Jaggers and Gurr (Polity III 1995) created an aggregate indicator of democracy on a scale from zero to ten that follows Dahl's procedural definition of democracy (through Diamond et al. 1988–1989). For the period 1970 to 1994, the 13 Western states of the *Database* attained perfect scores of ten for over 80 per cent of the 300 observations, and scores of eight or nine for the remainder. For the period 1972 to 1998, the Freedom House Index of Political Rights (Freedom House 1999) accords the same states a perfect score of one, on a scale from one to seven, for over 92 per cent of the 340 observations, and a score of two for the remainder.⁴ The failure to differentiate the Western states creates a category of 'developed democracy' that is analogous to the broad classifications used by Aristotle and Montesquieu to distinguish democracies from oligarchies or tyrannies.

These quantitative studies tend to support – but also reflect – the arguments that seek to link superior democratic performance to a developed democratic culture as discovered through opinion surveys. In this way, Huntington (1996) defends the distinctiveness of 'Western civilisation', comprising Western Europe, North America and white settler colonies such as Australia and New Zealand. Its specific characteristics are the classical legacy, Catholicism and Protestantism, European languages, separation of spiritual and temporal authority, rule of law, social pluralism, representative political bodies and individualism. The political institutions of this political culture, especially the rule of law and political representation, contribute to promote and protect its 'core characteristics' of individual liberty, market economics, human rights and political democracy. These characteristics are all resisted in greater or lesser degrees in all other cultures (Huntington 1996: 46, 53, 57, 69–71, 193, 302, 311).

In the immediate post-war period, the legacy of fascism tended to restrict the scope of the West. Only the United States and the United Kingdom were

accepted as democratic cultures at the outset of Almond and Verba's (1963) study of *The Civic Culture* of these countries and Germany, Italy and Mexico. Their survey data demonstrate that the latter cultures are indeed 'less civic' than the quintessentially democratic cultures (Welch 1993: 18; Almond & Verba 1963: vii). Subsequently, the confines of the West were extended until its political culture achieved a distinct global presence linked to democratic performance. Thus, Inglehart (1997) uses survey data to compare political culture across 43 countries, and demonstrates that stable Western democracies are characterised by high levels of societal trust (Inglehart 1997: 174). The data are also used to locate the states of the world on the 'two key cultural dimensions' of modernisation (traditional versus secular rational authority) and post-modernisation (survival versus well being). The higher the states sit on these two dimensions, the more likely they are to be democratic and the more democratic they are likely to be (Inglehart & Caballo 1997: 41). The Western states are culturally consistent in these respects.

More generally, comparative research has taken the consistency and superiority of Western democracy as its premise. Thus, Lipset (1963) eschews any effort to differentiate the stable democracies of the West, which are assumed to comprise a homogeneous category. His objective is to compare the West with Latin America, where he chooses to apply 'somewhat less stringent' democratic criteria, since its performance is expected to be inferior (Lipset 1963: 48–49). Lijphart (1984) assumes that the Western countries (here including also Israel and Japan) of his sample are 'fully democratic regimes', and although their performance is not perfect they are 'sufficiently close to the democratic ideal' to be grouped together. This leaves him free to focus on institutional variation (Lijphart 1984: 2, 38, 95) – although he does take up the question of differential performance a decade later (Lijphart 1994). O'Donnell and Schmitter (1986: 8, 12–14) understand democratic transitions as transitions towards a homogeneous Western model of polyarchy. O'Donnell (1997: 44) later admitted that in many studies, including his own, the comparative yardstick for new democracies was 'a generic and somewhat idealised view of the old polyarchies'.

Descriptive definitions of democracy

To some degree, the assumptions of the consistency and superiority of Western democracy are rooted in the procedural and descriptive definition of 'democracy' proposed by Schumpeter (1943) and promoted by Dahl (1956). Since the definition was derived from the observation of Western democratic states

rather than from normative or prescriptive principles, it is no surprise that these states – especially the United States and the United Kingdom – came to compose the democratic ideal-type (see Sartori 1987: 7–8 for a discussion of the distinction between descriptive and prescriptive definitions of democracy). Thus Schumpeter (1943: 264–266, 269) took issue with classical definitions of democracy because they were ‘so patently contrary to fact’, while his own insistence on free elections and elite competition was ‘much truer to life’. Dahl (1956: 63, 84) was explicit in deriving his own definition from the observation of the states that ‘Western political scientists would ordinarily call democratic’, and discovered vertical accountability through elections and political rights to be the ‘distinguishing characteristics they have in common’.

If the democratic ideal-type is defined by reference to the ‘existing pol-yarchies’ the result can be circular and self-validating arguments (Skinner 1973: 288, 300–301; Marcuse 1986[1964]: 116). The danger for comparative research is that the consistency and superiority of Western democratic government is built into the research design. Yet the main problem may not be the descriptive definition of democracy *per se*, so much as the narrow focus on certain political ‘facts’ that describe political competition through recurrent elections. These facts came to comprise the privileged object of investigation for the ‘American Science of Politics’ (Crick 1959) and its dogged pursuit of behavioural research. This research programme casts a long shadow, with most contemporary measures of democracy remaining squarely within the tradition. Thus Polity III and Freedom House both use electoral-competitive definitions to construct single scales of democratic performance that award consistent and superior scores to the governments of the West. Some one-dimensional democracy measures like Vanhanen (1997) do differentiate the Western cases, yet these tend to fall outside the mainstream of the literature (Foweraker & Krznnaric 2000).

No one can possibly deny that electoral politics and political party competition are central to liberal democratic government, and their presence is fully recognised in our own model of democratic performance through the diverse measures of accountability, participation and political rights. However, the model also seeks to move beyond a procedural and minimum definition of ‘democracy’ by extending the range of democratic values that compose the performance profiles of different democratic governments. If this wider range finds expression in measures that are both sensitive and separate, it may serve to demonstrate a degree of diversity within the apparently homogeneous performance profiles of established democracies. In the following sections, the *Database* is put to work to investigate the apparent uniformity and superiority of the West.

Investigating the 'uniform' democratic performance of the West

If the democratic performance of the Western states is consistent, the scores of the 13 cases should cluster closely around the mean value of the 21 measures that comprise the *Database*. The best measure of distribution around the mean is kurtosis, which reflects both the mean value and the variance. If the scores cluster around the mean, the kurtosis is positive; if the distribution is bell-shaped, the kurtosis is zero; and if the scores are highly dispersed, the kurtosis is negative. In sum, kurtosis scores show the shape and skew of the distribution.

A uniformity or near uniformity of democratic performance in the West would yield a highly positive kurtosis across each of the 21 measures. In fact, this result is only evident in the seven measures with relatively high kurtosis scores of five or above (ELECTION, EXECONST, COMPETE, UNION, PRISON, ECONFREE and RESTRICT). By contrast, the kurtosis is negative for ten measures, revealing a clear lack of uniformity (DISPROP, LOCALTAX, LEGIVOTE, PRESVOTE, CENSOR, CIVIL, UNEQUAL, ECONFREE, EQUAL and DISCRIM). The dispersion is particularly marked in measures of participation, and civil and minority rights. Furthermore, in ten measures (PARSEATS, DISPROP, PRESVOTE, CENSOR, CIVIL, UNEQUAL, ECONFREE, WOMENREP, EQUAL and DISCRIM), the West has lower kurtosis than the 27 non-Western cases in the *Database*; while in eight measures (notably those of civil and minority rights), the kurtosis for the West is both negative *and* lower than in the non-West (DISPROP, PRESVOTE, CENSOR, CIVIL, UNEQUAL, ECONFREE, EQUAL and DISCRIM). In sum, the democratic performance of the West is not uniform, and by many measures it is less uniform than that of the non-West.

These results are illustrated in the histograms shown in Figures 1, 2 and 3. There is little dispersion around the mean of Western scores for competitive elections (kurtosis 15.51), with most observations registering a 'perfect' score (see Figure 1). Yet there is considerable dispersion for women's legislative representation (kurtosis 1.89), with a range of zero to 34 per cent around a mean of 9 per cent (see Figure 2). The distribution is bimodal for political discrimination against minorities (kurtosis -1.46), with some Western states scoring zero, the code for 'exclusion/repressive policy' (see Figure 3).

Investigating the 'superior' democratic performance of the West

As a first step in investigating the superior performance of the West, the average score of the 13 Western states is compared with the same average for

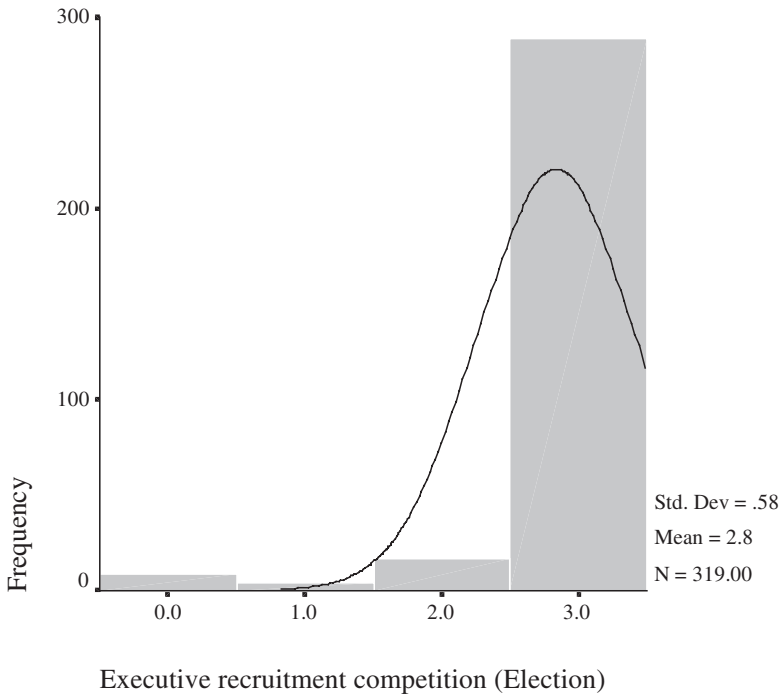


Figure 1. Scores for ELECTION for 13 countries the West.

the 27 non-Western states for each of the 21 measures in the *Database*. The West obtains a higher score than the non-West on all the measures, and the difference between their scores is statistically significant for 17 of the measures (the F-statistic testing equality of variance is not significant at the 5 per cent level for PARSEATS, LEGIVOTE, CENSOR and WOMENREP). These results appear to confirm the West's superior performance.

Yet if the non-West is divided into different regions, the results are less clear-cut. The 40 countries in the *Database* were divided into six regions: namely the Western states (13 cases), Eastern and Central Europe (5), Asia (8), Latin America (9), Middle East (2) and Africa (3). Calculating the means of the 21 measures for each region, the West attains the highest score on only 11 measures. The measures and scores are shown in Table 1. Moreover, these superior scores are statistically significant (showing a significant difference of means with every other region) for just five measures that correspond to the liberal democratic values of political rights, property rights and constraint (EXECONST, LOCALTAX, COMPETE, UNION and PROPERTY).

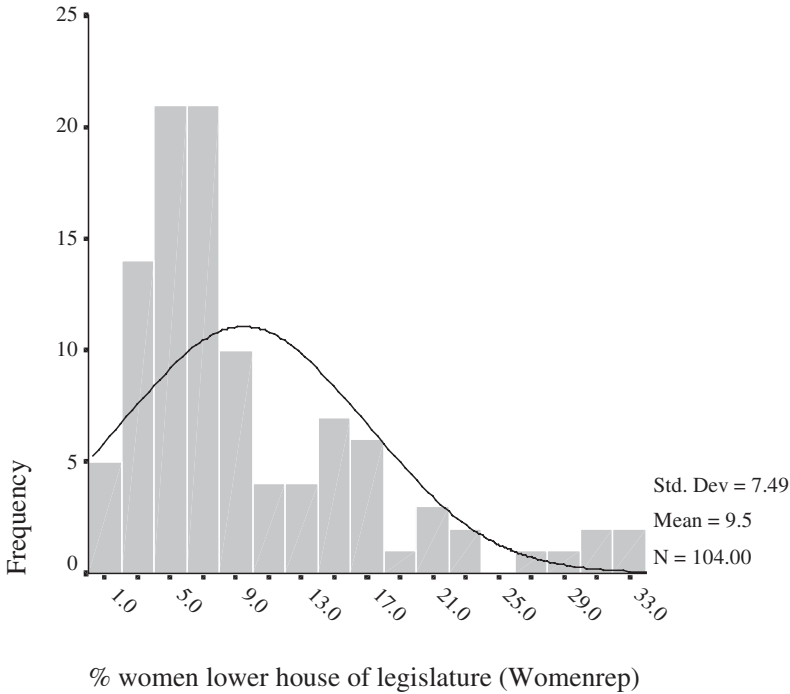


Figure 2. Scores for WOMENREP for 13 countries in the West.

Regions other than the West obtain superior scores on the remaining ten measures as shown in Table 2. Eastern and Central Europe attains the highest score on four measures, the Middle East on three, Africa on two and Asia on one. Once again, these superior scores are statistically significant for five measures (namely MILITARY, LEGIVOTE, UNEQUAL, WOMENREP and DISCRIM), corresponding to the liberal democratic values of (horizontal) accountability, participation, civil rights and minority rights. In other words, once the comparisons are carried out region by region, the superior democratic performance of the West is no longer so apparent. There is no uniform scale of democratic performance with the West on top and other regions jockeying for position below. The performance picture is more diverse and complicated.⁵ Finally, it is worth noting that ten of the eleven measures (the exception is LOCALTAX) where the West scores highest are ordinal rankings by Western scholars that are susceptible to criticisms of subjectivity and reliance on similar sources (Foweraker & Krznaric 2000: 765–770). Conversely, eight of the ten measures where regions other than the West attain the highest score are interval-level measures that are speciously more objective.

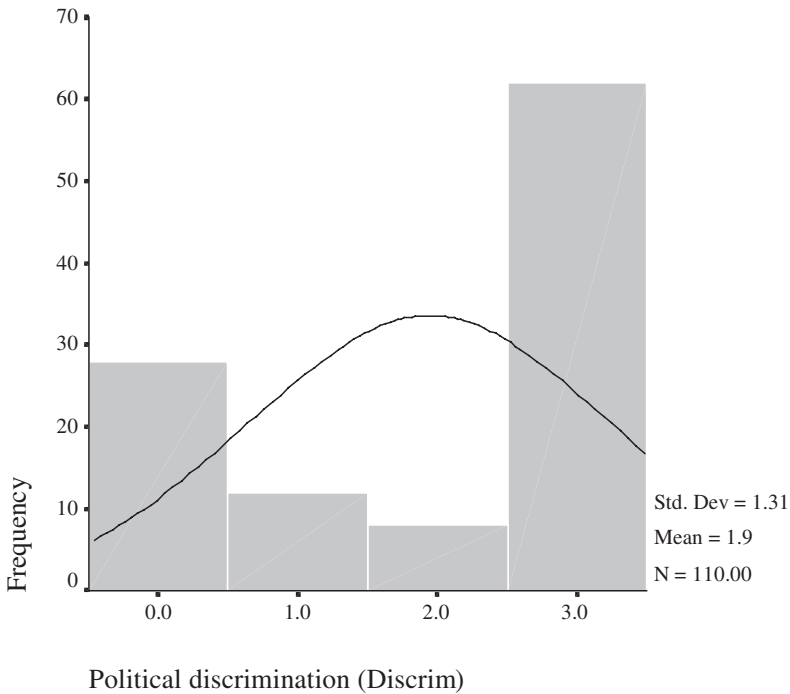


Figure 3. Scores for DISCRIM for 13 countries in the West.

Testing for diversity within the Western cases

It appears that the democratic performance of the West is not superior in every respect. One explanatory hypothesis is that particular countries in the West underperform on some measures and bring down the mean score for the region as a whole. The results above lend some initial support to this hypothesis. The West failed to attain superior scores on five of the ten measures where its scores were widely dispersed around the mean (negative kurtosis for DISPROP, LEGIVOTE, PRESVOTE, UNEQUAL and DISCRIM), indicating aspects of its performance that are neither consistent nor superior.

The hypothesis was further explored by selecting the five measures for which the superior performance of non-Western regions is statistically significant and examining the mean scores for the West case by case (see Table 3). It is immediately evident that countries like Denmark, the Netherlands and Switzerland tend to obtain higher than average scores, while countries like the United States, the United Kingdom and Australia generally attain lower than

Table 1. Eleven variables for which the West obtains the highest average score

Region	ELECTION	GOVTYPE	EXECONST	LOCALTAX	COMPETE	UNION	CENSOR	CIVIL	ECONFREE	PROPERTY	EQUAL
West	2.84	4.35	6.53	0.31	4.82	1.91	1.72	4.49	3.76	9.19	2.37
Eastern/ Central Europe	1.35*	3.94	3.19*	0.18*	1.58*	0.50*	1.00*	3.48	2.68	7.44*	1.17*
Latin America	2.14*	3.00*	4.45*	0.24*	3.36*	1.40*	1.33*	2.39*	3.04	6.21*	1.05*
Asia	2.01*	3.20*	4.37*	0.31*	2.74*	1.13*	1.13	2.78*	3.20*	7.03*	0.57
Middle East	2.78	3.80*	6.26*	0.04*	3.82*	1.42*	1.00*	2.33	3.10*	7.63*	1.17*
Africa	1.54*	2.00*	3.35*	0.06*	1.56*	1.18*	0.76*	2.95*	2.78*	6.41*	1.12
Total	2.23	3.54	4.96	0.26	3.38	1.40	1.31	3.19	3.23	7.52	1.40

* Difference of means with West (pairwise comparisons between two samples) statistically significant at 5 per cent level (using F-statistic testing equality of variance). Bold type indicates highest scoring region.

Table 2. Ten variables for which regions other than the West obtain the highest score

Region	MILITARY	PARSEATS	DISPROP	LEGIVOTE	PRESVOTE	UNEQUAL	PRISON ^b	WOMREP	DISCRIM	RESTRICT
West	0.91	223.14	0.19	73.43	65.44	67.56	94.43	9.47	1.95	7.72
Eastern/ Central Europe	0.94*	136.29	0.13*	73.47	67.68	75.47*	148.69	18.92*	2.00*	6.96*
Latin America	0.91	186.38	0.21*	59.98*	60.40*	48.73*	130.50	7.40*	1.29*	6.28*
Asia	0.83*	146.17*	0.11*	64.40*	65.49	66.50	48.93	6.18*	1.02*	6.92*
Middle East	0.78*	227.23	0.19	78.54*	84.70*	52.46	97.86	4.85	0.00*	4.92*
Africa	0.94*	98.49*	0.53	57.70	70.37	55.86	319.25	6.24	0.69*	7.83
Total	0.89	180.40	0.18	68.53	63.15	65.46	124.65	9.24	1.31	6.92

* Difference of means with West (pairwise comparison between two samples) statistically significant at 5 per cent level (using F-statistic testing equality of variance). Bold type indicates highest scoring region.

^a No test of difference of means possible due to lack of data.

^b The raw score, rather than the inverted score, has been used.

Table 3. Mean scores in West for five variables for which superior performance of non-Western regions is statistically significant

Country	MILITARY	LEGIVOTE	UNEQUAL	WOMREP	DISCRIM
Australia	0.90	83.66	61.38	3.51	3.00
Canada	0.92	65.59	68.91	7.81	2.88
Denmark	0.94	85.02	67.92	24.03	
France	0.93	63.67	60.81	5.67	0.00
Greece	0.86	84.99	65.47	4.56	0.00
Italy	0.96	92.41	65.07	9.06	1.00
New Zealand	0.95	83.13	65.64	10.86	3.00
Netherlands	0.95	82.14	71.41	16.04	
Portugal	0.91	82.44	62.56	6.94	
Spain	0.95	77.03	72.68	9.38	2.00
Switzerland	0.90	40.89		10.92	0.00
United Kingdom	0.87	72.93	73.60	5.07	1.00
United States	0.77	45.87	64.08	5.49	3.00
Total	0.91	73.43	67.56	9.47	1.95

average scores. Indeed, these three latter cases tend to pull down the West's average scores across the board.

In some respects the results for these cases are not surprising. Their low scores on military spending reflect the exigencies of external defence and corporate business pressure to expand military budgets, while the divergent scores for electoral turnout are partly explained by compulsory voting in Australia and the deficiencies of electoral registration in the United States. Yet these cases also score very poorly on the civil and minority rights measures: namely women's representation, equal access to the law as measured by income inequality (especially the United States and Australia) and political discrimination against minorities (especially the United States and Australia). Both the United States and the United Kingdom *also* score far below the regional average on the other civil rights measure (incarceration rates) that did not return the highest score to the West. Taken together, the scores for inequality, discrimination and incarceration suggest that the criminal justice systems of these three countries are among the harshest in the West. This fact alone can account to a large degree for the inconsistency of democratic performance of the West as a whole.

Minorities and the criminal justice systems of the United States, the United Kingdom and Australia

Since the United States, the United Kingdom and Australia are three of the cases that do the most to diversify the democratic performance of the West, some selected measures will now be placed in these country contexts in order to 'ground' them and make them more concrete. As shown above, it is certain measures of civil and minority rights that appear to be among the most sensitive to Western diversity. In particular, the variation in the measures of political discrimination against minorities, equality before the law and incarceration rates seems to justify a closer look at the treatment of minorities by the criminal justice systems of these three states.

Quantitative studies of democratic performance largely ignore the role of the judiciary, the police and the prison system, despite their importance for the quality of democracy and the individual experience of democratic government (McDonald 1994: 44; Abu-Jamal 1997: 140). Sentencing policy varies widely across Western states, and sentencing often discriminates against minorities. There are varying degrees of police violence against suspects, police corruption of the judicial system and over-policing of minority groups. The degree of accountability of prison authorities will closely affect the treatment of prisoners and the 'punitive sovereignty' of the prison system (Foucault 1977: 244).

To begin with a notorious example, the rate of prison incarceration in the *United States* is around five times the Western average, and higher than almost anywhere in the world. By 1995, there were over 1.5 million prisoners in American jails. Criminals are given longer sentences for the same crimes than in the past, or than in other Western states. High incarceration rates may be due to factors other than harsh or discriminatory sentencing policies, such as higher crime rates, differences in living standards, demographic changes, the nature of policing policy, inaccuracies in the data, and varying data collection and classification procedures in different countries (Tonry 1994: 98; Pease 1994). Yet studies that control for these factors still confirm relatively harsh sentencing in the United States (Stern 1998: 33; Mauer 1997: 11, 1994: 12). From 1985 to 1995, the incarceration rate in the United States increased from 313 to 600 per 100,000 people (a rise of 92 per cent), whereas there was little or no change in the United Kingdom, Australia or high-performance countries like Denmark and the Netherlands.

This rapid rise is linked to mandatory sentences for drug offenders that discriminate against young African-American males in the inner cities, and mandatory life sentences for certain three-time offenders that similarly discriminate against minorities and the poor in about half of the American states

(Stern 1998: 61–63; Tonry 1994: 98; Mauer 1997: 1–2, 1994: 11; Human Rights Watch 1998). One result is that a disproportionate number of prisoners are African-American males, even controlling for education and poverty (see Stern 1998: 50; Mauer 1994: 1; Abu-Jamal 1997: 138; Tonry 1994: 97–98). African-Americans serve longer sentences for the same drug crimes than Whites, and they are far more likely to receive the death sentence for murdering Whites than Whites for murdering African-Americans in the 36 states with the death penalty. African-Americans are also more likely to receive brutal and discriminatory treatment within the prison system (Mauer 1992: 12, 1994: 22; Tonry 1994: 108–109; Amnesty International 1999; Human Rights Watch 1993: 251).

Discrimination against minorities by the criminal justice system has a significant impact on other aspects of democratic performance, especially political rights and participation where the United States scores second lowest in the West. Losing the right to vote while serving a prison sentence is common in the West, but in 14 American states criminals lose this right for life. Consequently, an estimated 3.9 million United States citizens are disenfranchised, including 1.4 million who have served their sentences and another 1.4 million on parole or probation. Over one-third of the disenfranchised population are African-American males. Of this total, 13 per cent are permanently disenfranchised, rising to 31 per cent in Florida and Alabama. Higher rates of incarceration therefore mean fewer voters. Other countries like New Zealand or Finland deny the vote for short periods after release from prison, but the constraints found in the United States are exceptional and certainly contribute to low turnout in elections (Human Rights Watch 1998).

Rates of incarceration vary among other Western states (Mauer 1997: 6; Stern 1998: 29). The *United Kingdom* has a higher rate of incarceration than Australia, Denmark or the Netherlands, averaging 103 prisoners per 100,000 population for the period of data availability. The rising number of prisoners since the 1960s is owing to a higher proportion of custodial sentences, longer sentences and longer periods on remand (Ryan & Sim 1995: 110–112; McDonald 1994: 37). However, trends in the United Kingdom overall are strengthened by the higher incarceration rates in Northern Ireland, in particular, reflecting its history of armed conflict and an historical pattern of discrimination against Catholics (Tomlinson 1995: 203). The United Kingdom's failure to record perfect scores on civil rights measures during the 1980s is very likely the result of civil rights abuses in Northern Ireland.

Primary amongst these abuses are extra-judicial killings. It is alleged that over 350 people, most of them Catholic, were killed by British security forces between 1969 and November 1993; and there is evidence that some forces pursued a 'shoot-to-kill' policy.⁶ The non-jury 'Diplock' courts that were intro-

duced as an emergency measure in the 1970s have become an integral part of the judicial system, and try many offences unrelated to terrorism. Expanded powers of arrest and detention without trial under the Prevention of Terrorism Act of 1989 violate international standards. The ban on live broadcasts by a range of political groups directly limited freedom of speech (Klug et al. 1996: 242–244, 248; Ewing & Gearty 1990: 212). Detention on remand in England and Wales averaged 53 days at a time when it was anything from 12 to 15 months in Northern Ireland (Human Rights Watch 1993: 242). There is little doubt that the fight against terrorism led to an erosion of civil liberties (Ewing & Gearty 1990: 228).

However, infringements of civil and minority rights are not unique to Northern Ireland. The increasing inequality of wealth in the United Kingdom, which has occurred since around 1980 according to the UNEQUAL variable in the *Database*, may be leading to unequal access to the law. Poor offenders receive more custodial sentences for less serious offences than the better-off, partly because of their inability to pay for proper legal representation; the unemployed are most at risk in this regard (Ryan & Sim 1995: 107–108). Eligibility for legal aid fell from 79 to just 48 per cent of the population during the 1980s and 1990s, again affecting poor and middle-income citizens more than the better-off. For example, legal aid is not available for cases of unfair dismissal or discrimination at work, and these restrictions most affect ethnic minorities concentrated in low-paid jobs and casual work (Klug et al. 1996: 102–103, 123).

There is widespread evidence of discrimination against minority groups. Afro-Caribbeans are far more likely than Whites to be stopped and searched by police under the Police and Criminal Evidence Act (1984). Under the Criminal Justice and Public Order Act (1994) and the Emergency Provisions Act (1991) the police do not even require a ‘reasonable suspicion’ of an offence having been committed before acting. Partly as a consequence, Afro-Caribbeans were seven times more likely to be incarcerated than Whites in 1990, a slightly higher ratio than in the United States (Tonry 1994: 97, 103; Robertson 1993: 425). Once in prison, both Afro-Caribbeans and Asians are likely to suffer discrimination in disciplinary proceedings and work rotas (Genders & Player 1989: 113, 122–127; Robertson 1993: 429). The United Kingdom also has a poor record of treatment of Romanies (see Poulter 1998: 147–194; Robertson 1993: 466), homosexuals and asylum seekers (Ryan & Sim 1995: 108). Legal employment quotas for the disabled are routinely ignored, and only a handful of women have been successful in demanding equal pay for equal work (Klug et al. 1996: 116–119, 128; Robertson 1993: 464, 483). Finally, the vote is denied to prisoners, mental health detainees and anyone

without the permanent address required for registration, so constricting political participation (Klug et al. 1996: 283–285; Robertson 1993: 442).

The indigenous population of *Australia* (together with Torres Strait Islanders, this minority totals 300,000 of Australia's 18 million population), the Aborigines, was never recognised as a people. In English law, Australia was uninhabited, so Aborigines were not even accorded minority status. Until very recently, those living on reserves had limited freedom of movement, and suffered restricted access to public places. Many of their children were officially abducted under government assimilation policies. They suffered severe discrimination in both education and social security (Grimshaw et al. 1996: 299; Reynolds 1982; Pilger 1998: 230, 240; Sykes 1989: 2, 9, 86; Burger 1988: 8; Chesterman & Galligan 1997: 8, 156). Aborigines were not even fully enfranchised until the 1960s. Incarceration rates in Australia are lower than in the United States or the United Kingdom, but, unsurprisingly, the rates for Aborigines are 15 times higher than for non-Aborigines, with both Western and South Australia exceeding this national average (Tonry 1994: 108; Sykes 1989: 85, 142; Burger 1988: 50).

Aborigines fare poorly in the criminal justice system. A government report of 1990 noted the presence of 'institutional and systemic racism' in the police (Cunneen 1992: 77–82, 85; Sykes 1989: 122). The 1991 Royal Commission into Aboriginal Deaths in Custody indicted the practices of both police and prison authorities, describing the policing of Aborigines as 'arbitrary, discriminatory, racist and violent' (Grimshaw et al. 1996: 313; Amnesty International 1997a: 2–3). Aborigines are subject to close surveillance and harassment, with the police presence concentrated in Aboriginal neighbourhoods. They are targeted by special police units, and frequently arrested for broad-gauge public order offences. They receive longer sentences than Whites for the same minor offences (Sykes 1989: 100). Police violence to Aborigines is just one aspect of this systematic policy of 'over-policing' (Amnesty International 1998: 2, 1997b). 'Under-policing' of domestic violence against Aboriginal women is common (Cunneen 1992: 88–89).

The minority rights of Aborigines have come to focus on the key issue of land rights and self-determination. These rights had always been denied, ever since the British seizure of the continent under the legal doctrine of *terra nullius* (Sykes 1989: 217). Only in recent years have the courts begun to recognise Aboriginal claims to tribal lands (in cases such as *Mabo* in 1992 and *Wik* in 1996) (Chesterman & Galligan 1997). Aborigines have won some small degree of self-determination through the Aboriginal and Torres Strait Islander Commission, and through the recognition of their customary law in certain reserved areas. Yet their land rights and legal autonomy come under recur-

rent challenge from state governments and mining companies wanting access to uranium deposits. Self-determination has also encouraged state governments to withdraw or fail to provide basic services to disadvantaged Aboriginal communities (Chesterman & Galligan 1997: 190–215; Bolton 1996: 251; Burger 1988: 24; Sykes 1989: 21).

Conclusions

These brief case studies demonstrate that the treatment of minorities in these criminal justice systems tends to infringe both civil and minority rights. Hence they substantiate the less than perfect scores attained on the comparative measures of civil and minority rights. Although they only address one aspect of liberal democratic performance, they do generate some insight into the diversity of performance and recurrent under-performance of the West. Thus the United States, for example, attains the highest or equal highest score among the Western states on nine of the 21 measures in the *Database*. Yet its treatment of African-Americans in its criminal justice and penal systems falls a long way short of the democratic ideals of liberty and equality. These failures indicate why the democratic performance of the West is neither entirely consistent nor superior to all other democracies in every respect.

Here, it is worth recalling that these three country cases were chosen because they under-performed on the five measures for which the superior performance of non-Western regions is statistically significant (see Table 3). It may be the case that the three under-perform for reasons related to their Anglo-Saxon heritage, to take one example, or their majoritarian electoral systems, to take another. However, the primary objective of this inquiry is to achieve a more comprehensive, more accurate and more modulated *description* of the democratic performance of the West, and its research design cannot accommodate any kind of systematic inquiry into the causes of the performance profiles it describes. For this reason, the lessons to be learnt from this analysis are cautionary and critical, rather than prescriptive. They raise questions rather than provide answers. This is because the assumptions of a uniform and superior democratic performance in the West serve to underpin large literatures that address, *inter alia*, the relationships between political culture and democracy, economic growth and democracy, and constitutional design and democracy. In each case, the commonplace conclusions of the literature are much less certain once democratic performance is differentiated to encompass a full range of liberal democratic values. Consequently, the implications of questioning these assumptions are far-reaching. Here they can only be sketched in summary fashion.

Democratic culture is considered essential to the stability and quality of democracy. In particular, Putnam has argued that the degree of 'civiness' in the culture goes a long way to explaining the quality of democratic government (Putnam 1993). Equally, the assumption that underlies the work of Huntington or Inglehart is that rich veins of 'civiness' lie deep in every Western culture and work to create a homogeneous 'Western civilisation' or a demonstrable cultural consistency that is both 'modern and postmodern'. (The assumptions are supported by the survey data.) Yet this simple translation of political culture into democratic performance depends on simple and undifferentiated scales that show the performance of the West to be uniform and perfect. The explanatory value of the much-vaunted Tocquevillian culture of the United States is much less clear once the abuse of civil and minority rights is taken into account. By extension, a conception of the democratic culture of the West cannot explain the diversity of Western performance, or why it is recurrently inferior to the performance of the non-West in some important respects.

Quantitative causal studies of democracy frequently claim to demonstrate a positive relationship between economic development and democracy. States must become rich and industrialised like the West if they aspire to stable liberal democracy (Rueschemeyer et al. 1992; Przeworski et al. 1996). Yet these claims are based on single democracy scales from Freedom House or Polity III that leave the dependent variable quite undifferentiated. Even if these scales can be said to capture the variable presence of electoral multi-party politics and basic political rights, they can provide only a very narrow measure of liberal democratic government. Hence, economic development may be associated with free and fair elections, but it remains unknown if it is similarly associated with the protection of civil and minority rights, or with political participation and horizontal accountability. In short, the relationship remains unproven in most respects. So long as Western democracies are considered perfect and so cluster at the top end of the dependent variable, they will necessarily inflate the correlation coefficients and increase the 't-scores' of the regression results (compare Landman 1999). In fact, the relationship between economic development and democracy may be more complex than the image created by this statistical *legerdemain*.

Debates over constitutional design are usually confined to choices of executive legislative relations (presidential-parliamentary) or electoral system (plurality-proportional representation variants), and the impact of constitutional design on democratic performance tends to be measured by political stability (democratic longevity) or economic growth and prosperity (Przeworski et al. 1996; Stepan & Skach 1993). If these studies differentiate the democratic performance of the West, they do so by some single measure

of ‘representativity’ (Lijphart 1994) in order to demonstrate the superiority of the proportional representation-parliamentary system that then becomes the recommended model for all democratic governments everywhere. However, the results might look very different if constitutional design were understood to include not only executive-legislative relations but also less ‘visible’ features like the judiciary and criminal justice system. Or if inquiries into the representativity of the electoral system took into account the overall balance between individual rights and minority protections (representation versus minority rights). In sum, more differentiated measures may reveal more about the complex trade-offs across distinct liberal democratic values that are entailed by different constitutional designs. It is unlikely that the results would endorse the search for a master model in the vain hope that ‘one size will fit all’.

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Appendix: Variables and cases

Variables

The *Database* contains 21 measures** (two, three or four per value) for 40 country cases from 1970 to 1998 inclusive. Since scores do not exist for each variable for each year, there are 8,958 observations out of a potential total of 24,360.

Institutional values	Institutional measures
<i>Accountability</i>	ELECTION: executive recruitment competition, Polity III (Jagers & Gurr 1995) – Coded 0 to 3. GOVTYPE: civilian versus military government, Binghamton (Cingranelli & Richards 1999) – Coded 0 to 5. MILITARY*: military spending as percentage of total central government spending (International Monetary Fund 1997).

Institutional values	Institutional measures
<i>Representation</i>	DISPROP*: electoral disproportionality, Gallagher's least-squares (Lijphart 1994; Zelaznik 1999). PARSEATS: size of legislature/number seats largest party (Banks 1998).
<i>Constraint</i>	EXECONST: executive constraints, Polity III (Jagers & Gurr 1995) – Coded 1 to 7. LOCALTAX: local and state government tax revenue as percentage of central tax revenue (International Monetary Fund 1997).
<i>Participation</i>	LEGIVOTE: legislative votes as percentage of voting age population (International IDEA 1997). PRESVOTE: presidential vote as percentage of voting age population (International IDEA 1997).
Legal values	Legal measures
<i>Political rights</i>	COMPETE: competitiveness of participation, Polity III (Jagers & Gurr 1995) – Coded 1 to 5. UNION: trade union rights, Binghamton (Cingranelli & Richards 1999) – Coded 0 to 2. CENSOR: government media censorship, Binghamton (Cingranelli & Richards 1999) – Coded 0 to 2.
<i>Civil rights</i>	CIVIL*: Amnesty International human rights (Poe et al. 1999) – Coded 1 to 5. UNEQUAL*: income inequality, Gini coefficient (Deiningering & Squire 1996). PRISON*: prisoners per 100,000 population (Walmsley 1996; Mauer 1997, SPACE).
<i>Property rights</i>	ECONFREE: index of economic freedom, Heritage Foundation (Johnson et al. 1998) – Coded 1 to 5. PROPERTY: risk of expropriation, Political Risk Services (Knack & Keefer 1995) – Coded 1 to 10.
<i>Minority rights</i>	WOMENREP: percentage of women in lower house of legislature (Inter-Parliamentary Union 1995). EQUAL: women's equal rights, Binghamton (Cingranelli & Richards 1999) – Coded 0 to 3. DISCRIM*: political discrimination, Minorities at Risk (Haxton & Gurr 1997) – Coded 0 to 4. RESTRICT*: cultural restrictions, Minorities at Risk (Haxton & Gurr 1997) – Coded 0 to 8.

Notes: * Inverted in analysis so a higher score indicates higher performance. ** All 21 variables have been employed in some form in published work (although we have often varied

their geographical scope and temporal range). ELECTION, EXECONST and COMPETE are taken directly from the Polity III data set created and analysed by Jagers & Gurr (1995). GOVTYPE, UNION, CENSOR and EQUAL are all found in the Binghamton Human Rights data set applied by Cingranelli & Richards (1999). DISCRIM and RESTRICT are from the Minorities at Risk data set, and appear in a number of studies by Haxton & Gurr (1997). The CIVIL variable is an updated version of the one used by Poe & Tate (1994). The variables DISPROP, LOCALTAX, LEGIVOTE, PRESVOTE, UNEQUAL, PRISON and WOMENREP all derive from Lijphart (1994, 1999) who uses them to create proxy measures of representation, constraint, participation, civil rights and minority rights. In some cases, we extended these variables by calculating new scores (e.g., DISPROP) or importing new information (e.g., PRISON). Hunter (1995) provides the inspiration for the MILITARY variable. Vanhanen's (1997) Index of Democratisation uses an indicator very similar to PARSEATS. The Heritage Foundation's ECONFREE is analysed in Johnson et al. (1998). Knack and Keefer (1995) use PROPERTY for their study of property rights.

Cases

Old democracies (17)	New Democracies (23)
<i>United States, Canada, Japan, Costa Rica, Venezuela, Colombia, Denmark, Netherlands, Switzerland, United Kingdom, France, Italy, Australia, New Zealand, India, Sri Lanka, Israel</i>	<i>Chile, Argentina, Brazil, El Salvador, Nicaragua, Guatemala, Poland, Hungary, Bulgaria, Romania, Albania, Spain, Portugal, Greece, South Korea, Philippines, Taiwan, Pakistan, Bangladesh, Turkey, South Africa, Malawi, Ghana</i>

Notes

- Both Diamond (1997) and Lijphart (1999: 49–50) use Freedom House ratings to establish the threshold of this procedural minimum. Our selection of country cases was made from the large democratic universe of Diamond, and so potentially includes any country that passed the threshold since 1970, rather than the smaller universe of Lijphart that is confined to countries that were continuously democratic for the 19 years preceding 1996.
- Aggregate measures rarely if ever attempt to justify the weighting of the various indicators incorporated into their final scores. The decision to deploy each measure separately mainly avoids the weighting problem, although there is an implicit assumption in the normative model that all the eight core values are equally important to liberal democratic performance. See Foweraker & Krznaric (2000) for further discussion of the problem of weighting.
- The major exception is France with the same contestation score as Turkey and Lebanon. Dahl tried to explain this anomaly by speculating that the operational standards for his criteria 'were applied with considerably more severity to France' than to other countries. He was apparently unwillingly to jettison the uniformity assumption (Dahl 1971: 232–233, 243–244).

4. Both measures exclude observations for pre-democratic Spain, Portugal and Greece. The Freedom House Index of Political Rights reflects Dahl's definition of 'democracy' by focusing on electoral accountability and political rights. Its parallel Index of Civil Liberties records similar scores for the Western states.
5. One possible objection to these findings is that neither Africa nor the Middle East are well-represented in our democracy sample, and therefore the relatively low number of observations from these regions may distort the results. However, the exclusion of these regions from the analysis does not alter the thrust of the findings.
6. From 1974 to 1993, only 18 out of over 300 cases against the security forces went to full trial, and only two of these brought a conviction (Klug et al. 1996: 264; Ewing & Gearty 1990: 230–235).

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