NAGOYA CONFERENCE ON COMPARATIVE DEMOCRATIZATION

"TOWARD A POLITICAL THEORY OF DEMOCRACY PROMOTION"

ISSUES AND THE OUTLINE OF THIS CONFERENCE

Koji ONO

はじめに

　以下の英文ペーパーは、「アジア法整備支援 − 体制移行国に対する法整備支援のパラダイム構築 −」を研究課題とする科学研究費（特定領域研究）によって実施された、「体制移行国の比較民主化に関する国際研究会議」において、私が行った基調報告の全文である。本ペーパーは、この研究経費を活用しながら、約4年にわたって進めてきた私なりの研究の到達点を明確にするために取りまとめたものである。まだまだ不十分な作業にとどまっているものではあるが、今後の本格的研究のための通過点として作成した報告なので、ここに公刊し、批判を仰ぎたいと考えた次第である。この会議、すなわち体制移行国の

〈2〉 Toward A Political Theory of Democracy Promotion … (Ono)

比較民主化に関する国際会議「民主化促進の政治理論をめざして」の概要は以下に掲げるとおりであり、各報告と議論はすべて英語で行われた。各報告を取りまとめた会議の報告書は、2005年12月に作成され刊行されている。

会議名：体制移行国の比較民主化に関する国際研究会議
会　場：名古屋大学法政国際教育協力研究センター２階　CALE
　　　　FORUM
日　程：2005年５月27・28日
報告順：
＜５月27日の日程＞
１）小野耕二（名古屋大学大学院法学研究科）：
　　基調報告：民主化促進の政治理論をめざして−本会議の論点と概
　　　　　　　要−
２）ウォルフガング・メルケル（フンボルト大学・ベルリン社会科学
　　センター）：
　　　報告：埋め込まれた問題ある民主主義について
　　討論者：田村哲樹（名古屋大学大学院法学研究科）
３）ハーバート・キッチェルト（アメリカ・デューク大学、アメリカ
　　アカデミー会員）：
　　　報告：ポスト共産主義諸国の政治における政治的民主化と経済
　　　　　　的自由化について
　　討論者：林　忠行（北海道大学スラブ研究センター）

＜５月28日の日程＞
４）ベンジャミン・ライリー（オーストラリア国立大学）：
　　　報告：アジア太平洋諸国における民主化と制度改革
　　討論者：安田信之（名古屋大学大学院国際開発研究科）：

5）スティナ・カールトゥン（スウェーデン国際開発交流庁 Sida）：
　　報告：アジアにおける民主化過程について
　　　　　－ヴェトナムでの法の支配の確立過程における Sida の
　　　　　諸経験－
　　討論者：小野耕二（名古屋大学大学院法学研究科）

　それぞれの報告者には、事前に英文ペーパーを用意してもらい、それらを全員に配布したうえで研究会を開催した。司会はすべて小野が行った。それぞれのセッションは1時間半とし、報告を約30分、ディスカッサントからのコメントを10分、という形で進めた。その後約40分から50分程度の自由討論を行ってセッションを終了し、15分休憩の後に次のセッションを持った。本会議は、民主化理論に関する各国の著名な研究者を集めたのみならず、スウェーデン国際開発交流庁という「民主化支援」では世界的に著名な機関から、「ヴェトナムへの法の支配確立のための支援プロジェクト」の責任者にも参加していただき、理論と実践との架橋を試みるものとして構想された。

　その会議の基調報告である本ペーパーで、私は法整備支援プロジェクトを「民主化促進のためのプロジェクト」と位置づけ、その自覚的追求のために「民主化の政治理論」と「民主化の政治実践」との架橋を提唱した。この論点に対して、参加者の中からは「現時点での困難性」を指摘する意見が多く、この点での合意をみるには至らなかったが、新しい方向性を模索する作業として、一定の評価を得たと考えている。

　なお、このペーパーに関連する業績として、私はすでに以下の二点の論文を公刊している。本報告と合わせて参照いただければ幸いである。

1）拙稿「比較政治学の可能性－アジア政治をいかに比較するか－」、

日本比較政治学会編『日本比較政治学会年報第6号　比較のなかの中国』、早稲田大学出版部、2004年。
2）拙稿「法整備支援の比較政治学的考察をめざして－ E・オストロームの支援論を手がかりに－」、名古屋大学『法政論集』第206号所収、2005年。

〈付記〉本稿脱稿後に、以下の雑誌の存在を知った。「民主化促進の政治学」への関心の高まりを示すものと思われるのであり、本稿と併せて参照されたい。
"Promoting Democracy Abroad", *Democratization,* Vol.12, No.4/August 2005.

NAGOYA Conference on Comparative Democratization

"Toward a Political Theory of Democracy Promotion"

Issues and the Outline of the Conference

Koji ONO

Graduate School of Law and Center for Asian Legal Exchange (CALE)
At Nagoya University, Nagoya, Japan (on May 27th–28th, 2005)

Preface

The Graduate School of Law at Nagoya University has commenced a major research project on the conducting of legal assistance to those Asian countries currently undergoing transition from a planned to a market-based legal and economic system. This is a 5-year project which commenced in 2001 with funding from the Japanese Ministry of Education, Culture, Sports Science and Technology and focuses particularly on Vietnam, Cambodia, Laos, Mongolia, and Uzbekistan. We have been carrying out research for this in collaboration with a wide range of institutions and specialists both within Japan and abroad. In order to establish a firm academic base for this project, we paid particular attention to the carrying out of basic studies of these countries and as well as to the methodology of Legal Assistance.

1. Our Project

As a starting point, I want to introduce our project of Asian Legal Assistance and the Center for Asian Legal Exchange (CALE). In the year 2000, the "Center for Legal and Political Information Exchange," the predecessor to CALE, was established within Nagoya University Graduate School of Law. This center undertook research and legal assistance projects related to law and government in Asia. Then it was renamed in April 2002 to CALE. 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 from the target countries 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.

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:

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.

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 seventy. In April 2005, 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" (Ágh, 1993). It includes respect for a free market economy, human rights and the constitutional legal state. The establishment of these three elements should be 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. The Concept of Democracy Promotion: From Technical Assistance to Democracy Assistance

Our project of Asian Legal Assistance is a part of Japanese Official Development Assistance (ODA). So I want to introduce "Japan's Official Development Assistance Charter" next in this section. The original one was released in 1993, and then revised in 2003. You can get it from the homepage of the Ministry of Foreign Affairs. We can find the paragraphs below in the part of "Objectives" in the new one;

"Amid the post-Cold War advancement of globalization, the international community presently finds itself in a new environment, grappling with a multiplicity of problems such as the gap between the rich and the poor; ethnic and religious conflicts; armed conflicts; terrorism; suppression of freedom, human rights, and democracy; environmental problems; infectious diseases; and gender issues.

In particular, humanitarian problems, such as extreme poverty, famine, refugee crises, and nature disasters, as well as global issues such as those related to the environment and water, are important issues that need to be addressed in order for the international community as a whole to achieve sustainable development. Those problems are cross border issues that present a grave threat to each and every human being.

Furthermore, conflicts and terrorism are occurring more frequently and they are becoming even more serious issues. Preventing conflicts and terrorism, and efforts to build peace, as well as efforts to foster democratization, and to protect human rights and the dignity of individuals have become major issues inherent to the stability and development of the international community."

Japanese development assistance project is usually evaluated as "focused on economic interests." One Japanese scholar writes, "Japan has been slow in recognizing democracy promotion as a fundamental premise of peaceful international relations." (Akaha, 2002, p. 89.) But we can find the sentence which refers to "democratization" and "human rights" here. Is the situation changing? I will check this point by analyzing the framework of Japanese Intellectual Assistance. In the next section of the Charter, we can see the first principle of "Basic Policies" like below;

"(1) Supporting self-help efforts of developing countries
The most important philosophy of Japan's ODA is to support the self-help efforts of developing countries based on good governance, by extending cooperation for their human resource development, institution building including development of legal systems, and economic and social infrastructure building, which constitute the basis for those countries' development."

Japanese development assistance policy has long been oriented

toward promoting economic and commercial interests, and ODA has been a means of this goal. It includes support for large infrastructure projects, and it functions as the incentive to Japanese commercial investments. The "Iron Triangle" composed of politicians of LDP, elite bureaucrats, and the big business community is very notorious even in Asian countries like in Japan. (McCargo, 2004) So "this economic giant has been a passive follower rather than an active prompter of global trends toward democratization." (Akaha, 2002) At the beginning of the 21ˢᵗ century, however, Japan began to change this stance slowly. We can find the emphasis on "human resource development" in the Charter, and Legal Assistance Project has been started from this viewpoint. By the classification of Japanese ODA, Legal Assistance Project is located within the "bilateral technical cooperation/assistance." So Japanese government had started this project by sending legal experts to Vietnam for helping enactment, and then some Japanese institutions, including Nagoya University, began to accept trainees from Vietnam and other targeting countries. These contents remain technical and educational, and I want to change this kind of technical assistance to the democracy assistance or democracy promotion. I am impressed with the critical comment to Japanese ODA below;

"Japan has been slow in recognizing democracy promotion as a fundamental premise of peaceful international relations. ... Although this situation has begun to change, albeit only slightly, at the beginning of the twenty-first century Japan has not adopted a firm democracy promotion stance commensurate with its status as the second most economically powerful country among the northern industrialized democracies." (Akaha, 2002, p. 89.)

I want to push the Legal Assistance Project further to Democracy Promotion. Then the question is: what is the definition of Democracy Promotion? I make a citation from the stimulating article by Schraeder;

"An important outcome of the global spread of the 'third wave' of democratization during the last quarter of the twentieth century is that scholars

and practitioners alike are increasingly prone to speak of democracy as a universal value whose roots can be nurtured in all regions of the world. As a result, discussions within both the academic and the policy making worlds have gradually shifted from a cold war focus on whether democracy constitutes the best form of governance to whether and to what degree state and non-state actors should be actively involved in democracy promotion effort abroad." (Schraeder, 2003, p. 22.)

We have many kinds of projects; technical assistance, legal aid, democracy co-operation, international monitoring of elections, legal assistance, and so on. We can bundle all of these projects by using the term "democracy promotion", and we can also make the common aim of these projects clearer by it. I cite its definition by Burnell next;

"In the largest sense then democracy promotion could include all manner of development assistance designed to advance the social, economic and other conditions that experts believe would be beneficial to democracy. What these conditions are, and how essential they really are, is the subject of a large social science literature." (Burnell, 2000, p. 11.)

This definition is a bit broad or vague, and we should specify the substance and the ways of promoting democracy, and then we should develop the method to evaluate the democracy promotion projects. It may be difficult to evaluate even the technical assistance, so evaluating democracy promotion should be much harder. Burnell writes like below;

"Even now, there is still only limited technical knowledge on how effectively to bring about institutional changes in foreign countries. Of no less significance have been the advances in how we understand development itself, such as by moving away from a heavy economistic bias towards a multi-dimensional perspective – one that incorporates strong social features and issues surrounding gender and the environment. By comparison democracy assistance is still young and the independent study of it even more so." (Burnell, 2000, p. 344.)

We can count the number of enactment, dispatched Japanese professionals, and accepted trainees from targeting countries within our legal assistance project. How can we, however, evaluate the performance of our project from the viewpoint of democracy promotion? We hope there should be significant correlations of project and the state of democracy in targeting countries. So we need some kind of indicators of democracy for the measurement, and the methodology for causal analysis. After establishing these frameworks, I can say that our technical legal assistance is also a kind of democracy assistance and a project of democracy promotion.

3. Issues and the Outline of this conference

From the problem-setting above, I want to explain issues and the outline of this conference. The starting point of this conference is Asian Legal Assistance started by the Graduate School of Law and the Center for Asian Legal Exchange (CALE) at Nagoya University.

It is the goal of this conference to try and make a contribution to the aforementioned project by discussing Theories of Comparative Democratization for the analysis of transforming countries from a political science viewpoint. Although the this transition might start with the process of Economic Liberalization, in order for a country to make a successful transition to a market economy, it is essential for the governments of these countries to establish not only a legal framework and effective economic policies but also new institutions to enable negotiations amongst groups with opposing interests in order to achieve economic stability. In this light, the process of Democratization may be considered the next step. Questions that we will address in this conference will include: How can we define Democracy and Democratization? How can we go advance to the Typology of developing countries from the viewpoint of democracy? These are the first issues of this conference.

1) From Indicators of Democracy to the Typology

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.freedom-house.org), I will briefly introduce the outline of them.

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?

The **"Civil Liberties Checklist"** is made up of the four items and thirteen questions:

A. Freedom of Expression and Belief

1. Are there free and independent media and other forms of cultural expression? (Note: in cases where the media are state-controlled but offer pluralistic point of view, the Survey gives the system credit.)

2. Are there free religious institutions and is there free private and public religious expression?

B. Association and Organizational Rights

1. Is there freedom of assembly, demonstration, and open public discussion?

2. Is there freedom of political or quasi-political organization? (Note: this includes political parties, civic organizations, ad hoc issue groups, etc.)

3. Are there free trade unions and peasant organizations or equivalents, and is there effective collective bargaining? Are there free professional and other private organizations?

C. Rule of Law and Human Rights

1. Is there an independent judiciary?

2. Does the rule of law prevail in civil and criminal matters? Is the population treated equally under the law? Are police under direct civilian control?

3. Is there protection from political terror, unjustified imprisonment, exile, or torture, whether by groups that support or oppose the system? Is there freedom from war and insurgencies? (Note: freedom from war and insurgencies enhances the liberties in a free society, but the absence of wars and insurgencies does not in and of itself make a not free society free.)

4. Is there freedom from extreme government indifference and corruption?

D. Personal Autonomy and Economic Rights

1. Is there open and free private discussion?

2. Is there personal autonomy? Does the state control travel, choice of residence, or choice of employment? Is there freedom from indoctrination and expressive dependency on the state?

3. Are property rights secure? Do citizens have the right to establish private businesses? Is private business actively unduly influenced by government officials, the security forces, or organized crime?

4. Are there personal social freedoms, including gender equality, choice of marriage partners, and the size of family?

5. Is there equality of opportunity, including freedom from exploitation by or dependency of landlords, employers, union leaders, bureaucrats, or other

types of obstacles to a share of legitimate economic gains?

These lists are a kind of international standards of democracy. We hope our legal assistance project serves at least in the field of "Rule of Law and Human Rights" of targeting countries. Freedom House publishes the latest evaluation scores every year. You can see the latest version in the article written by Karatnycky (Karatnycky 2004), and the newest evaluation through the home page. 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. They are convenient, but controversial. Merkel comments on them like below;

"Freedom House data are sufficient for trend reports and the development of first hypotheses, but for in-depth comparative analyses with a small sample, they are not refined enough." (Merkel 2004, p. 35.)

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.cidcm.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 Vietnam, Laos, Cambodia, Mongolia, and Uzbekistan. There are also external evaluations of the politics of each country on the basis of international standards of democracy.

Next, I would like to briefly introduce the new project of typology on "defective democracy" being conducted by Wolfgang Merkel and his colleagues at the Social Science Research Center Berlin. 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 in German. There are four kinds of defective democracies: exclusive, illiberal, delegate, and enclave. I evaluate that making typology of defective democracies by his project means as the analytical development from indicators of democracies. What does this typology means for the practical projects like Legal or Democracy Assistance? Merkel introduced this project in English in the *"Democratization"* at the end of 2004 (Merkel 2004), and he wrote in the article like below;

"It can be shown that defective democracies are by no means necessarily transitional regimes. They tend to form stable links to their economic

and societal environment and are often seen by considerable parts of the elites and the population as an adequate institutional solution to the specific problems of governing 'effectively'. As long as this equilibrium between problems, context and power last, defective democracies will survive for protracted periods of time." (Merkel 2004, p. 33.)

I agree with him that each type of defective democracies may have a stable character, so it should be difficult for foreigners to change it. Then my question is: what can we do from outside for these kinds of defective democracies? Fortunately, Professor Merkel kindly accepted my invitation to this conference. So I want to ask him directly like this: can we extract any kind of prescription for these democracies from this typology? Can we use this typology practically to the projects of legal assistance and democracy promotion? This should be the first issue of this conference.

2)　Time-series analysis of democratization process

How is the process of democratization proceeding in the transitional countries? How can the problem of corruption within the transitional period be dealt with to go into the "Good Governance"? From discussing these issues and other issues, we hope to help clarify a potential analytical framework for Comparative Democratization for transforming countries.

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 for the time-series analysis of democratization process. 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, I think. 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 the paper which I wish to introduce next

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. They use these items for evaluating the stage of 29 countries. However, they don't include Asian countries within their project. So we cannot use these analytical frameworks directly to our project. How can we apply the method for the time-series analysis of democratization process to Asian countries? Are there any specific features within the democratization processes in Asia? And next: how can we assist the democratization processes of targeting countries in Asia from outside? These should be the second issue of this conference.

I want to mention another issue 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) Typology of development aids and the project of democracy promotion

There are many kinds of projects in the field of democratic promotion. Schraeder writes like below after a five-year joint European-North American research project devoted to this topic;

"In each of our country studies, project contributors focusing on the US, Japan, and Germany as the three largest providers (in descending order) of Official Development Assistance (ODA), as well as the special case of the Nordic world of Denmark, Finland, Norway, and Sweden, clearly demonstrate that democracy promotion has played at best a secondary role behind more self-interested foreign policy pursuits." (Schraeder 2003, p. 33.)

Then he makes a table of typology of ODA which includes three determinants of approaches to democracy promotion: Security Interests, Economic Interests, and Humanitarian Interests. I attach the table from his book here. As you find there, key examples of each project are The United States, Germany and Japan, and Nordic countries. I think this characterization is quite persuasive. I want to hear from Ms. Karltun about the evaluation of this analysis, and I want to discuss about the features of Japanese ODA with Japanese participants. About this issue, Schraeder continues;

"Although the pursuit of economic interests, most notably the expansion of US trade and investment, gradually replaced fading ideological interests during the post-Cold War era, the Bush administration's global anti-terrorism campaign in the aftermath of terrorist attacks against the World Trade Center and the Pentagon on 11 September 2001 clearly demonstrates the continued salience of strategic interests in US foreign policy. Japanese and German foreign policies are similar in that both have been clearly dominated

by the pursuit of economic self-interest. As rising economic superpowers with the world's second and third largest GNPs, Japan and Germany have pursued neomercantilist foreign policies in their quest for global economic supremacy. In the case of the Nordic countries, largely progressive Nordic political cultures have fostered the centrality of humanitarian-based foreign policies highly infused with ideological values." (Schraeder 2003, p. 33.)

If we share this evaluation, we can raise some additional questions. Which factors are effective to determine such a variation of key interests in foreign aid policy? Is the type of welfare state critical for the typology of foreign aids? For example, social democratic states tend to have a humanitarian-based foreign policies, and conservative states have an economic one. Next question should be about the flexibility of foreign aid policies: how can we change the course of Japanese foreign aid policy from economy-based one to the democracy promotion?

We have, however, to solve some important theoretical problems before moving totally into the project of democracy promotion. Schraeder enumerates five important debates surrounding democracy promotion as follows;
1) Primacy of internal or external factors in democracy's spread
2) To intervene or not to intervene? The normative debate
3) Which weapons to include in the democracy promotion arsenal?
4) What should be the guidelines for democracy promotion?
5) Democracy consolidation or democracy decay?

You can see further descriptions about these debates in his book and article. (Schraeder 2002, 2003) I have no answers to these issues now, so I want to discuss them with participants of this conference.

4. Concluding Remarks

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. I think it is

very hard to apply an ordinary comparative method directly 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. So I want to focus on the process of democracy promotion.

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 is absorbed into the country's tradition. 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 refer to the concept "democracy promotion" in the second section of this paper. By introducing it within our research project, I think we can analyze our practical legal assistance project within the broader context of multilateral democratization process. Under the circumstance of economic globalization, it seems very hard for any developing country to advance economic liberalization and democratization only by its own resources. International community should give some kind of supports. So I think the process of democratization should be analyzed as a complicated multi-actor interaction process of democracy promotion. This means that democratization is a complex process that involves negotiation and bargaining between donor countries (institutions) and recipient governments. Ostrom and her colleagues have already started this kind of project with Sida. (Ostrom et al. 2002) How can we promote democracy from outside? What kind of reactions shall we get from this project? After all, I want to ask all the participants; can we export democracy to developing countries? I don't think so. We can export neither democracy nor revolution. We may, however, be able to assist democracy from outside. Even though our legal assistance project takes only a small part within the project of democracy promotion as a whole, we want to develop the academic research about it. What kind of democracy to whom, when, and how? To solve these questions should be the final aim of this conference.

References

Ágh, Attila
    1993   "The 'Comparative Revolution' and the Transition in Central and Southern Europe," *Journal of Theoretical Politics*, Vol. 5, no. 2.

Akaha, Tsuneo
    2002   "Japan: A Passive Partner in the Promotion of Democracy," in Schraeder ed., 2002.

Burnell, Peter ed.
    2000   *Democracy Assistance: International Co-operation for Democratization*, London, Frank Cass Publishers.

Croissant, Aurel and Wolfgang Merkel
    2004   "Introduction: Democratization in the Early Twenty-First Century," *Democratization*, Vol. 11, no. 5.

Ethier, Diane
    2003   "Is Democracy Promotion Effective?: Comparing Conditionality and Incentives," *Democratization*, Vol. 10, no. 1.

Esping-Andersen, Goesta
    1990   *The Three Worlds of Welfare Capitalism*, Princeton: Princeton University Press.
    1999   *Social Foundations of Postindustrial Economies*, Oxford: Oxford University Press.

Gamble, Andrew
    2000   *Politics and Fate*, Cambridge: Polity Press.

Haggard, Stephan and Robert R. Kaufman
    1995   *Political Economy of Democratic Transitions*, Princeton: Princeton University Press.

Held, David ed.
    2000   *A Globalizing World? Culture, Economics, Politics*, London: Routledge Press.

Huber, Evelyne and John D. Stephens
    1996   *Development and Crisis of the Welfare State: Parties and Policies in Global Markets*, Chicago: The University of Chicago Press.

Karatnycky, Adrian
    2004   "National Income and Liberty: The 2003 Freedom House Survey," *Journal of Democracy*, vol. 15, no. 1.

Karatnycky, Adrian, Alexander Motyl and Amanda Schnetzer, eds.
    2003   *Nations in Transit 2003: Democratization in East Central Europe and Eurasia*, New York: Rowman & Littlefield Publishers.

Kitschelt, Herbert, Peter Lange, Gary Marks and John Stephens, eds.
    1999   *Continuity and Change in Contemporary Capitalism*, Cambridge: Cambridge University Press.

Kitschelt, Herbert, Zdenka Mansfeldova, Radoslaw Markowski and Gabor Toka
    1999   *Post-Communist Party Systems*, Cambridge: Cambridge University Press.

Kaiser, Andre
    1997   "Types of Democracy: From Classical the New Institutionalism," *Journal of Theoretical Politics*, vol. 9, no. 4.

McCargo, Duncan
    2004   *Contemporary Japan, 2nd edition, in the Series of Contemporary States and Societies*, Palgrave Macmillan.

Merkel, Wolfgang
    2004   "Embedded and Defective Democracies," *Democratization*, Vol. 11, no. 5.

Merkel, Wolfgang, Hans-Juergen Puhle, Aurel Croissant, Claudia Eicher and Peter Thiery
    2003   Defekte Democratie, Band 1: Theorie, Leske+Budrich.

Moravcsik, Andrew
    1998   *The Choice for Europe: Social Purpose and State Power from Messina to Maastricht*, Ithaca: Cornell University Press.

Ono, Koji
    2002a   "Toward a Comparative Politics for Analyzing Those Nations Making the Transformation from a Planned to a Market Economy," *Nagoya University Journal of Law and Political Science*, No. 195. (in English)
    2002b   "Veto Players in Contemporary Japanese Politics," *Nagoya University Journal of Law and Political Science*, No. 197. (in English)
    2004   "The New Possibility of Comparative Politics: How to Analyze Asian Nations?" *Annals of Japanese Association of Comparative Politics*, No. 6. (in Japanese)

Ostrom, Elinor et al.
    2002   *Aid, Incentives, and Sustainability: An Institutional Analysis*

　　　　　　 of Development Cooperation, Main Report, Sida Studies
　　　　　　 in Evaluation 02/01, Swedish International Development
　　　　　　 Agency.

Przeworski, Adam, Michael E. Alvarez, José Antonio Cheibub and Fernando
Limongi

　　2000　　*Democracy and Development: Political Institutions and
　　　　　　 Well-Being in the World, 1950–1990*, Cambridge: Cambridge
　　　　　　 University Press.

Schmitter, Philippe C.

　　2001　　"Seven (disputable) Theses concerning the Future of 'trans-
　　　　　　 atlanticised' or 'globalised' Political Science," *European
　　　　　　 Political Science*, Vol. 1, no. 2.

Schmitter, Philippe C. and Carsten Q. Schneider

　　2003　　"Exploring A New Cross-Regional Time Series Data Set on
　　　　　　 the Key Concepts in Democratization: Liberalization, Transi-
　　　　　　 tion and Consolidation," paper presented in the 2003 APSA
　　　　　　 Meeting in Philadelphia.

Schraeder, Peter J. ed.

　　2002　　*Exporting Democracy: Rhetoric vs. Reality*, London, Lynne
　　　　　　 Rienner Publishers.

Schraeder, Peter J.

　　2003　　"The State of the Art in International Democracy Promo-
　　　　　　 tion: Results of a Joint European-North American Research
　　　　　　 Network," *Democratization*, Vol. 10, no. 2.