

中央研究院臺灣研究推動委員會 主編

# 威權體制的變遷 解嚴後的臺灣

中央研究院臺灣史研究所籌備處 出版

中央研究院臺灣研究推動委員會 主編

# 威權體制的變遷： 解嚴後的臺灣

中央研究院臺灣史研究所籌備處 出版

中華民國九十年一月



國家圖書館出版品預行編目資料

威權體制的變遷：解嚴後的臺灣 = Change of an authoritarian regime: Taiwan in the post-martial law era / 中央研究院臺灣研究推動委員會編輯。--臺北市：中研院臺史所籌備處，民 90  
面； 公分

ISBN 957- 671- 748- 5(平裝)

1. 政治 — 臺灣 — 論文, 講詞等 2. 經濟 — 臺灣 — 論文, 講詞等 3. 社會 — 臺灣 — 論文, 講詞等

573.09

89020303

## 威權體制的變遷：解嚴後的臺灣

主 編：中央研究院臺灣研究推動委員會

編輯助理：林正慧

出版發行：中央研究院臺灣史研究所籌備處

台北市南港區研究院路二段一三〇號

電話：(02)2788- 0539

傳真：(02)2788- 1956

郵撥帳號：17308795

排版印刷：天翼電腦排版印刷股份有限公司

台北市敦化南路一段二九四號十一樓之五

電話：(02)2705- 4251

初 版：二〇〇一年一月

定 價：新台幣 500 元

ISBN 957- 671- 748-5

## 序 言

中央研究院爲規劃、協調及推動臺灣研究，成立臺灣研究推動委員會，由李遠哲院長聘請麥朝成院士爲召集人，並聘請本院人文社會科學相關各所（處）及院外學者擔任委員。八十六年二月五日由楊國樞副院長召集第一次委員會議，出席的委員有于宗先、王澤鑑、宋文薰、胡佛、陳奇祿、莊英章、麥朝成、黃富三、瞿海源等人。隨後，訂定本會組織辦法，確定本會之任務有四：（一）研議有關提昇臺灣研究水準之策略與做法；（二）研議臺灣研究之重要跨學科整合型課題；（三）籌辦或建議舉辦臺灣研究國際研討會；（四）研議其他有關推動臺灣研究之事宜。此外，亦決定推臺灣史研究所籌備處主任黃富三教授爲本會執行長。於是，在八十六年八月七日舉行的第三次委員會議中，就討論由民族學研究所所長徐正光先生提出的「解嚴後的臺灣社會」國際研討會之初步構想。到了十二月二日，這個國際研討會的籌備小組第一次開會，確定研討會之名稱爲：「解嚴後的臺灣社會——威權體制的轉型與變遷」，探討以下八個主題：（一）「解嚴」現象的詮釋；（二）解嚴與政治轉型；（三）解嚴與法律體制；（四）解嚴與經濟發展；（五）解嚴與文化發展；（六）解嚴與社會運動；（七）解嚴與族群關係；（八）解嚴與社會心理。至於研討會的時間，則暫定於八十八年三月。

在八十七年四月初，本會向國內外學者發出邀請函，至七月底，總計回函表示願意撰稿者，國內學者二十二位，國外學者十位。八月，劉翠溶院士接任臺灣史研究所籌備處主任及本會執行長，繼續此項研討會之籌備工作。最後決定會議名稱爲：「威權體制的變遷——解嚴後的臺灣」，於八十八年四月一至三日在中央研究院舉行。除敦請耶魯大學政治與社會學教授 Juan J. Linz 擔任大會主題演講人以外，與會之國內外學者共提出論文二十八篇，分十三個場次進行報告與討論。

研討會結束後，由麥朝成、劉翠溶、徐正光、朱雲鵬、瞿海源等人組成編輯小組，積極展開論文之審查及編輯作業。截至八十九年三月中，除會議主題演講外，

經審查並修改後，決定收入論文集的論文計十五篇。這些論文中，以討論政治方面的七篇居多，社會與經濟方面各三居次，其餘法律與文學方面各一篇。含蓋面固然不如會議本身之廣，但這些論文仍呈現了一些代表性的看法。

主題演講從學理上深入淺出的討論今日世界的民主與民主化。政治方面的七篇論文中有四篇從政治學的角度分別討論在臺灣威權體制的轉變過程中，政權轉型及其在比較上的意涵，國家機關與民間社會的關係，政黨體系的發展，蔣經國與國民黨的民主轉型；有二篇從歷史的角度探討臺灣地方自治及政治制度的變遷；另一篇則考察中國大陸對臺灣民主化的觀點。社會方面的三篇論文中有兩篇討論臺灣的宗教發展，一篇討論自我殖民的心理。經濟方面的三篇分別討論經濟自由化、海峽兩岸的經濟關係、及國際經濟對臺灣的挑戰。法律的一篇討論司法審查與威權體制的變遷。文學的一篇討論解嚴後的文學與歷史重建的問題。爲了爭取出版的時效，我們決定省去全文翻譯，論文各以中文或英文發表，但附上英文或中文的摘要。希望這樣做仍可滿足多數讀者之需求。

最後，我們要藉此論文集的出版，向在此項研討會中提出論文及參與討論的所有學者表示感謝，對進一步將論文修改以供出版的學者再次表示謝意，並對論文的審查人致敬致謝。令人遺憾的是，德國魯爾大學（Ruhr University）的馬漢茂（Helmut Martin）教授，竟在未能修改其論文之前遽然謝世了；他在研討會中談話的音容笑貌，猶在我們的記憶之中，我們只能在此表示無限的追思紀念之意。

中央研究院

臺灣研究推動委員會 謹識

民國 89 年 3 月 27 日

## Preface

The Taiwan Studies Promotion Committee of Academia Sinica was established in order to plan, coordinate, and promote Taiwan studies. In the beginning, Dr. Yuan-tseh Lee, President of Academia Sinica, appointed Dr. Chao-cheng Mai, Member of Academia Sinica, as the Coordinator and delegated scholars from related Institutes at Academia Sinica and from other organizations as the Committeemen. On February 5, 1997, Dr. Kuo-shu Yang, Vice President of Academia Sinica, conducted the first meeting of the Committee with Tzong-shian Yu, Tse-chien Wang, Wen-hsun Sung, Fu Hu, Chi-lu Chen, Ying-chang Chuang, Chao-cheng Mai, Fu-san Huang, and Hei-yuan Chiu (following Chinese surname order) present. An organizing regulation for the Committee was then drawn and four tasks of the Committee were designated. These four principles are: (1) to propose ways and strategies for raising the level of Taiwan studies, (2) to propose interdisciplinary research projects for Taiwan studies, (3) to propose or organize international conferences on Taiwan studies, and (4) to make other proposals for promoting Taiwan studies. Moreover, the Committee meeting also recommended that Professor Fu-san Huang, the Director of the Preparatory Office of the Institute of Taiwan History, Academia Sinica, serve as Executive Secretary.

On August 7, 1997 the Committee held its third meeting and discussed a proposal presented by Professor Cheng-kuang Hsu, the Director of the Institute of Ethnology, Academia Sinica. This proposal suggested that the Committee should organize an international conference on Taiwan's society after the lifting of martial law. On December 2, the organizing committee of the proposed conference met for the first time and decided that the title of the conference would be "The Change and Transformation of an Authoritarian Rule: Taiwan's Society in Post-Martial Law Era." The conference attempted to explore this theme from eight angles: (1) interpretations on the phenomenon of the lifting of martial law, (2) political transformation, (3) legal system, (4) economic development, (5) cultural development, (6) social movements, (7) ethnic groups relationships, and (8) social psychology. The time for the conference was tentatively scheduled for March 1999.

Invitation letters were issued in early April of 1998. By the end of July, 32 scholars, of them 10 from abroad, replied that they would contribute papers. In August, Dr. Ts'ui-jung Liu, Member of Academia Sinica, continued the preparation work of for the conference, as she became the director of the Institute of Taiwan History (Preparatory Office) and the executive secretary of the Committee. Eventually, the "International Conference on the Transformation of an Authoritarian Regime: Taiwan in the Post-Martial Law Era" was held at Academia Sinica on April 1-3, 1999. In addition to the keynote speech delivered by Professor Juan J. Linz, Sterling Professor of Political and Social Science of Yale University, 28 papers were presented and discussed in 13 sessions.

After the conference, Chao-cheng Mai, Ts'ui-jung Liu, Cheng-kuang Hsu, Yun-peng Chu and Hei-yuan Chiu were elected to serve on the editorial committee of the conference volume. All contributors were urged to revise their papers for publication. By the middle of March 2000 fifteen papers were accepted after being reviewed and after further revisions in addition to the keynote speech. Of these papers, seven are related to political aspect, three each to social and economic, and one each to law and literature. The coverage is not as wide as that of the Conference itself; however, these papers show certain representative views.

The keynote speech provides a general view of democracy and democratization in today's world. Among the papers related to the political aspect, four discuss the process of the transformation of Taiwan's authoritarian regime by focusing on its characteristics and comparative implications, the relationship between the state and the civil society, the development of the political party system, as well as Chiang Ching-kuo and democratization. Two papers discuss local self-governing and changes in the political system from a historical perspective, and the other one provides a review on Mainland China's perception of Taiwan's democratization. Among the three papers on the social aspect, two discuss the development of religions and one talks of the psychology of self-colonization. The three papers related to economic development explore economic liberalization, cross-strait economic relationships, and challenges from the international economy. The one related to law discusses the judicial review and the changes in the authoritarian regime. Finally, the literature paper focuses on historical reconstruction in literature after the lifting of martial law. In order to shorten the preparations time for the volume, instead of translating the full text into either Chinese or English, an abstract of English or Chinese is prepared for each paper. We hope that in this way most readers' needs can still be satisfied.

Finally, we would like to take the opportunity of publishing this volume to thank all participants who presented and discussed the papers at the Conference. Those who revised their papers for publication have our thanks once more. To all reviewers of the papers, we express our respect and thankfulness. Unfortu-

nately, and sad to say, Professor Helmut Martin of Ruhr University, Germany, passed away before finishing his paper's revision. His lovely voice and happy countenance during the Conference still remain as if he were in the flesh. Here, we could only give our deep and timeless memory.

The Taiwan Studies Promotion Committee  
of Academia Sinica  
March 27, 2000



# 目次

序言 .....	i
Preface .....	iii

## 概論

Democracy and Democratization Today .....	Juan J. Linz	1
---	--------------	---

## 解嚴與政治

Regime Type and Regime Change on Taiwan: Some Conceptual Issues and Comparative Implications .....	Edwin A. Winckler	19
臺灣威權體制轉型中的國家機關與民間社會 .....	蕭全政	63
解嚴後臺灣政黨體系的發展 .....	劉義周	89
Chiang Ching-kuo, the Nature of the Kuomintang and the Democratic Breakthrough in Taiwan ..	Steve Tsang (曾銳生)	119
Chinese Perceptions of Taiwan's Democratization .....	Lowell Dittmer (羅德明)	151
臺灣地方自治體制的歷史考察—— 以動員戡亂時期為中心的探討 .....	薛化元	169
從中華政治制度之類型史看解嚴前後的臺灣 .....	朱浚源	213

## 解嚴與社會

解嚴、宗教自由與宗教發展 .....	瞿海源	249
Returning to Roots, Seeking the Mediated Center, and Redefining Traditions: Charting Responses to Modernity in Taiwan's Religious Communities Since the Lifting of Martial Law .....	Murray A. Rubinstein	277

解嚴與自我殖民 .....	蔡采秀	319
---------------	-----	-----

### 解嚴與經濟

Economic Liberalization and Development: The Case of Lifting Martial Law in Taiwan .....	Frank Hsiao and Mei-chu W. Hsiao	353
Economic Relations Across the Taiwan Straits: Progress, Effects and Prospects .....	Chu-yuan Cheng (鄭竹園)	381
「解嚴」對臺灣經濟的挑戰——從國際經濟關係談起 .....	涂照彥	409

### 解嚴與法律

Judicial Review and the Transition of Authoritarianism in Taiwan .....	Dennis T. C. Tang (湯德宗)	439
---	-------------------------	-----

### 解嚴與文學

Literature and Historical Reconstruction: A Post-Martial Law Phenomenon .....	Hsiao-yen Peng (彭小妍)	471
--	----------------------	-----

## Democracy and Democratization Today

*Juan J. Linz\**

Mr. President, thank you for staying here after that flight and your presence here. Thank you for that kind introduction and greetings to my colleagues to whom I will be speaking. Let me say that I feel coming to this conference a little bit odd. Here, there are all the scholars who have worked on the Taiwanese transition and known every corner and every aspect of it. I must be the only one here who, I think, knows very little about Taiwan. I was fortunate to have a student who did an excellent dissertation on the Taiwanese transition with me, and I learned a lot from him. And I obviously have learned from reading all the work of many of you. But I feel as an intellectual here rather than as a scholar. I define an intellectual as a person who is asked to talk about the things he knows less about than the scholars, and as such, I want to cover some of the basic problems that seemed to be clear a short while ago, but which are getting confused. The title of a conference at the Nobel Institute on "Victory and Crisis of Democracy" reflects something that is odd: we have the victory of democratic politics and we have also a sense of crisis. Why so, is what I hope to explore.

In my work on the crises and breakdown of democracies, the whole range of non-democratic governments, their breakdown and their transitions to democracy. I have dealt with what has been called the shortened twentieth century.

As it has been said, I have covered in my presentation the whole process of breakdown of non-democratic regimes and transitions to democracy in the 20th century. It is therefore 75 years, more or less, that we are covering in understanding this century which is coming to an end. The great economist, Amartya Sen, says that having to characterize this century, he would choose to say that it is a century of democracy and democratization.

This is not to deny that other occurrences have also been important, but I would argue that in the distant future, when people look back at what happened in this century, they will find it difficult not to accord primacy to the emergence of democracy as the preeminently acceptable form of government.

---

\* Sterling Professor of Political and Social Science, Yale University.

We face a lot of interesting questions about changes in this century. One is the political change to democracy, which at this point seems to be victorious. Other is the change in the gigantic development of the capitalist economy, the market economy, and the scientific change, which in Taiwan is obviously a very important factor in the transformation of the society, leads to two Marxist interpretations. One is what I call the red Marxism, the one that Marx, Lenin and others have in which the political system is conceived as a superstructure and not the central concern of people, although the voluntarism of Leninism really made the party as a political instrument for change decisive. There is also the neo-liberal white Marxism, as I call it, which thinks that the economic transformation, the development of a market economy, of capitalist entrepreneurship, is the fundamental change and that all the other changes like democratization are a kind of by-product of that change. Thus, if you have the transformation of the economy into a market economy, you will have also democracy. That kind of thinking is quite prevalent among some of my American colleagues when they think about the transformation of the People's Republic. I am somewhat skeptical and I shall say why. There is also in the white Marxism the idea that when a country makes that transformation, like the former Soviet Union and much of Eastern Europe with privatization and market, you would get a transition to democracy, forgetting many other things necessary for both a functioning market economy and democracy. Now we are discovering that it is just not that way. Some people in the World Bank are also suddenly discovering that.

I would like to highlight the significance of the change in the political arena. I have been blamed somewhat by being a defender of the thesis that the crisis of democracy has been fundamentally crisis of legitimacy, and that a legitimate, democratic political system could survive the economic crisis. In the thirties, unemployment in the Netherlands and Norway was greater than in Germany and it did not lead to a breakdown of democracy but to a re-consolidation of the modern democracies, in fact, to greater democratization. It did not lead to a breakdown in the United States either. The other thesis states that if you have economic development, you are likely to have democracy. This thesis has been supported by scholars who see a high correlation between economic development and democracy. But that does not mean that one was the pre-condition for the other, nor that one would lead to a course of change, implying that if you have economic development, you would have democracy. Rather, such correlation may hint that if you have a wealthy developed economy, your changes for a stable and developed democracy are greater. It is favorable to democracy to have economic development but does not lead directly to democracy.

The view that economic development is hampered by democratic politics has been harbored in Singapore and other places supporting the idea that economic

development requires authoritarian rule. Certainly this is not true. You have a lot of authoritarian regimes in which there has been no economic development, and you have democracies in which there has been rapid economic development. The relationship is at the most uncertain. It has also been argued that democracy favors economic development. Or at least the two are not incompatible. There is an important debate going on. The evidence at least is that there is no clear relationship. On the other hand, there is also evidence showing that a non-democratic regime is more exposed to breakdown after five continuous years of economic crisis than a democratic regime. Democratic regimes survive better economic crisis. Why should that be so? I think for the simple reason that in a democratic regime, the people can blame the existing government for the failure of the economy. It may not be right because economic crises have international and internal reasons which are not linked with the performance of governments. But people can blame the government and can elect another one which has another four years to maybe straighten things out, presumably improve things. Those in power may face a difficult situation but in a business cycle, in eight years, you have a better chance to survive than if you have to blame always the same people in power. It has also been suggested that some of the grievous mistakes in government policy that happen under authoritarian regimes and which cannot be corrected because there is no debate and no criticism, would not happen that easily under a democracy. Evidence of this is that no great famine has occurred in a society with free democratic politics, a free press and an independent state. In China, there was a great famine, and there has been the great famine in Ukraine and the Soviet Union. However, there is nothing comparable even in India which has much worse economic indicators at the time than China. The fact that it did not produce a massive famine is partly because societies under democracy have to respond to crisis and to social problems in a different way. But the argument for democracy is not necessarily only economic; it is fundamentally that human dignity and freedom is a value in itself.

Now let me note that we have a somewhat curious situation nowadays. A decade ago, the anti-democrats made their arguments about democracy in forms that were very curious. They said that political liberal democracy with political parties and elections is not the only form of democracy, not even the most perfect form of democracy. There were the people's democracies where people could presumably participate in the ruling party, the tutelary democracies, the basic democracies, the organic democracies like Franco's Spain and others where the corporativist ideologies argued for this kind of conception of democracy. There were all kinds of democracies with adjectives, generally formulated by people who were arguing in favor of non-democratic regimes. It was a cover-up for their non-democratic inclination. We finally got rid of some of that language and those



debates and we seem to have reached a clear notion of what a democracy is and what it is not. Nowadays, we are starting a new set of confusions and those confusions come from people who favor democracy. We are starting to talk about semi-democracy; we are talking about partial democracy; about illiberal democracy; about democracies in the making, electoral democracies, delegated democracies, with all kinds of adjectives to describe what essentially are still authoritarian political systems. Those terms are in some ways misleading and I would prefer that we would describe those non-democratic regimes as an elective authoritarianism or use some other terms to characterize these authoritarian systems. In fact, the failure of democratization has led to new forms of authoritarianism and that requires us to talk clearly about what is a democratic political system and what it is not. That becomes a little bit complicated because democracies are obviously very different among each other. There may be some democracies which approach some ideal point, ideal model, while there are others which are quite dismal and low quality. But we should be very clear to distinguish democracies of low quality from non-democracies even when they attempt to introduce some elements of democracies.

Democracy is in some ways fairly simple and that is why the confusions generated by confusing liberalization with democratization are misleading. Democracy means that those who are in power are willing to let the people freely choose to elect them again if they want, or to elect somebody else; and at regular intervals are ready to transfer power to anyone who can achieve it peacefully by electoral processes. Elections are not the only thing. Elections, first of all, have to be honest and fair. Obviously, fairness is a very difficult term because no election in any country is totally fair. Some people have more resources than others. But there has to be an electoral law which does not discriminate in such a way that somebody has never a chance to win, that who has 40% of the votes will not get 80% of the seats, and things like that. In addition, there has to be an electoral law according to which the whole management of the campaign and electoral processes are under the conditions of freedom of association, freedom of organization of political parties, freedom of civil society, freedom of opinion, and reasonable access to the media. But there is more to democracy. It is government for a limited time. So from the very beginning, everyone knows that whoever wins this election may not win the next election four years later. He may win it but he may not necessarily win it. That is why some people who are not likely to obtain success in one election are ready to run in it with the hope that maybe the next time they will do better. People are willing to tolerate relatively bad government if voting against it meant they did not think that it is not as good as an alternative, although not too bad obviously, because they know that they can maybe convince their fellow citizens that it was really bad and that the next time

those they support deserve to govern. Democracy is not necessarily alternation but the possibility of alternation in power. It must be very clear that there have been democracies with long periods of a single party being in power, such as the Social Democrats in Scandinavia, the Liberal Party in Japan, the Christian Democrats in Italy, and the Socialists in Spain for over 12 years, which is three electoral periods. It means that long time in government with no alternations is not a proof that the country is not a democracy.

There is another point to be emphasized. When we wrote about democracies in western Europe and Latin America, perhaps we did not pay that much attention to a central theme, but the breakdown of the Soviet Union and of Yugoslavia has made us aware of it: democracy is a way to govern a state. In some cases, the state has disintegrated and power is exercised by local leaders and their armed bands. These groups do not recognize any government claiming authority over the whole country, and are unable to conquer power at the center but cannot be defeated either. The reconstruction of the state is then a prior to democracy. If there is no consensus in the population in wanting to be citizens of the state, if a significant number fight for independence from the state or to join another state, democratic decision making becomes impossible. This is different from a functioning state, with a democratically elected government, in which citizens respect the law even when they support a nationalist secessionist party in the hope of obtaining a majority for their goals. In that case, a peaceful and complex process involving autonomy, federalization and perhaps even secession becomes possible. A recognition of the legitimacy of the state does not mean nor require a nation state. If we would establish that criterion, most countries in the world would not be candidates for democracies because the national identity of the type that the French, the Portuguese, or the Swiss have does not exist in many countries including my own home country, Spain. There, people feel dual national identities. They feel as Catalan and Spanish, more Catalan than Spanish, but still Spanish. And some of them feel that they are nothing but Catalans or Basque. The state nation that recognizes the linguistic and cultural pluralism is in a sense an equivalent to a nation state, that is a belief in the state.

Without the state, there can be no democracy. And a state means a lot of other things which we take for granted. For instance, a state must be capable of organizing certain basic things like a bureaucracy able to administer the daily affairs, a bureaucracy able to collect taxes and to spend the money in some ways, a judiciary able to resolve conflicts between people and citizens and the state. A state has to have all those things and if those things do not exist and do not work, to have a democratically elected government makes very little sense. Somebody has posed me a question just recently asking, "Could you advise us about making a new electoral law for the Congo Kinshasa, that means the old Zaire?" I responded

saying, "Well you know, before you hold elections, the first thing you have to have is a police and army who are not out there on the roads to take away the things that people bring to the market, with no one able to control them." Unless you have a state in Somalia, in Liberia, in Sierra Leone, in Afghanistan and many other places, you cannot have democracy. Democracy means governing within the boundaries of a state with authority extending over the whole country, and all citizens and non-citizens obeying more or less reasonably the laws that that democratic government makes. So, without a state and without the apparatus of a modern state, it is very difficult to have a democracy. We forgot that to some extent.

The other thing we forgot is that the countries that made the transition to democracy in the 19th century were constitutional monarchies. They were already, sometimes going back even to the 18th century and farther, what we call in the German language a "Rechtsstaat". That means a state of law; a state with the rule of law; a state in which everyone, rulers and the governed, are subject to the same rules, are equal before the law, and the laws are enforced against everybody more or less reasonably fairly. We know that laws are not enforced equally fairly in even the most advanced democracies for the people who are uneducated, poor and marginal. But there is a presupposition that the court makes no formal distinction between citizens. This whole state of law is crystallized in constitutions. There is a country which has only a customary constitution and which has no written constitution, the United Kingdom, the mother of democratic and parliamentary modern politics. But most of the countries have written constitutions in which the functions and tasks of the different bodies of government are established, and in which the freedoms and rights of the citizens are also established. In a way, Taiwan has inherited some of this constitutional spirit from the Sun Yat-sen tradition which was influenced by that European tradition; the same as the Meiji Restoration which tried to establish in Japan at least a constitutional monarchy, although not a democracy. When the constitutions are very bad or unworkable, then a new constitution has to be made with the coming of democracy; or when the society has changed so decisively as it did in the case of Spain, again a new constitution has to be made. I have been recently in Indonesia and when you read the Indonesian constitution, the Sukarno Constitution, which grants enormous power to the president and created two chambers; the people's Representative Council — the Dewan Persakilan Rakyat (DPR) and the People's Consultative Assembly — Majelis Permusyawaratan Rakyat — to which the government was not accountable, you realize that without a constitutional reform the transition to democracy will not be completed. The People's Consultative Assembly is composed by 425 elected and 75 appointed members of the DPR and 500 additional members. It is supposed to meet every five years to

elect the president and vice president and approve the "main outlines of state policy". The composition, with the presence of representatives of the armed forces and the limited powers, even after a election, do not make this a workable constitution for a democracy. One of the great problems of the transition in Indonesia is the ambiguity of holding on to that constitution because it formulates the ideology of Pancasila which is the basis of more or less a secular kind of state. Once you start debating that issue, there is fear of Islamic demands. Anyhow, a constitution, a workable modern democratic and liberal constitution is essential for a democracy.

So we have democracy as a system of government where power is given to those in the government and the legislature, and through them indirectly to the judiciary, by and as a result of free elections, with no enclaves of constitutionally and legally anchored privileged power like the military had and still have in Chile, and had in Portugal after the transition until 1982. That the military may have influence is a different matter than if they have a veto power on certain decisions in a formal way. So, it is the power to govern effectively, the power to govern a state within the limits of its territory, with control of that whole territory, with the structure of government, that allows the democratically elected bodies to implement the laws that it has formulated. Moreover, such power is for a limited time; and nobody comes to power by violence, nobody can hold on to power by violence and nobody expects to gain power by violence. In addition, it respects the freedoms and rights of citizens which are enshrined in the state of law, the Rechtsstaat. As you can see, this is a little bit more than just holding free competitive elections. All those are elements essential to a democracy.

Nevertheless, there are many countries which have made some kind of transition to democracy but do not satisfy this criteria. We know that the number of democracies has increased enormously. In 1974, there were 39 democracies in the world, which was only 27% of the independent states and 22% of the states with population over one million. To our joy now, presumably, the number of democracies is 117 of 191 countries which is a much larger proportion. But if we take the criterion of the existence of political freedom and civil liberties, the index of Freedom Housed, then we have only 81, that means 69.2% of those formal democracies which can be characterized as free. These 81 are 42.4% of the countries. In a number of them, the freedom indices have been decreasing. So we have a lot of so-called defective democracies, and we have to deal with them in some new scholarly effort. The study of the defective democracies is a very confused one. It is not yet advanced and I would say that the confusion is derived from the fact that many societies are pretty awful. These awful societies are societies in which there is a lot of lawlessness, a lot of violence, a lack of functioning of an honest, minimally effective, and at the same time, fair police.