DEMOCRACY AROUND THE WORLD

# Measuring Democracy that Does Not Exist

Ismael Peña-López




A user consults several indexes on democratic quality while following a live debate in the Parliament of Catalonia. Picture by Jordi Borràs

Disaffection. Anti-politics. Populism. Extremism. Demagogy. Grotesque. Factual power. Lawfare. Politicisation. Judicialisation. Partisanship. Despotism. Cynicism. Totalitarianism. Sectarianism. Fanaticism. Incompetence. Ineptitude. Repression. Espionage. Injustice. Elitism. Post-democracy. Oligarchy. Plutocracy. Fake news. Lie. Censorship. Disaffection.

At first read, one would assume these words have been used to describe entirely or, at least, fundamentally undemocratic regimes. And yet, these are terms used on a daily basis by citizens, the press, and politicians themselves to describe what international indices and analysts regard as full and healthy democracies. Let us not forget that, in Spain, the current political scenario has been perceived as lacking for years [1], most citizens express discomfort and dissatisfaction with the state of their democracy [2] and politics is considered to be the country's most significant problem [3]. In the rankings, however, Spain is usually rated alongside a group of countries with healthier democracies.

## My democracy has not failed

The gap between perception and technical analysis is paradoxical. And each side resolves it in its own way. Either the perception is discredited, as uninformed and instrumentalised (the latter being another paradox within this set of arguments). Alternatively, the specialists are discredited as being academics and equally instrumentalised (in this case, consistent with the accusation).

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Leaving aside self-interested attempts to defend one view or another, and, above all disregarding unethical, illegal, and non-institutional criminal behaviours (having corrupt politicians does not necessarily amount to a failed democracy), there is reason to think that both views have their share of reason. A democracy may be in decline despite being in good health in the international rankings. Equally, a democracy may end up failing if we only evaluate the things we can measure.

## What do we measure when we measure the democracy in democracies?

In an attempt to bring objectivity to personal perceptions and, above all, to see what works or what needs to be improved in terms of public policy, social scientists have long strived to create instruments that can measure the quality of democracy.

While there is no clear way to categorise, even theoretically, the practical initiatives that have been taken, for the purposes of this essay, we have split these instruments into five groups. As we said, the classification is entirely arbitrary, and its sole purpose is to try and pedagogically present the things that we can measure in a democracy and how, in general, it is currently done.

## Transparency and access to public information

The first area we can measure in a democracy allows us to understand its institutions and activity. Within transparency we find concepts such as, among many others, whether the right to access public information has been formally recognised; whether institutions actively publish this information; if not, can it be requested, and if it is requested, is access granted efficiently and to what degree? Also, can institutions be sanctioned for not granting it and what exceptions exist?

The main indices are the *Global Right to Infomation Rating* from Access Info Europe and

the Centre for Law and Democracy; the *Open Budget Index* from the International Budget Partnership; the *Open Government Index* from the World Justice Project; open data specialists like the *Global Open Data Index* from the Open Knowledge Foundation, and the *Open Data Barometer*, from the World Wide Web Foundation.

## Corruption and integrity

At the other extreme of transparency and accountability, we find the fight against corruption and the measurement of public integrity. We also find the other extreme of methodologies. On the one hand, Global Integrity prepares its reports in a way that reminds us of Amnesty International in the field of human rights, focusing on case studies, allegations, testimonies, etc. Transparency International, for its part, compiles the *Corruption Perceptions Index*. The latter is composed of third-party indicators, such as ease of access to information on public funding, the proportion of public employees appointed "by hand" or whether or not there are bribes and corruption in the public sphere.

## Freedoms

If the previous groups of indicators or indices shine a light what institutions can do, should do, and actually do, there is a whole series of initiatives designed to focus on what citizens can, should and effectively do. In the sphere of civil liberties or political rights we find, first and foremost, the work of Freedom House, with its reference report *Freedom in the World* –which includes *Freedom on the Net*–, designed to evaluate the existence of freedom of expression, a free press, the right to protest and free assembly and political affiliation, among many other things; the *Press Freedom Index*, from Reporters Sense Fronteres, on the quality of the fourth power, such as plurality, independence, censorship or self-censorship; the *World Electoral Freedom Index*, from the Fundación para el Avance de la Libertad, which specifically measures the quality of electoral systems.

While less focused on institutional participation and freedom of action and more on the factors that make sure the participation and freedom are genuinely free, we have the measurement of the absence of violence from the Institute for Economics and Peace with its *Global Peace Index*; the *Inclusive Development Index*, from the World Economic Forum, which could open up a whole other category related to human well-being and development and includes, in addition to the classic indicators on growth and development, indicators on how these two things are distributed among people as well as between generations.

In the area of freedoms, we find a third sphere that focuses on specific groups, such as the sadly still necessary measure of gender discrimination: the *Gender Development Index*, from the PNUD; the Social Institutions and Gender Index, from the OCDE; the *Global Gender Gap Index*, from the World Economic Forum; and the *Gender Equity Index*, from Social Watch. All of them include, among other things, the degree and ease of access to public institutions and the public sphere in general for women.

## Governance and Administration

How does the Administration handle transparency, integrity and individual freedoms? What public services and levels of social welfare is it capable of implementing? Indices that measure the quality of governance seek, in one way or another, to measure the efficiency and effectiveness of administrations. They usually take the form of complex sets of indicators or indices, both for their calculations and their objectives.

The classic among classics are the *Worldwide Governance Indicators*, from the World Bank, as well as the report on *Conflict, Governance and State Fragility*, from the Center for Systemic Peace (and successor to the Polity Score, a long-standing point of reference for work in this area). Highly regarded for the great care taken in its preparation is the European Quality of Government Index from the University of Gothenburg. These groups of indicators or, in the case of the last entry on the list, index, seek to go beyond purely descriptive indicators –although they obviously use them– to provide insight into the quality of public services, their coverage and their cost.

> There is an open debate about whether democracy is needed to provide good service to citizens, or whether citizens would be happy enough so long as they have ‘everything’, even if they lack democracy and freedom

More focused on the provision of public services is the Social Progress Index conceived by the Social Progress Imperative. It is based, like the Human Development Index, on Amartya Sen’s Capability Approach, among others, which puts human needs at the centre of progress and ahead of mere economic progress.

These measurement tools may seem more relevant to public management than to democracy. However, there is an interesting open debate in political science about whether democracy is needed to provide good service to citizens, or whether citizens would be happy enough so long as they have “everything”, even if they lack democracy in particular or freedoms in general. It is no small debate, and post-Maoist China is a paradigmatic example.

## Democracy

The quality of a democracy –and any evaluation of the somewhat blurry lines that define it– is built on the four previous typologies and further expanded to include the functioning of democratic institutions as well as, often, some of the socio-economic contexts: civil liberties, political culture, political participation, government functioning, electoral processes and pluralism, law enforcement, competition, transparency, citizen participation, representation, parties, the right to vote, accountability, impartial administration,

participation in organised civil society, direct democracy, subsidiarity and multilevel administration, gender, economy, health, knowledge, education, environment… a democracy can be defined by many things. Or perhaps just a few. And herein lies the issue: we can define it in a thousand different ways and only measure it with a handful of methods, or define it very briefly and not be able to measure it even with a plethora of indicators.

There have, however, been some reasonably successful attempts. The most popular is, probably, the *Democracy Index*, from The Economist Intelligence Unit, alongside the *Global State of Democracy* from the International Institute for Democracy and Electoral Assistance (better known as IDEA).

The *Fragile States Index* (previously the *Failed* States Index) from the *Fund for Peace* takes the inverse view of the previous two, focusing on the threats to a democracy. Thus, it focuses on demographic pressure, legitimacy, economic inequality, and a variety of other variables that they consider may challenge or end up preventing the development of a democratic regime.

Taking a totally different approach, the Centre for the Future of Democracy tries to capture citizen satisfaction with the level of democracy in its *Global Satisfaction with Democracy Report*. The results are often surprising when contrasted against other more descriptive indicators because perceptions take many other factors into consideration.

Highly commendable initiatives, both for the size of their institutions and for taking a more innovative perspective in seeking a vision that summarises all the approaches, are the notable *Democracy Barometer*, from the Institut für Politikwissenschaft de la Universitat de Zurich and the Zentrum für Demokratie Aarau; as well as the *Varieties of Democracy* (V-Dem) from the V-Dem Institute at the University of Gothenburg. Both initiatives attempt to overcome the black and white approaches and aspire to conceive of regimes (democracies) as systems where many variables interact at the same time. And it is in this interaction between variables, beyond their mere presence, that what we call democracy happens. Or not.

And it is the latter, democracy as a system –rather than as a sum– that we want to discuss next.

## False positives and false negatives measuring democracy

Greek mythology says that Procust had a hostel where travellers lodged. When they lay in bed, if they were too tall, Procust cut off everything that protruded from them –feet, hands, head–. If they were too short, Procust would stretch them until they conformed exactly to the length of the bed.

More elegantly, Donald T. Campbell [4] enunciated the “law” that bears his name: the more

any quantitative social indicator is used for social decision-making, the more subject it will be to corruption pressures and the more apt it will be to distort and corrupt the social processes it is intended to monitor.

This does not mean that there is any malice in the person who creates the indicator. Nor in those who use it. But that the indicators –and especially the indices, which also require further processing– are not perfect. However, if we have to be able to attribute a certain intellectual imposture to those who, knowing that these tools have weaknesses, cling to them to make categorical statements one way or another. What are those weaknesses?

## Construction defects

That which we do not measure does not exist, while measuring makes something real and we do what is measurable. Although it may seem frivolous, a quality democracy will be one that, in addition to being able to join the union, ensures the union can have a real impact on public policy; it also works when a senior official ceases an action that, while well-intentioned and within the law, meets disapproval in the social environment. Many indicators, however, have difficulty in moving from being merely descriptive to having a tangible impact. Thus, we still need to find a way to measure the difference between the existence of free trade-union affiliation and the way these unions modulate democracy; and the difference between complying with the law and complying with an ethic, and which ethics, often goes unmeasured as well.

A second question is who measures and how. Given that many variables are subjective ("Is there corruption in your country?"), specialists often place the value of the indicator on a scale. The problem is that not only is the indicator subjective, but the person and their environment are determinants. We find cases, then, where an utterly corrupt country scores well because there has been a noticeable improvement, while a country of impeccable tradition ends up failing the test because of an inadmissible case in its environment. Because the indicator is the same and subjective, each evaluator evaluates according to their perception.

This issue is especially relevant for rankings and indexes: being first does not necessarily imply having done something well, and setting the top of the index according to who performs best, does not mean that there is not substantial room for improvement.

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At this point, we should add that measuring cross-impact is very challenging and, therefore,

is rarely or never done using empirical models. This means that a democratic system can work very well in general but fail in “only” one specific area. However, when measured, the dysfunctional area rarely drastically penalises the aggregate of indicators. Thus, in a regime where everything more or less works well except, say, the judicial system, the indices will suggest it is a healthy democracy with “opportunities for improvement” in justice. The reality, however, is much harsher: democracy becomes a car crash when there are glaring cases of judicial injustice and arbitrariness. If a single factor fails miserably, can we really still call it democracy?

In the same vein, measuring recognised rights is not the same as measuring exercised rights. Popular Legislative Initiatives (ILP) in Spain provide a paradigmatic case in point: in theory, citizens have an excellent channel for submitting proposals to Congress; in practice, almost none of them get processed, so not only have they not had any effect, but the general public has given up on using them. In the indicators, however, the Popular Legislative Initiatives are represented as “yes, they are available”.

## If you’re a politician with a lower-case ‘p’, you don’t get to be in the photo

We mentioned the unions before, but many things –and increasingly more so– are happening outside of the institutions. It’s called lower-case politics, often with a certain disdain, which is a huge mistake because, like this text, democracy is mostly written in lower case.

There are, in general, few indicators that refer to civil society, and when they do, they often refer to what we call organised civil society; in other words, institutions like unions, NGOs and associations. At most, we might consider the attendance at demonstrations, which are generally convened and authorised and, therefore, once again, institutionalised.

But democracy is so much more than that. Democracies survive –and totalitarianisms fracture– when there is a strong social fabric. And an associative fabric that not only formally exists, but shows a certain degree of civic engagement. A good example would be a school parents’ association that organises all the extracurricular activities, school festivals, coexistence and multicultural initiatives, and family support networks. They don’t get to be any photos. And there are hundreds of similar examples.

Democratic tsunamis, like anti-democratic ones, start as waves on the high seas that gain strength as they near the coast. If the 15-M anti-austerity movement has changed the Spanish political landscape –and there is evidence of several impacts since then– it is because there was a substrate that was busy working off-camera. This is also the case with the European far-right and the North American *alt-right* –seeking, in this case, to destroy democracy.–. Trump won in the USA, and Vox entered the Spanish parliaments despite not appearing in the photo the day before.

This case is the opposite of the previous: what does not exist, we do not measure.

When people and their activities operate outside of formal circles, the Administration –and researchers– get incredibly concerned. In recent years, and especially in the wake of the digital revolution, the proliferation of para-institutions [5] –groups of people who look like institutions from the outside but operate in an entirely non-institutional way inside– has led to an exponential expansion of the complexity of architecture, habitat, and behaviour of political and social movements. It's not that they fly under the radar: it's that the radars only tune in to old channels and we need to change the antenna.

## Think globally, act locally

To the digital revolution, we must add the globalisation factor, and they are becoming increasingly difficult to distinguish from one other. If politics is global, are we also measuring the state of democracies in relation to globality? The answer is a resounding no (with very few exceptions).

The late-twentieth-century counter-cultural movements in support of the environment and against the globalisation of the markets (without a counterpart in terms of political sovereignty) can be explained not only by the existence of more or less articulated state-level civil society entities but, above all, by their articulation on a global level. The fight against climate change, today, cannot be understood without those movements, nor without their heirs, which were synchronously born of the twenty-first century at a global level. Today's policies –and, by construction, today's democracies– can no longer be understood without measuring the geopolitical factor.

There are some notable exceptions, like the *Conflict, Governance and State Fragility* report from the Center for Systemic Peace which, for example, castigates Norway, an enviable democracy for many, for being too reliant on its oil and its global usage. But that's an exception.

Ireland, on a European level, and Madrid, on a Spanish level, are a recognised tax haven and a regular practitioner of fiscal dumping, respectively. This causes flows of capital, people and, above all, power, which unbalance their environment and often put them in compromised situations, diplomatically speaking. It makes no sense, in a global world, to measure democracy as if it could be locked in a laboratory isolated from the outside world.

Affecting the global agenda, positively or negatively, or relying on it to have more or less influence, increasingly explains the unfolding pattern of democracies, as well as the authoritarian drifts of democracies sliding towards failure.

## Networks, technopolitics and the ecosystem of public governance

Deriving from the previous 'informal politics' category, we find the new but ubiquitous scenario of technopolitics, the "dynamic process between technological developments and political ends […] a new context, made possible and expanded by ICTs, where actors aspire to higher levels of freedom, empowerment and governance" [6].

It refers, for example, to the movement of open data in particular and open government in general, to new models of governance based on the return of sovereignty to the citizen through instruments of participatory, deliberative and direct democracy. Movements which, nowadays, exist worldwide and are changing the very concepts of representation, citizenship, government and power.

But it also refers explicitly to movements outside the realm of politics with a capital 'p' but within the margins of what we called lower-case politics. These movements are changing the concepts of representation, citizenship, government and power by questioning the established order, from platform cooperatives [7] to new forms of digital cultural creation, the free software movement, open content and cryptocurrencies. There is no fourth wave of feminism without movements like *#MeToo* or *#Cuéntalo*. These types of actions are difficult to include when defining democracy and yet, simultaneously, impossible to exclude when it comes to measuring its quality and, ultimately, its existence.

> Movements from the fourth wave of feminism such as #MeToo or #Cuéntalo are difficult to include when defining democracy and yet, simultaneously, impossible to exclude when measuring its quality

To put it another way. The question of what a democracy is and what quality that democracy has, has been surpassed, on the one hand, by the extra-institutionality of a large amount of political activity that we can no longer disregard by describing it as mere activism that must be redirected through the appropriate channels; and, on the other hand, by the global network factor, that means we are no longer dealing with systemic synergies rather than occasional collaborations.

Democracy has ceased to be that vertical, hierarchical, bureaucratic, centralised construct of the first liberal democracies. It has become an immensely complex ecosystem of public governance, "a political, self-organised, self-poetic, replicable and scalable system that articulates actors, spaces and instruments around a set of knowledge-rich, open and distributed infrastructures for collective decision-making" [8].

## Is Spain a failed democracy?

Not at all. Spain, by all standards, is a quality democracy. There is no set of indicators, index or ranking that says otherwise. With very few exceptions, even today, the Spanish state is undoubtedly in the group of countries with a consolidated democracy, respectful of citizens in terms of rights and generous in the provision of quality public services.

There are, however, two provisos in this statement.

The first proviso is the trend. Many indicators have reversed the more or less sustained improving trajectory that Spanish democracy has been following since the Transition. Lack of trust in the institutions, a worsening perception of the legitimacy of the judicial system and the persistent scourge of corruption and clientelism have put the gear in reverse. Very subtly, perhaps, but there is an undeniable reversal of trend that should be a concern for everyone: when democracy gets worse, no matter how insignificant the change, it is never good news and, above all, cannot be a reason for denial.

The second is the issue of a fair pass mark. Without denying that Spanish democracy scores well in all areas, it is also true that there are internal imbalances in the sets of indicators and it doesn't get the same marks across the board. The most worrying thing is that the indicators where Spain is not performing so well, despite still passing overall … are those that have more to do with citizenship and less to do with the State: freedom of the press, political and civil liberties in general, transparency, citizen participation in political life in general.

In other words, Spanish democracy scores well in the rankings because the state is strong and because we understand democracy as a strong state that cares about the citizenry. But this concept of democracy as a strong state is obsolete.

Firstly, because the public is increasingly less cared for: this can be demonstrated through data on education, economic inequality, and the various and multiple culprits of exclusion and discrimination such as gender, geographical origin and income level. A strong state with a precarious citizenry is a state with muddy, weak feet.

Secondly, because the state is increasingly less of a hierarchy and more of a platform that ensures the nodes of the network it supports continue to function in an ever-more decentralised decision-making ecosystem. In this networked world, a hierarchical and bureaucratic state is a dispensable state, and therefore, weak.

To this dual situation of social exclusion and exclusion from the corridors of power, we must add a culture and normative framework completely opposed to rethinking itself and even less in favour of rethinking itself as an ecosystem of shared sovereignty. From the Constitution itself to the *Ley Mordaza* ("Gag law"), the Electoral Law, the systematic appeals against the decisions made by the Transparency and Good Governance Council, the governance of the media (public and private), the governance of the judiciary, the Law

Regulating the Basis of Local Government and all the thousand other ways in which the State weakens civil society, the subsidiarity, are all are designed to weaken, as paradoxical as it may sound, democracy.

To label Spain as a dictatorship makes no sense at all. But it has clearly entered into the post-democracy phase [9], a system that looks like democracy from the outside but does not work as one on the inside.

> Democracy in Spain and the rest of the world –or, at the very least, democracy as we know it– is coming to an end. We can hope that another version is being cultivated today. Not knowing what this new democracy will or should be like is no excuse for denying the fact that our current definitions have become obsolete

The retreating spirit of the 15-M movement calling for "real democracy now" (the least anti-system slogan ever seen, by the way) is not a good sign. Nor are the deep-state attacks against its (more or less) institutional incarnation in the form of the Podemos Party. The same applies to the systematic use of lawfare and state back-channels to respond to any kind of threat to the status quo, especially the demands of the Catalan independence parties, and not just to deny their demands but to eliminate them as a political option. The impossible castling to defend a manifestly corrupt Crown and the general forbearance of an ultra-right unashamed of its fascist origins and aspirations are the defence strategies of an ancient, anaemic democracy clinging to life with increasingly worsening vital signs.

Democracy in Spain, and the rest of the world, is coming to an end. Or, at the very least, democracy as we know it. We can but hope that another version is being cultivated today, in a way, predicting the future. Not knowing what this new democracy will or should be like, is no excuse for denying the fact that our current definitions have become obsolete and, if allowed to persist, will ultimately fail.

## REFERENCES

1 — CIS. *Indicadores de la situación política* (Indicators for the state of politics). Available online.
2 — Foa, R.S., Klassen, A.J., Slade, M., Rand, A. & Collins, R. (2020). *The Global Satisfaction with Democracy Report 2020*. Cambridge: Centre for the Future of Democracy.
3 — CIS. *Percepción de los principales problemas de España* (Perception of Spain's most significant problems). Available online.
4 — Campbell, Donald T (1979). "Assessing the impact of planned social change". *Evaluation and Program Planning*. 2 (1): 67–90

5 — Peña-López, I., Congosto, M. & Aragón, P. (2014). “Spanish Indignados and the evolution of the 15M movement on Twitter: towards networked para-institutions”. In *Journal of Spanish Cultural Studies*, 15 (1-2), 189-216. New York: Routledge.
6 — Kurban et al. (2017). “What is technopolitics? A conceptual scheme for understanding politics in the digital age”. In IDP. *Revista de Internet, Derecho y Ciencia Política*, 24. Barcelona: Universitat Oberta de Catalunya.
7 — Scholz, T. (2016). *Platform Cooperativism. Challenging the Corporate Sharing Economy*. New York: Rosa Luxemburg Stiftung.
8 — Peña-López, I. (2020). “El ecosistema de gobernanza pública: las instituciones como infraestructuras abiertas para la toma de decisiones colectivas”. In Reniu i Vilamala, J.M. & Meseguer, J.V. (Eds.), *¿Política confinada? Nuevas tecnologías y toma de decisiones en un contexto de pandemia*, Chapter 2, 53-71. Cizur Menor: Thompson-Reuters/Aranzadi
9 — Crouch, C. (2000). *Coping with Post-Democracy*. Fabian Ideas 598. London: Fabian Society



**Ismael Peña-López**
Ismael Peña-López is former General Director of Citizen Participation and Electoral Processes of the Government of Catalonia. From this General Directorate, he works to transform public administration from a new paradigm based on open government and technopolitics. He holds a PhD in Information and Knowledge Society and works in the field of Public Policies for Development, with particular emphasis on ICTs and the digital divide. His research focuses on a multidisciplinary approach to the social sciences. Previously, he was Professor of Law and Political Science at the Open University of Catalonia for 13 years. He has also been a senior researcher at Open Evidence and a Fellow Director of Open Innovation at the Jaume Bofill Foundation.