

INTERNATIONAL STANDARDS OF DEMOCRATIC ELECTION FROM THE VIEWPOINT OF THE INDICATORS OF DEMOCRACY

Koji ONO

Paper prepared for the International Round Table on the theme:

“International Standards of Holding Democratic Elections
and the Elective Legislation of Uzbekistan”

at Tashkent State Institute of Law, Uzbekistan (on 26th, October, 2004)

はじめに：本ペーパーの背景説明として

ここに公表するペーパーは、2004年10月26日にタシケント法科大学（ウズベキスタン）で行われた国際会議において、私が発表した報告の全文である。ウズベキスタンでは、この間に議会制度改革が行われ、従来の一院制から二院制への移行が決定されていた。オリー・マジリス Oliy Majlis と呼ばれる従来の議会（第一院）に加え、上院 Senat と呼ばれる第二院が設立されたのである。オリー・マジリスの選挙を二ヶ月後の12月に控えた同年10月に、本会議は開催された。

私の所属する名古屋大学大学院法学研究科は、研究科を挙げて進めている「アジア法整備支援プロジェクト」の対象国の一つにウズベキスタンを加えていることもあり、ウズベキスタンの大学との学術交流も、すでにいくつかのプロジェクトで行われてきていた。今回の会議を主催し

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タシケント法科大学もそのような大学の一つであり、本研究科とはすでに2000年3月の段階で「学術交流協定」を締結している。そして、国際シンポジウムの開催などを通じての交流に加え、2002年には本学部の学生が「海外研修旅行」としてタシケントとサマルカンドを訪問する、という学生レベルでの交流も行ってきたのである。しかしながら、交流の中心が「法整備支援」プロジェクトということもあって、これまでは法律学系教員による交流という状況であった。今回は、「議会制度改革」というテーマから、政治学者に参加依頼が来たということである。

私自身は、ウズベキスタンからの留学生（博士課程前期在学中の大学院生）を受け入れているものの、ウズベキスタンの政治についての知見はほとんど無いという状況であった。しかも、本会議への参加（報告発表）の要請が9月末の時点だったということもあり、参加へのためらいもあったが、「民主的選挙の国際的基準」というテーマが興味深かったために参加を決意した次第である。しかしながら、「会議の1週間前がペーパーの提出期限」ということもあり、また学会出席などの出張も重なったため、私は報告準備を行うための期間をほとんど確保することができなかった。したがって、報告の内容自体は、残念ながら満足のいくものではない。第1章の「法整備支援プロジェクト」の概観とその背景説明については、旧稿からその一部を転用している。また第2章では、この間に各国で行われてきた「民主主義の指標構築」の作業と、それを発展させるための試みのいくつかを紹介しているが、それも批判的検討が十分ではなく、「紹介の域」を脱していない。にもかかわらず本ペーパーをこのような形で公刊しようとした背景には、今回の会議に関する以下のような事実があったからである。

この会議について、私は2通りのプログラムを持っている。一つは会議日程の3週間ほどまえに、タシケントからメールの添付ファイルで送られてきたもので、報告順はすでに決まっていたものの、私の所には名前しかなかった。そこで、私は自分の報告演題をそのファイルに書き込

んだのちに返送しておいた。そのプログラムを見る限り、「選挙に関する国際研究会議」という狙いを疑わせるものは何もなかった。私の会議参加が決定されたのち、タシケント法科大学から「名古屋大学法学研究科も、この会議の主催団体の一つに加わって欲しい」という要請を受け、法学研究科教授会で審議し了承した、という経緯もあった。しかし、会議参加のためにウズベキスタンに到着した時に、私が手にしたプログラムは、それとかなり趣を異にするものであった。

当初のプログラムでは、報告者は私を含めて10名であった。そのうち外国からの報告者は7名を占めており、日本人は私と樹神茂三重大学教授の2名である。樹神教授は、JICA ウズベキスタン事務所へ派遣された専門家として、8ヶ月間の予定で現地に滞在中であった。その他の報告者は、国連開発計画のアドヴァイザー、アメリカ弁護士協会の法整備支援担当者、ヨーロッパ援助計画 (Europe Aid) の担当者、などであり、私以外の方々は、いずれもウズベキスタンの現状について一定の知見や経験を有していると思われた。したがって、私の報告がやや理論的・抽象的なものにとどまったとしても、他の実践家の方々と議論することによって、興味深い研究集会になるのではないかと期待を抱いていたのである。会場も、タシケント法科大学内のカンファレンスホールを使うと予告されていた。

ところが到着後に手にしたプログラムでは、会場はホテルデデマンという高級ホテルの会議場に変更されており、報告者の数も19人へとふくれあがっていた。しかもその報告者の中には、インドや韓国の選挙管理委員会の代表や、ドイツのコンラート・アデナウアー財団の研究者なども含まれていた。これらの出席者は、「民主的選挙に関する国際的基準」に関しての報告ではなく、まさに自国の選挙制度を紹介するだけであった。したがって、討論の時間においても、討論というよりは質疑応答で、その国の選挙がどのように運営されているか、という実情の解明のようなものにとどまっていた。しかもそれは、私の報告の際にも同様であっ

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た。

ここに掲載してあるように、私の報告は不十分なものではあるが、学問的にかつ会議のテーマに即するよう心がけたつもりであった。しかしそれにたいする質問は、日本の選挙の実情について、しかも「お金がかかりすぎているのではないか？」等という批判的なものに終始した。私自身も、日本の選挙のあり方に関して疑問を感じる部分もあったため、そのような質問にも真摯に答えたつもりであるが、それにしても私の報告内容とは全く無縁の質問が続いたことには、やや不審の念を抱いたのである。なお、私の報告内にある「フリーダムハウス」のウズベキスタン評価について、そのセッションの司会を務めていたマリコーヴァ教授（タシケント法科大学）から、「その点に関しては、我々もフリーダムハウスの関係者と議論したことがある」とのコメントを受けた。そこで私が「差し支えない範囲で、その内容を紹介してくれないか」と質問したのだが、それは全く黙殺された。

不審の念を感じたことは、報告者の顔ぶれと報告内容、そして質疑応答の内容にとどまらない。会議には、議会制度改革を進めた政府関係者や議会内委員会の委員長と委員、それに国会に現在議席を有している5政党の代表も出席していた。つまり、会議場のメインテーブルを囲んでいた出席者のうちの3分の1以上は政治家だったのである。また会議場内には、テレビカメラが4台常駐しており、会議の一部始終を撮影していた。セッションの間の休憩時間には、私も「外国から来た専門家」として4局からインタビューを受けた。

このような点を考慮した上で、私が現地で感じたことは、「これは学術的会議ではなく、ウズベキスタンで議会制度改革を行った成果を公表するための政治集会である」ということであった。フロアから、「ウズベキスタンの選挙では、政党が立候補者を出す際に『事前審査制』があることは問題ではないか」との質問がでた時にだけ、会場にやや緊迫感が出たが、それに対しては政府関係者から「それにより責任ある政党だ

けが立候補できるようになっているのである」という答弁がなされていた。私は、その存在については聞いていたものの、残念ながら実態を十分には承知していない。「政治学的にきちんと検討すべき問題である」と感じたものの、今回の会議はそれを行えるような場所ではない、と考えた次第である。

このまえがきに付した第1図は、フリーダムハウスの出版物の2003年度版に掲載されていた地図である⁽¹⁾。別稿でも紹介したことのある民主化の指標が⁽²⁾、東欧・旧ソ連邦諸国においてどのような数字になっているのかを簡潔に表現した地図で、私は当初、これを報告内で紹介しようと考えていた。しかし、この図の中でも見て取れる「確固とした専制主義国家」というウズベキスタン評価を、しかもウズベキスタン政治についてほとんど何の知見も有さない私が紹介することには逡巡を感じ、最終的には報告から削除した。したがって報告内では、「フリーダムハウスからは、ウズベキスタン政治について厳しい評価もある。外部からのこうした批判もきちんと受け止めて議論する必要がある」といった一般的叙述にとどめてある。このような配慮が正しいものであったかどうか、今でも判断に迷うところである。しかし現地での印象からすれば、仮にこのような図を紹介しながら「率直な討論」を呼びかけたとしても、それが実現される可能性は、この会議に関する限り、ほとんど無かったと考えている。

「国際研究会議」と言えば、研究者が自己の知見を持ち寄り、率直に意見を交換し合う場を、私は想定しているのであるが、今回の会議はそのようなものになっていなかった。タシケント法科大学のルスタンバエフ学長は筆者に対し、「このような大規模な国際会議を主催することは、我々にとって初めての経験である」と語った。ウズベキスタンにおける政治の現状と政治学的发展段階とからすれば、このような会議を持つことは「出発点」を形成することであり、そこに不満を感じることは問題ある態度なのかもしれない。しかし冒頭にも紹介したように、名古

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屋大学法学研究科はこの会議の「主催団体」の一員となったという経緯もある。タシケント法科大学との間の学術交流を進め、かつウズベキスタンにおいて「法整備支援プロジェクト」を進める、という立場から、ウズベキスタン政治と、とりわけその民主化に関し、研究者間で率直な意見交換のできる日が来ることを、私は強く望んでいる。その観点から、2004年10月における一つの事例を記録として残しておくことにも一定の意義はあると考え、あえてこのような背景説明を付記した次第である。

註

- (1) Freedom House, *Nations in Transit 2003: Democratization in East Central Europe and Eurasia*, Rowman and Littlefield Publishers, 2003, p. 19. 各指標の数値は、1が最も民主的で、7が最も専制主義的、ということの意味している。
- (2) 拙稿「比較政治学の新たな可能性－アジア諸国の政治をいかに比較するか－」、日本比較政治学会編『比較のなかの中国政治：日本比較政治学会年報第6号』、早稲田大学出版部刊、2004年。

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Introduction

The theme of “International Standards of Democracy” is a hot issue within the field of political science. Even though my specialty is the comparative analysis of advanced democracies, I will try to contribute to this conference by articulating the contemporary situation of formulating indicators for measuring levels of democracy.

The first part of this paper is focused on the project of democratization. This is my second academic paper on comparative democratization in English. The first one was presented in the Conference on Comparative Politics at the Center for Asian Legal Exchange (CALE), Nagoya University in November 2002 (ONO 2002 a). As I show below in Section 1 of this paper, the Graduate School of Law in Nagoya University started Legal Assistance Projects in 1998. We have hosted numerous international symposiums on this project, and have extended our educational programs for graduate students from the five target countries of Vietnam, Laos, Cambodia,

Mongolia, and Uzbekistan. After beginning these activities, we established CALE for advancing this project in 2001 with donations from private companies and alumni. Although our activities have been mainly educational and practical until now, we require more academic research on target countries, on the methodology of Legal Assistance Projects, and on a framework of comparative politics for analyzing those nations making the transition from planned to market economies. Through this research, I hope we can establish a new research section within CALE. I must confess that our academic results are at a preliminary level so far, but my aim is to establish CALE as a well-known academic center in the field of comparative studies on laws and politics in those nations making the transition from a planned to a market economy. So I want to try an analysis of comparative democratization in the first part of this paper.

The second part of the title is “the indicators of democracy.” This is also my second academic paper in English on this topic. The first one was titled “Comparative Democratization and the Theory of Veto Players,” and presented at the Second International Conference on Veto Players at Waseda University, Japan in March 2004. In this paper, I introduced some discussions about the indicators of democracy but it has not been published yet. I want to discuss the possibility of using indicators for further comparative political analysis in this presentation. This should be the second and the main part of this paper.

Finally, I will return to theoretical problem setting. How can we develop an analytical framework for the study of comparative democratization, and how would the indicators of democracy be useful for it? I will mention this matter in the conclusion of this paper.

1. Strategy for Legal Assistance Projects and Comparative Democratization

As I mentioned, our Center for Asian Legal Exchange is commencing a research project in the field of comparative politics. I want to discuss the present situation of comparative politics regarding

economic liberalization and democratization. The comparative studies of Western welfare states have reached the highest level in this field (Esping-Andersen 1990, 1999; Kitschelt, Lange et al. 1999; Huber and Stephens 2001). We can get an image of an analytical framework of comparative politics here. For example, we have the typology of the welfare states by Esping-Andersen as a starting point for analyzing advanced democracies. However, when discussing those nations transforming from a planned to a market economy, we do not have such a common framework. We have many other political studies analyzing post-communist countries in Eastern Europe and the former Soviet Union (Kitschelt, Mansfeldova et al. 1999), Southeast Asia, and China. The comparative analysis of political democratization will show us another example of the efforts to transform from underdeveloped to developed democratic regimes through economic liberalization. Presenters at this conference might be specialists in these areas, so I hope we can go one step further in establishing a comparative framework for the analysis of countries in transition.

At first, I think it a good way to start our project by discussing about the relationship between economic development and political democracy. We already have some Large-N analysis in this field (Przeworski, Alvarez et al. 2000). They have analyzed the experiences of 135 countries between 1950 and 1990. From this broad viewpoint, we must specify our research target to the developing countries. We also have some masterpieces in this field (Haggard and Kaufman 1995). In this book, they provide a trenchant assessment of the economic problems faced by new democracies, especially by the Republic of Korea, the Philippines, Taiwan and Thailand. These four countries are much richer than our targeted nations which are currently undergoing the process of transforming from a planned to a market economy. We want to make an analytical framework for these countries between \$300 USD to \$800 USD GDP Per Capita.

Even though these countries may pursue an independent policy in terms of politics and economics, these developing countries are also heavily influenced by their neighboring center nation(s). While we cannot predict their reaction to this influence, we can compare

the patterns of transformation through case studies of nations in transition. If we find some common patterns of transformation from a planned to a market economy, we can contribute not only to the discipline of comparative politics, but also to politics in practice. Many of the students from the target countries currently studying in the Graduate School of Law at Nagoya University want to know the best way to transplant a modern legal system in their own countries with the least amount of friction and with suitable results. To advance case studies about this subject, I want to propose a division of labor: European scholars for East European studies, American scholars for Latin American studies, and Japanese or Asian scholars for Asian studies because of the following reasons.

First, from economic statistics, we can conclude that there are three centers in the contemporary global economy: North America, the European Union, and Japan. All thirty member nations of the OECD belong to these three centers, or their neighbors, for example, South Korea and Turkey. We can say that there are three centers with three peripheries in the contemporary global economy rather than the commonly held belief of one center and one periphery. Due to the difficulty of one center controlling the world's economic and political situation, each regional center should make some effort to make its neighboring countries stable. Grahame Thompson calls this structure "trilateral regionalization." (Thompson in Held, ed. 2000)

Center	Periphery Near the Center
North America	Latin America
Western Europe (European Union)	Eastern Europe and Countries of former Soviet Union
Japan	Northeast Asia and Southeast Asia

Of course, the European Union is the main regional organization on the European continent. In addition, two regional systems, NAFTA and MERCOSUR, exist in the Americas. There is also a regional organization of ASEAN in Southeast Asia. However, the economic

size of the ten ASEAN countries is small. Despite their huge population, their total GDP is only about \$0.6 trillion USD. In contrast, Japan has a GDP of about \$ 4 trillion USD dollars. Its GDP per capita is almost \$30 thousand USD, one hundred times that of the targeted countries.

Many countries are gradually being included in the globalization process. However, this process has two faces, one positive and one negative. People might achieve economic growth and prosperity by entering the global market economy but with economic imbalances and conflict. Politically speaking, there may be growing conflicts between wealthy and poor people, political corruption, environmental pollution, and growing differences between urban and rural areas. The problem is how to find ways to avoid these negative effects?

Beginning with the question mentioned above, we began Legal Assistance Projects in 1998, after beginning the “Asian Pacific Region Project” in 1991. We already presented our experiences at the Conference in St. Petersburg held by the World Bank in 2001. I would like to introduce our project by citing from the paper presented at that conference, with a few updates:

(1) Commencement of Legal Assistance Projects

In September 1998, we hosted a symposium entitled, ‘Social Change and Legal Cooperation in Asia,’ and invited from Vietnam, Laos, Cambodia and Mongolia speakers holding positions of responsibility related to legal adjustment and training in their respective countries. The purpose was to clarify what it is that these countries need and what exactly it is that we have to offer. This was the launching point for our Legal Assistance Projects in Asia.

We are further encouraged by the fact that the Japanese government, donor institutions and universities have begun to acknowledge the importance of ‘intellectual assistance’ and ‘Official Development Aid (ODA) with grass-roots participation’ to complement more traditional forms of material assistance, such as agriculture and infrastructure development. The Nagoya University Graduate School of Law is the first university faculty in Japan to make Legal Assistance

Projects a major part of its mandate. From 1998, we started Legal Assistance Projects in Vietnam, Laos, Cambodia, and Mongolia.

(2) Activities until now

“Our Legal Assistance Projects until now can be classified into three general categories. Firstly, we have accepted short-term trainees (of about four weeks) from Laos; secondly, we have dispatched specialists (of Japanese Law) to the target countries; and thirdly, we have accepted long-term trainees (of at least 2 years) from the target countries to our Master’s degree course. I will explain these activities in more detail below.

1. In 1998, with the cooperation of the Japan International Cooperation Association (JICA) and the General Judicial Research Center of the Ministry of Justice (MOJ), our School began a training project with a focus on Laos. Until now, we have organized five training sessions with a total of over sixty trainees from the Laotian Ministry of Justice and the Laos National University. The participants have made it clear that they hope for more opportunities such as this.

2. During the past six years, in cooperation with JICA, we have sent specialists of Japanese Law to Vietnam, Laos, Cambodia, Mongolia, and Uzbekistan to organize local seminars and conduct field research. Many of these countries have also requested the long-term dispatch of legal specialists. In our first experience of a long-term dispatch, we sent one professor of Administrative Law (Prof. Ichihashi) to Uzbekistan for six months in 2002. During this process we have learned that one of the greatest challenges we face is how to close the gap between assistance programs and fulfilling the actual needs of the target countries. This has proven to be a most difficult task.

3. In 1999, the Nagoya University School of Law established the L.L.M. Special Program for International Students for the long-term training of individuals from those countries. Most of the participants so far have been civil servants, university professors, lawyers, and judges. The total number of trainees of this category is now over sixty. In October 2004, we accepted fifteen new graduate students for this

course from five target countries.”

The above is a basic outline of our activities regarding Legal Assistance Projects. While this part of the project could be termed “educational”, there is also an academic, research-oriented aspect of our activities.

For legal adjustment to succeed, it is essential to systematically train those professionals involved in drafting legislation, and promoting and teaching law and politics. The return of these individuals to their home countries is the key for building an environment for judicial reform. Therefore, we must consider the type of students we are teaching and thereby establish expectations for our training program. Although the training of technical knowledge and skills are certainly important, we also hope to encourage our trainees to appreciate the values of certain universal aspects of Western legal and political thought, especially those related to democracy and the rule of law. However, given the background of both the students and the professors, and the purpose of the program, we also realize that it is necessary to appreciate the value of pluralistic aspects of alternative kinds of laws and politics. The understanding of such legal and political values is an essential element in our mandate and central to our hopes for the reform of our own research and educational methods.

By no means do we consider our Legal Assistance Projects to be a kind of one-way assistance or charity scheme. As academics, we also see it as contributing to the pursuit of knowledge, especially in terms of our own research and educational goals. Therefore, we will also promote the academic study of Asian countries in the areas of law, politics, and economy, and the study of the historical and social significance of their shift toward market economies. As we proceed with Legal Assistance Projects, the whole faculty is also taking this opportunity to promote comparative research on law and politics in Asia. From this point, we want to think about the “whole transition package” (Agh, 1993). It includes respect for a free market economy, human rights and the constitutional legal state. The establishment of these three elements is the common objective for countries in

transition from a planned to a market economy. I want to define the period of transition as “the democratization process” from the viewpoint of political science.

2. Common Frameworks for Comparative Democratization:

How can we define democracy? How can we measure the extent of democracy? These are very important problems for comparative democratization, and there are various projects being conducted to design indicators for evaluating democracies. The Freedom House Index is one of the most well-known projects in the world, and Polity IV in the Center for International Development and Conflict Management at the University of Maryland is another example. Within these projects, democracy is defined in contrast with autocracy.

In the Freedom House Project, there are two check lists for political rights and civil liberties as shown below. Although you can see these lists on the homepage of Freedom House (<http://www.freedomhouse.org>), I will briefly introduce the outline of political rights for your convenience.

The “**Political Right Checklist**” is made up of the eight items:

1. Is the head of state and/or head of government or other chief authority elected through free and fair elections?
2. Are the legislative representatives elected through free and fair elections?
3. Are there fair election laws, equal campaigning opportunities, fair polling, and honest tabulation of ballots?
4. Are the voters able to endow their freely elected representatives with real power?
5. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system open to the rise and fall of these competing parties or groupings?

6. Is there a significant opposition vote, de facto opposition power, and a realistic possibility for the opposition to increase its support or gain power through elections?
7. Are the people free from domination by the military, foreign powers, totalitarian parties, religious hierarchies, economic oligarchies, or any other powerful groups?
8. Do cultural, ethnic, religious, and other minority groups have reasonable self-determination, self-government, autonomy, or participation through informal consensus in the decision-making process?

This list is one of the international standards of democratic elections. As I mentioned above, there is another list for checking “Civil Liberties” but I have omitted it from this paper as the main theme is political rights. Freedom House publishes the latest evaluation scores every year. You can see the latest version in the article written by Karatnycky (Karatnycky 2004). You can also see the details of the analysis by Freedom House in the book about nations in transition published in 2003 (Karatnycky et al. 2003), including one chapter for Uzbekistan. I do not have enough knowledge of Uzbekistan to evaluate the score and the analysis by Freedom House but I do find severe criticism against contemporary Uzbek politics. Of course, although we should not blindly accept all criticism, we cannot deny that people throughout the world can access these evaluations through the Internet. Criticism should be discussed, even if it comes from the outside.

Next, I wish to advance to another well-known standard of democracy. Check lists for Autocracy and Democracy can be found in the Polity IV project. As with Freedom House, you can get details of the project through its homepage (<http://www.cidcum.umd/inscr/polity>). I want to introduce only the definitions of “Democracy” and “Autocracy” from the Dataset Users’ Manual of the Polity IV Project.

Democracy is conceived as three essential, interdependent elements. One is the presence of institutions and procedures through which citizens can express effective preferences about

alternative policies and leaders. Second is the existence of institutionalized constraints on the exercise of power by the executive. Third is the guarantee of civil liberties to all citizens in their daily lives and in acts of political participation. Other aspects of plural democracy, such as the rule of law, systems of checks and balances, freedom of the press, and so on are means to, or specific manifestations of, these general principles. We don't include coded data on civil liberties (Dataset Users' Manual, p. 13.).

It continues:

“Authoritarian regime” in Western political discourse is a pejorative term for some very diverse kinds of political systems whose common properties are a lack of regularized political competition and concern for political freedoms. We use the more neutral term Autocracy and define it operationally in terms of the presence of a distinctive set of political characteristics. In mature form, autocracies sharply restrict or suppress competitive political participation. Their chief executives are chosen in a regularized process of selection within the political elite, and once in office they exercise power with few institutional constraints. Most modern autocracies also exercise a high degree of directiveness over social and economic activity, but we regard this as a function of political ideology and choice, not a defining property of autocracy.” (Dataset Users' Manual, pp. 14-15.)

In accordance with these definitions of democracy and autocracy, Polity IV Project uploads their “Country Reports” to the homepage mentioned above. We can find reports updated each year for such countries as Uzbekistan and Kazakhstan. There are also external evaluations of the politics of each country on the basis of international standards of democracy.

Although these are the two most well-known and established Data-

Bases for measuring democracy in the world, there are also some other newer trials for creating indicators. In particular, I want to mention one new project. Philippe C. Schmitter and Carsten Q. Schneider presented a paper entitled “Exploring A New Cross-Regional Time Series Data Set on the Key Concepts in Democratization: Liberalization, Transition and Consolidation” in the 2003 APSA Meeting in Philadelphia (Schmitter and Schneider 2003). The originality of this project lies in the combination of making indicators for the measurement of democracy and time series analysis. They divide the process of democratization into three periods: Liberalization of Autocracy (LoA), the Mode of Transition (MoT), and the Consolidation of Democracy (CoD). They set indicators for each period as follows:

The Seven Items of the LoA Scale (Schmitter and Schneider 2003, p. 15.)

- L-1 Significant public concession at the level of human rights
- L-2 No or almost no political prisoners
- L-3 Increased tolerance for dissidence/ public opposition
- L-4 More than 1 legally recognized independent political party
- L-5 At least 1 recognized opposition party in Parliament or constituent assembly
- L-6 Trade unions or professional associations not controlled by state agencies or government parties
- L-7 Independent press and access to alternative means of information tolerated by government

These items are for checking the grade of liberalization in autocracy. I think the eight items for checking the mode of transition as below are more interesting for the analysis of the democratization process.

The Eight Items of the MoT Scale (Schmitter and Schneider 2003, p. 17.)

- M-1 Social/political movements opposing the existing regime enter into public negotiations with it

- M-2 Open and acknowledged conflicts within administrative apparatus of the state over public policies
- M-3 Formal legal changes introduced to limit arbitrary use of powers by regime
- M-4 Constitutional or legal changes introduced that eliminate the role of non-accountable power of veto-groups
- M-5 Constitution drafted and ratified that guarantees equal political rights and civil freedoms to all citizens
- M-6 Founding elections held
- M-7 They have been free and fair
- M-8 Their results have been widely accepted

M-3 is for the introduction of the political system of checks and balances within the autocratic regime, and M-4 is for the elimination of the role of the non-accountable power of veto-groups. There are some kinds of veto players that try to hinder regime changes and policy changes to democratization within the political fields in developing countries. From this viewpoint, we could develop the typology of democratization with reference to the kind of veto players. If veto players are exogenous to the political system, for instance military or militia, democratization should be difficult because it is hard to control them by the political institution.

Finally, as I mentioned before, there is another list for the stage of Consolidation of Democracy in this paper. I wish to introduce it in the next section.

The Twelve Items of the CoD Scale (Schmitter and Schneider 2003, p. 19.)

- C-1 No significant political party advocates major changes in the existing constitution
- C-2 Regular elections are held and their outcomes respected by public authority and major opposition parties
- C-3 They have been free and fair
- C-4 No significant parties or groups reject previous electoral conditions

- C-5 Electoral volatility has diminished significantly
- C-6 Elected official and representatives not constrained in their behavior by non-elected veto group within countries
- C-7 1st rotation-in-power or significant shift in alliances of parties occurred within the rules established
- C-8 2nd rotation-in-power or significant shift in alliances of parties occurred within the rules established
- C-9 Agreement, formal and informal, on association formation and behavior
- C-10 Agreement, formal and informal, on executive format
- C-11 Agreement, formal and informal, on territorial division of competence
- C-12 Agreement, formal and informal, on rules of ownership and access to media

I have introduced these lists as I believe them to be quite comprehensive.

Finally, I would like to briefly introduce the new project of typology on “defective democracy” being conducted by Professor Wolfgang Merkel and his colleagues at the Social Science Research Center Berlin (Wissenschaftszentrum Berlin fuer Sozialforschung in German). I have already introduced this remarkable project in the field of comparative democratization in a recent article written in Japanese (Ono 2004, cf. Merkel et al 2003). They published a book of the theoretical part of their project in 2003. This book is written in German, and I must confess that I have no time to introduce it here. There are four kinds of defective democracies: exclusive, illiberal, delegate, and enclave. Professor Merkel told me that he had a plan to introduce this project in English in the “*Journal of Democracy*” at the end of 2004. Please check this journal if you are interested in this project.

I want to mention another problem from the paper by Schmitter and Schneider. They write in Note 2 in their paper as follows:

Our approach to measurement is also different from that of

Adam Przeworski and his associates who insist on dichotomizing the data on political regimes into ‘democracies’ and ‘non-democracies.’ Seen from the perspective of regime change as a complex process, this simplification is inappropriate — not to say, absurd. Regimes do not simply shift in their basic nature from one type to another and many many regimes get stuck somewhere in the middle as hybrids or stalemated outcomes. Our measurement device is precisely designed to capture in depth these indeterminate trajectories — and then to analyze the forces that can probabilistically account for such a diversity of outcomes.

I agree with them that regimes do not simply shift from one type to another. As a result, we need to adopt a time-series analysis to comparative democratization in addition to the indicators of democracy.

I want to conclude this section with a theoretical view on the field of political democratization. We have some useful data base sets about the status of democracy in many countries. Recently, there are also some theoretical innovations in the field of comparative politics. Therefore, firstly, we should combine them to develop a typology and time-series analysis of the democratization process. Secondly, we should not remain on the formal level of procedures and articles in electoral legislation. Instead, we should make our analyses at the substantial level — in other words, an empirical examination of democracy and elections in each country. As I have shown here, there are numerous “evaluation scores” and “country reports” throughout the world. We should try to improve their accuracy by cooperating and discussing with those involved in these projects.

3. Conclusion: Our Research Project in a Comparative Context

As I mentioned at the beginning of this paper, the ratio of PCNI

between developing countries and Japan is almost one to one hundred, with many differences in their political institutions. How can we compare these different nations by a common analytical frame? I think it is impossible to apply an ordinary comparative method to them with such huge differences. There must be some common features between objectives to be compared. After a few years' experience in Legal Assistance Projects, we have come to realize that we must establish a new method of comparative analysis of democratization. I want to focus on the transfer process of political institutions.

Japan experienced the transplantation of Western legal and political systems during the Meiji era for the purpose of catching up with the great powers as rapidly as possible. However, it was not simple acceptance of an exogenous model to Japan. We adopted the political and legal systems by adapting them to fit a Japanese style by connecting them to traditional political thought.

One example of this can be found in our older Constitution, also known as "the Constitution of the Great Japanese Empire," a combination of Western constitutional monarchy and Japanese political myth about the "*Tenno*". After defeat in World War II, we had to abolish this constitution because it functioned as the backdrop of Japanese militarism. Under the occupation of the United States, we enacted the new Constitution based on Western parliamentarianism, the political thought of human rights, and pacifism (McCargo 2004). After over 50 years, this Constitution continues to function, despite never having been amended. Of course, several controversial issues remain in the contemporary political situation and we have problems of democratic governance even now.

Each nation has its own way, history and tradition, and is influenced to varying degrees from the outside. However, this impact does not remain "outside" forever because it is gradually absorbed into the country's tradition. For analyzing the transfer process from the outside, it is not appropriate to use the dichotomy of exogenous and endogenous. Exogenous factors will become endogenous when they are combined with the traditions of the country. Although globalization and economic liberalization are accepted as universal phenomena in

the contemporary world, they will have differing impact on each country because of differences in political institutions and economic background. This is a serious problem for our research project.

To accomplish our Legal Assistance Projects successfully, we are now teaching foreign graduate students from target countries about the contemporary Japanese legal and political systems as a first step. In the next step, we should teach them about the transition process of the Japanese legal and political systems so they have a point of reference for the same process in their own countries. These processes will be longer and harder than Japan's former experiences because of the economic gap between center countries and their own. As a result, we should develop the theory of comparative democratization to make their new tasks clear. The international standards and indicators of democracy will serve as a tool to analyze each nation's politics clearly. I hope that my report might be useful for those people wishing to make democracy work.

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