

What Is Quality of Government? A Theory of Impartial Government Institutions

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The recent growth in research on “good governance” and the quality of government institutions has been propelled by empirical findings that show that such institutions may hold the key to understanding economic growth and social welfare in developing and transition countries. We argue, however, that a key issue has not been addressed, namely, what quality of government (QoG) actually means at the conceptual level. Based on analyses of political theory, we propose a more coherent and specific definition of QoG: the impartiality of institutions that exercise government authority. We relate the idea of impartiality to a series of criticisms stemming from the fields of public administration, public choice, multiculturalism, and feminism. To place the theory of impartiality in a larger context, we then contrast its scope and meaning with that of a threefold set of competing concepts of quality of government: democracy, the rule of law, and efficiency/effectiveness.

1. Introduction

Let us begin with a true story: Just across the street from Vigie Airport on St. Lucia—a beautiful island in the Caribbean but also a relatively poor country with a per capita GDP of around US\$5,000—are two run-down sheds from which coffee and food is served. The sheds, which can easily be seen from the airport entrance, are in a very bad state. Outside, where people are supposed to eat and drink, there are no real tables or chairs, just broken stools and pallets that have been thrown over. The result of this sad outlook is that tourist customers hardly ever venture to these places, although many are waiting for their planes to leave and thus have plenty of time to spare. However, if you dare to use their services, you will find the local food they serve cheap and excellent, the women running these small businesses very friendly, and the location—just along the beach with a postcard view of the ocean shore—absolutely stunning. A lot of tourists travel through this airport, but hardly any of them frequent these two small places to get a cup of

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coffee, a snack, or a meal, probably because they look so run-down. Instead, most tourists go to the restaurant inside the airport building, which is quite expensive, very crowded, has lousy service, does not offer a nice view of the beach, and serves really bad food.

If you ask the women who run the coffee shops why they do not make better use of their perfect location, for example, by investing in a porch and putting up some chairs and tables to attract more business from the tourist crowd, they will answer in the following way: "Great idea, I've thought about it, but there are two problems. First, although I have been here for twenty years, I don't own this piece of land; I'm a squatter, so I can be forced away by the authorities at any time. Secondly, if I did invest and opened a real restaurant/coffee shop, I could probably never afford to pay off the health inspectors." Further conversation reveals that the women do not know if it is at all possible to buy the land or at least get a long-term lease, and they do not know how much they would have to pay in bribes to the health inspectors. It is thus the *uncertainty* of their situation that hinders them from making better use of the great resources they already have.

There are probably thousands of stories like this from poor or semi-poor countries like St. Lucia. The lack of an impartial legal structure that can secure property rights and curb corruption hinders many "micro business people" from making investments that in all likelihood would vastly improve their (and their country's) economic situation. In the bigger picture this reflects a key theme in current political economy: the crucial importance of "good governance," or *quality of government* (QoG) as we shall henceforth call it. Economists and political scientists alike have recently started to argue that dysfunctional government institutions play a central part in many of the world's most pressing economic and social problems of today.

An issue not addressed in this literature, however, concerns what it is more exactly that makes some government institutions better than others, or, in other words: What is QoG?

Our aim in this article is to propose that a key feature of QoG, based on a specific normative and behavioral criterion, is *impartiality* in the exercise of public authority. We argue that democracy, which concerns the *access* to government power, is a necessary but insufficient criterion of QoG. The reason is that if QoG were merely to equal democracy, the importance of how power is *exercised* would be left out.

To make this case, we start by criticizing the recent literature on "good governance" and QoG for inadequately addressing the conceptual issue of what constitutes QoG in the first place (section 2). We then advance our main contribution to remedy this conceptual malaise: the notion of impartial government institutions. We discuss how this concept differs from the absence of corruption and argue that—other than in exceptional circumstances—impartiality is a procedural norm that does not affect the contents of specific policies (section 3). We then counter a series of criti-

cisms leveled against the norm of impartiality, stemming from the fields of public administration, public choice, multiculturalism, and feminism (section 4). Moreover, to place impartiality in a larger context, we contrast its scope and meaning with that of a threefold set of competing concepts of QoG: democracy, rule of law, and efficiency/effectiveness (section 5). By way of conclusion, we briefly reflect on the laborious but critical task of establishing the practice of impartiality in larger parts of the world (section 6).

2. Conceptualizing QoG: A Critique

Our opening story from St. Lucia serves to highlight a strong recent tenet within comparative political economy: It is not necessarily the lack of entrepreneurship or resources in human or physical capital that hinders economic development but the low quality of government institutions that exercise and implement laws and policies (Acemoglu, Johnson, and Robinson 2001, 2002; Clague et al. 1999; Easterly 2001; Easterly and Levine 2003; Evans and Rauch 1999; Hall and Jones 1999; Knack and Keefer 1997; Mauro 1995; Rodrik, Subramanian, and Trebbi 2004; Rose-Ackerman and Kornai 2004). Not being able to predict government action when it reaches you and the lack of accurate information about what government bureaucrats can and cannot do to you are central ingredients of this problem (cf. Evans 2005; Lange 2005).

The rapid growth in research on “good governance” in recent years has, however, not only been concerned with growth and economic development. The “quality of government” factor has also been argued to have substantial effects on a number of important noneconomic phenomena, both at the individual level—such as subjective happiness (Frey and Stutzer 2000; Helliwell 2003) and citizen support for government (Anderson and Tverdova 2003)—and at the societal level—such as the incidence of civil war (Fearon and Laitin 2003; Öberg and Melander 2005) and democratic stability (Mungiu-Pippidi 2006; R. Rose and Shin 2001; Zakaria 2003). This perspective has shifted the focus away from variables such as physical capital, natural resources, and human capital to matters directly related to the sphere of government and politics. The emphasis is also different from some previous studies that point to long-term cultural traits as being related to the importance of social capital (Putnam, Leonardi, and Nanetti 1993). Social capital, defined as access to social networks and generalized trust in other people, seems to be determined by the quality of government institutions rather than the other way around (Delhey and Newton 2005; Rothstein 2005).

We shall argue, however, that this research agenda has failed to address a key issue: the question of how QoG should be defined conceptually. At least three problems may be identified with existing definitions: Either they are extremely broad, or they suffer from a functionalist slant, or they

deal only with corruption. Especially the first two problems seriously weaken the usefulness of existing conceptions.

To illustrate the first problem, consider Kaufmann and associates at the World Bank, responsible for providing the most widely used empirical governance indicators. They define governance as “the traditions and institutions by which authority in a country is exercised.” More specifically, this includes:

- (1) the process by which governments are selected, monitored, and replaced, (2) the capacity of the government to effectively formulate and implement sound policies, and (3) the respect of citizens and the state for the institutions that govern economic and social interactions among them. (Kaufmann, Kraay, and Mastruzzi 2004, 3)

The problem is that such a definition is just about as broad as any definition of “politics.” For example, it does not distinguish between issues that concern the *access* to power and those that are related to the *exercise* of power. Moreover, it fails to distinguish between the *content* of specific policy programs on the one hand and the governing *procedures* on the other. In the words of Keefer (2004, 5), “If the study of governance extends to all questions related to how groups of people govern themselves . . . , then there are few subjects in all of political science and political economy that do not fall within the governance domain.” Or put differently, if QoG is everything, then maybe it is nothing.

Yet, clearly some political institutions or aspects of “politics” must matter more than others for what should count as QoG. We thus agree with the critique launched by Grindle (2004, 530) that “the good governance agenda is overwhelming” and, in particular, with her argument that it fails to distinguish between various institutional particularities and more basic principles.

The second problem is well illustrated by other economists who have tried to be more specific by defining “good governance” as what can be shown to be “good-for-economic-development” (La Porta et al. 1999, 223). One problem with this definition is that many important non-economic consequences of QoG referred to above, such as high social trust and subjective well-being, are left out. Another problem is that, as with all functionalist definitions, it comes at the expense of being unable to define a country’s level of QoG without first having to measure the effects of QoG. This makes it impossible at the conceptual level to generalize what QoG is because the type of institutional arrangements that cause growth in one country may be very different from that of other countries. The functionalist approach thus makes it impossible to work out a general theory of QoG. As is well-known, functionalist approaches also border on tautologies. As argued by *The Economist* (June 4, 2005), defining “good governance” as “good-for-economic-development” may generate the following infinite regress: “What is required for growth? Good governance. And what counts as good governance? That which promotes growth. And what is required for growth. . . .”

Although it avoids omitting noneconomic outcomes, the same criticism can be launched at the definition provided by Huther and Shah (2005, 40):

Governance is a multifaceted concept encompassing all aspects of the exercise of authority through formal and informal institutions in the management of the resource endowment of a state. The quality of governance is thus determined by the impact of this exercise of power on the quality of life enjoyed by its citizens.

To paraphrase: "What is required for the quality of life enjoyed by citizens? Quality of governance. What is quality of governance? That which promotes the quality of life. . . ."

Lastly, QoG cannot be defined solely as the absence of corruption. The reason is that while a high degree of corruption is clearly an antithesis to QoG, the latter encompasses more than merely the absence of corruption. Many other practices that are usually not seen as corruption, such as clientelism, nepotism, cronyism, patronage, discrimination, and cases where administrative agencies are "captured" by the interest groups that they are set out to regulate and control, should be included (Rose-Ackerman 2004).

A major problem in the literature is that the efforts by most researchers to define what should count as "QoG" have been detached from analysis of modern political philosophy, especially works that have been carried out on democratic theory and theories of justice. We shall argue that what should count as "quality" concerning how public policies and institutions are designed and operate should primarily be treated as a normative problem and thus cannot be solved without taking the questions raised in political philosophy into account. At the same time, what counts as QoG from a normative perspective should not be at odds with features that have been shown to have beneficial social and economic consequences. In what follows, we will present such a conceptualization of QoG that incorporates insights from political philosophy accompanied by empirical research about the effects of different institutional arrangements.

3. QoG as Impartiality

A state regulates relations to its citizens on two dimensions. One is the "input" side which relates to the *access* to public authority. The other is the "output" side and refers to the way in which that authority is *exercised*. On the input side, where the access to power and thus the content of policies are determined, the most widely accepted basic regulatory principle has been formulated by Robert Dahl (1989) as that of political equality. As we shall further stress in a subsequent section, political equality certainly implies impartial treatment on the input side of the system. This makes equality and impartiality partially overlapping concepts. Our argument for a more precise definition of QoG is, however, based on the idea that

democracy in the form of political equality on the input side must be complemented with impartiality on the output side of the political system, that is, in the *exercise* of public authority.

Our definition of impartiality in the exercise of public power is the following: When implementing laws and policies, government officials shall not take into consideration anything about the citizen/case that is not beforehand stipulated in the policy or the law (Strömberg 2000).¹ As Cupit writes: “To act impartially is to be unmoved by certain sorts of considerations—such as special relationships and personal preferences. It is to treat people alike irrespective of personal relationships and personal likes and dislikes” (Cupit 2000). As these references make clear, impartiality is first and foremost an attribute of the actions taken by judges, civil servants, politicians, and the like. In order to effectuate this ideal it may, however, also be necessary to inscribe impartiality as an ideal into the mindset of these actors, an issue that we shall return to in the concluding section.

Because *political equality* is a basic norm for legitimatizing democracy in general, we want to stress that the way a particular democracy can constitutionally organize access to power can vary a lot (presidentialism vs. parliamentarism, unicameralism vs. bicameralism, proportional vs. majoritarian electoral systems, variation in the power of the courts, etc.). As long as the principle of equality in the access to power is not violated (e.g., by giving one specific political party the right to rule, or by refusing to give some specific group of citizens the right to stand for office or take part in the public debate) we call such differing political systems as in Denmark and in the United States democracies.

Impartiality as the parallel legitimatizing principle for the “output” side can, in a similar way, also encompass various administrative practices. For example, impartiality applied to decisions about recruitment to the civil service implies that selection should be based on the merits and qualifications that beforehand are stated as necessary for the position but exactly which merits or qualifications that should count can vary significantly. However, if recruitment were to be based on clientilistic personal contacts, political leanings, bribes, or ethnic belongings, the impartiality principle would be violated. As a basic norm, impartiality can also encompass very different policies and does not rule out support for specific groups or interests. One example is different social policies, for example, support to poor families with children. The enactment of such policies would not break the principle of impartiality, while denying such allowances for families from a certain ethnic group or parents with a certain sexual orientation when implementing the policy would.

How does QoG as impartiality relate to established definitions of corruption? The established view defines corruption as the “abuse (or misuse) of public office for private gain,” or some close variant along those lines (see, e.g., Alt and Dreyer Lassen 2003, 345; Treisman 2000, 399). This definition has some virtues when compared to earlier alternatives such as

the “public opinion” (corruption is that which the public perceives to be corrupt) and “public interest” (corruption is that which violates the public interest) conceptions of corruption. Yet it suffers from a crucial weakness: It makes no reference to the kinds of acts that constitute the “misuse” or “abuse” of public office, which makes the definition of corruption culturally relativistic.

We therefore concur with Kurer (2005, 230) in stating that “corruption involves a holder of public office violating the impartiality principle in order to achieve private gain.” As Kurer argues, the advantage with this definition of corruption is that what counts as a breach of impartiality is fairly universally understood and is thus not related to how things like “abuse” or “misuse” of public power are viewed in different cultures. The norm that is violated when corruption occurs is instead the impartiality principle governing the *exercise* of public power, the core component of which is the notion of nondiscrimination.² We would add, however, that the norm of impartiality does not only rule out all forms of corruption but also practices such as clientilism, patronage, nepotism, political favoritism, discrimination, and other forms of “particularisms” (Mungiu-Pippidi 2006). In other words, whereas impartiality implies the absence of corruption, the reverse is not necessarily true: The absence of corruption does not preclude all forms of partial exercise of government power.

Equally important, however, are the things that the norm of impartiality does *not* rule out. Since impartiality is a procedural norm, one important field that is not affected by our conception is the content of policies. This builds on the idea that noncorruption implies that “a state ought to treat equally those who deserve equally” (Kurer 2005, 223). This is in line with our argument that the content of public policies should not be included in the definition of QoG. Instead, it is impartiality in the exercise of power (the “ought to treat equally” principle) that is the central component of QoG.³

In political philosophy, this distinction between which norms should guide the content versus the procedural sides of the political system is readily seen in Brian Barry’s important book, *Justice as Impartiality* (1995). Barry argues that impartiality should be a normative criterion not only in the exercise of political power but also in terms of the content of public policy. However, a close reading of Barry reveals that when it comes to decisions about the content of the policies that governments should pursue, it is in fact not impartiality but “reasonableness” that is his main criterion (Lundström 2004). By this he means that people engaged in the political process should give sound arguments based on a secular understanding of knowledge for why they prefer certain policies over others. In Barry’s words: “What is required is as far as possible a polity in which arguments are weighed and the best arguments win, rather than one in which all that can be said is that votes are counted and the side with the most votes wins” (Barry 1995, 103).

To this we want to object that reasonableness is not the same as impartiality. For example, in a given situation there may be good reasons for lowering pensions and increasing support to families with children. This is, however, not the same as being impartial between these two groups because there is no such thing as an impartial way to decide in a case like this (Arneson 1998). A large part of the critique from within political philosophy that has been directed against Barry's theory is, to our mind, due to his conflation of the input and output sides of the democratic system and his idea that impartiality should not only guide implementation but also the content of public policies (cf. de Jasay 1996).

We also disagree with the "small is beautiful" idea put forward by some economists. A case in point is Alesina and Angeletos (2005) who, from a strict deductive logic, conclude that "a large government increases corruption and rent-seeking" (18). The clear policy implication of this statement is that if one wants to improve QoG, one should lower the policy ambitions, especially when it comes to redistributive and interventionist policies. Our first argument against this idea is that in most studies where QoG and/or corruption have been measured, the four Nordic countries rank at the top (i.e., they have low corruption and high QoG).⁴ One can say many things about these countries but not that they are characterized by low levels of public spending or ambitions when it comes to government intervention (cf. Lindert 2004; Rothstein 1996).

That the size of government or how extensive its policies are have little or nothing to do with QoG was actually discovered in one of the first articles in this line of research (La Porta et al. 1999). Using a wealth of data from between 49 and 212 countries in their search for what determines QoG, they arrived at the following conclusion: "Finally, we have consistently found that the better performing governments are larger and collect higher taxes. Poorly performing governments, in contrast, are smaller and collect fewer taxes" (266). However, we cannot but point out that the authors of this article were quick to add that "this result does not of course imply that it is often, or ever, socially desirable to expand a government of a given quality, but it tells us that identifying big government with bad government can be highly misleading" (266).

We agree with Alesina and Angeletos (2005) that (big) governments sometimes enact policies that are counterproductive to economic growth. However, defining exactly which policies benefit economic growth turns out to be a difficult task. Should pensions, health care, or education be a private or a public matter, or any mix thereof? Should the government be engaged in helping small firms grow? Is an active labor market policy a "sound policy" or not? As the Nordic cases indicate, there is very little to speak for the notion that governments characterized by high levels of public spending and intervention have low QoG.

The second argument for reserving the definition of QoG to procedures and not to content is what could be called the "Platonian-Leninist" risk in the "good governance" discussion, namely, that the democratic process

will be emptied of most substantial issues if experts from various international organization such as the World Bank⁵ prescribe almost all public policies. After all, what should political parties do, and what is the point of having an ideological debate and elections if the content of most of the important policies has beforehand been decided by international experts? If QoG becomes a way for experts to define what are to be understood as “sound policies” (the term used by the World Bank), there is not much left for political parties and politicians to decide on the representational side of the democratic system. The argument against the “Platonian–Leninist” alternative to democracy has been eloquently put forward by Robert Dahl, and we accept his conclusion that “its extraordinary demands on the knowledge and virtue of the guardians are all but impossible to satisfy in practice” (Dahl 1989, 65). Yet when a policy has been decided upon, QoG implies that it has to be implemented in accordance with the principle of impartiality. In the following section, we will specify what we mean by impartiality as QoG by responding to four different types of criticisms that have been leveled against this concept.

4. The Scope of Impartiality

Contrary to our prior beliefs, the concept of impartiality has not been high on the agenda in research on bureaucracy and public administration. For example, the newly issued 664-page *Handbook of Public Administration* has no index entry on “impartiality” (Peters and Pierre 2002). A search in the *Social Science Citation Index* also gives a surprisingly meagre result.⁶ This lack of interest is all the more surprising because the idea about the impartial civil servant goes back to the most central figure in bureaucratic theory, namely Max Weber. Moreover, it seems as if most research in public administration has argued either for *ineffectiveness* in the impartial mode of operating the state machinery or that this is an ideal that is impossible to achieve (cf. Du Gay 2000). The bureaucratic mode of operation has been said to be too rigid for the active modern policy-oriented state, which requires flexibility and commitment by its officials. In this line of reasoning, the ideal of the impartial civil servants has been accused of being insensitive to the complexities and the special needs of different cases (Olsen 2006).

Another critique has come from the public choice approach. According to this theory, civil servants are driven more by a self-interest to promote their own interests rather than by ethics related to some public interest, such as impartiality (Dunleavy 1991). This critique is in line with a more general idea that politics is foremost to be seen as a partisan interest struggle, in which case there would be no room for impartial agents (such as judges or civil servants) within the state.

A third critique has come from within the field of political philosophy, not least the various multiculturalist and feminist approaches.⁷ The argument has been that impartiality is in fact impossible to achieve because

individuals, be they civil servants or otherwise, cannot step outside their particularistic personalities. Instead, their actions will always be impregnated by things like ideological commitments, sex/gender, cultural-ethnic belongings, class background, etc.

Moreover, it has been stated that partiality is the idea of life itself—to be deeply attached to other persons and causes is what life is really about. Impartiality is thus an offense against this inner meaning of life (Mendus 2002, 2f). The idea of “justice as impartiality” launched by Brian Barry (1995) is according to this line of critique a nonstarter simply because impartiality is both an impossible and an undesirable ideal. As the feminist political philosopher Iris Marion Young states, “no one can adopt a point of view that is completely impersonal and dispassionate, completely separated from any particular context and commitments” (Young 1993, 127f).

To summarize, impartiality is a truly contested concept. Several intellectual discourses argue that it is either an impossible or an unwanted ideal. To address these objections we draw upon an idea launched by Michael Walzer (1983), namely, that society consists of different *moral spheres* with different modes of domination that normatively should not be transferable.

Impartiality and Societal Spheres

Walzer’s (1983) theory, in short, is that we have different normative ideas about what should count as fairness in different societal spheres. For example, while it is normatively fair to use money to get one’s way in market transactions, it is not so when it comes to politics (for instance, we do not allow the buying and selling of votes). What is important for us in Walzer’s approach is not only the idea that norms should be different in different societal spheres but that we should recognize that the *same individuals* often operate simultaneously in different spheres. For example, a judge can also be a devoted mother, a person that operates on the housing market, and an activist in an animal rights group. This simultaneity has two very important implications. First, QoG implies that those who exercise public power need to know the borderlines between the different moral spheres. Second, they need to know which norms are appropriate (and inappropriate) in the “state” sphere and how these norms differ from what is legitimate in the other spheres.

One problem with Walzer’s (1983) theory is that the number of moral spheres seems to be both infinite and arbitrary. He acknowledges that his theory is not meant to be universal. Second, there is no basic concept or theory behind his idea of the historical existence of different moral spheres that explains why he ends up with the ones that he presents. Walzer’s moral spheres are thus defined by reference only to historical particularities (20). The lack of universality in his theory of “spheres” is problematic because a theory of how QoG should be defined ought to be

universal. Otherwise, we may very well end up with one theory of QoG per country.⁸ A lack of universality implies that not only a comparative approach but also the search for a common theory becomes futile.

Our solution to these problems starts from an idea of *the two dimensions of interests*. One is the *type of interest*, the other is its *scope*. *Type* refers to the distinction between self-regarding and other-regarding interests. *Scope* refers to the “demos” question: How many are to be included. Here, the question is whether the type of interest that dominates is to be for “everyone” or if it is restricted to one’s friends, family, clan, tribe, or other such groups. If we combine these two dimensions, we get the following four spheres of conduct that relate to impartiality (see Figure 1).

The logic of this model is the following: In the “state” sphere, the norm is that the exercise of power should be in accordance with the enacted laws and polices and that they apply equally to “all,” as stated in the two principles of *political equality* and *equality before the law*. In the “market” sphere, the accepted norm is that behavior according to self-interest is justifiable, but the scope dimension “all” implies that everyone should have equal access to the market (exemplified in, e.g., laws against monopolies/trusts). We should simply sell to and buy from anyone, regardless of his/her family background, ethnic belonging, or religion. However, the accepted norm in the private sphere is that we should not behave according to self-interest against our family members or friends but to pursue what we from some other-regarding notion deem as good for all the members of this small group. The point here is that such groups do not, as with the market, have free entrance but are restricted to its given “members.” Lastly, special interest groups are driven by the idea of making things better for their members (self-interest), and they are also restricted to members. In general, members or leaders of such groups cannot be expected to act according to some “public” interest. On the contrary, their actions are based on some “logic of exchange.” This is

FIGURE 1
Dimensions of Interest and Societal Spheres

		<i>Type of interest</i>	
		Other-regarding	Self-regarding
<i>Scope of interest</i>	“All”	The state	The market
	“Few”	The family/clan	The interest group

where we find policies and practices related to what usually is labeled “neo-corporatist” or “interest-group” politics (for a somewhat related idea, see Lange 2005).

The point we want to make from this application of Walzer’s (1983) normative theory, which is also our response to the critics of impartiality as a basic norm for the exercise of public power, is that social science should not be based on the idea of society being dominated by agents with only one script of human behavior or a single set of moral norms, be that self-interest, the principle of care, rent-seeking, bureaucratic ethics, feelings of community, or altruism. According to our model, humans have a greater repertoire than being only self-regarding, etc., and they understand that what is appropriate in one sphere is fundamentally wrong in another sphere (March and Olsen 1989). From a normative perspective, we can also see that while self-interest is justifiable in some spheres, it is unacceptable in others. For example, agents on a market that would use “other-regarding interest” as their main template of behavior would simply be deemed stupid and probably soon go out of business, while civil servants or parents who act according to pure self-interest would by most people be seen as morally deplorable. In this respect, a large part of the discussion of Brian Barry’s *Justice as Impartiality* (1995) appears to be misguided because this distinction between “spheres of behavior” has been left out. While, for many, increased justice implies policies that contain more partiality (e.g., extra resources to underprivileged groups), they usually do not want these policies, once enacted, to be implemented in a partial way where bureaucrats are given total discretion in each and every case (Tebble 2002; Young 1990). Similarly, while impartiality is a norm to be followed in one sphere, it would be dysfunctional and/or unethical in other spheres.

According to our model, QoG as impartiality implies that government power should be exercised according to a certain moral principle, namely, impartiality.⁹ This notion stands in sharp contrast to the public choice idea of public officials maximizing their self-interest. For example, the impartial civil servant should not be susceptible to bribery, should not decide in cases where his/her friends and relatives are involved, and should not favor any special (ethnic, economic, or other type of organized) interest when applying laws and rules.

Thus, in “the state” sphere we are concerned with the typical civil servant, policeman, or judge acting according to the impartiality principle, implying that he or she should be guided by the public interest instead of by any self-interest. Decisions should be made according to what is stipulated and intended in the law/policy, disregarding the bureaucrats’ own interests. The special interests that are acceptable in other spheres (money from the market, loyalties to family and friends, and adherence to different special interests) should not be allowed to influence his/her decisions. However, we have no moral objections when the very same persons leave the courtroom or public office and go to the “market” and try to get the

very best deal when selling their house or buying a new car. Likewise, we do not object if these persons in their private dealings take special care for their family and friends (cf. Barry 1995, 205).¹⁰ However, we object strongly if they, in their professional life, do not refrain from handling cases that concern members of their family or friends.

Moreover, as private individuals, we would argue that these persons have the same rights as every other citizen to support whatever special interests or political causes that they like. But again, if these persons are strongly involved or engaged in a certain cause or interest organization, they should declare a conflict of interest and abstain from handling a case that may influence the outcome of this cause or be of importance to this interest organization. Likewise, a civil servant who handles public contracts cannot have economic interests in any of the potential bidders. Thus, the demand for impartiality from civil servants is not absolute, and we do not base the idea of QoG as impartiality on the presumption that there are certain persons who have it “in their nature” to be disinterested in all straits of life. What QoG demands is that people employed to exercise government powers recognize that there are clear boundaries between this sphere and other societal spheres and that these boundaries put severe restrictions on what types of behavior can be accepted.

We can illustrate this point by referring to the fact that the common language uses different words for different kinds of transgressions. When norms from the market are imported to the state sphere, it is usually referred to as bribes. When norms from the family/clan sphere enter the state sphere, the word is usually nepotism or patronage. Lastly, when norms from the interest group sphere are employed in the state sphere, the problem is usually called corporatism or influence peddling (as in the “military/industrial complex”).

The Feminist Challenge: Commitment, Flexibility, and Impartiality

Feminist scholars have pointed to the possibility of a conflict between the principle of impartiality and the capacity of the state to deliver the kind of social services required of public-sector employees in the welfare state who must perform curative and caring work. Following Joan Tronto, Helena Stensöta has argued that we expect, for example, preschool teachers, medical professionals, and social workers to demonstrate empathy and compassion, and not to be governed by some general and abstract logic of justice as impartiality (Stensöta 2004). According to this approach, the “logic of care” leads to a more context-dependent ethic than the impartial application of universal rules. In specific terms, we do not want a nurse in a public hospital to treat all patients alike but to give more care and attention to those who need it. In this and many other similar policy areas, legitimacy in the implementation process requires that public employees are committed, engaged, and dedicated to their tasks.

The feminist discussion about “the logic of care” puts light on an important dimension of our theory about QoG as impartiality, namely, that impartiality is not to be understood as implying that the implementation of public policies equals an old-style Weberian rigid rule following, personal detachment, or the lack of creativity and flexibility by the people working in the public sector. Certainly, most of us want children who attend a public preschool to be approached with empathy and concern rather than some dry-as-dust rule-following personnel. Obviously, different children need different degrees of attention, comfort, and support in different situations. However, most people would be morally upset if preschool staff deliberately directed their care and concern toward children from families that had bribed them, or who belonged to a certain ethnic group, and thus in practice discriminated against the other children. As this case shows, there is no conflict between professionally distributed care and the principle of impartiality. As defined here, a traditional rule-based Weberian bureaucracy may in some areas be an incarnation of the impartiality principle but so may a public organization that is based on strong commitment to the policy goals while implementing these goals with a degree of flexibility, be they the reduction of poverty, the preservation of forests (Kaufman 1960), or an active labor market policy (Rothstein 1996).

5. Competing Conceptions of QoG

Impartiality could hardly be considered the sole normative yardstick by which all aspects of a political system may be assessed. In this section we therefore relate our theory of impartiality to a tripartite set of competing conceptions of what constitutes QoG. First, we shall argue that although democracy is probably a necessary condition for QoG, it is hardly sufficient. Second, we show that the impartiality principle implies and encompasses the rule of law, while the opposite is not true. Efficiency/effectiveness, finally, lacks an independent normative justification and is therefore always secondary to impartiality. Nevertheless, there are reasons to believe that impartiality should enhance effectiveness/efficiency.

Democracy

The reasons why democracy as a majoritarian rule does alone not suffice as a definition of QoG are both theoretical and empirical. The theoretical reason is well known: There are simply no guarantees that a majority will respect the impartiality principle when government power is to be exercised. For example, in an ethnically divided society, the ethnic majority, after having been elected, may decide that all citizens from the minority working as civil servants should be fired. This would clearly be a breach of the impartiality principle in the exercise of government authority, albeit stemming from democratic principles in the access to authority.

Empirically, there is no straightforward relationship between democracy in the access to public power and impartiality in the exercise of public power. On the contrary, democracy seems to be curvilinearly related to the level of corruption (Montinola and Jackman 2002; Sung 2004). Empirical research indicates that some democratization may at times be worse for impartiality than none. For example, some of the worst cases of corruption have appeared in newly democratized countries, such as Peru under its former president Fujimori (McMillan and Zoido 2004). Conversely, some undemocratic countries have shown impressive results in curbing corruption and establishing fairly impartial bureaucracies, prime examples being Hong Kong and Singapore (Root 1996).

Moreover, the track record of democracy in terms of producing valued social outcomes is surprisingly uneven. The inherently ambiguous results in the empirical research on whether democracy matters for growth is perhaps the most prominent example (see, e.g., Kurzman, Werum, and Burkhart 2002; Przeworski and Limongi 1993; Sirowy and Inkeles 1990). True, democracy usually comes out as a strong predictor of human rights (Davenport and Armstrong 2004; Poe, Tate, and Keith 1999). But democracy should arguably be defined at least partly in terms of human rights such as personal integrity (Hadenius 1992; Hadenius and Teorell 2005), so this finding is not all that surprising.

A case in point is the relationship between democracy and the probability of civil war. Empirical research shows an inverted U-curve, with strong autocracies and full democracies being least likely to engage in civil violence (Hegre et al. 2001). Curvilinearity is of course not tantamount to a null effect, but this does indicate that some democracy may at times be worse than none (although a lot of democracy is better than some). A related argument is the “democratic peace” theory, where the strong empirical regularity pertains to the dyadic level, that is, between pairs of states, both of which are democracies (Oneal and Russett 1999). Monadically speaking, however, democracies are not significantly less aggressive than autocracies, whereas the incidence of incomplete democratization even seems to make a country *more* likely to go to war (Mansfield and Snyder 2005).

Finally, some recent work seriously questions the presumed positive effects of democracy on human development, arguing that this is either extremely slow and evolving over decades (Gerring, Thacker, and Alfaro 2005) or, even worse, vanishes completely once missing data bias have been corrected for (Ross 2006). Simply put, knowing the extent to which a country is democratic or not cannot help in explaining the multitude of highly valued economic and social consequences of QoG documented in the literature.

Having said this, democracy and impartiality do overlap at the conceptual level in two very important areas. First, this is apparent with respect to the “bundle of political rights” required to uphold a democratic system. Democracy, in O’Donnell’s (2001, 18) words, presupposes “a legal system

that enacts and backs the universalistic and inclusive assignment of these rights." Democratic legitimacy requires that political rights, such as freedoms of association and expression, must be secured within a legal framework, and this framework must, in turn, be impartially applied to all its subjects. As a consequence, democracy as political equality entails impartial government institutions in the *regulation* of the access to political power.

Second, this overlap is also readily seen if we consider the idea of "free and fair elections." Elections have to be administered by the existing government, but if they are to be considered free and, in particular, *fair*, the ruling party must refrain from organizing them in a manner that undermines the opposition's possibilities to obtain power. That is, free and fair elections must be administered by impartial government institutions (Choe 1997; Schedler 2002, 44). But again, the impartial organization of elections does not imply that the content or outcome of this process is impartial. On the contrary, the reason why many people take part in elections (and politics in general) is because they are motivated by very partial interests.

The joint condition of the legal system enforcing political rights and the election process itself being impartially administered means that when democracy, in its basic sense, has been accomplished, certain spheres of government action must be regulated by the impartiality principle—even on the input side. In other words, democracy and impartial government institutions are partially overlapping concepts. They are only *partially* overlapping, however, because (1) democracy can threaten impartiality in the exercise of government power, and (2) democracy is related to many other things than impartiality, especially when it comes to the content of policies.

Although we argue that democracy is not a sufficient condition for QoG, it may well be a necessary one, as it serves to set certain limits on the types of policies that may be pursued in the name of impartiality. A state that enacts "apartheid type" laws, for example, cannot be seen as having a high QoG even if they are applied by ever so impartial bureaucrats. Such laws would come into conflict with the principle of equality that is meant to regulate the access to political power. Similarly, our argument is not that the lack of democratic responsiveness in places such as Hong Kong and Singapore—undemocratic but relatively clean from corruption—should somehow be excused on account of their relative absence of corruption. From a normative perspective, QoG requires both democracy in the access to power and impartiality in the exercise of this power.

The Rule of Law

Establishing the rule of law is usually placed high on the agenda for reforming developing and transitional countries. "One cannot get through a foreign policy debate these days," writes Carothers (1998, 95), "without

someone proposing the rule of law as a solution to the world's troubles." But what does "the rule of law" mean? Although unequivocally embraced as a virtue of any political system, the concept is rarely defined. One reason for this may of course be that the concept is inherently ambiguous. As a recent review article makes clear, even legal scholars argue over its exact meaning (J. Rose 2004).

To begin with, they dispute whether or not the rule of law should be given a purely procedural interpretation, bearing no implications for the actual substance of promulgated laws. Defenders of a procedural notion claim that the rule of law must be distinguished from the rule of "good" law. Critics argue that this would allow morally detested regimes, such as Nazi Germany, to be classified as abiding by the rule of law. Against the procedural view, these critics seek to inscribe into the rule of law various substantive moral values of liberal democracy. Yet even among proceduralists, who adhere to a narrower conception, ambiguities remain. Usually, more attention is paid to the internal qualities of the laws themselves—such as the need for the law to be clear, understandable, general, internally consistent, prospective, stable, etc.—rather than to define the core principles that a political system must abide by in order to be in accordance with the rule of law.

Searching for these core principles, we instead turn to conceptions developed within political science. Weingast (1997, 245) defines the rule of law as "a set of stable political rules and rights applied impartially to all citizens." Similarly, O'Donnell (2004, 33) states a minimal definition of the rule of law as "that whatever law exists is written down and publicly promulgated by an appropriate authority before the events meant to be regulated by it, and is fairly applied by relevant state institutions including the judiciary." As these definitions should make clear, the rule of law is perfectly compatible with our principle of impartial government institutions. This connection is most explicitly recognized by O'Donnell:

By "fairly applied" I mean that the administrative application or judicial adjudication of legal rules is consistent across equivalent cases; is made without taking into consideration the class, status, or relative amounts of power held by the parties in such cases; and applies procedures that are preestablished, knowable, and allow a fair chance for the views and interests at stake in each case to be properly voiced. (33)

The rule of law thus embodies the principle "equality [of all] before the law." It entails "a crucial principle of fairness—that like cases be treated alike" (33–34).

The connection between the two concepts may be stated even stronger: Impartiality *implies* the rule of law. Procedural impartiality, to be accomplished in practice, requires a set of rules that regulates proper conduct—such as distinguishing which cases are "like" cases and what specific concerns are legitimate in specific cases. The most general set of such rules for governing a society are its laws. These laws must be consistently applied to everyone—including those who promulgate the laws

themselves. No one is above the law. Thus, a corollary of impartial government institutions is the notion of an impartially applied legal system—the rule of law.

Impartiality, however, also applies to spheres of state action other than those directly governed by law. When public policy is to be enacted in so-called “human processing” areas, such, as for example, education, health care, welfare benefits, and active labor–market programs, widely discretionary powers usually need to be transferred to lower-level government officials responsible for implementing policy. Impartial, nondiscriminatory behavior on behalf of these policy enactments is of course a key virtue according to our theory. But it falls outside the sphere of government activity regulated by the rule of law. In other words, the impartiality principle not only entails but in addition *encompasses* the rule of law.

Effectiveness/Efficiency

It would certainly be strange to argue that a government that is very inefficient or ineffective can have a high QoG. Economists often treat the state’s capacity for action as a core element of their governance concept. Shah (2005, xxiii), for one, considers two features of government performance: responsiveness (“whether the public manager is doing the right things—i.e., delivering services consistent with citizen preferences”) and efficiency (“whether the public manager is doing them right—i.e., providing services of a given quality in the least-cost manner”). Similarly, La Porta et al. (1999) include “efficiency”—“successful provision of essential public goods”—and “effective spending” among their operational QoG indicators. As these examples suggest, there are actually (at least) two dimensions of state capacity: the degree of successful policy implementation—effectiveness—and the amount of government output delivered relative to input—efficiency. We shall, however, treat these two dimensions jointly.

Our argument on this point is, first, that impartiality is always preferable to efficiency/effectiveness. This rests on the Rawlsian anti-utilitarian theory of justice which implies that utility always comes second to rights (Rawls 1984). In Dworkin’s (1977) extension of this theory, the implication for the exercise of power is that the state should treat every citizen with “equal concern and respect” (180f), which in our terminology equals impartiality. Issues about effectiveness and efficiency simply lack an equally strong theoretical and normative underpinning as impartiality.

Second, there is a case for arguing that impartiality may enhance effectiveness/efficiency. One of the organizational structures arguably underpinning impartiality is meritocratic recruitment to the civil service. Impartiality would thus imply recruitment based on merit and competence rather than political connections and/or being a member of clientelistic networks. As has been shown by Rauch and Evans (2000), in

developing countries, meritocratic principles of recruitment and promotion turn out to be strongly positively related to the subjective ratings of corruption and bureaucratic efficiency, as well as to economic growth. Moreover, the “tollbooth” theory of corruption developed by Shleifer and Vishny (1993), supported by empirical evidence in Djankov et al. (2002), suggests that inefficient procedures are deliberately crafted by corrupt bureaucrats in order to maximize opportunities for bribery. Since impartiality implies the absence of such practices, this is another mechanism through which impartiality should promote effectiveness/efficiency.¹¹

6. Concluding Remarks

Returning to our opening story about the small, run-down coffee shop at Vigie Beach in St. Lucia, we would predict that if the women who run the places would have had a “system of beliefs” whereby they could take for granted that the government institutions responsible for the surveillance of their businesses would have been guided by the impartiality principle, they may have taken the risk to borrow capital to buy (or get a long-term lease for) the piece of land and build a place that would cater to the needs of the stream of tourists now passing by their businesses. The reason why this does not occur appears to be that the women take for granted that “people like us” will always be treated in an unfair manner and taken advantage of by the authorities.

The development of the ethics and norms that underlie the principle of impartiality appears to be a long and complicated process (cf. Rueschemeyer 2005). In societies dominated by patronage and neo-patrimonial structures and/or strong notions of tribal belongings, the idea of civil servants acting on the principle of impartiality when wielding public power may not even exist in the mindset of most people. On the contrary, if given a position in the public administration, the dominant idea is to use it to further one’s specific interests, be it clan, tribe, family, or other special interests. As stated by Dele Olowu (2000):

... [P]olitical life in Africa as in other Third World regions is characterized by patron–client relationships. The public sector becomes an instrument for building public support for factions that are competing for power. ... The public sector is therefore dysfunctional in serving the public, but critical to the survival and sustenance of those who wield executive power ... as a result ... the public services lack even the basic meritocratic features of efficiency, productivity, and other universalistic values. (162)

In a recent article, the Romanian political scientist Alina Mungiu-Pippidi (2006) criticizes the many anticorruption policies that have been established in her country with the assistance of what can now be called the international “good governance” regime. The main result of these policies is, according to her, the establishment of many new institutions (anticorruption ombudsmen and special prosecutors, etc). The problem, she argues, is that these new institutions are quickly overtaken by the

existing corrupt (or semi-corrupt) political networks that are dominated by “particularistic” norms while what is lacking is the existence of a universalistic political culture, which in our terminology equals impartiality (Mungiu-Pippidi 2006). It may thus not be new institutions but instead new normative constructions that are necessary for increasing QoG. Our ambition to link normative-conceptual analyses with empirical research in this area may thus have important implications for how policies for “good governance” should be enacted.

The idea of impartiality when wielding public power has, in all likelihood, not existed for that long in most Western liberal democracies (North, Wallis, and Weingast 2006). In the case we know best, Sweden, it was not until the latter half of the nineteenth century that this principle became dominant in the civil service. Until then, many public officials viewed their positions as something similar to a feudal enfeoffment, that is, something they could use more or less as their property to extract private resources from (Rothstein 1998). This is not the place to go into a detailed analysis of why the principle of impartiality has come to dominate the public administration ethos in some parts of the world but not in others (but see Ertman 2005). Briefly, however, we would like to reflect on the possibility that impartiality is a mental construction in the same way that Hernando de Soto has argued about the development of “capital.”

To give a very short recapitulation of de Soto’s (2001) well-known argument: Capital is not the same as assets or even property. For assets/property to become capital, they have to become a universally accepted legal construction by which ownership is generally respected. Through such a normative/legal invention, assets/property that become accepted as capital can be used, for example, as a security for loans and of course exchanged. The point is that de Soto shows that for this to happen in the Western world it took a long and very complex process of legal development that lasted for several hundred years. The feudal idea of what constituted property was, for example, very different from the modern/capitalist idea. According to de Soto, assets cannot be transformed into and used as capital until it is recognized by “all” others as such. This process demands not only a strong legal framework but also a change of mind by both the public and those who are responsible for securing property rights.

Our argument about impartiality follows the same line of reasoning. As “capital,” the notion of civil servants behaving according to the principle of impartiality in the exercise of public power is a mindset or an established “system of beliefs” that in our part of the world may have taken a very long time to develop. The idea that when given a job in a governmental system, one should not primarily see this position as an asset that can be used to serve one’s own family, clan, tribe, or special interest group but that policies should be impartially implemented in accordance with what is stated in the law, may, as with the legal structures that create “capital,” have evolved over a long period of time (Rueschemeyer 2005).

As with capital, this has probably required both a legal framework to make civil servants accountable and a conceptual development of the importance of ethics in the public service. To unravel how and under what circumstances this process has historically come about would be an important task for future research.

Notes

1. It should be stressed that this definition does not imply that no other concerns than those beforehand stipulated by law should be taken into consideration when settling a case. Time or budget constraints would, for example, be perfectly legitimate concerns, even though they are rarely mentioned by laws or specific policies. Rather, what this definition implies is that no other characteristic of the *citizen* or the *case* to be dealt with—other than those stipulated in the policy or law—should be taken into consideration.
2. Trying to come to grips with this from the perspective of democratic theory, Warren (2004) defines corruption as the violation of a specific norm: the democratic norm of inclusion. According to Warren, this norm implies that “every individual potentially affected by a decision should have an equal opportunity to influence the decision.” Thus, at the core of Warren’s conception is the notion that a holder of public office excludes “potentially affected” citizens from influencing the decision-making process (332–334). We believe the reference to norms rather than laws in this conception is a step in the right direction. Yet it relies too heavily on an ideal conception of democracy. It takes less for a public official to commit an act of corruption, we would argue, than to exclude certain parties from affecting the decision. In other words, a substantial amount of corrupt acts would fly under Warren’s radar of “duplicitous exclusion.”
3. This is supported by empirical research in social policy that shows that people who perceive to have been treated in an even-handed manner by the authorities also believe that the political system in general is more legitimate (see Kumlin 2004, chs. 8, 9; Mau 2003).
4. For example, in the 2005/2006 “Global Competitiveness” study issued by the World Economic Forum, the four Nordic countries were ranked 2, 3, 4, and 12. In the 2005 “Corruption Perceptions Index” issued by Transparency International they were ranked 2, 4, 6, and 8.
5. Or those with superior knowledge in scientific Marxism . . .
6. A search on the Social Science Citation Index (Web of Science) gives a total of three published articles with the keyword impartiality combined with any of the following keywords: bureaucracy, public administration, civil service, or public service. The database searches for keywords are both those given in the title, in the keywords provided by the authors, or in the abstract, and those that cover about 2.6 million scholarly articles published since 1986.
7. The debate within political and moral philosophy between impartialists and their critics is vast, and we cannot here give it the attention it deserves. See Mendus (2002) for an overview.
8. Following the same logic in the area of human rights would imply that we would have one definition of human rights for each country.
9. We do not think that impartiality is equivalent to “objectivity.” Terminology is a tricky business, especially if you trade in a language that is not your own. Still we would say that, as a concept, objectivity has an absolute and perfectionist ring that implies that humans can have full knowledge of a case and weigh all things equal and come down with a decision as if the outcome

were of a natural law process. Impartiality for us implies somewhat more human and realistic demands. First, it is about a “matter of factness” (Sw. “saklighet”), implying that things that according to the policy/law should not have an impact on the decision are to be left out. Second, it requires that the public official should not be a party to the case, neither directly nor indirectly.

10. The judge or civil servant is allowed to read as many pedagogically advanced bedtime stories for his children as he likes, for example, without being blamed for not respecting the ideal of impartiality (not all children get read bedtime stories).
11. Darden (2006) persuasively argues that corruption may actually facilitate state capacity in that bribe collection by subordinates may work as an informal mechanism used by state leaders to secure compliance. Although this logic makes perfect sense within the state structure itself, we strongly doubt that similar positive effects on “law enforcement” accrue to society at large.

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