К. Джанда

Верховенство закона в Средиземноморье: Страны внутри и вне ЕС

Аннотация. *В статье на основе показателей Всемирного банка исследуется мера предоставления государством своим гражданам благ государственного управления (governance) в 22 странах Средиземноморского региона. Использованы данные по средиземноморским государствам – членам ЕС, странам, не входящим в ЕС, и странам вне средиземноморской зоны. Исследуется влияние партийной состязательности, благосостояния страны и ее размеров на «верховенство закона».*

Abstract. *The article evaluates how the 22 countries that border the Mediterranean Sea vary in country goverance, as measured by the World Bank indicator, Rule of Law. It compares the Mediterranean countries in the EU with non-EU countries and with other EU countries that do not border on the Mediterranean. After finding substantial differences in the countries' scores, it assesses the effects of country size, wealth, and party competition on Rule of Law.*

Ключевые слова: *governance[1], верховенство закона, средиземноморские страны, политическая конкуренция, Европейский союз, партийные системы.*

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[1] *Согласно замечанию Д.К. Стукала, проблема перевода термина «governance» усугубляется тем, что «в русскоязычной лексике ему пока нет общепризнанного аналога. Решение было подсказано самим К. Джандой, который справедливо полагает, что термины – всего лишь лейблы понятий и сами по себе не могут быть верными или неверными, а могут быть лишь более или менее полезными. Они полезны тогда, когда за определенным термином закреплено одно, и только одно, определенное понятие. Поэтому было решено оста-*

Keywords: *governance, rule of law, Mediterranean countries, political competition, European Union, party systems.*

The ancient Romans believed that the sea on which they sailed was at the middle of their world, hence they named it, «mediterraneus». Today's Mediterranean Sea merely separates Europe from Africa. It is surrounded by 21 countries that vary in area (from tiny Monaco, with 2 square kilometers, to Algeria, with over 2 million square kilometers) and by population (from Monaco's 30,000+ residents to Egypt's 85 million people). **Figure 1** displays the regions and the countries. Although Portugal does not border on the sea, many scholars regard it as a Mediterranean country[1] (16). Including Portugal increases the count to 22.

Figure 1.
21 Countries bordering on the Mediterranean Sea

вить оригинальный лейбл "governance"» (цит. по: Джанда К. «Governance», верховенство закона и партийные системы // Политическая наука. – М.: ИНИОН РАН, 2010. – № 4. – С. 114). – Прим. ред.

[1] *Consider this statement: «Today, the IMC (Inter-Mediterranean Commission) has fifty member regions in 10 different countries (Cyprus, France, Greece, Italy, Lebanon, Malta, Morocco, Portugal, Spain and Tunisia). It aims to be open to all the subnational levels in these Mediterranean countries».*

In July 2013, nine countries on the northern border of the Mediterranean belonged to the European Union (EU), an economic and political union of 28 member states. Four other countries, however, were «on the road to EU membership» – according to the EU web site[1] (1). Monaco was the only country on the sea's northern rim not in the EU nor poised to join it. The remaining eight Mediterranean countries – all on the eastern and southern borders of the sea – are virtually certain to remain outside the EU. **Table 1** lists all 22 Mediterranean countries according to their EU status:

Table 1

List of 22 Mediterranean countries and European Union status

9 Mediterranean countries in the EU and year admitted
France (1952) Italy (1952) Greece (1981) Portugal (1986, but not bordering the Mediterranean) Spain (1986) Cyprus (2004) Malta (2004) Slovenia (2004) Croatia (2013)
4 Mediterranean countries are candidates or potential candidates for EU membership
Albania (potential candidate) Bosnia&Herzegovina (potential candidate) Montenegro (candidate) Turkey (candidate)
9 Mediterranean countries not in EU
Algeria Egypt Israel Lebanon Libya Monaco Morocco Syria Tunisia

[1] *This is the classification on July 30, 2013. Croatia moved from the list of candidate countries to EU membership on July 1, 2013.*

If, as the Romans thought, the Mediterranean lies at the middle of this area, the social division is uneven. The European countries in the half above the sea differ greatly from the African countries in the half below – both economically and politically. This difference, obvious to casual political observers, is of great concern to the European Union and to its supporters and allied organizations. A GO-EuroMed consortium of scholars focused on «the Euro-Mediterranean Partnership in the context of EU efforts to improve governance throughout its neighbourhood» (14). Their concern appeared in a 2006 report: The European Union's 2004 enlargement and the aftermath of September 11, 2001 have profoundly altered Europe's strategic position within its neighbourhood. New countries have become neighbors, while the challenges posed by regional instability have raised the stakes for EU foreign policy initiatives. Nowhere is this more apparent than in the EU relations with its Mediterranean neighbours (2).

Accordingly, the European Commission formulated a new «European Neighbourhood Policy» (ENP) that «aims to create a «ring of friends» around the EU by actively promoting democratic political and legal reform and economic liberalization in sixteen European and Mediterranean countries» (2). Although the ENP's sixteen «ring of friends» included the non-Mediterranean nations of Armenia, Azerbaijan, Belarus, Georgia, Jordan, Moldova, Palestinian Territories (Gaza on the Mediterranean but a special case), and Ukraine, they are not included in this study, which is limited to the diverse twenty-two Mediterranean countries. According to a «2008 GO-EuroMed report», «The region remains differentiated in terms of political governance, mainly in terms of differing ideologies and the establishment of autocratic, authoritarian, and totalitarian regimes. Obstacles to building confidence are more political than cultural, as conflicts are aggravated by a lack of trust among Arab leaders rather than the general population in the "Arab street"» (6, p. 38).

Governance in Mediterranean Countries

Various GO-EuroMed documents stress the importance of «governance» in Mediterranean countries, especially those not in the EU, usually without defining what «governance» means. Russian scholar Mikhail Ilyin finds that it is not a clear and coherent concept, saying that «A host of fuzzy meanings have resulted in an undifferentiated semantical overlap. <…> The term, nowadays, may be seen to encapsulate a variety of modes of coordinating individual action, or basic forms of social order (7, p. 4). For example, a report of the «Institut de la Méditerranée» (Mediterranean Institute) said: «Governance can be defined as coordination between government, local and regional authorities, multilateral organizations but also private actors, companies and NGOs, coordination that results in public policies, decisions and projects» (10, p. 11).

Unfortunately, this definition is not very useful. By equating governance with «coordination», one is led to think, «the better the coordination, the better the governance». By definition, that would be true, regardless of how well the policies, decisions, and projects benefited the people being governed. Moreover, it is not at all clear how one can measure «coordination between government, local and regional authorities» and the other sets of actors.

Instead, I define country governance as the extent to which a state delivers to its citizens the desired benefits of government at acceptable costs (9, p. 3–18). By defining governance in terms of benefits to citizens rather than coordination among units, we can assess the quality of governance by using standard measures, such as the World Bank's six Worldwide Governance Indicators:

1. *Rule of Law (RL)* – capturing perceptions of the extent to which agents have confidence in and abide by the rules of society, and in particular the quality of contract enforcement, property rights, the police, and the courts, as well as the likelihood of crime and violence;

2. *Voice and Accountability (VA)* – capturing perceptions of the extent to which a country's citizens are able to participate in selecting their government, as well as freedom of expression, freedom of association, and a free media;

3. *Political Stability and Absence of Violence/Terrorism (PV)* – capturing perceptions of the likelihood that the government will be destabilized or overthrown by unconstitutional or violent means, including politically‐motivated violence and terrorism;

4. *Government Effectiveness (GE)* – capturing perceptions of the quality of public services, the quality of the civil service and the degree of its independence from political pressures, the quality of policy

formulation and implementation, and the credibility of the government's commitment to such policies;

5. *Regulatory Quality (RQ)* – capturing perceptions of the ability of the government to formulate and implement sound policies and regulations that permit and promote private sector development;

6. *Control of Corruption (CC)* – capturing perceptions of the extent to which public power is exercised for private gain, including both petty and grand forms of corruption, as well as «capture» of the state by elites and private interests (10).

All of these indicators are important, but the first, the Rule of Law, is especially important. One scholar writing on the «Euro-Mediterranean partnership» wrote: «At the macro level, donor agencies have increasingly realized that programmes promoting good governance and the rule of law are vital in creating the type of environment in which the benefits of social programmes can reach the most vulnerable» (4, p. 348).

He quotes a United Nations publication that said: «Development is unsustainable where the rule of law and equity do not exist» (8, p. 6).

This study examines how all twenty-two Mediterranean countries differ on the sole Worldwide Governance Indicator, Rule of Law (RL). RL scores for 214 countries in 2011, collected under the auspices of the World Bank, are freely available on the Internet (17). The scores were normed so that the mean (average) for all 214 countries was 0 and the standard deviation was 1. Positive scores above 0 indicated that the nation scored above average on Rule of Law, while negative scores indicated below average scores.

In 2011, Finland had the highest score of +1.96, with seven other nations above +1.8. Somalia had the lowest score at –2.35. For further reference, Russia’s score was –0.78 and the United States scored +1.59. The distribution of scores for 214 nations is given in **Figure 2**.

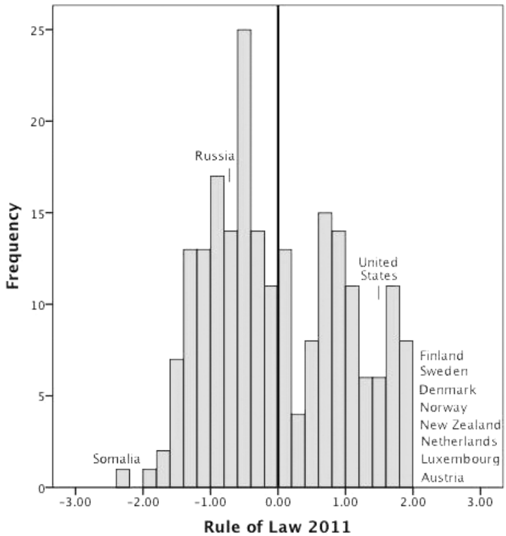

Figure 2.
Distribution of 214 polities on Rule of Law in 2011

This study focuses on the 22 Mediterranean countries – including Portugal. It compares the 2011 Rule of Law for countries north of the Mediterranean Sea with those to the south and east. It also compares RL scores for Mediterranean countries in the European Union, for those seeking EU membership, for those entirely out of the EU, and for all non-Mediterranean EU countries. The 9 EU Mediterranean countries averaged +0.93 on Rule of Law, below the +1.2 average of the 19 EU countries outside the Mediterranean. The 4 EU applicant countries scored –0.17 on RL, and the 9 countries not in the EU averaged –0.24. The data for all 41 Mediterranean and EU countries are plotted in **Figure 3.**

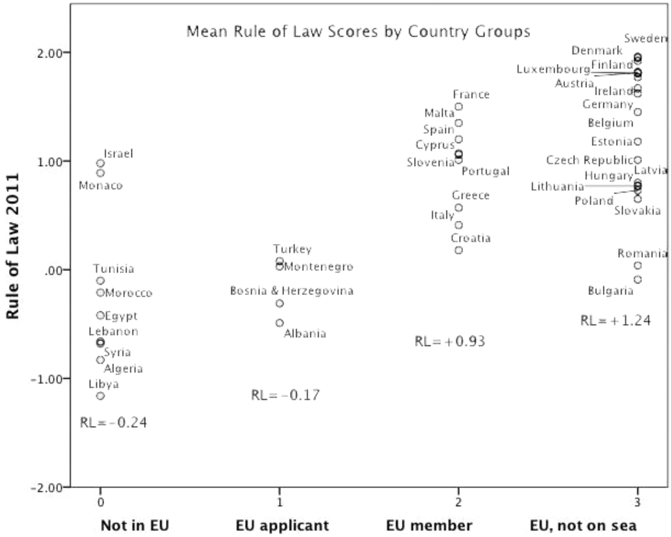

Figure 3.
2011 RL Scores for Mediterranean countries, by EU Status

Figure 3 shows that EU members generally scored higher on Rule of Law in 2011 than the other countries, but two member states (Romania and Bulgaria) scored about the same as the EU applicants. All nine Mediterranean EU members scored higher on Rule of Law as a group than the non-EU countries – with the exception of Monaco and Israel. Tiny Monaco, by location and heritage a European polity, even adopted the Euro for its currency. The «External Action Service» of the EU is studying how it might incorporate «microstates» like Monaco, Andorra, and San Marino, but has not decided how (15). Israel, it might be argued, is by heritage a European country, but it is not by location. Moreover, the Israeli-Palestinian conflict presents political problems for the EU. Israel has attracted special attention in the EU's «neighbourhood policy» (3).

All four EU applicants among the Mediterranean countries rated lower in Rule of Law than the nine already in the EU, but the small differences between Croatia at the bottom of the EU scores and the Rule of Law scores for Turkey and Montenegro fall short of statistical significance for the Worldwide Governance Indicators (10, p. 11). Clearly, however, the seven Arab nations (all in Africa except Lebanon) as a group rate below all the European countries, regardless of their EU status.

Alternative Theories of Country Governance

The XVIII century French philosopher Charles-Louis Montesquieu might explain differences between European and African countries in Rule of Law by differences in climate. He wrote that «passions disclose themselves earlier» in «warm climates»[1]. Northern European countries score higher in Rule of Law than African countries, he might say, because of climatic differences. The temperate European climate, presumably, favors rational development of rule of law in public affairs, while the hot African climate produces hot-blooded politics and authoritarian government. Long before Montesquieu wrote, however, inhabitants in the mild climates of today's European territories were mired in ignorance during the «middle ages» of the V through the XV centuries, while Arabs in hot climates of today's northern Africa embraced a «golden age» of science, philosophy, medicine, and government during the VIII to the XIII centuries.

Clearly, complex historical factors account for contemporary differences in the political development of the Mediterranean countries. This study seeks only to explain differences in their 2011 Rule of Law scores in terms of country size, wealth, and party systems. It will follow the worldwide analysis of 212 polities employed in «Party Systems and Country Governance», which theorized that the quality of governance depended on size, wealth, and politics – as reflected in features of a

[1] *«In warm climates, where despotic power generally prevails, the passions disclose themselves earlier, and are sooner extinguished; the understanding is sooner ripened; they are less in danger of squandering their fortunes; there is less facility of distinguishing themselves in the world; less communication between young people, who are confined at home; they marry much earlier, and consequently may be sooner of age than in our European climates. In Turkey they are of age at fifteen» (13).*

nation's party system (9, p. 59–80). The social conditions of size and wealth are easily expressed. The smaller the country, the easier to govern and therefore the better its governance. The wealthier the country, the more governmental resources available and the better its governance. The study of 212 polities used the log of country area in square kilometers to measure size (9, p. 59–81), and the log of GDP per capita in 2004 to measure wealth (9, p. 81–94.)

Concerning country party systems, three traits were studied:

1) the degree of interparty competition – measured both by the presence of parliamentary parties and by the strength of the second largest party in parliament;

2) the fragmentation of the party system – measured by the number of parties seated in parliament (9, p. 135–148);

3) the stability of its party system – measured by the change in seat distribution between the two most recent elections (9, p. 163–172).

The book attempted to explain variation in all six Worldwide Governance Indicators (WGI) for 2007 (treated in turn as separate dependent variables) using the two social variables (size and wealth) and the party system variables (competitiveness, fragmentation, and instability). In summary, both country size and wealth together explained from 41 to 67 percentage of the variance in the various WGI measures of governance.

Adding party system competitiveness to the explanation raised the explained variance to the range of 58 to 69 percent[1]. In general, party competition made statistically significant contributions to the explanation. However, party system fragmentation did not make statistically significant contributions. Moreover, party system stability proved to be significant only for the subset of 130 «electoral democracies». For example, the nine one-party systems in the 212 countries, proved to be high in «stability» but not in governance.

The question in the present study is how well the same theoretical model can explain 2011 «WGI Rule of Law scores» for the chosen subset of 41 nations: 9 of which border on the Mediterranean Sea but are not in the European Union; 4 are EU candidate states on the sea's border; 9 are EU members bordering on the sea (except for

[1] *Party competition was not used to predict to the WGI measure, Voice and Accountability, for it already included some judgments of party competition.*

Portugal); and 19 are EU members not on the sea. The 2011 data were the most recent data posted by the WGI researchers at the time this study was undertaken. That data on country area and GDP per capita income were taken from earlier in the 2000-s should be of no concern, for countries rarely change much in area over short periods and countries' relative income is highly correlated over time. That data on party systems come from earlier in the 2000-s is of more concern and may introduce errors in the analysis. Unfortunately, those are the only data available for this short study.

Data Analysis

Data on the 41 countries were subjected to ordinary regression analysis in Model 1, which used RL scores as the dependent variable and country size and wealth as the dependent variables. Country size proved to be statistically insignificant, and country wealth alone explained 76 percent of the variance in RL scores spread along the vertical axis in **Figure 3**[1].

That was substantially more than the 66 percent of explained variance using both variables in the larger worldwide analysis. Country size was probably insignificant in this analysis because Monaco was the only microstate among the 41 countries. In the worldwide study of 212 nations, 32 (15 percent of the total) were smaller than 1,000 square kilometers. Excepting Monaco, most of the other 40 nations were «normal-size» countries. They did not generate creating much variation to exert effects in explanation.

One interpretation leaps out from **Model 1**: the observed variation in Rule of Law scores among Mediterranean nations and non-Mediterranean EU nations is mainly attributable to differences in country wealth. That suggests that geographical location and therefore climate has no significant effect on Rule of Law ratings – notwithstanding Montesquieu's contention. Poorer nations – e.g., EU members like Romania and Bulgaria – tend to score low on Rule of Law, regardless of their geographical location.

[1] *The adjusted R-square was 0.758. Adjusted R-squares will be reported in all subsequence instances, rounded to two decimal places.*

In social research, there often is not much opportunity for additional explanation beyond explaining 76 percent of the variance, but that was not true when expanding the analysis this time. **Model 2** dropped country size (insignificant in the previous analysis) and kept country wealth while adding two party system variables: whether or not parliamentary parties existed (No Parties) and the strength of the second largest party among the existing parties.

The explained variance jumped to 83 percent, but only the absence of parliamentary parties was significant, not the strength of parliamentary party competition. Compared to countries worldwide, most of the 41 countries in this study had high levels of party competition, producing relatively little variance for explaining differences in RL scores. Including the «no parties» variable, however, brought the two cases of Lebanon and Libya closer to the regression line, improving the fit and the explained variance. Both countries had no public parliamentary parties and also had very low scores on Rule of Law.

Up to now, we have not given Montesquieu his due; we have not specifically included geography as a variable. **Model 3** does this by employing a «Mediterranean» variable with values of 1 for the 22 countries bordering the sea and 0 for the 19 EU countries not on the sea[1]. **Model 3** added the binary Mediterranean variable to the previous model containing country wealth and absence of parliamentary parties. Doing so improved the explained variance of RL only slightly, to 85 percent. However, the Mediterranean variable was statistically significant in the expanded equation, indicating that the model was more properly specified.

The regression statistics generated by the three models are summarized in **Table 2.** It reports standardized (beta) coefficients instead of unstandardized b-coefficients to better reflect the relative impacts of the independent variables across the equations.

[1] *Qualitative binary variables with values of 1 or 0 are called «dummy» variables in regression analysis. Other models using alternative dummy variables for region fared no better than this one with only one dummy variable.*

Table 2

Effects of wealth, parties, and location on RL Scores for 41 Nations

Variables	Standardized coefficients[a]		
	Model 1	Model 2	Model 3
Country size	n.s.[b]		
Country wealth	.88	.82	.75
Party competitiveness		n.s.[b]	
Absence of parties		–.27	–.24
Border on Mediterranean			–.18
Adjusted R^2	.76	.83	.85

[a]All coefficients are significant far beyond the conventional. 05 level.

[b]n.s. = not significant in initial run; variable was dropped and analysis re-run.

The strong effects of country wealth on Rule of Law scores are clear in all three models. Because wealthy countries tend to have political parties and also tend not be on the Mediterranean, the wealth effect diminished slightly as the party system variable was added in **Model 2** and the Mediterranean variable was added in **Model 3**. Both models adjusted for the effects of the new variables, which had been masked by country wealth.

Figure 4 graphs the results of the regression equation for **Model 3**, plotting each country's predicted Rule of Law scores – based on country wealth, absence of parties, and location on the Mediterranean Sea – against its actual scores for 2011. A few of the 41 countries are identified by name to illustrate the analysis. Compare **Figure 4** with **Figure 3**, which plotted Rule of Law scores by location and EU status. Sweden, Finland, Montenegro, and Lebanon all rated higher on Rule of Law than predicted by the regression line, while Luxembourg, Italy, and Libya all rated below. Inevitable measurement error accounts for some of the deviations from the prediction line, while country specific factors presumably account for the remainder.

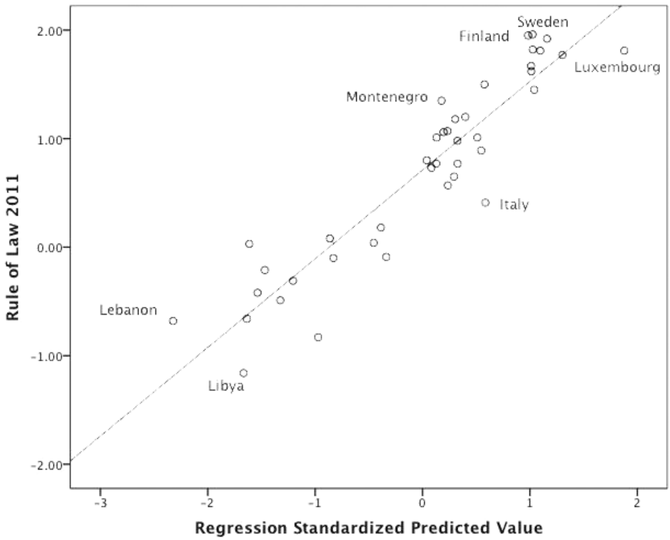

Figure 4.
Predicted effects of wealth, parties, and location on Rule of Law

Summary and Conclusion

Discussions of Mediterranean politics often resort to stereotypes recalling Montesquieu's belief that «passions» arise from «warm climates». Montesquieu did not distinguish the Mediterranean climate from that in northern Europe, but others have when discussing the recent Eurozone crisis. Involving problems with sovereign debt, banking, and economic growth, the Eurozone crisis (which began in 2009) was most severe in five countries: Cyprus, Greece, Ireland, Italy, Portugal, and Spain (5). That four of the five were Mediterranean countries fueled old regional stereotypes, which crept into political discourse about resolving the crisis. One analyst described the discourse this way: «Maybe the problem is those southerners lolling in the northerners, rigid beyond reason, so gloomy in their own lives that they're determined to see the southerners suffer» (11).

In truth, politics in European countries bordering the Mediterranean have been demonstrably more volatile than politics in their northern neighbors. According to the 2007 WGI measure, «Political Stability and Absence of Violence» (described above and scored two years before the Eurozone crisis), the 19 EU members not bordering the Mediterranean Sea scored significantly higher on political stability than the 9 members on the sea (0.87 vs 0.62)[1].

One need not succumb to stereotypes, however, to conclude that countries bordering on the Mediterranean Sea tended to rate significantly lower on Rule of Law in 2011, even after controlling for country wealth and the absence of party politics. The difference is a genuine source of concern for the EU's «European Neighborhood Policy». Why this difference exists requires more sophisticated analysis than attributing it to climate.

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[1] *The difference was significant at the. 05 level using a one-tailed test.*

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