

Chapter 2:

Conceptualizing Quality of Government

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Quality of Government and its close cousins *Good Governance* and *State Capacity* are a relatively new concept that have made a strong impact in some of the highest policy circles since the mid-1990s. The three concepts have received most attention in circles dealing with developing countries and the so called transition countries (Smith 2007). Especially *good governance* is now used by many national development agencies and international organisations such as the World Bank and the United Nations. An example is the International Monetary Fund that in 1996 declared that "*promoting good governance in all its aspects, including by ensuring the rule of law, improving the efficiency and accountability of the public sector, and tackling corruption, as essential elements of a framework within which economies can prosper*" (IMF 2005). However, the economic and financial crises that erupted in October 2008 have shown that issues about "bad governance" cannot be seen only as a problem for developing and transition countries but also for the highly developed parts of the world (Rothstein 2011). A case in point is that several well-placed analysts have argued that the background to the financial and economic crisis can be found in how powerful investment banks on Wall Street used their influence to relax regulatory oversight and capital requirements (Kaufmann 2008, Johnson 2009,

Johnson & Kwak 2010). However, as recently argued by Francis Fukuyama, the concept of good governance “is not well established” in the literature (2011, 469). Thus there is a need for conceptual clarification of what, more precisely, does this new concept entail? What is quality of government? In this chapter, I shall argue that quality of government (QoG) should be defined as having impartial government institutions for the exercise of public power.

The Intellectual Background

One of the major sources of the rise of the good governance and quality of government agenda has been the ‘institutional turn’ in the social sciences. Around 1990, three major works were published that have had a profound impact on the analysis of the importance of institutions, namely, James B. March and Johan P. Olsen’s *Rediscovering Institutions*, Douglass C. North’s *Institutions, Institutional Change and Economic Performance* and Elinor Ostrom’s *Governing the Commons*. Despite coming from different intellectual traditions, they had one thing in common: to challenge the then dominant societal view in studies of social and economic outcomes and development. These paradigms in the social sciences (for example, Pluralism, Elitism and Marxism) all argued that societal variables such as economic power configurations, systems of social stratifications or the structure of class divisions were central in explaining political and thereby social and economic outcomes. Contrary to this, the institutionally orientated scholars argued that political institutions, broadly understood, were central in explaining social and economic outcomes. This had become known in political science as “Bringing the State Back In” (Evans, Skocpol and Rueschemeyer 1985, cf. Steinmo & Thelen 1992). In short, instead of focusing on how economic and sociological variables

determined politics and outcomes of the political systems, the institutional approach turned the causal logic around by arguing that the character of a society's political institutions to a large extent determined its economic and social development. In common language, the institutional turn in the social sciences showed why "the rules of the game" should have a more central role in social science research. This led to a number of interesting questions for research, such as why societies had different institutions, what was the relation between institutions and social/economic outcomes and whether some types of institutions were better at producing valued social outcomes than others.

The Policy Background: The Two Failed Hopes of Democratization and Marketization

As is well known, more countries than ever are now to be seen as democratic. The fall of the Berlin Wall and the dramatic political changes in Latin America as well as in parts of East Asia have had a huge impact (Teorell 2010). However, the hopes that democratization in itself would lead to greatly improved social and economic conditions has, for the most part, not been realized. As stated by Diamond (2007), in many newly democratized countries what we see is how the democratic spirit of elections is "drenched in corruption, patronage, favoritism, and abuse of power" and how "bad governance" thwarts development. The increased interest in policy circles for issues of governance and QoG can to a large extent be understood as a reaction to the many "facts on the ground" showing that establishing "free and fair" elections and representative democracy is not a guarantee that poor countries will perform better and manage to improve economic and social conditions for their populations. A debate about "sequencing" has therefore emerged, the central issue being whether donor organisations from the OECD countries should support increased state capacity before they give aid for

democratization. The argument rests in part on the findings mentioned above, but also on historical parallels, where it is argued that increased state capacity came well before representative democracy was established in almost all stable democracies (cf. Carothers 2007). This debate is far from resolved, but it should be underlined that this is not an argument against the importance of democratization. Instead it is to say that, for this author, democracy has indispensable virtues that are internal to the system itself but may not be as consequential for improving human well-being as many have hoped for.

In development policy circles, the quality of government and good governance agenda has to a large extent replaced what was known as *the Washington Consensus*. This approach stated that economic growth could be created by systematic deregulations of markets, tightening of public spending, guarantees for property rights and large scale privatizations (Serra and Stiglitz 2008). The reason why this strategy did not work was, according to many observers, that poor countries lacked the necessary type of institutions that were “taken for granted” in neo-classical economics. Among those, leading development economist Dani Rodrik lists both formal and informal institutions such as “a regulatory apparatus curbing the worst forms of fraud, anti-competitive behavior, and moral hazard, a moderately cohesive society exhibiting trust and social cooperation, social and political institutions that mitigate risk and manage social conflicts, the rule of law and clean government” (Rodrik 2007, 97). In the former communist countries, this strategy became known as “shock-therapy capitalism” which ran into a number of problems, not least because its proponents did not pay adequate attention to the need for institutions that would hinder fraudulent, anti-competitive, corrupt and other similar types of destructive behaviour (Kornai, Rothstein and Rose-Ackerman 2004).

The Empirical Background: Quality of Government and Human Well-Being

Until the mid-1990s, issues of corruption and bad governance were generally neglected in the social sciences. The reason was that many argued that some types of corruption could have a positive impact on economic development since this in many instances could “grease the wheels” (cf. Rose-Ackerman 1998). A central reason for the rise of the QoG and good governance agenda since then is the establishment of different type of measures, notably the *Corruption Perception Index* (CPI) launched by Transparency International in 1996 and later the World Bank’s Governance Indicators. Since these measures (and several others) became available, a great number of studies have shown that government institutions that are reasonably free from corruption and related practices have a strong positive impact on a large set of outcomes related to human well-being. Central in this discussion has been the link between the quality of government institutions that implement policies (control of corruption, the rule of law) and economic growth and lower levels of economic development (Holmberg, Rothstein and Nasiritousi 2009). In addition, Helliwell (2008), Pacek and Radcliff (2008) and Ott (2010) have observed positive links between measures of good governance and subjective well-being aka “happiness”, a measure of an individual’s evaluation of their quality of life.

There is also a large body of literature that testifies to the negative consequences of “bad governance” and “low quality government” for areas such as population health and people’s access to safe water (Sjöstedt 2008, Holmberg and Rothstein 2011, Transparency International 2006). In addition, Rothstein and Stolle (2008) show that high trust in legal institutions has a positive impact on interpersonal trust. Råby and Teorell (2010) show that measures of good governance are stronger in predicting the absence of violent interstate conflicts than are measures of democracy, and Lapuente and Rothstein (2010) make the same argument for civil wars. Perhaps most surprising are Bruce Gilley’s findings about political legitimacy. From a study based on survey data

from 72 countries he concludes that “general governance (a composite of the rule of law, control of corruption and government effectiveness) has a large, even overarching importance in global citizen evaluations of states”. He further states that these governance variables have a stronger impact on political legitimacy than variables measuring democratic rights and welfare gains (Gilley 2006, 57, cf. Gilley 2009, Levi and Sacks 2009). In sum, while it has been very difficult to find any positive correlations between measures of the degree of democracy and measures of human well-being in cross-country studies, the opposite is true for measures of good governance that relate to the output side of the political system (Rothstein 2011). Thus policy organisations that have put good governance and quality of government on their agenda are supported by quite a large number of empirical studies.

Different Conceptions of Quality of Government and Good Governance

As could be expected, an extensive debate exists about how concepts like quality of government, good governance and state capacity should be defined. Should they be about procedures only (like most definitions of representative democracy) or should they also contain substantial policies? Should the concepts be universally applicable all over the globe (like the UN declaration of Human Rights) or should they be relativized to different cultures? Should the concepts be equated with administrative and economic efficiency or should they be understood as something that explains such efficiency? Should good governance include how well those who govern represent those who are governed or should it be about the states’ capacity to steer society? One of the most

frequently used definitions of good governance was given by the World Bank Research Institute and reads as follows:

The traditions and institutions by which authority in a country is exercised. 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 & Zoido-Lobaton 1999, 1).

This definition forms the basis of the World Bank's widely used Worldwide Governance Indicators that have measures for "voice and accountability", "political instability and violence", "government effectiveness", "regulatory quality", "rule of law" and "control of corruption". This is a very broad definition and has been criticised for including both policy content ("sound policies") and procedures ("rule of law") as well as for containing both the institutions for access to political power as well as those that exercise and implement laws and policies (Rothstein & Teorell 2008). 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". Yet clearly some political institutions or aspects of "politics" must matter more than others for what should count as quality of government.

Including "sound policies" in the definition raises the quite problematic question of whether international (mostly economic) experts can really be expected to be in possession of reliable answers to the question of what is "sound policies". For example,

should pensions or health care or education be privately or publicly funded (or any mix of these)? To what extent and how should financial institutions be regulated? More generally, such a definition of good governance that is not restricted to procedures but includes the substance of policies raises what is known as the “Platonian-Leninist” problem. If those with superior knowledge decide policies, the democratic process will be emptied of most substantial issues. The argument against the “Platonian-Leninist” alternative to democracy has been put forward by one of the leading democratic theorists, Robert Dahl, in the following way: “its extraordinary demands on the knowledge and virtue of the guardians are all but impossible to satisfy in practice” (Dahl 1989, 65). There are thus good reasons for keeping the definition of QoG to *procedures*, which is in line with how most definitions of representative democracy are constructed (Teorell 2010).

Is small government also good government?

Another idea that has been put forward is that quality of government equals small government. A case in point comes from leading economists Alberto Alesina who together with George-Marios Angeletos came to the conclusion that “a large government increases corruption and rent-seeking” (2005, 1241). Similarly, Nobel laureate in economics Gary Becker has argued that “to root out corruption, boot out big government”. For Becker, as well as for many other economists, “the source of corruption is the same everywhere; large governments with the power to dispense many goodies to different groups”. Therefore, smaller government is “the only surefire way to reduce corruption” (Becker 1995). However, despite the fact that most QoG data measure public sector corruption and that it seems logical that with more opportunity would come more corruption, empirical analyses do not support the idea that “big government is bad

government”. If we take a look at available measures, the relationship between size of government and corruption runs in the opposite direction. Thus, the comparatively least corrupt countries – to a significant extent situated in the northern parts of Europe – have generally much larger governments than the most corrupt ones. If we take all countries for which data are available, the correlation between total tax revenues as a share of GDP and institutional quality is 0.34 (Persson & Rothstein 2011). As North, Wallis and Weingast (2009) show, rich countries have much larger governments than poor countries. They explain this by arguing that not only infrastructure and the rule of law are to be understood as public goods and thus to be financed by the state, but to a large extent also education, research and social insurance programs that mitigate risks. This is not an argument for saying that high public expenditure reduces corruption and is a causal factor behind good governance but, as stated by La Porta et al. (1999: 42), the data show that "identifying big government with bad government can be highly misleading". As argued by Avner Greif (2005:737), "public-order institutions that support modern markets require high fixed costs".

Quality of Government as Absence of Corruption

One way out of the definition problem would be to call quality of government and/or good governance simply the absence of corruption. This turns out to be problematic for several reasons. First, corruption is in itself difficult to define. The standard definition is that corruption is "the abuse of public power for private gain". The problem with this definition is that it is relativistic since what counts as "abuse" would vary in different parts of the world (Kurer 2005). This is thus not a complete definition because it is dependent on how "abuse of public power" is defined. Needless to say, this relativistic definition would dramatically increase problems of operationalization and measurement

in comparative empirical analyses, but it would also carry all the ethical difficulties connected to relativistic definitions that are known from discussions about how human rights and democracy should be defined. Without a universally accepted normative standard about what forms of behaviour are acceptable and appropriate, there is no way to know (and measure) what should count as “abuse” when we compare various systems of governance in order to see whether they would qualify for the epithet “good”.

The second reason why QoG cannot be equated with the absence of corruption is that there may exist many problems in governing societies that are not confined to what is usually understood as corruption. A high degree of corruption is certainly an antithesis to QoG, but so are many other practices that are usually not seen as corruption, such as clientelism, lack of respect for the rule of law and property rights, nepotism, cronyism, patronage, systemic discrimination and cases where administrative agencies are “captured” by the interest groups that they are set out to regulate and control (Rothstein & Teorell 2008). The common denominator for all these practices is that policies are implemented under the impact of some kind of undue *favoritism* of which corruption in the standard form of bribes is just one kind.

Quality of Government as the Rule of Law

Perhaps as central as corruption, establishing the rule of law is usually key in any discussion of QoG and placed high on the agenda for reforming developing and transitional countries (Carothers (1998). Still, although unequivocally embraced as a virtue of any political system, the concept is rarely defined with accurate precision. One reason for this may of course be that the concept is inherently ambiguous and legal scholars argue over its exact meaning (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. Those that defend 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 (cf. Bratton and Chang 2006, 1077-78). Yet, even among proceduralists, who adhere to a narrower conception, ambiguities remain. More attention is usually 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 defining 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, one may 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.” He then specifies his normative term:

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 pre-established, knowable, and allow a fair chance for the views and interests at stake in each case to be properly voiced.

The rule of law thus embodies the principle “equality before the law”. It entails “a crucial principle of fairness — that like cases be treated alike” (ibid., 33-4). However, one

problem is that good governance 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 education, health care, welfare benefits and active labor-market programs, widely discretionary powers usually need to be transferred to lower level government officials and professional corps responsible for implementing policy. The reason is that they have to adapt actions to the specific circumstances in each case, and it has turned out to be administratively impossible to enact precise “rule of law type” laws and regulations that can guide this (Rothstein 1998). In many areas, governance is carried out by professional corps that are for the most part guided by professional standards issued by their organisations which are not connected to “rule of law” principles. For example, nurses in elderly care homes would probably not think of what they are doing as guided by “the rule of law”. This is not a novel insight: Aristotle himself observed that written laws cannot be applied precisely in every situation, since the legislators, "being unable to define for all cases ... are obliged to make universal statements, which are not applicable to all but only to most cases" (quoted in Brand 1988, 46). The conclusion is that while the “rule of law” principles in most approaches serve as a central ingredient in good governance, they do not cover the full spectrum of the concept.

Quality of Government as Democracy

Establishing representative democracy has often been championed as an effective antidote to everything from corruption to poverty. This is because representative democracy is conceptually linked to accountability, which helps to reduce the discretionary powers of public officials (Fukuyama 2011, Deininger & Mpuga 2004, 171). This would indicate that democracy, quality of government and good governance could possibly conceptually overlap (as is the case in the World Bank’s definition mentioned

above). This raises the question of why we need concepts like quality of government, state capacity and good governance since we could then just talk about “good democracy”. The problem is that, empirically, there is no straightforward relationship between establishing electoral representative democracy and many features of what usually counts as QoG. On the contrary, measures of democracy seem to be curvilinearly related to, for example, the level of corruption (Montinola & Jackman 2002; Sung 2004). Empirical research indicates that corruption is worst in countries that have newly democratized. For example, some of the worst cases of corruption have appeared in newly democratized countries, such as Peru under its former president Fujimori (McMillan & Zoido 2004) and Jamaica since the mid-1970s (Collier 2006). One should also keep in mind that the two states that have made the greatest progress in curbing corruption over the last few decades – Singapore and Hong Kong – have not been and are still *not* democracies (Uslaner 2008). From this, and from the empirical research (referred to above) showing that measures of various aspects of quality of government have a much greater impact on human well-being (and perceptions of political legitimacy) than measures of democracy have, we may conclude that quality of government is different from, and should not conceptually be equated with, representative democracy.

Having said this, democracy and QoG as 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 freedom of association and of expression must be secured within a legal framework—and this framework in its turn must 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.

Secondly, 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 organising them in a partisan way that undermines the opposition’s possibilities to reach power. That is, in order to be seen as “free and fair”, elections must be administered by impartial government institutions (Choe 1997). But, again, the impartial organisation 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 that they are motivated by very partial interests. For the definition of *good governance* launched by the World Bank Research Institute mentioned above, this implies that the fairness and impartiality of the system of “voice and accountability” could be included in the definition but not the content of this process.

Quality of Government as Government Efficiency

It would certainly be strange to argue that a government that is very inefficient or ineffective could be of high quality or produce QoG (Fukuyama 2004). Would it then be possible to define quality of government in terms of government efficiency or effectiveness? The reasons why this is problematic are two. First, the notions of “good” or “high quality” usually imply other things than just economic efficiency. It is easy to think of things that a government can carry out in an efficient way that would normatively be just the opposite of “good”. Secondly, defining concepts like QoG in terms of administrative and regulative efficiency would border on tautology. One should bear in mind that the good governance agenda largely came about in studies trying to

understand why many developing countries were unable to increase growth. Defining good governance in terms of efficiency (or efficient policies) would be tantamount to saying that efficiency causes efficiency. Not much would be gained by saying that societies with efficient governance systems produce efficiency. If not a tautology, one could say that such a definition would make the distance between independent and dependent variables minimal. Instead, what we need to know is whether societies that are socially and economically efficient, that is, are able to solve the problem of producing the amount and type public goods it needs, have institutions that are qualitatively different in their operative principles than the opposite type of societies.

Towards a Definition of Quality of Government

In the long discussion of how representative democracy should be defined, the distinction between procedural and substantive definitions is a central theme (cf. Dowding, Goodin and Pateman 2004). Since our purpose is to reach a universal and procedural definition that could be acceptable to groups in a democracy with, to quote John Rawls (2005, xvi), “a pluralism of incompatible yet reasonable”, comprehensive religious, philosophical and moral doctrines, including substantial policies in the definition is a very risky business and not likely to achieve broad-based legitimacy. This is also why I prefer the term “quality of government” to the World Bank term “good governance” since the latter has too broad connotations and often includes non-government actors such as civil society organisations and trade and business organisations (Pierre and Peters 2000). However, the difference between quality of government, good governance and state capacity is mostly terminological.

Nevertheless, as seen above, neither the absence of corruption, nor representative democracy, nor the size of government, nor the rule of law, nor administrative effectiveness captures what should be counted as *quality of government*

or *good governance*. Searching for a definition, it is notable that the conceptual discussion has largely been detached from normative political theories about social justice and the state. It should be obvious that when terms like “good” or “quality” are placed in political concepts it is impossible to refrain from entering the normative issues that are raised in political philosophy. One can say that modern political philosophy has been engaged with the issue of “what the state ought to do” but has refrained from taking an interest in what the state “can do”. There are good reasons for why it is meaningless (or dangerous) to discuss the one without the other (Rothstein 1998). The quality of government and good governance agenda is a clear case where normative/philosophical theory and positive/empirical approaches should merge. This issue is certainly not confined to internal academic civilities. Without a foundation in ethical standards, the risk is that, when approaches like the good governance agenda translate into practical policies, they may end up in mindless utilitarianism where basic human rights of (often poor) people are sacrificed in the name of some overall utility. The first requirement for a definition of concepts such as quality of government and good governance is thus that it is based in a normative theory that gives some orientation for what should be regarded as “good” in this context. Secondly, any definition of these concepts must take into account that this approach has clearly shifted interest away from the “input” side of the political system to the “output” side of the political system.

In addition to standard requirements like precision and applicability for empirical research, a third requirement would be universalism. One reason for this is that the quality of government approach is de facto applied on a global scale. This demand raises the issue of how to deal with the huge variation in institutional configurations that exists between countries that in most evaluations of quality of governance are ranked at the top. Countries such as Switzerland, Finland and the United States are very different in their specific institutional configurations of

representative democracy. There is for example no national level equivalent to the Swiss' widespread use of referendums in the other two countries, and only the United States has a strong President and a politicized Supreme Court. Moreover, these three countries have very different electoral systems, party systems and systems for regional and local government. However, despite these huge differences in the institutional configuration of their (and all other democracies') political systems, they are all counted as being democracies. The same type of difference in specific institutions occurs if we compare countries that are generally ranked at the top when it comes to such measures as corruption, rule of law and government effectiveness. Obviously, a definition of quality of government cannot relate to a specific set of institutional arrangements. Instead, it is necessary to look for some *basic norm* that characterises their institutional systems as a whole. For representative democracy, that is, the access to power, leading democratic theorist Robert Dahl has suggested such a norm, namely "political equality". The issue is what could be the equivalent of good governance given that issues are related more to the implementation side of the political system. On the basis of the type of rights-based liberal political theory launched by philosophers such as Brian Barry and John Rawls, I have suggested together with Jan Teorell such a basic norm, namely *impartiality* in the exercise of public power (Rothstein and Teorell 2008). This is defined in the following way: "*When implementing laws and policies, government officials shall not take anything about the citizen or case into consideration that is not beforehand stipulated in the policy or the law*" (Strömberg 2000, 66). This definition is fairly precise and can be applied universally. It makes clear what basic norm is being "abused" when corruption, clientelism, favouritism, discrimination, patronage, nepotism or undue support to special interest groups occurs (Mungiu-Pippidi 2011). It excludes policies since it is strictly procedural.

The connection to “good” or “quality” is motivated by the fact that impartiality is the driving notion behind John Rawls’ liberal right-based theory of justice. As Goodin argues: “Certainly, the antithesis of justice is favouritism” (2004, 100). In this context, impartiality is not a demand on actors on the input side of the political system but first and foremost an attribute of the actions taken by civil servants, professional corps in public service, law enforcement personnel and the like.

Equally important, however, are the things which the norm of impartiality does *not* rule out. Since QoG as an impartiality is a procedural norm confined to the exercise of public power, one important field that is not affected by this conception is the substance of the content of policies. This builds on the idea that non-corruption implies that “a state ought to treat equally those who deserve equally” (Kurer 2005, 223). This is in line with the 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. To treat equally does of course not imply that everyone should get the same. Only people that are in need of a kidney transplantation should get one. Instead, this follows the idea of “equal concern and respect” launched by Ronald Dworkin (1977).

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*. Barry argues that impartiality should be a normative criterion in the exercise of political power: “like cases should be treated alike” (Barry 1995, 126). His idea of “second order impartiality” implies that the input side of the political system should be arranged so that it gives no special favour to any conception of “the good”. However, as Barry readily admits, his theory “accepts that a demand of neutrality cannot be imposed on the outcomes” (Barry 1998, 238). Accordingly, when it comes to decisions about the content of the policies that

governments should pursue, it is not neutrality or impartiality but “reasonableness” that is his main criterion (Barry 1998, 238, cf. Hardin 1998.) By this he means that people engaged in the political process should give sound arguments based on a secular understanding of knowledge of 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).

The implication is the one argued for here, namely that impartiality cannot be a moral basis for the content of policies that individuals, interests groups and political parties pursue on the input side of the political system since reasonableness is not the same as impartiality. For example, there may be good reasons in a given situation for lowering pensions and increasing support to families with children. This is not the same as being impartial as regards these two groups, however, because there is no such thing as an impartial way to decide in a case like this (Arneson 1998). This is particularly problematic when it comes to conflicts over which public goods a state should provide since such goods can often not be divided into minor parts (such as money), which often makes reasonable compromises easier to reach. Either the airport or the dam is built or nothing is built (Miller 2004).

What is presented here is not the grand ambition that Barry, Rawls and other political philosophers have pursued, namely to construct a universal theory of social and political justice. The ambition is more modest: to construct a theory of what should count as quality of government. The implication is that, when a policy has been decided upon by the political system, be it deemed just or unjust according to whatever universal theory of justice one would apply, QoG implies that it must be implemented in accordance with the principle of impartiality.

It is important to note that, for many, increased justice implies policies that contain more partiality (for example, extra resources to underprivileged groups). However, when such partisan policies are to be implemented, their proponents usually do not want them, once enacted, to be carried out in a partial way where bureaucrats are given total discretion in each and every case (Tebble 2002; Young 1990). For example, it may be perfectly legitimate to argue for the government to establish academic positions that only women (or some other disadvantaged group) could apply for given the gender inequality that exists in higher academic positions. However, once that position is announced and a number of women apply, the impartiality norm takes overhand since those who have argued for such a quota system usually want the most qualified among the preferred group to get the position. Thus, impartiality is a norm to be followed when policies are to be exercised, not when policies are decided in the democratic process. This conditionality in the application of impartiality as a justice principle goes in fact all the way back to John Stuart Mill:

Impartiality, in short, as an obligation of justice, may be said to mean being exclusively influenced by the considerations which it is supposed ought to influence the particular case in hand, and resisting the solicitations of any motives which prompt to conduct different from what those considerations would dictate. (Mill 1861/1992, 154)

It should be underlined that the argument is not that impartiality is equivalent to “objectivity”. Terminology is a tricky business. Still, I would say that, as a concept, objectivity has an absolute and perfectionist ring to it that implies that humans can have

full knowledge of a case and weigh all things equal and come with a decision as though the outcome were decided by some law of nature process. My argument is that impartiality implies somewhat more human and realistic demands. First, it is about a “matter of factness”, implying that things that according to the policy/law should not have an impact on the decision are to be left out. Secondly, it requires that the public official should not be a party to the case, neither directly nor indirectly. Moreover, the idea of QoG as impartiality in the exercise of public power 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 favour any special (ethnic, economic or any other type of organised) interest when applying laws and rules. Thus, while corruption in the form of bribes clearly implies a deviation from QoG as impartiality, the latter concept also stands against other types of favouritism when public policies are implemented, such as clientelism, nepotism and other forms of discrimination (Mungiu-Pippidi 2011).

As will be shown in subsequent chapters of this book, QoG as impartiality can be measured with reasonable accuracy. The indicator of QoG in Europe that we will present aims to capture the level of impartiality of public institutions at both the national and sub-national levels. The survey we have carried out collected perceptions of impartiality from around 34,000 Europeans in order to answer such questions as: Do citizens in a particular region think that they are treated equally by public officials? Do they think that certain people enjoy special advantages in their interactions with the public sector? This transforms our study, to the best of our knowledge, to the largest empirical study of what we mean should count as quality of government to date. As justified in this chapter, we regard impartiality as the key theoretical principle defining QoG. Nevertheless, to make the results of our empirical study as comparable as possible

with previous studies in this area, we also asked respondents about how they perceive the 'quality' of public services more generally.

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